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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

Case No. 2011-CP-26-7403

**RECEIVED**

MAR 11 2014

**SC Court of Appeals**



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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**NOTICE OF APPEAL**

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The Appellants Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C. appeal the Form Order and Judgment entered September 16, 2013, including the jury's verdict, the trial rulings and post-trial rulings issued by the Honorable Steven H. John from the bench.

The Appellants also appeal the Order Granting in Part and Denying in Part Defendants' Motion for Set-Off filed October 17, 2013 and the Order Denying

Defendant's Motion to Alter or Amend Order Granting Partial Set-Off filed  
February 13, 2014.

The Appellants' counsel received written notice of entry of the Order filed  
February 13, 2014, on February 17, 2014.



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*Counsel for Appellants Wayne B. Bauerle,  
M.D. and Wayne B. Bauerle, M.D., P.C.*

March 11, 2014

Other Counsel of Record:

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*Randall M. Green and Ann Green*

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**CERTIFICATE OF SERVICE**

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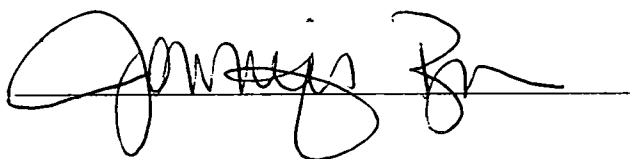
The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellants Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C., does hereby certify that service of the **Notice of Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 11th day of March 2014:

O. Grady Query, Esquire  
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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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March 11, 2014

Of Counsel  
Kenneth P. Woodington

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

## **Hand Delivered**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Edgar Brown Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

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

**RECEIVED**

MAR 11 2014

**SC Court of Appeals**

Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of the **Notice of Appeal** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier.

I have also enclosed my firm's \$100.00 check in the event that the Court concludes that a filing fee is due under this scenario. By way of explanation, the Appellants Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C. previously filed an appeal which was assigned tracking number 2013-002197. By Order filed January 10, 2014, this Court dismissed that appeal and remanded to the Circuit Court to address pending post-trial motions. This Court took that action in lieu of adjudicating the parties' joint motion to stay the appeal. A similar scenario was addressed by the Supreme Court in *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986), wherein the Court stated that "[a] second filing fee will not be collected from a party who previously appealed." For that reason, I do not believe that a second filing fee is required for this Notice of Appeal. If the Court agrees with me based on the *Hudson* decision, I would request that the enclosed \$100.00 check be returned to me.

The Honorable Jenny Abbott Kitchings  
March 11, 2014  
Page Two

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By copy of this letter, I am serving a copy of the Notice of Appeal on all counsel of record.

If you have any questions, please advise. Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: (w/ Enclosure)

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