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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Appellate Case No. 2024-002021

Trial Court Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of
Rock Hill, P.A.,

Appellant.

MOTION TO AMEND ORDER

Anesthesia Associates of Rock Hill, P.A. (“Appellant”), by and through its undersigned counsel, hereby respectfully moves this Court to amend its Order dated June 24, 2025, dismissing the appeal in the above-mentioned matter. In support of this motion, Appellant states as follows:

1. Appellant initiated this appeal on November 26, 2024, by filing a Notice of Appeal from the order of the Honorable Marvin H. Dukes dated November 7, 2024.
2. On January 22, 2025, Saket Singh, M.D., (“Respondent”), filed an amended complaint in the underlying action adding four individual defendants, and multiple additional claims including claims under 42 U.S.C. § 1981.

3. As the result of the addition of claims involving federal questions, on February 6, 2025, Appellant and the additional individual defendants removed the case to the United States District Court for the District of South Carolina and informed this Court of the removal. (Exhibit A).

4. By letter dated February 10, 2025, the Court of Appeals, through Deputy Clerk Catherine Harrison, informed the parties that the appeal would be held in abeyance, and she instructed the parties to file status reports on the underlying action every sixty (60) days.

5. On June 6, 2025, Respondent voluntarily dismissed the underlying action. The undersigned counsel informed this Court of the dismissal in a letter dated June 11, 2025, attaching a copy of the voluntary dismissal. (Exhibit B). In this letter, Appellant did not ask that the appeal be dismissed.

6. On June 24, 2025, this Court issued an Order stating: “The appellant wishes to withdraw this appeal pursuant to Rule 260(c) of the South Carolina Appellate Court Rules (SCACR). Accordingly, the appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.”

7. The language in the Order is factually incorrect. Appellant made no motion to dismiss the appeal pursuant to Rule 260(c).

8. Appellant agrees the appeal was rendered moot due to Respondent’s voluntary dismissal of the underlying action, and the appeal should be dismissed.

9. Appellant respectfully requests that the Order be amended to correctly reflect the record and state: “Respondent has dismissed the underlying Complaint. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.”

10. Before filing this motion, the undersigned counsel asked Respondent's counsel if Respondent would consent to this motion. Respondent's counsel stated Respondent does not object to the change to the order suggested in Section 9 above. (Exhibit C).

WHEREFORE, Appellant respectfully requests that this Court amend its June 24, 2025, Order dismissing the appeal to reflect the correct procedural history and circumstances of the case.

Respectfully submitted, August 4, 2025.

s/ H. Bernard Tisdale III
H. Bernard Tisdale III (#12823)
VAN HOY REUTLINGER, ADAMS,
PIERCE & TISDALE, PLLC
737 East Boulevard
Charlotte, North Carolina 28203
Phone: (864) 346-3737
Email: Bernard.Tisdale@vraptlaw.com
Attorney for Appellant

Other Counsel of Record:
David E. Rothstein
BURNETTE SHUTT MCDANIEL
415 W. Washington St.
Greenville, SC 29601
O: 803.850.0912
F: 803.904.7910
drothstein@burnetteshutt.law
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Appellate Case No. 2024-002021

Trial Court Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of
Rock Hill, P.A.,

Appellant.

EXHIBIT A
MOTION TO AMEND ORDER

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of
Rock Hill, P.A.,

Appellant.

NOTICE OF REMOVAL TO FEDERAL COURT

Appellant Anesthesia Associates of Rock Hill, P.A. (“Appellant”), by and through its undersigned counsel, hereby gives notice that this matter has been removed to the United States District Court for the District of South Carolina, Rock Hill Division, as authorized pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441(a), and 1446. Appellant’s removal of this action to that Court is based upon federal question and supplemental jurisdiction over an Amended Complaint filed in the lower court action adding federal law claims. A copy of the *Notice of Removal* is hereby filed with the South Carolina Court of Appeals in accordance with the provisions of 28 U.S.C. § 1446(d) and is attached hereto as Exhibit 1. A copy of the *Notice of Removal* has also been served upon the Plaintiff in this matter.

[INTENTIONALLY BLANK]

February 6, 2025

s/ H. Bernard Tisdale III
H. Bernard Tisdale III (#12823)
Van Hoy Reutlinger, Adams,
Pierce & Tisdale, PLLC
737 East Boulevard
Charlotte, North Carolina 28203
Phone: (864) 346-3737
Email: Bernard.Tisdale@vraptlaw.com
Attorney for Appellant

Other Counsel of Record:
David E. Rothstein
Rothstein Law Firm, PA
1312 Augusta Street
Greenville, SC 29605
(864) 232-5870 (office)
drothstein@rothsteinlawfirm.com
Attorney for Respondent

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

CIVIL ACTION NO.: 0:25-cv-00696-CMC-SVH

Saket Singh, M.D., Individually and in a)
Derivative Capacity on Behalf of)
Anesthesia Associates of Rock Hill, P.A.,)
)
Plaintiff,)

vs.)

**DEFENDANTS’ NOTICE OF REMOVAL
TO FEDERAL COURT**

Anesthesia Associates of Rock Hill, P.A.,)
David J. Brenneman, M.D., Richard L.)
Richter, M.D., Mark T. Hooten, M.D., and)
Douglas J. Forrester, M.D.,)
)
Defendants.)

**TO: UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

NOW COME Defendants Anesthesia Associates of Rock Hill, P.A. (“AARH”), David J. Brenneman, M.D., Richard L. Richter, M.D., Mark T. Hooten, M.D., and Douglas J. Forrester, M.D. (“Defendants”), by and through their undersigned counsel, and respectfully remove the above-entitled action from the Sixteenth Judicial Circuit of the Court of Common Pleas in York County, South Carolina (“State Court”) and the South Carolina Court of Appeals (“Court of Appeals”), to the United States District Court for the District of South Carolina, Rock Hill Division, pursuant to 28 U.S.C. §§ 1331, 1367(a), 1441(a), and 1446. This action is being removed to federal court based on federal question and supplemental jurisdiction.

In support of their Notice of Removal, Defendants state as follows:

1. This action is being removed to federal court based on federal question jurisdiction pursuant to 28 U.S.C. § 1331, in that claims made in the action arise under the laws of the United States, namely 42 U.S.C. § 1981.

2. On or about September 12, 2024, in the State Court, Plaintiff filed a civil action against AARH entitled: *Saket Singh, M.D. vs. Anesthesia Associates of Rock Hill, P.A.*, File No.: 2024-CP-46-03641(the “State Action”).

3. On or about September 17, 2024, AARH accepted service of the State Action Summons and Complaint.

4. Pursuant to the provisions of 28 U.S.C. § 1446, true and accurate copies of the State Action Summons and Complaint are attached hereto as **Exhibit A** and are incorporated herein by reference.

5. On or about January 22, 2025, Plaintiff filed an Amended Summons and Amended Complaint (the “Amended Pleadings”) in the State Action adding multiple claims and parties to the action, and it is styled: *Saket Singh, M.D., Individually and in a Derivative Capacity on Behalf of Anesthesia Associates of Rock Hill, P.A. vs. Anesthesia Associates of Rock Hill, P.A., David J. Brenneman, M.D., Richard L. Richter, M.D., Mark T. Hooten, M.D., and Douglas J. Forrester, M.D.*

6. On or about January 24, 2025, Defendants accepted service of the Amended Pleadings.

7. Plaintiff asserts multiple causes of action in the Amended Pleadings. Two of the causes of action are based upon 42 U.S.C. § 1981 thus giving federal question jurisdiction to federal court. The United States District Court for the District of South Carolina has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367(a).

8. Pursuant to the provisions of 28 U.S.C. § 1446, true and accurate copies of the Amended Pleadings are attached hereto as **Exhibit B** and are incorporated herein by reference.

9. Before the filing and service of the Amended Pleadings, AARH appealed to the Court of Appeals from an order issued by the State Court on November 7, 2024. This appeal is

still pending before the Court of Appeals. True and accurate copies of the November 7, 2024, State Court Order, and AARH's Notices of Appeal filed with the State Court and with the Court of Appeals are attached hereto as **Exhibits C, D, and E**, respectively.

10. This Notice of Removal is timely filed within thirty (30) days of the earliest date of service of the Amended Pleadings on the Defendants. Accordingly, this Notice is timely filed pursuant to 28 U.S.C. § 1446(b).

11. No further pleadings have occurred in the State Action after service of the Amended Pleadings. Defendants have not served any answer or other responsive pleading to the Amended Pleadings, nor made any appearance, argument, or request for relief before the State Court in response to the Amended Pleadings.

12. The United States District Court for the District of South Carolina embraces the district in which the aforementioned State Action is now pending. Therefore, Defendants hereby file their Notice of Removal of this action from the State Court and the Court of Appeals to the United States District Court for the District of South Carolina, Rock Hill Division.

13. As required by 28 U.S.C. § 1446(d), Defendant is serving written notice of the filing of this *Notice of Removal to Federal Court* on the Plaintiff and is promptly causing to be filed a *Notice to State Court of Removal to Federal Court* with: i) the Clerk of the Circuit Court for York County, South Carolina, including as an exhibit this *Notice of Removal to Federal Court*, a copy of which is attached hereto as **Exhibit F**, and ii) the Clerk of the South Carolina Court of Appeals, including as an exhibit this *Notice of Removal to Federal Court*, a copy of which is attached hereto as **Exhibit G**.

14. Defendants submit this Notice without waiving any defenses to the claims asserted by Plaintiff or conceding Plaintiff has claims upon which relief can be granted.

WHEREFORE Defendants pray that this action be removed from the State Court and the Court of Appeals to the United States District Court for the District of South Carolina, Rock Hill Division.

Respectfully submitted this the 6th day of February, 2025.

**VAN HOY, REUTLINGER, ADAMS,
PIERCE & TISDALE, PLLC**

BY: *s/ H. Bernard Tisdale III*
H. BERNARD TISDALE III
S.C. State Bar No. 12823
737 East Boulevard
Charlotte, NC 28203
Tel: (864) 346-3737
Fax: (704) 375-6024
Bernard.Tisdale@vraptlaw.com

Attorney for Defendants

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of
Rock Hill, P.A.,

Appellant.

PROOF OF SERVICE

February 6, 2025

H. Bernard Tisdale III (#12823)
Van Hoy Reutlinger, Adams,
Pierce & Tisdale, PLLC
737 East Boulevard
Charlotte, North Carolina 28203
Phone: (864) 346-3737
Email: Bernard.Tisdale@vraptlaw.com
Attorney for Appellant

I, H. Bernard Tisdale III, do hereby certify that the foregoing *Notice of Removal to Federal Court* in the above-captioned matter was served on the Respondent by email, on February 6, 2025, addressed as follows to his attorney of record:

David E. Rothstein, Esq.
Rothstein Law Firm, PA
1312 Augusta Street
Greenville, SC 29605
(864) 232-5870 (office)
drothstein@rothsteinlawfirm.com
Attorney for Respondent

VAN HOY, REUTLINGER, ADAMS,
PIERCE AND TISDALE, PLLC

By: s/ H. Bernard Tisdale III

Charlotte, North Carolina
Dated: February 6, 2025

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Appellate Case No. 2024-002021

Trial Court Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of
Rock Hill, P.A.,

Appellant.

EXHIBIT B
MOTION TO AMEND ORDER

VAN HOY, REUTLINGER, ADAMS, PIERCE & TISDALE, PLLC

ATTORNEYS AT LAW
737 EAST BOULEVARD
CHARLOTTE, NORTH CAROLINA 28203
WWW.VRAPTLAW.COM

PHILIP M. VAN HOY (1947- 2020)
CRAIG A. REUTLINGER, PC (RET)
G. BRYAN ADAMS, III
C. GRAINGER PIERCE, JR.
H. BERNARD TISDALE III

TELEPHONE: (704) 375-6022
FACSIMILE: (704) 375-6024

June 11, 2025

RECEIVED
Jun 11 2025
SC Court of Appeals

Via Electronic Mail Only To: ctappfilings@sccourts.org

Jenny Abbott Kitchings, Esq.
Clerk
The South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: *Saket Singh v. Anesthesia Associates of Rock Hill, P.A.*
Appellate Case No. 2024-002021
York County Court of Common Pleas C/A No. 2024-CP-46-03641
Federal Court C/A No. 0:25-cv-00696-CMC-SVH

Dear Ms. Kitchings,

This is to provide you with Appellant Anesthesia Associates of Rock Hill, P.A.'s 60-day status report pursuant to your letter to the parties dated February 11, 2025.

Following Appellant's appeal in the above-referenced matter, on January 22, 2025, Saket Singh, M.D., Appellee, filed an amended complaint adding multiple claims and four individual defendants to the action. On February 6, 2025, the defendants removed the case to the United States District Court for the District of South Carolina. On June 6, 2025, Appellee filed a voluntary dismissal of the action. A copy of that voluntary dismissal is attached.

If you require additional information, please do not hesitate to let us know.

Sincerely,

**VAN HOY, REUTLINGER, ADAMS,
PIERCE & TISDALE, PLLC**



H. Bernard Tisdale III

Enclosures

cc: David Eliot Rothstein, Esquire (w/enc)

HBT/abm

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ROCK HILL DIVISION

Saket Singh, M.D., Individually and in a)
Derivative Capacity on Behalf of)
Anesthesia Associates of Rock Hill, P.A.,)
)
Plaintiff,)
)
vs.)
)
Anesthesia Associates of Rock Hill, P.A.,)
David J. Brenneman, M.D., Richard L.)
Richter, M.D., Mark T. Hooten, M.D., and)
Douglas J. Forrester, M.D.,)
)
Defendants.)
_____)

C/A No. 0:25-cv-00696-CMC-SVH

**NOTICE OF VOLUNTARY
DISMISSAL BY PLAINTIFF,
WITHOUT PREJUDICE**

Plaintiff, Saket Singh, M.D., Individually and in a Derivative Capacity on Behalf of Anesthesia Associates of Rock Hill, P.A., by and through his undersigned counsel, hereby files this Notice of Voluntary Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Defendants have not served either answer or a motion for summary judgment in this case. Pursuant to Fed. R. Civ. P. 41(a)(1)(B), the dismissal is without prejudice, because Plaintiff has not previously dismissed any federal- or state-court action based on or including the same claim.

* * *

Respectfully submitted,

s/ David E. Rothstein

David E. Rothstein, Fed. ID No. 6695

ROTHSTEIN LAW FIRM, PA

415 W. Washington Street

Greenville, South Carolina 29601

Telephone: (864) 232-5870

Fax: (864) 241-1386

E-mail: drothstein@rothsteinlawfirm.com

Attorney for Plaintiff, Saket Singh, M.D.

June 6, 2025

Greenville, South Carolina.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

Appellate Case No. 2024-002021

Trial Court Case No. 2024-CP-46-03641

Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of
Rock Hill, P.A.,

Appellant.

EXHIBIT C
MOTION TO AMEND ORDER

From: [David Rothstein](#)
To: [Bernard Tisdale](#)
Subject: Re: [EXT]RE: Motion to Amend Court of Appeal's Clerk's order in Saket Singh v. Anesthesia Associates of Rock Hill (2024-002021)
Date: Thursday, July 31, 2025 3:38:01 PM
Attachments: [image535759.png](#)
[image374313.png](#)
[image744411.png](#)
[image105732.png](#)

Bernard. I do not think the Court of Appeals's order needs to be changed, but I do not object to the change you have suggested. Seems like a waste of time and a filing fee to me, but that is your prerogative, I suppose. Dave



David Rothstein Partner
Certified Specialist in Employment & Labor Law
415 W. Washington St.
Greenville, SC 29601
D: 803-904-7928 | O: 803.850.0912 | F: 803.904.7910
BURNETTESHUTT.LAW



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From: Bernard Tisdale <bernard.tisdale@vraptlaw.com>
Sent: Thursday, July 31, 2025 7:35 AM
To: David Rothstein <drothstein@burnetteshutt.law>
Subject: [EXT]RE: Motion to Amend Court of Appeal's Clerk's order in Saket Singh v. Anesthesia Associates of Rock Hill (2024-002021)

David,

I don't believe I have heard from you on this. Please let me know.

Bernard

Please note our firm name, email addresses, and website have changed.

H. Bernard Tisdale III
**VAN HOY, REUTLINGER, ADAMS,
PIERCE & TISDALE, PLLC**
737 East Boulevard
Charlotte, North Carolina 28203
Telephone: 864-346-3737
Fax: 704-375-6024
Email: bernard.tisdale@vraptlaw.com
www.vraptlaw.com



From: Bernard Tisdale
Sent: Tuesday, July 29, 2025 12:08 PM
To: David Rothstein <drothstein@burnettshutt.law>
Subject: Motion to Amend Court of Appeal's Clerk's order in Saket Singh v. Anesthesia Associates of Rock Hill (2024-002021)

Good afternoon, David.

Will Plaintiff consent to a motion to change the language in the Clerk's order dismissing the appeal to that contained in my 6/27/25 letter to the Clerk of Court? The relevant letters are attached for reference.

Regards,

Bernard

Please note our firm name, email addresses, and website have changed.

H. Bernard Tisdale III
**VAN HOY, REUTLINGER, ADAMS,
PIERCE & TISDALE, PLLC**
737 East Boulevard
Charlotte, North Carolina 28203
Telephone: 864-346-3737
Fax: 704-375-6024
Email: bernard.tisdale@vraptlaw.com

www.vraptlaw.com



From: Singleton, Mary C. <msingleton@sccourts.org>
Sent: Friday, July 25, 2025 4:34 PM
To: Bernard Tisdale <bernard.tisdale@vraptlaw.com>; drothstein@rothsteinlawfirm.com
Cc: sara.brady@vraptlaw.com; derothstein@mindspring.com
Subject: Saket Singh v. Anesthesia Associates of Rock Hill (2024-002021)

Dear Counsel,

Attached is a copy of this Court's correspondence. **Please do not respond to this email.**
Send all correspondence to ctappfilings@sccourts.org. Any parties not included in this email will receive the attached correspondence via US Mail.

Warmly,

Mary-Caitlyn Singleton
Senior Appeals Specialist
SC Court of Appeals
1220 Senate St.
Columbia, SC 29201
Ph: (803) 734-1890
F: (803) 734-1839
E-Filing Email: ctappfilings@sccourts.org

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**Aug 04 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

Marvin H. Dukes III, Circuit Court Judge

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Appellate Case No. 2024-002021

Trial Court Case No. 2024-CP-46-03641

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Saket Singh, M.D.

Respondent,

v.

Anesthesia Associates of  
Rock Hill, P.A.,

Appellant.

---

MEMORANDUM IN SUPPORT OF MOTION TO AMEND ORDER

---

Appellant Anesthesia Associates of Rock Hill, P.A. (“Appellant”), by and through its undersigned counsel, respectfully submits this memorandum in support of its Motion to Amend the Order of Dismissal issued by the Deputy Clerk of this Court on June 24, 2025.

**RELEVANT FACTS**

Appellant initiated this appeal on November 26, 2024, by filing a Notice of Appeal from the November 7, 2024, order of the Honorable Marvin H. Dukes. On January 22, 2025, Saket Singh, M.D. (“Respondent”) filed an amended complaint in the underlying action, adding four individual defendants and claims under 42 U.S.C. § 1981. On February 6, 2025, Appellant and the new individual defendants removed the underlying action, 2024-CP-46-03641, to the United

States District Court for the District of South Carolina and informed this Court of the removal. (Exhibit A to Motion). On February 10, 2025, the Deputy Clerk of this Court informed the parties that the appeal would be held in abeyance, and she instructed the parties to file status reports on the underlying action every sixty (60) days.

On June 6, 2025, Respondent voluntarily dismissed the underlying action pending in federal court. Appellant's counsel informed this Court of the dismissal in a letter dated June 11, 2025. (Exhibit B to Motion). In this letter, Appellant did not ask that the appeal be dismissed, nor did it file a motion to dismiss the appeal pursuant to Rule 260, SCRCR. Nonetheless, the June 24, 2025, order by the Deputy Clerk dismissing Appellant's appeal states: "The appellant wishes to withdraw this appeal pursuant to Rule 260(c) of the South Carolina Appellate Court Rules (SCACR). Accordingly, the appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR."

### **DISCUSSION**

The June 24, 2025, order incorrectly states Appellant wished to withdraw the appeal pursuant to Rule 260(c), SCACR. Appellant made no such request informally or by motion. The order's mischaracterization of the record does not reflect any motion, stipulation, or filing by Appellant which would invoke Rule 260(c), nor does the order, more importantly, follow from any judicial finding to that effect. Rather, the appeal became moot solely because, as reflected in the procedural record, Respondent voluntarily dismissed the underlying action. As a result, the wording of the June 24, 2025, order should be modified to correctly reflect the record.

When Respondent voluntarily dismissed the action on June 6, 2025, he eliminated the pending controversy between the parties and rendered the appeal moot. As established in *Sloan v. Greenville County*, a case becomes moot when "judgment, if rendered, will have no practical legal

effect on the existing controversy” or “when some event occurs making it impossible for the reviewing court to grant effectual relief.” *Sloan v. Greenville Cty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009). The absence of any continuing controversy here removes the basis for appellate review and moots the appeal.

According to the South Carolina Court of Appeals, a “clerical mistake” “is a mistake or omission by a clerk, counsel, judge or printer which is not the result of exercise of judicial function.” *Dion v. Ravenel*, 316 S.C. 226, 230, 449 S.E.2d 251, 253 (Ct. App. 1994). Corrections of clerical mistakes are appropriate when necessary to conform the order to the record. *Id.* Appellant agrees the appeal should be dismissed due to the dismissal of the underlying lawsuit. However, Appellant is asking that the Clerk of Court’s June 24, 2025, order be modified to correct the clerical mistake incorrectly describing the record.

### CONCLUSION

Appellant’s appeal was mooted because of Respondent’s dismissal of the underlying lawsuit. Because the mischaracterization of the record is not the product of judicial discretion or reasoning, but simply an error in describing the procedural posture, it qualifies as a clerical mistake subject to correction by the Court. Accordingly, Appellant respectfully requests that the Court modify the June 24, 2025, Order to read: “Respondent has dismissed the underlying Complaint. Accordingly, this appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.” This language accurately reflects the procedural history and avoids the confusion created, and it attributes the dismissal to a voluntary withdrawal of the underlying lawsuit by Respondent which rendered the appeal moot. Respondent has no objection to changing the language of the order to that requested above.

Respectfully submitted, August 4, 2025

s/ H. Bernard Tisdale III  
H. Bernard Tisdale III (#12823)  
VAN HOY REUTLINGER, ADAMS,  
PIERCE & TISDALE, PLLC  
737 East Boulevard  
Charlotte, North Carolina 28203  
Phone: (864) 346-3737  
Email: Bernard.Tisdale@vraptlaw.com  
Attorney for Appellant

Other Counsel of Record:  
David E. Rothstein  
BURNETTE SHUTT MCDANIEL  
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Greenville, SC 29601  
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F: 803.904.7910  
drothstein@burnetteshutt.law  
Attorney for Respondent

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v.

Anesthesia Associates of  
Rock Hill, P.A.,

Appellant.

PROOF OF SERVICE

I certify that I have served Appellant's *Motion to Amend Order, and Memorandum in Support of Motion to Amend Order* on Respondent, Saket Singh, M.D., by emailing a copy of the documents to his attorney of record, David E. Rothstein, Burnette Shutt McDaniel, 415 W. Washington St., Greenville, SC 29601, via email at [drothstein@burnetteshutt.law](mailto:drothstein@burnetteshutt.law).

August 4, 2025



H. BERNARD TISDALE III  
S.C. State Bar No. 12823  
737 East Boulevard  
Charlotte, NC 28203  
Tel: (864) 346-3737  
Bernard.Tisdale@vraptlaw.com  
Attorney for Appellant