STATE OF SOUTH CAROLINA
In the Court of Appeals

72863

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Letitia H. Verdin, Circuit Court Judge

Case No. 2010-CP-5743

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD,
Upstate Lung & Critical Care Specialists, PC, and
Devendra Shantha, MD,..... .... Appellants,

v.

William Mark Casey, Ray E. ("Chuck") Thompson,
and Charles M. Fogarty,. .... Respondents.

RESPONDENTS' PETITION FOR REHEARING

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Respondents William Mark Casey, Ray E. ("Chuck") Thompson, and Charles M. Fogarty (collectively, "Respondents") respectfully petition this Court pursuant to Rule 221(a), SCACR, for rehearing of the Court's Unpublished Opinion No. 2014-UP-273 (the "Opinion") concerning the first issue on appeal in this matter, specifically, whether the Circuit Court erred in holding Appellants' abuse of process claim is time-barred Respondents seek this rehearing on grounds that the Opinion appears to have overlooked or misapprehended specific allegations in Appellants' Second Amended Complaint which show that the statute of limitations on Appellants' cause of action for abuse of process expired more than three years before Appellants filed such claim

Respondent Fogarty also respectfully requests that the Court alter one sentence contained in the Opinion's "Facts/Procedural History" to summarize accurately Appellants' alleged facts as to the MRI obtained by Respondent Casey during the underlying medical malpractice action Fogarty so requests on the basis that the Court's factual summary misapprehends and misstates the Second Amended Complaint's allegations as to Fogarty's involvement with Casey's obtaining that procedure.

Rule 211 Standard

Rule 221(a), SCACR, allows parties to petition for rehearing within fifteen days after the Court of Appeals files an opinion "The purpose of a petition for rehearing is not to present points which lawyers for the losing parties have overlooked or misapprehended, nor is it the purpose of the petition for rehearing to have the case tried in the appellate court a second time." *Kennedy v S C Ret Sys*, 349 S.C. 531, 564 S.E.2d 322 (2001), *quoting* Jean H Toal, Shahin Vafai & Robert Muckenfriss, *Appellate Practice in South Carolina* 309 (1999) (citing *Arnold v Carolina Power & Light Co*,

168 S.C. 163, 167 S.E. 234 (1933)) Instead, the purpose of a petition for rehearing "is to aid the Court in deciding correctly a case heard by it " *Arnold*, 168 S.C. at 172, 167 S.E. at 238. A proper petition does not simply contain "a 'rehash' of what the losing party has said before, matters which the Court has already considered well and disposed of " *Id* Instead, a proper petition specifies points the Court supposedly has overlooked or misapprehended *Id* ; *see also Kennedy*, 349 S.C. at 532, 564 S.E.2d at 322.

Respondents' Petition for Rehearing (the "Petition") is interposed for a proper purpose, *i e* , to aid the Court in deciding this case correctly, based on Appellants' Second Amended Complaint. The Petition also is proper substantively, because it concerns the statute of limitations issue properly preserved for this Court's decision, and points out allegations in the Second Amended Complaint that are determinative of that issue, but that the Opinion appears to have overlooked or misapprehended As shown below, the Petition identifies per Appellants' pleading the latest date by which Appellants knew the facts comprising their abuse of process claim, which date precedes Appellants' filing suit on that claim by more than three years. Significantly, in doing so, the Petition does not simply restate or "rehash" the discovery rule arguments Respondents have previously asserted on this statute of limitations issue.

Accordingly, and for the reasons explained fully herein, Respondents respectfully request that this Court rehear the question of whether the circuit court properly held that the statute of limitations bars Appellants' abuse of process claim.

Opinion's Findings and Holding as to Statute of Limitations Issue

The Opinion finds that the Circuit Court erred in dismissing Appellants' abuse of

process claim, because "the allegations of Appellants' complaint do not support a finding that their action for abuse of process was barred by the statute of limitations[.]" (Opinion 4.) The Opinion recites that "[t]he essential elements of abuse of process are (1) an ulterior purpose, and (2) a willful act in the use of the process that is not proper in the regular conduct of the proceeding." (Opinion 3, *quoting Pallares v Seinar*, 407 S.C. 359, 370, 756 S E 2d 128, 133 (2014).) Further, the Opinion recognizes that abuse of process claims are subject to a three-year statute of limitations, which period begins running when the plaintiff "knew or by the exercise of reasonable diligence should have known that he had a cause of action " (Opinion 3, *citing Whitfield Constr Co v Bank of Tokyo Trust Co* , 338 S.C. 207, 222 n.18, 525 S.E.2d 888, 896 n.18 (Ct App. 1999) and S.C. Code Ann § 15-3-535 (2005).)

In reversing the Circuit Court's dismissal of Appellants' abuse of process claim, the Opinion first states that the paragraphs of the Second Amended Complaint the Circuit Court cites to support its finding – specifically, that Appellants knew or should have known the Medical Malpractice Action was filed for an improper purpose – "do not give any indication" as to when Appellants knew or should have known the lawsuit was for a purpose other than to redress legitimate medical injuries claimed by Casey. (Opinion 4.) The Opinion then states that even if the Second Amended Complaint does indicate that Appellants had reason to believe the Medical Malpractice Action was based on spurious allegations, the pleading "does not allege any specific point in time at which Respondents committed a willful and improper act in their use of legal process." (Opinion 4.) On these bases, the Opinion concludes that the Second Amended Complaint's allegations do not support a finding that Appellants filed their abuse of process claim more than three

years after they knew or should have known they had such a claim (Opinion 4.)

Argument and Citation of Authority

Respondents respectfully submit that, contrary to the Opinion's findings, the Second Amended Complaint does identify the dates Appellants claim Respondents' alleged improper acts constituting an abuse of process occurred, and establishes the latest date by which Appellants knew of those acts and the wrongful motives behind them [1] Because these alleged events occurred more than three years before Appellants filed their abuse of process claim, that claim is barred by the statute of limitations.

In considering whether Appellants' abuse of process claim is time-barred, it is important to identify what alleged "wrongful acts in the use of process" and what "ulterior purposes" Appellants claim constitute an abuse of process by Respondents.[2] It is also useful to reference the holdings in *Food Lion, Inc v United Food & Commercial Workers Intern Union*, 351 S.C. 65, 71 n.3, 567 S.E.2d 251, 254 n.3 (Ct. App. 2002) (explaining that "the willful act requirement is not limited to those abusive acts occurring *after* process has issued, but includes coercive or extortionate acts that *cause* process to issue in the first instance"), and *Huggins v Winn–Dixie Greenville, Inc* , 249 S.C. 206, 209, 153 S.E.2d 693, 694 (1967) (holding that the filing and prosecution of a legal

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[1] Respondents continue to deny that Appellants' Second Amended Complaint asserts an actionable claim for abuse of process. Respondents expressly reserve their right to move again to dismiss this cause of action, if this Court declines to grant this Petition and remands the case to the Circuit Court.

[2] Respondents identify Appellants' alleged "wrongful acts in the use of process" and "ulterior purpose" claim elements, as same are pled by Appellants, for the exclusive purpose of aiding the Court's analysis of the application of the statute of limitations to Appellants' abuse of process claim. Respondents deny that Appellants have properly or sufficiently alleged the required elements of an abuse of process claim as to Respondents.

proceeding can constitute abuse of process if the defendant has engaged in willful and improper coercive acts before the issuance of process, which "taint" the entire proceeding) This is because, as detailed below, the Second Amended Complaint alleges that beginning in 2004 and continuing through 2006, Respondents engaged in willful and improper acts that culminated in the filing of and tainted with impropriety the entire Medical Malpractice Action – in other words, Appellants contend that the Medical Malpractice Action itself was an abuse of process, such that the filing that suit in 2006 was an improper act triggering Appellants' abuse of process claim. *See Food Lion*, 351 S.C. at 71 n 3, 567 S.E.2d at 254 n 3, *see also Huggins*, 249 S.C. at 209, 153 S.E.2d at 694 The Second Amended Complaint also contains allegations that definitely prove that Appellants knew or should have known that they had a cause of action against Respondents for this alleged abuse of process when the Medical Malpractice Action was filed in 2006, or, at the latest, by February 15, 2007.

Appellants have pled throughout the Second Amended Complaint that Respondents' act of filing the Medical Malpractice Action was an improper act forming the basis of their abuse of process claim, because that lawsuit was tainted from its inception by and based on Fogarty's allegedly "bogus" medical opinions as to Casey's injures. Appellants also allege that the suit was motivated and tainted by Casey's seeking and improperly requesting unnecessary prescription narcotics, and by Thompson's desire to obtain unwarranted disability benefits for his client. Thus, according to the Second Amended Complaint, Respondents brought the Medical Malpractice Action not to seek redress for injuries Casey sustained as a result of Appellants' substandard care, but rather for other purposes, *i e* , seeking drugs (Casey), harming a competitor (Fogarty), and

seeking disability benefits for an uninjured client (Thompson). Appellants' allegations thus track those asserted in *Huggins*, in which the South Carolina Supreme Court held that the entire "process" of a shoplifting arrest and prosecution based on the theft of two hams was an alleged abuse of process, because it resulted from the store manager's pre-arrest effort to coerce the plaintiff into paying money for other merchandise the manager felt the plaintiff had previously taken. *See Huggins*, 249 S.C. at 209, 153 S.E.2d at 694. Specifically in this case, Appellants allege as follows:

In 2004, Casey sought from Appellants pain medications and support for his disability claims. (R. at 29, ¶ 56.) Appellants determined that Casey's requests "were not medically supported," and therefore denied those requests. (R. at 29, ¶ 56.)

In 2004 and 2005, Fogarty developed a medically unfounded theory that Casey had suffered a "permanent brain injury" as a result of Appellants' treatment of Casey. (R. at 24, ¶ 18, R. at 28, ¶ 48; R. at 29, ¶ 58, R. at 31, ¶ 76.) Fogarty's intent in creating this "scheme" was to help Casey obtain disability benefits, and, most significantly, to injure Appellants by damaging their reputation and embroiling them in protracted litigation defending against the medically unfounded brain injury theory. (R. at 25, ¶ 27; R. at 27, ¶¶ 37 and 38; R. at 35, ¶ 108.) Injuring Appellants in litigation with his "baseless permanent injury fabrications" remained Fogarty's intent "leading up to and during" the malpractice action. (R. at 27, ¶ 38.)

Like Fogarty, Casey knew he had not suffered a brain injury as a result of Appellants' medical treatment; but Casey wanted to obtain narcotics and disability benefits, and therefore willingly advanced Fogarty's brain injury theory in a lawsuit against Appellants. (R. at 31, ¶¶ 72, 75; R at 35, ¶¶ 105-106.) Thompson also wished to

litigate Fogarty's brain injury theory against Appellants to develop support for Casey's otherwise groundless claim for disability benefits, which had been denied. (R. at 32, ¶¶ 77-79; R. at 35, ¶¶ 110-112.)

Fogarty, Casey, and Thompson therefore worked together to implement this baseless brain injury scheme, which was developed and intended solely for purposes of a medical malpractice action against Appellants. (R. at 29, ¶ 51; R. at 31, ¶ 76; R. at 35, ¶ 105) To advance this scheme, Fogarty prominently published his brain injury theory and other allegations of malpractice against Appellants in Casey's medical records on July 21, 2005. (R. at 25, ¶ 28; R at 26, ¶ 36.) These records were then published to Casey's disability carrier, Aetna, in relation to Casey's disability application, which application Aetna denied in 2006. (R. at 32, ¶¶ 79-81) Fogarty's theory also formed the basis of the Medical Malpractice Action, which Fogarty caused to be filed in 2006, and in which Casey alleged that he had suffered a disabling brain injury because of Appellants' treatment (R. at 23, ¶¶ 4-5; R. at 35, ¶¶ 104-108.)

Respondents' "misuse of the legal process" by filing and maintaining the baseless Medical Malpractice Action damaged Appellants by harming their reputations and causing them pecuniary and emotional damage. (R. at 37, ¶ 115.) Further, the "publicizing" of Fogarty's permanent brain injury theory within Respondents' "destructive scheme" created such "tremendous pressure" in Appellants' lives that they dismissed their pending lawsuit against Fogarty, *S Carolina Pharmaceutical Research v Charles M Fogarty, M D* , Spartanburg County Court of Common Pleas, Case No. 2005-

CP-42-1085 ("*S Carolina*").[3] (R. at 25, ¶ 29) Appellants dismissed *S Carolina* on February 15, 2007. (See Stipulation of Dismissal with Prejudice, attached as Exhibit "A".)[4]

For the Court's convenience, the following chart reflects the alleged facts discussed above:

Date	Alleged Event	Record Citation
2004	Appellants deny Casey's requests for pain medication and support for disability claim on grounds that same are "not medically supported"	R. at 29, ¶ 56
2004	Fogarty begins working with Casey to "help" him after Appellants refused to prescribe Casey narcotics or support his disability claim.	R at 24, ¶ 18 R. at 28, ¶ 48 R. at 29, ¶ 58 R. at 31, ¶ 76
	Fogarty "helps" Casey by using his "permanent brain injury" in Casey's attempt to obtain disability "and the medical malpractice case."	R. at 31, ¶ 76

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[3] In *S Carolina*, Appellants and Fogarty were represented by the same counsel of record as in the present suit

[4] Respondents ask the Court to take appellate judicial notice of the date Appellants dismissed *S Carolina Pharmaceutical Research v Charles M Fogarty, M D*, Spartanburg County Court of Common Pleas, Case No. 2005-CP-42-1085 A true and accurate copy of the Stipulation of Dismissal with Prejudice filed in that case on February 15, 2007, is attached. A fact is subject to judicial notice if "its accuracy is capable of verification by reference to readily available sources of indisputable reliability." *Masters v Rodgers Dev Group*, 283 S C 251, 255, 321 S.E. 2d 194, 196 (Ct. App. 1984), *Eadie v H A Sack Co*, 322 S.C. 164, 172, 470 S.E.2d 397, 401 (Ct. App 1996) Appellate courts may take original judicial notice of adjudicative facts that are outside the record as to "matters which are indisputable." *Masters*, 283 S.C. at 256, 321 S E 2d at 197; *Wise v Wise*, 394 S.C. 591, 600, 716 S.E.2d. 117, 122 ("an appellate court can take judicial notice of something that was not before the trial court if it is indisputable"). The fact that the Stipulation of Dismissal with Prejudice of the *S Carolina* case was signed by the parties to that action and filed on February 15, 2007, is indisputable, and therefore is a fact of which this Court can take appellate judicial notice.

During *S Carolina* (2005 – 2-15-07)	Fogarty's intent in "masterminding" his permanent brain injury theory is to injure Appellants by damaging their reputation and "bogging them down for years in the protracted litigation defending against his scheme."	R. at 25, ¶ 27 R at 27, ¶¶ 37-38
	Casey's intent in basing a lawsuit on Fogarty's brain injury theory is to obtain prescription medication and support for his disability application.	R. at 31, ¶¶ 75-76 R. at 35, ¶¶ 104-107
	Thompson's intent in suing Appellants based on Fogarty's brain is to obtain disability benefits for Casey.	R. at 31-32, ¶¶ 75-78 R at 36, ¶¶ 111-112
	Fogarty, Thompson, and Casey work to implement Fogarty's brain injury scheme, which "was simply developed for the purpose of the [Medical Malpractice Action] and not for any treatment or medical purpose."	R. at 29, ¶ 51 R. at 31, ¶ 76 R. at 35, ¶ 105
07-21-05	Fogarty "publishe[s]" his permanent brain injury theory in Casey's medical records.	R at 25, ¶ 28 R at 26, ¶ 36
	Fogarty's intent in "publishing and disseminating fraudulent theories of injury" of Casey is to "materially prolong[]" litigation by Appellants to defend those theories, and damage them economically.	R. at 35, ¶ 108 R. at 36, ¶ 109
2006	Casey's medical records containing Fogarty's theory are published to Aetna, in relation to Casey's disability application, Aetna rejects claim and declares permanent brain injury theory is unsupported by objective evidence.	R. at 32, ¶¶ 80, 81
2006	Fogarty initiate[s] Medical Malpractice Action, which alleges that Casey suffered a permanent brain injury because of Appellants' treatment	R. at 23, ¶¶ 4, 5 R. at 35, ¶ 108
S Carolina dismissal (02-15-07)	Because of "the tremendous pressure created in [Appellants'] lives by the publicizing of the baseless allegations of a 'permanent brain injury' within the destructive scheme," Appellants dismiss *S Carolina.*	R. at 25, ¶ 29
10-27-10	Appellants file claim for abuse of process.	R. App. at 2

The Second Amended Complaint thus shows that when the Medical Malpractice Action was filed in 2006, Appellants had knowledge of, or by the exercise of reasonable

diligence could have discovered, both of the elements forming their abuse of process claim against Respondents. Appellants allege that the "willful act" constituting an abuse of process in the Medical Malpractice Action was the filing of that suit, based on Fogarty's having already developed, prominently published, and implemented his "destructive scheme" along with Thompson and Casey, while serving as Casey's treating physician. Since Appellants already had determined in 2004 that Casey had not suffered a medical injury that would warrant prescription drugs or support for a disability claim, Appellants knew they had been damaged as soon as the Medical Malpractice Action was filed against them in 2006. Even if Appellants lacked this actual knowledge when the suit was filed against them, the institution of that action certainly put Appellants on notice that their rights had been violated, and that they should timely investigate a potential claim. Further, since Respondents' alleged improper conduct in formulating and implementing the bogus brain injury theory already had occurred when the Medical Malpractice Action was filed, all necessary facts supporting Appellants' abuse of process claim were easily discoverable through usual avenues of discovery, including subpoenas for medical records and document requests Appellants' allegations thus show that when the Medical Malpractice Action was filed in 2006, the discovery rule started the three year statute of limitations running on Appellants' claim for abuse of process.

Significantly, even if the actual filing of the Medical Malpractice Action did not put Appellants on notice of their claim that the suit constituted an abuse of process, the allegations of the Second Amended Complaint show that Appellants had actual knowledge of their having been damaged by Respondents' scheme to injure Appellants by litigating Fogarty's baseless brain injury theory no later than February 2007 – more

than three years before Appellants filed suit for abuse of process in October 2010. This is because paragraph 29 of the pleading states that Appellants dismissed their *S Carolina* case "due to the tremendous pressure created in their lives by the publicizing of the baseless allegations of a 'permanent brain injury' within the destructive scheme." (R. at 25, ¶ 29) Even if Appellants were not aware that Respondents had filed suit against them for a wrongful purpose unrelated to medical injuries suffered by Casey when the Medical Malpractice Action was filed in 2006, Appellants were aware of this no later than February 15, 2007. (*See* R. at 25, ¶ 29.) This is because Appellants directly allege that the "publicizing of the baseless allegations within the destructive scheme" was the reason they dismissed the *S Carolina* suit. (R. at 25, ¶ 29.)

These allegations concerning *S Carolina* fully support a finding that the three-year statute of limitations on Appellants' abuse of process claim began running, at the latest, in February 2007, and that Appellants' claim is time barred. At the very least, Appellants' pleadings demonstrate that as of February 2007, the circumstances alleged by Appellants concerning Respondents' "destructive scheme" and its impact on Appellants "would put a person of common knowledge and experience on notice that some right of his has been invaded, or that some claim against another party might exist," *see Young v South Carolina Dep't of Corrections*, 333 S.C. 714, 719, 511 S.E.2d 413, 416 (Ct. App. 1999), such that the discovery rule applies to bar Appellants' abuse of process claim.

For these reasons, Respondents respectfully request that this Court grant its Petition and rehear this appeal as to the propriety of the dismissal of Appellants' abuse of process claim based on the statute of limitations

Fogarty's Request for Alteration of Factual Recitation

The Opinion's "Facts/Procedural History" recitation includes the following statements:

> According to the complaint, Fogarty was another pulmonologist who had ended a business relationship with Feldman on hostile terms and surreptitiously treated Casey while the malpractice action was pending. *The treatment allegedly included arranging for Casey to obtain an MRI under a fictitious name and date of birth*

(Opinion 2.)

Respondent Fogarty respectfully submits that the italicized sentence is not supported by the allegations of the Second Amended Complaint, which do not allege that Fogarty's treatment of Casey involved his arranging for Casey to obtain an MRI, and do not allege that Fogarty was involved in arranging for Casey to obtain the subject MRI (*See* R. at 32-23, ¶¶ 84-87.) Fogarty respectfully requests that the Court revise or alter this italicized sentence to summarize accurately Appellants' alleged facts concerning the subject MRI Specifically, Fogarty asks that the Court's factual recitation accurately reflect that Appellants have not alleged that Fogarty's treatment of Casey involved Fogarty's arranging for Casey to obtain an MRI, and have not alleged that Fogarty otherwise had knowledge or of involvement with Casey's obtaining an MRI.

Conclusion

Because the allegations of Second Amended Complaint show that the statute of limitations on Appellants' abuse of process claim expired more than three years before Appellants filed such claim, and because the Opinion indicates that the Court may have overlooked or misapprehended those allegations, Respondents respectfully request that

this Court rehear this appeal on that issue Further, Respondent Fogarty respectfully asks the Court to revise its factual findings to accurately reflect his lack of involvement in ordering or arranging for Casey to receive an MRI.

July 14, 2014

Respectfully Submitted,

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EXHIBIT A

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF SPARTANBURG)	
)	C.A. No.: 2005-CP-42-1085
S. Carolina Pharmaceutical Research, Inc.,)	
)	
Plaintiff,)	**STIPULATION OF DISMISSAL WITH PREJUDICE**
)	
vs.)	
)	
Charles M. Fogarty, M.D,)	
)	
Defendant.)	
)	

The parties hereby stipulate to the dismissal with prejudice of all of Plaintiff's and Defendant's claims which were ever asserted in this action and any other claims which could have been asserted in this action, including but not limited to those claims asserted in Defendant's proposed counterclaim for attorney's fees and costs.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2007 FEB 15 PM 2:52
MARC KITCHENS

WE SO STIPULATE:

F. Milton Mann, Jr.
Attorney for Plaintiff

2/15/07
(Date Signed)

Ellen S. Cheek
Attorney for Defendant

2/15/07
(Date Signed)

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED
JUL 15 2014
SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Letitia H. Verdin, Circuit Court Judge

Case No. 2010-CP-5743

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD,
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Devendra Shantha, MD,..... .. ..Appellants,

v.

William Mark Casey, Ray E. ("Chuck") Thompson,
and Charles M. Fogarty,..... . .. . Respondents.

PROOF OF SERVICE

I certify that I have served the *Respondents' Petition for Rehearing* upon Gregory J. Feldman, MD, Joseph A Boscia, III, MD, Upstate Lung & Critical Care Specialists, PC, and Devendra Shantha, MD, via UPS overnight, on July 14, 2014, addressed to their attorney of record, F. Milton Mann, Jr , Esquire, at his office at 151 Harold Fleming Court, Spartanburg, South Carolina, 29303

Additionally, I hereby certify that I have served the *Respondents' Petition for Rehearing* upon co-respondents, William Mark Casey and Ray E. ("Chuck") Thompson, by depositing a copy of it in the United States Mail, postage prepaid, on July 14, 2014, addressed to their attorneys, Joe Mooneyham, Esquire, PO Box 8359, Greenville, South

Carolina, 29604, and Matthew H. Henrikson, Esquire, 1164 Woodruff Road, Greenville, South Carolina, 29607, respectively.

July 14, 2014

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July 14, 2014

VIA UPS
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: ***Gregory J. Feldman, MD, Joseph A. Boscia III, MD, Upstate Lung and Critical Care Specialists PC, and Devendra T. Shantha, MD v. William Mark Casey, Ray E. "Chuck" Thompson and Charles M. Fogarty, MD***
In the Court of Common Pleas for Spartanburg County
C. A. No. 2010-CP-42-5743
Appellate Case No. 2012-212867

Dear Ms. Kitchings:

Per Appellate Court Rule 221(a), enclosed for filing is an original and six copies of Respondents' *Petition for Rehearing* Please file the original in accordance with your usual procedure and return a filed-stamped copy to me in the enclosed, postage-prepaid envelope. Also enclosed is our firm check in the amount of $25.00 for the costs of filing.

Sincerely,

Ellen S. Cheek
echeek@wilkeslaw.com

ESC/jjs
Enclosures
cc (Via U.S. Mail): All counsel of record