

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

71954

APPEAL FROM CHARLESTON COUNTY
Kristi Lea Harrington, Circuit Court Judge

RECEIVED

APR 21 2014

Case No. 2012-CP-10-5366 (NOI)
Case No. 2013-CP-10-4475

SC Court of Appeals

Johnny Eades and Barbara Eades, Appellants,

v.

Palmetto Cardiovascular and Thoracic, PA; James M. Benner, M.D.; Mark J. Epler, M.D.; Trident Medical Center, LLC; Columbia/HCA Healthcare Corporation of South Carolina; HCA Healthcare-South Carolina; Trident Medical Center; Trident Health System; Palmetto Primary Care Physicians, LLC; Trident Emergency Physicians, LLC; Brian R. Whirreth, M.D.; Patricia Campbell, M.D.; Christine E. McNeal, M.D.; Matthew Wallen, M.D.; Charleston Radiologists, PA; Joseph M. Mullane, M.D.; Tri-County Radiology Associates, PA; and Troy Marlon, M.D., Defendants,

Of whom, Palmetto Cardiovascular and Thoracic, PA; James M. Benner, M.D.; Mark J. Epler, M.D.; Palmetto Primary Care Physicians, LLC; and Trident Emergency Physicians, LLC are, Respondents.

**MOTION FOR ADDITIONAL
TIME TO FILE INITIAL BRIEF**

The Respondents Mark J. Epler, M.D., James M. Benner, M.D., and Palmetto Cardiovascular and Thoracic, P.A. respectfully move this Court for an additional fifteen day extension of time until May 6, 2014 by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

These Respondents' motion is based on the following grounds:

1. These Respondents' Initial Brief is currently due to be filed and served on April 21, 2014.

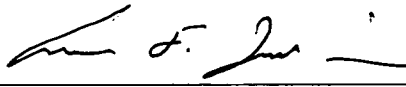
2. The undersigned counsel requires additional time to complete the Initial Brief of Respondents because the undersigned counsel realized that he has not yet received the necessary transcripts for this appeal. Additionally, the undersigned counsel has had numerous other deadlines that prevented him from completing the Initial Brief by the current deadline, including a brief due in the Fourth Circuit Court of Appeals on April 16, 2014 as well as South Carolina Supreme Court briefs filed on April 17 and 18, 2014, and another South Carolina Court of Appeals brief due on April 23, 2014.

3. The undersigned has consulted with Gary Cartee, who is the Appellants' counsel, and he has consented by email to the requested extension (see attached).

WHEREFORE, the Respondents Mark J. Epler, M.D., James M. Benner, M.D., and Palmetto Cardiovascular and Thoracic, P.A. respectfully request that

they be allowed until May 6, 2014, by which to file and serve their Initial Brief and Designation of Matter to be Included in the Record on Appeal.

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

*Counsel for Respondents Mark J. Epler,
M.D., James M. Benner, M.D., and Palmetto
Cardiovascular and Thoracic, P.A.*

Columbia, South Carolina

April 21, 2014

Andrew Lindemann

From: Gary Cartee <carteelawfirm@bellsouth.net>
Sent: Monday, April 21, 2014 10:21 AM
To: Andrew Lindemann
Subject: Re: Eades v. Palmetto Cardiovascular, et. al.

Andrew,

I consent to the requested extention.

Gary

Gary L. Cartee
Attorney at Law
3251 Landmark Drive, Suite 136
N. Charleston, SC 29418
Phone: 843-767-1800
Fax: 843-767-3451
carteelawfirm@bellsouth.net

From: Andrew Lindemann <alindemann@dml-law.com>
To: Gary Cartee <carteelawfirm@bellsouth.net>
Sent: Monday, April 21, 2014 8:44 AM
Subject: Eades v. Palmetto Cardiovascular, et. al.

Gary:

I need your consent for a 15 day extension for my Initial Brief in this case. I realized late Friday that I don't have the transcripts in this case. Additionally, I had a brief due in the Fourth Circuit last Wednesday and two more in the SC Supreme Court on Thursday and Friday.

Please let me know by return email whether you will kindly consent to the requested extension.

Thanks.

Andrew Lindemann

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Kristi Lea Harrington, Circuit Court Judge

RECEIVED

APR 21 2014

Case No. 2012-CP-10-5366 (NOI)
Case No. 2013-CP-10-4475

SC Court of Appeals

Johnny Eades and Barbara Eades, Appellants,

v.

Palmetto Cardiovascular and Thoracic, PA; James M. Benner, M.D.; Mark J. Epler, M.D.; Trident Medical Center, LLC; Columbia/HCA Healthcare Corporation of South Carolina; HCA Healthcare-South Carolina; Trident Medical Center; Trident Health System; Palmetto Primary Care Physicians, LLC; Trident Emergency Physicians, LLC; Brian R. Whirreth, M.D.; Patricia Campbell, M.D.; Christine E. McNeal, M.D.; Matthew Wallen, M.D.; Charleston Radiologists, PA; Joseph M. Mullane, M.D.; Tri-County Radiology Associates, PA; and Troy Marlon, M.D., Defendants,

Of whom, Palmetto Cardiovascular and Thoracic, PA; James M. Benner, M.D.; Mark J. Epler, M.D.; Palmetto Primary Care Physicians, LLC; and Trident Emergency Physicians, LLC are, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Motion for Additional Time to File Initial Brief** 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 21st day of April 2014:

Gary L. Cartee, Esquire
3251 Landmark Drive - Suite 136
North Charleston, South Carolina 29418

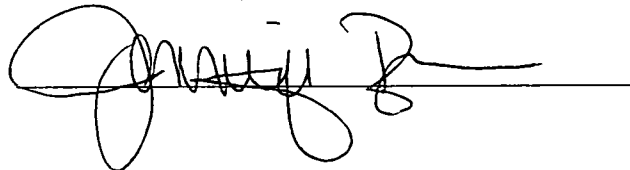
Hutson S. Davis, Jr., Esquire
Jason W. Ward, Esquire
Johnson Davis Ward, P.A.
10 Pinckney Colony Road
The Victoria Building - Suite 200
Bluffton, South Carolina 29909

Darren K. Sanders, Esquire
Buyck & Sanders, L.L.C.
Post Office Box 2424
Mt. Pleasant, South Carolina 29465-2424

William C. McDow, Esquire
Richardson Plowden & Robinson, P.A.
Post Office Drawer 7788
Columbia, South Carolina 29202

Thomas C. Salane, Esquire
R. Hawthorne Barrett, Esquire
Turner Padget Graham & Laney, P.A.
Post Office Box 1473
Columbia, South Carolina 29202

Stephen L. Brown, Esquire
D. Jay Davis, Jr., Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
Post Office Box 993
Charleston, South Carolina 29402

A handwritten signature in black ink, appearing to read "Stephen L. Brown", is written over a horizontal line.