

STATE OF SOUTH CAROLINA

**RECEIVED**

*In The Supreme Court*

MAR 11 2014

APPEAL FROM THE COURT OF COMMON PLEAS ~~SC~~ SUPREME COURT  
RICHLAND COUNTY

Robert E. Hood, Circuit Judge, Fifth Judicial Circuit

Appellate Case No. 2013-002802

Anonymous Surgeon ..... *Appellant,*

~ vs. ~

Matthew T. Siedhoff, M.D. .... *Respondent.*

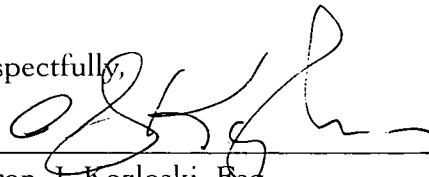
**MOTION TO FILE BRIEF OUT OF TIME**

Appellant respectfully moves this Court for leave to file the initial brief out of time. This appeal was initially perfected in the Court of Appeals. The transcript was received on January 15, 2014. This case was certified to this Court by Order dated February 6, 2014.

Certification was granted on grounds that the relief sought, reversal of precedent, could not be lawfully granted in the Court of Appeals. Obviously any brief filed below would have been very different from one filed here.

Appellant's Counsel mistakenly believed the time for initial briefing would be tolled during the pendency of the Motion to Certify. Counsel therefore asks the Court to forgive this error and permit initial briefing to proceed.

Respectfully,



Aaron J. Kozloski, Esq.  
Capitol Counsel, LLC, P.O. Box 1996  
Lexington, SC 29071  
803-465-1400, Fax 888-513-6021  
E-mail: aaron@capitolcounsel.us  
*Attorney for Appellant*

March 5, 2013  
Lexington, South Carolina

STATE OF SOUTH CAROLINA  
*In The Court of Appeals*

APPEAL FROM THE COURT OF COMMON PLEAS  
RICHLAND COUNTY

Robert E. Hood, Circuit Judge, Fifth Judicial Circuit

Common Pleas Case No. 2012-CP-40-4129

Anonymous Surgeon ..... *Appellant,*

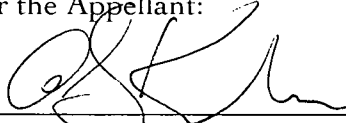
~ vs. ~

Matthew T. Siedhoff, M.D. .... *Respondent.*

**CERTIFICATE OF SERVICE**

The Motion to File out of Time in this case was served upon the Respondent by first class mail this date, addressed to counsel at their address below.

For the Appellant:



Aaron J. Kozloski, Esq.  
Capitol Counsel, LLC, P.O. Box 1996  
Lexington, SC 29071  
803-465-1400, Fax 888-513-6021  
E-mail: aaron@capitolcounsel.us  
*Attorney for Appellant*

March 5, 2013  
Lexington, South Carolina

*Attorneys for the Respondent:*





Elizabeth Van Doren Gray & Alexis K. Lindsay  
Sowell, Gray, Stepp & Lafitte  
P.O. Box 11449, Columbia, SC 29211  
(803) 231-7814 Fax (803) 929-0300  
egray@sowellgray.com  
alindsay@sowellgray.com

PRIORITY MAIL  
POSTAGE REQUIRED

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL

**PRIORI<sup>®</sup>**  
**★ MAIL**

-  DATE OF DELIVERY SCHEDULED
-  USPS TRACKING™ INC
-  INSURANCE INCLUDE
-  PICKUP AVAILABLE

\* Domestic only

WHEN USED INTERNATIONALLY,  
A CUSTOMS DECLARATION  
LABEL MAY BE REQUIRED.



This envelope is made from post-consumer waste. Please recycle - again.

 <b>UNITED STATES POSTAL SERVICE®</b>		<b>Click-N-Ship®</b>	
P	usps.com	9405 9036 9930 0138 8475 67 0050 5001 0102 9211	
	\$5.05	US POSTAGE	
	Flat Rate Env		
	INSURED	Commercial Base Pricing	
03/05/14	Mailed from 29071 062S0000000309		
<b>PRIORITY MAIL 1-DAY™</b>			
AARON J KOZLOSKI CAPITOL COUNSEL, LLC PO BOX 1996 LEXINGTON SC 29071-1996		Expected Delivery Date: 03/06/2014  <b>0024</b>	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"><b>B099</b></div>			
SHIP TO: COURT CLERK SC SUPREME COURT PO BOX 11330 COLUMBIA SC 29211-1330			
<b>USPS TRACKING #</b>			
			
9405 9036 9930 0138 8475 67			
Electronic Rate Approved #038555749			



PS0001000014

VISIT US AT **USPS.COM®**  
ORDER FREE SUPPLIES ONLINE

EPI4F July 2013  
OD: 12.5 x 9.5



UNITED STATES POSTAL SERVICE