

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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DEC 23 2013

APPEAL FROM HORRY COUNTY  
Steven H. John, Circuit Court Judge

SC Court of Appeals

MOHS7

Case No. 2011-CP-26-7403

Randall M. Green and Ann Green, ..... Respondents,

v.

Wayne B. Bauerle, M.D. and  
Wayne B. Bauerle, M.D., P.C., ..... Appellants.

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**JOINT MOTION TO STAY APPEAL  
AND REMAND JURISDICTION  
TO CIRCUIT COURT**

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The Appellants and Respondents jointly move this Court to stay the appeal filed by the Appellants, including all appeal deadlines, and further request that jurisdiction be remanded to the Circuit Court with the direction that the following pending motions be heard and decided by Circuit Court Judge Steven H. John:

- (1) Plaintiffs' Motion to Alter or Amend Order Granting Partial Set-Off
- (2) Defendants' Motion to Alter or Amend Order

On October 11, 2013, the Appellants served a Notice of Appeal whereby they appealed the Form Order and Judgment entered September 16, 2013, including the jury's verdict, the trial rulings and post-trial rulings issued by Circuit Court Judge Steven H. John from the bench.

On October 17, 2013, Judge John issued an Order Granting in Part and Denying in Part Defendants' Motion for Set-Off, and all parties have subsequently filed timely Rule 59(e) motions with respect to that Order.

The parties jointly request that this Court stay the pending appeal to allow for the adjudication of the Rule 59(e) motions still pending in the Circuit Court. The Court is also requested to issue a remand order confirming or otherwise returning jurisdiction in the Circuit Court and further directing the Circuit Court to adjudicate the pending Rule 59(e) motions.

Respectfully submitted,



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*Counsel for Respondents*

**SCANNED**

DEC 18 2013

Davidson & Lindemann

THE STATE OF SOUTH CAROLINA  
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**CERTIFICATE OF SERVICE**

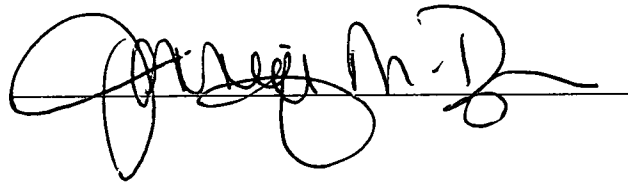
The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellants, does hereby certify that service of the **Joint Motion to Stay Appeal and Remand Jurisdiction to Circuit Court** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 18th day of December 2013:

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A handwritten signature in black ink, appearing to read "John B. McCutcheon, Jr.", written over a horizontal line.

# DAVIDSON & LINDEMANN, P.A.

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December 18, 2013

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

RE: Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D. and Wayne B. Bauerle,  
M.D., P.C.  
Appeal Tracking Number: 2013-002197  
Civil Action Number: 2011-CP-26-7403  
Claim Number: CB053262M  
Our File Number: 22.9301

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SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Joint Motion to Stay Appeal and Remand Jurisdiction to Circuit Court** in the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope. 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  
December 18, 2013  
Page Two

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cc: (w/ Enclosure)


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**SC COURT OF APPEALS**

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The Honorable Jenny Abbott Kitchings  
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