

Julius W. McKay, II
Mark D. Cauthen
Daniel R. Settana, Jr.
M. Stephen Stubley
Janet Brooks Holmes
Peter P. Leventis

Kelli L. Sullivan*
Temus C. Miles, Jr.
David M. Bornemann
Brandon P. Jones
James E. L. Fickling**

Law Offices
MCKAY, CAUTHEN, SETTANA & STUBLEY, P.A.

P.O. Box 7217
Columbia, South Carolina 29202-7217

1303 Blanding Street
Columbia, South Carolina 29201

Douglas McKay, Jr.
(1917-2008)

Telephone
(803) 256-4645
Fax
(803) 753-5705

E-Mail
mcauthen@mckayfirm.com
m
Web
www.mckayfirm.com

*Certified Mediator
**Also Admitted in NC

September 17, 2013

The Honorable Jenny A. Kitchings
South Carolina Clerk of Court
1015 Sumter Street
Columbia, SC 29201

Re: Case Caption: **Elizabeth Hope Rainey, as GAL to Owen Cardina, a minor, v. Charlotte-Mecklenburg Hospital Authority, et al.**
Case No: 11-CP-46-04508
Our File No: 9-364

SEP 18 2013

SC Court of Appeals

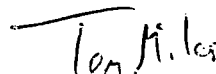
Dear Ms. Kitchings:

My firm represents Defendant York County and Defendant Bruce Bryant, as the Constitutional Office of the Sheriff of York County in His Official Capacity, in the above referenced matter. This matter is currently on appeal before your court (Copy of Notice of Appeal served September 10, 2013 is attached as Exhibit A).

Prior to the initiation of the pending appeal, the Plaintiff granted my clients a dismissal without prejudice from this matter. (Copy of Filed Consent Order of Dismissal is attached as Exhibit B). Therefore, my clients are no longer parties to this action and have no interest in the outcome of the appeal. Accordingly, I request that reference to my clients be removed from the caption of this matter and that my clients be relieved from further participation in this matter.

Should you have any questions or concerns regarding this request or other issues, please contact me at my direct dial: 803-705-2149.

Sincerely,



Temus C. Miles, Jr.

/hrv

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

Case No. 2011-CP-46-4508

Elizabeth Hope Rainey, as the
Appointed Guardian ad Litem to
Owen Carduff, a minor Appellant

v.

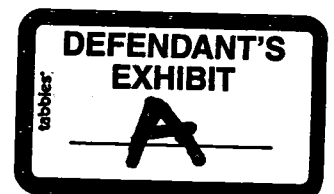
Charlotte-Mecklenburg Hospital
Authority d/b/a Carolinas Medical
Center; South Carolina Department of
Social Services and Bruce Bryant, as
the Constitutional Office of the Sheriff
of York County, the York County
Sheriff's Department, and York County ... Respondents.

RECEIVED
SEP 18 2013
SC Court of Appeals

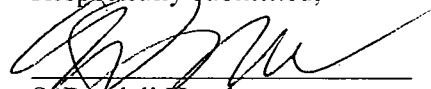
NOTICE OF APPEAL

Appellant Elizabeth Hope Rainey, as the Appointed Guardian ad Litem to Owen Carduff, a minor, appeals from an order of the Honorable S. Jackson Kimball granting Respondent Charlotte-Mecklenburg Hospital Authority d/b/a/ Carolinas Medical Center summary judgment on May 13, 2013. Appellant filed a timely motion to alter or amend judgment on May 22, 2013. Appellant also appeals Judge Kimball's order denying the motion to alter or amend judgment that Appellant received written notice of on August 14, 2013.

[Signature Page to Follow]



Respectfully submitted,



S. Randall Hood
Deborah G. Casey
Lara Pettiss Harrill
Jordan C. Calloway
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
(803) 327-7800

Duane M. Shaw
Nathan J. Sheldon
Shaw Law Firm
1169 Ebenezer Road
Rock Hill, SC 29732
(803) 329-4200

Attorneys for Appellant Elizabeth Hope Rainey, as the Appointed Guardian ad Litem to Owen Carduff

Other attorneys of record:

Monteith P. Todd
1310 Gadsden Street
Post Office Box 11449
Columbia, SC 29211
(803) 929-1400

Attorney for Respondent Charlotte-Mecklenburg Hospital Authority d/b/a/ Carolinas Medical Center

Patrick J. Frawley
Davis Frawley Law Firm
Post Office Box 489
Lexington, SC 29071
(803) 359-2512

Attorney for South Carolina Department of Social Services

Daniel R. Settana, Jr.
McKay Cauthen Settana & Stublely, PA

Post Office Box 7217
Columbia, SC 29202
(803) 256-4545

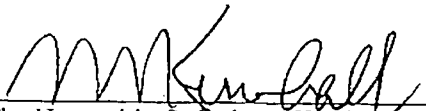
*Attorney for Bruce Bryant, as
the Constitutional Office of the Sheriff
of York County, the York County
Sheriff's Department, and York County*

September 10, 2013
Rock Hill, SC

judgment motion, the parties agreed to dismiss Defendant Bruce Bryant, as the Constitutional Office of the Sheriff of York County in His Official Capacity and also to dismiss Defendant York County, both being dismissed without prejudice.

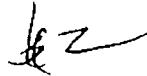
IT IS THEREFORE ORDERED that (1) Defendant Bruce Bryant, as the Constitutional Office Of the Sheriff of York County in His Official Capacity is dismissed without prejudice from this action; and (2) Defendant York County is dismissed without prejudice from this action

IT IS SO ORDERED.


The Honorable S. Jackson Kimball
Presiding Judge
Sixteenth Judicial Circuit

York, South Carolina

8/14 2013.



CONSENT SIGNATURES OF COUNSEL ON NEXT PAGE