

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
L. Casey Manning, Circuit Court Judge

Appellate Case No.: 2013-001831
Case No. 2011-CP-40-3642

Vernon L. McCullough.....Appellant.

vs.

South Carolina Department of Corrections,
Palmetto Health d/b/a Palmetto Health Richland,
Jonathon David Taylor, M.D., Poorneema Ramasamy, M.D.,
William R. Jennings, M.D., William H. Richardson, M.D.,
and Jennifer A. Adair, M.D.,Respondents.

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SC Court of Appeals

RESPONDENTS PALMETTO HEALTH RICHLAND a/k/a PALMETTO HEALTH ALLIANCE, JONATHON DAVID TAYLOR, M.D., POORNEEMA RAMASAMY, M.D., AND JENNIFER A. ADAIR, M.D'S RETURN TO MOTION FOR RELIEF OF COUNSEL FILED BY RICHARD BOLEN

Counsel for Appellant, Richard Bolen, has filed a motion to be relieved as counsel wherein Mr. Bolen seeks an order from this Court relieving him from the representation of Appellant, Vernon L. McCullough. A similar motion was previously filed by Eric C. Hale, an attorney who had been associated to assist in the appeal on this matter. Mr. Hale's Motion is still pending before this Court.

Respondents Palmetto Health Richland a/k/a Palmetto Health Alliance, Jonathon David

Taylor, M.D., Poorneema Ramasamy, M.D., and Jennifer A. Adair, M.D. (collectively, "Palmetto Health") have no objection to Mr. Bolen being relieved as counsel. Palmetto Health recognizes the provision of Rule 240(b), SCACR, which provides that the filing of a Motion to Relieve Counsel acts as a stay in the perfection of the appeal until the Court rules on the Motion. However, given the procedural history of this appeal, Palmetto Health would respectfully request that Mr. Bolen's request not serve to further delay the perfection of this appeal or allow Appellant the ability to obtain any additional extensions for filing and serving the initial appellant's brief.

By way of background, on September 3, 2013, Mr. Bolen indicated to this Court that he had received the transcript in this matter prior to the filing of the notice of appeal and that it was his understanding that appellant's initial brief was due thirty days after the filing of the Notice of Appeal. On October 16, 2013, Mr. Bolen requested a sixty-day extension in which to file appellant's initial brief. On October 23, 2013, this Court informed Mr. Bolen that based on Mr. Bolen's September 3, 2013, communication the Initial Brief was due on September 25, 2013, but had not been filed. This Court gave Mr. Bolen ten days in which to file the Initial Brief or face dismissal of the appeal. By Order filed November 14, 2013, this Court extended the time for serving and filling appellant's initial brief to November 26, 2013. On November 22, 2013, Mr. Bolen and Mr. Hale filed a Motion and Notice of Appearance and Extension seeking an extension to allow Mr. Hale, who had recently become associated with the case, the opportunity to familiarize himself with the case. By Order filed December 4, 2013, this Court extended the deadline to file appellant's initial brief until December 27, 2013. Importantly, the Order declared that no further extensions would be allowed absent extraordinary circumstances. On December 27, 2013, Mr. Hale filed a motion to be relieved as counsel. To date, the service of appellant's

initial brief has been delayed almost six months from the original filing of the Notice of Appeal.

Given the above history, Palmetto Health has no objection to Mr. Bolen's Motion to the extent that the Motion does not continue to further prolong the progression of this appeal.

Respectfully submitted,



William C. McDow

Sheila M. Bias

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ATTORNEYS FOR RESPONDENTS

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PALMETTO HEALTH ALLIANCE,

JONATHON D. TAYLOR, M.D., POORNEEMA

RAMASAMY, M.D., AND

JENNIFER A. ADAIR, M.D.

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Vernon L. McCulloughAppellant.

v.

South Carolina Department of Corrections,
Palmetto Health d/b/a Palmetto Health Richland,
Jonathon David Taylor, M.D., Poorneema Ramasamy, M.D.,
William R. Jennings, M.D., William H. Richardson, M.D.,
and Jennifer A. Adair, M.D., Respondents.

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Richardson Plowden & Robinson, P.A., attorneys for Respondents Palmetto health Richland a/k/a Palmetto health Alliance, Jonathon David Taylor, M.D., Poorneema Ramasamy, M.D., and Jennifer A. Adair, M.D., do hereby certify that I have this date served the foregoing Respondents' Return to Motion for Relief of Counsel filed by Richard Bolen by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the following:

Richard L. Bolen
The Bolen Law Firm, LLC
600 Columbia Avenue, Suite 7
Lexington, South Carolina 29072

Mark S. Barrow
Sweeny Wingate & Barrow, PA
Post Office Box 12129
Columbia, South Carolina 29211


James E. Parham, Jr.
James E. Parham, Jr., PA
Post Office Box 1576
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Eric C. Hale
Law Office of Eric C. Hale, LLC
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Irmo, South Carolina 29063

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SC Court of Appeals


Daisy F. Bonds

Dated: February 21, 2014

February 21, 2014

VIA HAND DELIVERY

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

**Re: Vernon Lee McCullough vs. South Carolina Department of Corrections,
Palmetto Health Richland a/k/a Palmetto Health Alliance, Jonathon David
Taylor, M.D., Poorneema Ramasamy, M.D., William R. Jennings, M.D.,
William H. Richardson, M.D., and Jennifer A. Adair, M.D.
Civil Action No.: 2011-CP-40-3642
Appellate Case No.: 2013-001831**

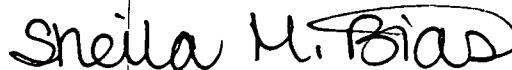
Dear Ms. Kitchings:

As counsel for Respondents Palmetto Health Richland a/k/a Palmetto Health Alliance, Jonathon David Taylor, M.D., Poornema Ramasamy, M.D., and Jennifer A. Adair, M.D., I have enclosed for filing an original and seven copies of our Return to Motion For Relief of Counsel filed by Richard Bolen in the above referenced matter, along with our original Certificate of Service. I would request that the additional copy of our Return to Motion for Relief of Counsel be file stamped and returned to our courier.

We are this day serving a copy of our Return to Motion for Relief of Counsel on all counsel of record.

Thank you for your assistance.

Sincerely,



Sheila M. Bias
SC Bar # 100005

SMB/dfb

Enclosures

cc: William C. McDow, Esq.
Mark S. Barrow, Esq.
James E. Parham, Jr., Esq.
Richard Bolen, Esq.
Eric C. Hale, Esq.

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