

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

70327

APPEAL FROM HORRY COUNTY
J. Michael Baxley, Circuit Court Judge

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NOV 08 2013

Case Nos. 2008-CP-26-9047
2008-CP-26-9368

SC Court of Appeals

Sean D. Fay, as Personal Representative for the
Estate of Kelly L. Fay, deceased, Respondent/Appellant,

v.

Grand Strand Regional Medical Center, LLC,
d/b/a South Strand Ambulatory Care Center
Stephen W. Law, D.O., Richard Young, M.D.,
and Grand Strand Urology, LLP, Defendants,

Of whom Grand Strand Regional Medical
Center, LLC, d/b/a South Strand Ambulatory
Care Center is Appellant/Respondent,

And of whom Stephen W. Law, D.O. is Respondent/Appellant,

And of whom Richard Young, M.D. and
Grand Strand Urology, LLP are, Respondents.

**MOTION TO REINSTATE APPEAL
OF RESPONDENT-APPELLANT STEPHEN W. LAW. D.O.**

The Respondent-Appellant Stephen W. Law, D.O moves this Court for an Order
reinstating the appeal filed by the Respondent-Appellant Stephen W. Law, D.O.

The Respondent-Appellant Stephen W. Law's motion is based on the following grounds:

1. On November 6, 2013, the Court of Appeals issued the attached Order dismissing the *entire* appeal including the appeal filed by the Respondent-Appellant Stephen W. Law, D.O.

2. That Order was issued in error. The appeal filed by Dr. Law was not to be dismissed.


3. Dr. Law has not reached a settlement with any other parties and has not sought or consented to the dismissal of his appeal. The only appealing party that did reach a settlement was the Appellant-Respondent Grand Strand Regional Medical Center, LLC.

4. In its motion seeking a remand to the lower court to obtain approval of its settlement, Grand Strand Regional Medical Center explained as follows: "Fay has not settled his claims against Stephen W. Law, D.O. or Richard Young, M.D., and Grand Strand Urology and the appeals between and among those parties should not be remanded, but should be held in abeyance." In the same motion, Grand Strand Regional Medical Center further stated: "Because Fay has not settled his claims against Dr. Law, Dr. Young, and Grand Strand Urology, the appeals by and against these parties should not be remanded but should be held in abeyance pending a decision by the lower court."

5. Dr. Law therefore requests that his appeal be reinstated. The Court's dismissal of his appeal was in error and not relief that was requested in the motion filed by Grand Strand Regional Medical Center nor relief requested by any other party.

WHEREFORE, the Respondent-Appellant Stephen W. Law, D.O., respectfully requests that the Court not issue a Remittitur but rather reinstate his appeal.

DAVIDSON & LINDEMANN, P.A.

BY: 

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*Counsel for Respondent-Appellant
Stephen W. Law, D.O.*

Columbia, South Carolina

November 8, 2013

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The South Carolina Court of Appeals

SC Court of Appeals

Sean D. Fay, as Personal Representative for the Estate of
Kelly L. Fay, Deceased, Respondent/Appellant,

v.

Grand Strand Regional Medical Center, LLC, d/b/a South
Strand Ambulatory Care Center and Stephen W. Law,
D.O., Dr. Richard Young, M.D., and Grand Strand
Urology, LLP, Defendants,

Of whom Grand Strand Regional Medical Center, LLC,
d/b/a South Strand Ambulatory Care Center is
Appellant/Respondent,

And Of Whom Stephen W. Law, D.O. is,
Respondent/Appellant, And Of Whom Dr. Richard
Young, M.D., and Grand Strand Urology, LLP, are
Respondents.

Appellate Case No. 2010-167127

The Honorable J. Michael Baxley
Horry County

Trial Court Case No. 2008CP2609368, 2008CP2609047

ORDER

The parties have informed the Court that they have reached a settlement agreement. Accordingly, the appeal is dismissed and remanded to the lower court for approval. If the lower court does not approve the settlement, the Court will upon request reinstate the appeal. If the lower court approves the settlement, the parties shall promptly notify this Court. The Court may send the remittitur upon

approval of the settlement or 90 days from the date of this order unless good cause is shown why this case should not remitted.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Marian Williams Scalise
John S. Nichols
Lydia Lewis Magee
J. Boone Aiken, III
William C. Wood, Jr.
Charles Mitchell Brown
Ruskin C. Foster, Sr.
Andrew F. Lindemann
Michael J. Anzelmo
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Monteith Powell Todd

FILED

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Care Center is, Appellant/Respondent,

And of whom Stephen W. Law, D.O. is Respondent/Appellant,

And of whom Dr. Richard Young, M.D., and
Grand Strand Urology, LLP, are, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for Stephen W. Law, D.O., does hereby certify that service of the **Motion to Reinstate Appeal of Respondent-Appellant Stephen w. Law, D.O.** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 8th day of November 2013:

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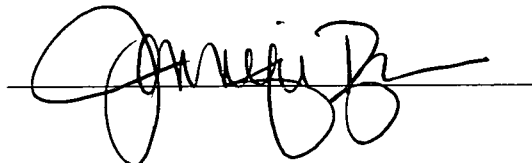
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A handwritten signature in black ink, appearing to read "Randolph L. Lee", written over a horizontal line.

DAVIDSON & LINDEMANN, P.A.

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ATTORNEYS AND COUNSELLORS AT LAW

SC Court of Appeals

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November 8, 2013

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

RE: Sean D. Fay, *et al.* v. Grand Strand Regional Medical Center, LLC, *et al.*
Case Tracking Number: 2010-167127
Civil Action Numbers: 2008-CP-26-9047 & 2008-CP-26-9368
Claim Number: CB042148M
Our File Number: 22.8406

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion to Reinstate Appeal of Respondent-Appellant Stephen w. Law, D.O.** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
November 8, 2013
Page Two

cc: Ruskin C. Foster, Esquire (*w/ Enclosure*)
Brad D. Hewett, Esquire (*w/ Enclosure*)
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Marian W. Scalise, Esquire (*w/ Enclosure*)
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