

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
CIRCUIT COURT

Honorable R. Markley Dennis, Jr., Circuit Court Judge  
(Circuit Court Case No.: 2009-CP-10-4943)

770578

Appellate Case No. 2013-001903

Barbara Roehm....., Appellant,

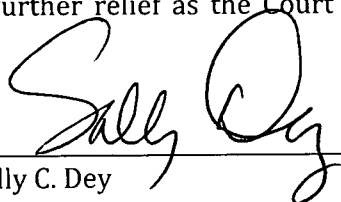
vs.

Leigh M. McKenzie, MD, Ira Rosenshein, MD, Charla McEachin Napier, LMFT, Coastal  
Psychiatry, LLC, Defendants, Of Whom Leigh McKenzie, MD, Coastal Psychiatry, LLC and  
Charla McEachin Napier, LMFT  
are..... Respondents.

MOTION TO REINSTATE APPEAL

Pursuant to South Carolina Appellant Court Rules, Rule 260(a), Appellant, Barbara  
Roehm hereby moves the Court to reinstate the above-entitled appeal which was  
administratively dismissed by Order of this Court on November 25, 2013. In support of this  
Motion, Appellant submits the Affidavit of Sally C. Dey which is attached hereto filed  
concurrently herewith and incorporated herein by this reference. Appellant hereby  
respectfully requests that the Court find that good cause exists and that it reinstate the  
appeal in this case and grant such other and further relief as the Court deems just and  
appropriate.

December 3, 2013



Sally C. Dey  
Attorney at Law  
3 Gamecock Ave., Ste. 306  
Charleston, SC 29407  
(843) 814-1695  
State Bar # 68881

Paul E. Tinkler, Esq.  
154 King Street  
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Charleston, SC 29401  
(843) 853-5203  
Attorneys for Appellant

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SC Court of Appeals

Other Counsel of Record:

Eric G. Fosmire, Esq.  
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(803) 764-4405  
Attorney for Charla McEachin

Dennis Gary Lovell, Jr., Esq.  
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Charleston, SC 29401  
(843) 266-8213  
Attorney for Leigh McKenzie, MD and Coastal  
Psychiatry, LLC.

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Appellate Case No. 2013-001903

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Barbara Roehm....., Appellant,  
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AFFIDAVIT OF SALLY C. DEY  
IN SUPPORT OF MOTION TO REINSTATE APPEAL

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**SC Court of Appeals**

COMES NOW, Sally C. Dey, Attorney at Law, and after being sworn and deposed,  
asserts as follows:

1. I am competent to testify and if called upon as a witness, could and would  
testify to the following facts, all within my personal knowledge:

2. On May 31, 2013, a Motion for Summary Judgment hearing was held before  
the Honorable J. Markley Dennis, Jr. in the Charleston County Court of Common Pleas. I  
attended the hearing, but did not note the name of the Court Reporter assigned to  
transcribe the proceeding at the time of the hearing. After learning of the Court's ruling and  
its Order Denying my Motion to Reconsider on August 27, 2013, two days before I filed my  
Notice of Appeal in this case, I inquired as to the name of the Court Reporter who  
transcribed the hearing on appeal. I was provided with the name of Susan Mia Perron and a  
Post Office Box for an address. Attached hereto as Exhibit "A" and incorporated herein by  
this reference, is a true and correct copy of my letter to Ms. Perron, which was sent out at  
the same time that my Notice of Appeal was sent to the Court and Appeal and served upon  
all parties to this case.

3. I never heard from Ms. Perron and assumed that she was transcribing the  
record and that the matter was progressing in due course.

4. Unfortunately, in October 2013, my father became ill and was hospitalized.  
On October 29, 2013, he passed away and I have been dealing with the loss of my father.

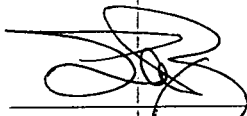
5. On or around November 20, 2013, I received a call from Jennifer Helm, my  
co-counsel, Paul Tinkler's, paralegal. Ms. Helm conducted a few telephone calls to the court  
clerk and court administration to inquire as to the reason why we had not heard anything  
back from Ms. Perron about the transcript. Apparently, at this time she learned that Ms.  
Perron was not the Court reporter and that the actual court reporter assigned to the

hearing in issue was Deb Garrison. Neither I nor anyone else to my knowledge heard anything from Ms. Perron prior to this time stating that she was not the correct court reporter. Ms. Helm was provided with the name and address of the correct court reporter and was told to copy Court Administration with the new correspondence.


6. I have now sent a letter to Ms. Garrison requesting that she prepare the transcript and have copied Court Administration with same. Attached hereto as Exhibit "B" and incorporated herein by this reference, is my letter to Ms. Garrison requesting the transcript. The slight delay in sending the letter to the proper court reporter was due to the death of my father and the intervening holiday. I respectfully request that the Court excuse this delay.

December 3, 2013

SWORN TO BEFORE ME THIS  
3<sup>rd</sup> DAY OF DECEMBER, 2013



NOTARY PUBLIC OF SOUTH CAROLINA  
My Commission Expires: 11-16-22



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Sally C. Dey  
Attorney at Law  
3 Gamecock Ave., Ste. 306  
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(843) 814-1695  
State Bar # 68881

Paul E. Tinkler, Esq.  
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Attorneys for Appellant

Other Counsel of Record:

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Attorney for Charla McEachin

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(843) 266-8213  
Attorney for Leigh McKenzie, MD and Coastal  
Psychiatry, LLC.

**SALLY C. DEY**  
**ATTORNEY AT LAW**  
**3 GAMECOCK AVENUE, SUITE 306**  
**CHARLESTON, SOUTH CAROLINA 29407**  
**(843) 814-1695**  
*sally@devlaw.net*

August 29, 2013

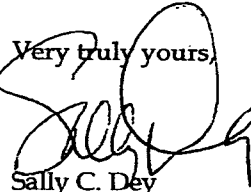
Susan Mia Perron, Court Reporter  
P.O. Box 31865  
Charleston, SC 29417-71865

Re: Roehm v. McKenzie, et al.  
2009-CP-10-4943

Dear Ms. Perron:

On May 31, 2013, a Motion for Summary Judgment hearing was held in the above-referenced matter before the Honorable J. Markley Dennis, Jr. My records indicate that you were the Court Reporter for the hearing (Charleston County, Circuit 9). Please provide me with a transcript of the entire proceeding. I agree to pay the per page cost provided for under Rule 508 of the SCACR. Thank you in advance for your time and attention to this matter.

Please let me know if you have any questions or comments.

Very truly yours,  
  
Sally C. Dey

cc: D. Gary Lovell, Jr., Esq.  
Carlock Copeland  
40 Calhoun Street  
Suite 400  
Charleston, South Carolina 29401

Eric Fosmire, Esq.  
McAngus Goudelock & Courie, LLC  
PO Box 12519  
Columbia, SC 29211

Paul Tinkler, Esq.  
154 King Street  
Third Floor  
Charleston, SC 29402

**SALLY C. DEY**  
Attorney at Law  
3 Gamecock Avenue, Suite 306  
Charleston, South Carolina 29407  
(843) 814-1695  
*sally@deylaw.net*

December 2, 2013

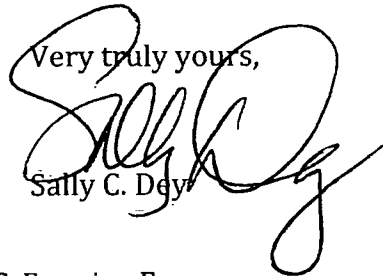
Deb Garrison  
Post Office Box 901  
Johns Island, South Carolina 29457

Re: Roehm v. McKenzie, et al.  
2009-CP-10-4943  
Hearing Date: May 31, 2013 / Motion for Summary Judgment

Dear Ms. Garrison

On May 31, 2013, a Motion for Summary Judgment hearing was held in the above-referenced matter before the Honorable J. Markley Dennis, Jr. I understand that you were the Court Reporter for the hearing (Charleston County, Circuit 9). Please provide me with a transcript of the entire proceeding. I agree to pay the per page cost according to the Appellate Court Rules. Please provide me with acknowledgment that you have received this request and let me know if there are any problems with proceeding. Thank you in advance for your time and attention to this matter.

Very truly yours,



Sally C. Dey

cc: South Carolina Court Administration  
Attn: Desiree Allen  
Calhoun Bldg.  
1015 Sumter Street, Suite 200  
Columbia, SC 29201-3729

Paul Tinkler, Esq.  
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Eric G. Fosmire, Esq.  
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Columbia, SC 29202

Dennis Gary Lovell, Jr., Esq.  
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Charleston, SC 29401

IN THE STATE OF SOUTH CAROLINA  
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APPEAL FROM CHARLESTON COUNTY  
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Honorable R. Markley Dennis, Jr., Circuit Court Judge

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2009-CP-10-4943

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Barbara Roehm, Appellant,

vs.

Leigh M. McKenzie, MD, Ira Rosenshein, MD, Charla McEachin Napier, LMFT, Coastal Psychiatry, LLC, Defendants, Of Whom Leigh McKenzie, MD, Coastal Psychiatry, LLC and Charla McEachin Napier, LMFT are Respondents.

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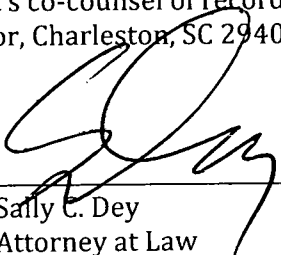
I certify that a copy of the Notice of Motion and Motion to Reinstate Appeal and Affidavit of Sally C. Dey in Support of Motion to Reinstate Appeal was served on Respondents by placing a copy in the U.S. Mail on December 3, 2013 addressed as follows:

Eric G. Fosmire, Esq.  
The Fosmire Law Firm, LLC  
P.O. Box 153  
Columbia, SC 29202

Dennis Gary Lovell, Jr., Esq.  
Carlock Copeland & Stair, LLP  
40 Calhoun Street, Ste. 400  
Charleston, SC 29401

A copy was also served upon Appellant's co-counsel of record, Paul E. Tinkler, Esq. on the same date at 154 King Street, Third Floor, Charleston, SC 29401.

December 3, 2013



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Sally C. Dey  
Attorney at Law  
3 Gamecock Ave., Ste. 306  
Charleston, SC 29407  
(843) 814-1695  
Attorney for Appellant

**SALLY C. DEY**  
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*sally@deylaw.net*

December 3, 2013

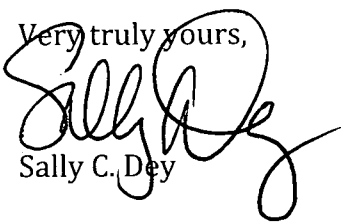
Honorable Jenny Abbott Kitchings  
Clerk of Court,  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: Roehm v. McKenzie, et al.  
Appellate Case No. 2013-001903

Dear Ms. Kitchings:

Enclosed for filing, please find Appellant's Motion for Reinstatement of Appeal, Affidavit of Sally C. Dey in Support of Motion for Reinstatement of Appeal, Proof of Service, along with a filing fee of \$25.00. Please let me know if you need anything further from me in this regard. Thank you in advance for your consideration in this regard.

Very truly yours,

  
Sally C. Dey

cc: Eric G. Fosmire, Esq.  
The Fosmire Law Firm, LLC  
P.O. Box 153  
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**SC Court of Appeals**