

The Supreme Court of South Carolina

Dr. Cynthia Holmes, M.D., Appellant,

v.

East Cooper Community Hospital, Inc., and Tenet
HealthSystem Medical, Inc., Respondents.

Appellate Case Nos. 2011-198092 and 2012-209666

ORDER

Respondents have filed a motion to compel appellant to compile, serve and file a supplement or appendix to the record on appeal to include matters designated by respondents but wholly or partially excluded from the record on appeal.

Respondents also ask that appellant be compelled to pay respondents' costs and attorneys' fees associated with bringing the motion. Finally, respondents seek an extension of time in which to serve and file their final brief. Appellant has filed a return in which she agrees to supplement the record with individual pages from three documents inadvertently omitted from the record on appeal; however, appellant opposes respondents' request to have appellant supplement the record with respondents' motion for sanctions and the order awarding sanctions and opposes respondents' request for costs and attorneys' fees. Respondents have filed a reply to the return.

By order of this same date, we granted the motion to the extent that respondents' requested appellant supplement the record with the individual pages from the first three documents referenced in respondents' motion, but denied the motion as to respondents' requests to require appellant to supplement the record with the motion for sanctions and the order awarding sanctions and as to respondents' requests for costs and attorneys' fees. We directed appellant to serve and file a supplemental record within five days of the date of the order, and gave respondents ten days from the date of service of the supplemental record to serve and file their final brief.

However, by order dated May 24, 2012, this Court consolidated this appeal with the appeal from the order awarding sanctions (Appellate Case No. 2012-209666) for purposes of the record on appeal and oral argument. That order further provided that a supplemental record could be filed if needed. Accordingly, because a consolidated record is going to be used for the two appeals, and the motion for sanctions and order awarding sanctions are both appropriate for inclusion in the record for purposes of the appeal from the order awarding sanctions, *see* Rules 209 and 210, SCACR, we hereby rescind our prior order to the extent that it granted in part and denied in part respondents' request that appellant be compelled to supplement the record in this matter. Instead, we grant that request as to all documents respondents maintain in their motion should be included in the record. Appellant shall, within five days of the date of this order, serve and file a supplement to the record on appeal which includes those documents. Our previous rulings on respondents' request for costs and attorneys' fees and their request for an extension of time remain unchanged.


C.J.
FOR THE COURT

Columbia, South Carolina

July 13, 2012

cc:

Chalmers Carey Johnson

Daniel Simmons McQueeney, Jr.

Erskine Douglas Pratt-Thomas