

**THE STATE OF SOUTH CAROLINA**

In the South Carolina Court of Appeals

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**APPEAL FROM YORK COUNTY**

Court of Common Pleas

**John C. Hayes, III, Circuit Court Judge**

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Appellate Case No. 2012-212832

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**RECEIVED**

DEC 23 2013

**SC Court of Appeals**

Ann P. Adams, as Personal Representative of the  
Estate of Jacob E. Adams, Deceased. ....Appellant,

v.

Amisub of South Carolina, Inc., d/b/a Piedmont Medical Center and d/b/a  
Piedmont Healthcare System;

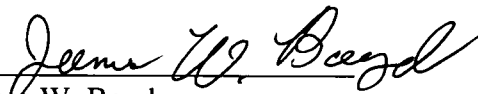
Staci L. Versen-Rampey, NP, Individually and as Agent, Servant or  
Employee of South Carolina Emergency Physicians, LLC, and as Agent,  
Servant, or Employee of Amisub of South Carolina, Inc.  
d/b/a Piedmont Healthcare System;

Jason Price, Radiologic Technologist, Individually and as Agent, Servant  
or Employee of Amisub of South Carolina, Inc., d/b/a Piedmont Medical Center  
And d/b/a Piedmont Healthcare System ..... Respondents.

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PETITION FOR RE-HEARING

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James W. Boyd  
Post Office Box 36425  
1544 Ebenezer Road  
Rock Hill, SC 29732  
(803) 328-2600

Attorney for Appellant

December 19, 2013

Other Counsel of Record:

William U. Gunn, P.A.  
PO Box 1897  
Spartanburg, SC 29304  
864-594-5300

N. Heyward Clarkson, III  
Clarkson, Walsh, Terrell & Coulter, P.A.  
PO Box 6728  
Greenville, SC 29606  
864-232-4400

The Petitioner petitions the Court for a re-hearing in this case on the following grounds:

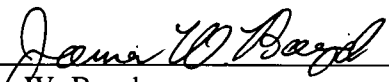
If the case of *Ranucci v. Crain* 397 S.C. 168 723, S.E. 2d 242 (S.C. App. 2012), Cert. Granted, (Sept. 6, 2013) is correct then Court's decision upholding the dismissal of this action is correct. However, certiorari has been granted by the South Carolina Supreme Court in the *Ranucci* case and the decision by the South Carolina Supreme Court will be ultimately dispositive on this issue.

2. South Carolina Code 15-36-100 sets forth affidavit requirements as to the filing of malpractice cases against certain professionals including physicians. Section 15-79-125(A) applies only to medical doctors. The language of §15-79-125 which incorporates §15-36-100, makes the language of §15-36-100 applicable to the filing requirements contained in §15-79-125. South Carolina Code §15-79-125 clearly sets forth that the requirements for affidavits are contained in §15-79-100. Section 15-79-125 does not limit the parts of §15-36-100 that apply to §15-79-125. Had the legislature intended to limit the parts of §15-36-100 that apply to §15-79-125 it could have done so by setting the limitations forth in the statute. Any other reading would create a special right to medical doctors that is denied to all other professionals covered by the applicable statutes.

Conclusion

For all of the above reasons the Petitioner requests that the Court grant this  
Petition for Re-Hearing.

December 19, 2013

  
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James W. Boyd  
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Rock Hill, SC 29732  
(803) 328-2600  
Attorney for Petitioner

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In the South Carolina Court of Appeals

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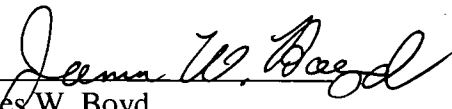
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PROOF OF SERVICE

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I, James W. Boyd, certify that I served the within Petition for Re-hearing  
on Respondents by depositing a copies of the same in the United States mail,  
postage prepaid, on December 18, 2013, addressed to the Respondants' attorney  
of record, N. Heyward Clarkson, III, PO Box 6728, Greenville, SC 29606, and  
William U. Gunn & Kyle T. Clelland, PO Box 1897, Spartanburg, SC 29304.

December 19, 2013

  
James W. Boyd  
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Attorney for Appellant

**JAMES W. BOYD**

**Attorney at Law**

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(803) 328-5747 fax

December 19, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

**RECEIVED**  
DEC 23 2013  
SC Court of Appeals

Re: Ann Adams v. Amisub  
Appellate Case No.: 2012-212832

Dear Ms. Kitchings:

Enclosed you will find an original and six copies of a Petition for Rehearing and Proof of Service for the above referenced appeal. Also enclosed you will find a \$25.00 filing fee. Thank you for your attention to this matter.

With kind regards, I am

Sincerely,



Kathy L. Carpenter  
Paralegal for James W. Boyd  
Attorney for Appellant

JWB/klc

Enclosures

cc: William U. Gunn  
N. Heyward Clarkson, III