

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

G. Thomas Cooper, Jr. Circuit Court Judge

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Appellate Case No. 2013-002272

Case Number: 2012-CP-40-08310

**RECEIVED**

JUN 30 2014

**SC Court of Appeals**

Linda Campbell, M.D.....Appellant

Allen S. Guignard and Ashlin Potterfield.....Respondents

APPELLANTS LINDA CAMPBELL'S RETURN

TO MOTION TO STAY AND STRIKE

This is a response to the motion of Respondent Ashlin Potterfield to Stay or Strike portions of Appellant's Brief and Designation of record. The Motion also requests a stay of further deadlines in the instant appeal.

## ARGUMENT

With the exception of the request for a stay of time as to certain deadlines, the Motion is replete of anything that would relate to the merits of the issue at hand. Typical is a specification at item 4, noting that a court reporter's invoice is attached to the transcript. This was done as per an agreement that the "entire" deposition would be included in the record. Appellant included same so as to follow the letter of the agreement between the parties.

The remainder amounts largely to requests for repaginating, adjustments to the breaks between pages, and other editing issues. Counsel is aware of no law that requires that Appellant submit to the red pencil of opposing counsel as editor, where none of these allegations touch the merits of the case, and thereby cannot possibly prejudice the rights or interest of the Respondent.

Respondent insists that such alterations are required by the letter of Rule 211(b) of the South Carolina Rules of Civil Procedure, which does admittedly restrict the nature of revisions to the Brief and Record on Appeal. The Rule does provide that revisions can be made "to conform to the Record on Appeal." The Respondent urges the strictest possible interpretation of the Rule, albeit without any motivation in a tactical sense.

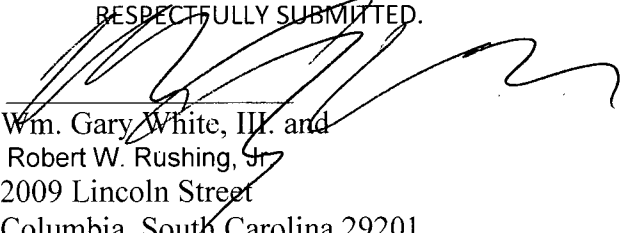
While there is no strategic benefit to Respondent by the granting of the motion, there will be a substantial unwarranted, and punitive out of pocket cost for Appellant if the motion is granted. In fact, this will have already occurred by the necessity to respond to the motion.

Respondent makes much of the fact that a letter was sent to counsel on June 12, 2014. This motion was filed only eight days later, leaving counsel a very narrow window of time in which to respond. Few would expect counsel to be able to schedule time to meet, reach a consensus, and draft a response in what amounts to little more than one week of business days.

## CONCLUSION

The Motion should be denied in that the requested changes are not probative, and the documents as filed as consistent with the Rules of the Court.

RESPECTFULLY SUBMITTED.



Wm. Gary White, III. and  
Robert W. Rushing, Jr.  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorneys for Appellant

June 30, 2014

**CERTIFICATE OF SERVICE OF  
INITIAL BRIEF**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2012-CP-40-8310

**RECEIVED**

JUN 30 2014

**SC Court of Appeals**

LINDA CAMPBELL, M.D.,

Appellant ,

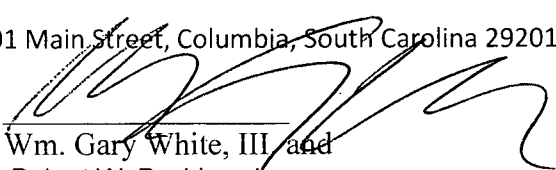
v.

ALLEN S. GUIGNARD AND  
ASHLIN POTTERFIELD,

Respondent

**CERTIFICATE OF SERVICE OF  
RETURN TO MOTION TO STAY AND STRIKE**

I certify that I have served the Notice of Appeal on Ashlin Potterfield by personally delivering a copy of, on June 30, 2014, addressed to her attorney of record, Carmelo B. Sammataro, at Bank of America Plaza, 17<sup>th</sup> Floor, 1901 Main Street, Columbia, South Carolina 29201.

  
Wm. Gary White, III and  
Robert W. Rushing, Jr.  
2009 Lincoln Street  
Columbia, South Carolina 29201  
(803) 767-3953  
Attorneys for Appellant

June 30, 2014