

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

RECEIVED

JUL 30 2014

Robert E. Hood, Circuit Court Judge

S.C. Supreme Court

Case No. 2012-CP-40-4129
Appellate Case No. 2013-002802

Anonymous Surgeon.....Appellant,

v.

Matthew T. Siedhoff, M.D.....Respondent.

RESPONDENT’S MOTION TO DISMISS APPEAL

Respondent respectfully moves this Court for an order dismissing this appeal because the Anonymous Surgeon (hereafter “Decedent”) is deceased and, therefore, cannot be a party to this action. The personal representative for the Decedent’s estate is the proper party to this appeal.¹ The Decedent died more than one year ago, but an estate has yet to be opened and a personal representative has yet to be named. Therefore, this Court should dismiss this appeal.

¹ By filing this motion, Respondent does not waive his right to argue that Decedent’s cause of action did not survive her death, as it is Respondent’s position that this Court should uphold the trial court’s ruling that Decedent’s cause of action was extinguished upon her death. Decedent’s personal representative, however, is the only party capable of appealing the trial court’s order.

I. Procedural History

This action stems from an external peer review of Decedent conducted by Respondent at the request of Palmetto Health Baptist Hospital, where Decedent held surgical privileges. Am. Compl. ¶ 1. Respondent, a surgeon at UNC Healthcare in Chapel Hill, North Carolina, wrote a report of his opinions regarding his review of Decedent's cases. *Id.* ¶ 2. Decedent alleged that the report contains "false and libelous statements" about Decedent. *Id.* ¶ 13. On June 13, 2012, Decedent filed an action against Respondent for libel per se and civil conspiracy. *Id.* ¶ 12-17.

Respondent filed a motion to dismiss both causes of action. On April 30, 2103, the trial court partially granted Respondent's motion, dismissing the civil conspiracy claim, leaving the libel claim as the sole cause of action. The parties were beginning to engage in written discovery when the Decedent died.²

Respondent then filed a Motion for Summary Judgment contending the libel claim did not survive Decedent's death as a matter of law. On November 12, 2013, the trial court issued an order granting summary judgment in favor of the Respondent. On December 19, 2013, Decedent's attorney filed a Notice of Appeal.³

II. Argument

This Court should dismiss this appeal because the Decedent is deceased and is no longer a legal entity with the capacity to pursue an appeal. "It is well settled that '[a] dead

² A copy of the death certificate is attached hereto as **Exhibit A**. Decedent's name and Social Security number have been redacted to conform with Decedent's efforts prior to her death to keep her name confidential.

³ Decedent's attorney filed the Notice of Appeal in the Court of Appeals but moved this Court to certify the appeal pursuant to Rule 204(b), SCACR. On February 6, 2014, this Court granted the motion and accepted the case.

[person] cannot be a party to an action, and any such attempted proceeding is completely void and of no effect.” *Montanya v. McGonegal*, 757 A.2d 947, 950 (Pa. Super. Ct. 2000) (quoting *Valentin v. Cartegena*, 544 A.2d 1028, 1029 (Pa. Super. Ct. 1988)).

The South Carolina Probate Code instructs that the personal representative of the Decedent’s estate would be the proper party to continue litigating this case. “Except as to proceedings which do not survive the death of the decedent, a personal representative of a decedent domiciled in this State at his death has the same standing to sue and be sued in the courts of this State and the courts of any other jurisdiction as his decedent had immediately prior to death.” S.C. Code Ann. § 62-3-703(c).⁴ Additionally, a “legal proceeding pending on the date of a decedent’s death in which the decedent was a necessary party shall be suspended until a personal representative is appointed to administer the decedent’s estate, unless a court otherwise orders.” S.C. Code Ann. § 62-3-804(7)(a).⁵

Decedent no longer has the capacity to litigate this case. Decedent’s husband and attorney has failed to notify this Court or the court below of Decedent’s death, file a motion to substitute parties, or seek to probate her estate despite the passing of more than a year.⁶ Decedent’s attorney cannot simply continue the case in Decedent’s name. Under South Carolina law, the personal representative of Decedent’s estate is the proper person to make

⁴ The language of this section is the same before and after the 2013 Amendments to the South Carolina Probate Code.

⁵ Although the procedure outlined in this section was added as part of the 2013 Amendments to the Probate Code, it simply codifies the practical implications of the personal representative acquiring standing over the action pursuant to § 62-3-703(c).

⁶ A certified copy of Decedent’s probate file is attached as **Exhibit B**. Decedent’s name has been redacted to conform with Decedent’s efforts prior to her death to keep her name confidential. A Special Administrator has been appointed for the limited purpose of enforcing a “creditor’s security interest upon property of the Estate or to institute proceedings to establish the Decedent’s liability to the extent of the limits of insurance protection only.” A personal representative to probate the estate has not been appointed.

the determination as to whether pursuing this appeal is in the best interest of the estate and its beneficiaries.

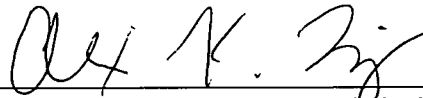
The first action taken by the trial court following the Decedent's death was to dispose of the case on summary judgment. Following that ruling, the Decedent's Estate did not move to substitute itself as the real party in interest or as the appellant. Accordingly, it would be improper for this appeal to proceed when the "Appellant" is deceased and thus lacks the capacity to sue.

III. Conclusion

Because Decedent is no longer living, this appeal is brought in the name of an improper party. Accordingly, Respondent respectfully moves for this Court to dismiss this appeal. Further, Respondent respectfully requests that the deadline for his initial brief be tolled until such time as the Court rules on this motion.

Respectfully submitted,

SOWELL GRAY STEPP & LAFFITTE, LLC



Elizabeth Van Doren Gray, S.C. Bar No. 2434
Alexis K. Lindsay, S.C. Bar No. 78049
1310 Gadsden Street (29201)
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Respondent

July 30, 2014
Columbia, South Carolina

STATE OF SOUTH CAROLINA
CERTIFICATION OF VITAL RECORD

DEATH CERTIFICATION

STATE FILE NUMBER : 139-13-022008

DECEDENT'S NAME: [REDACTED]

SEX: FEMALE

AKA's: NA

SOCIAL SECURITY NUMBER: [REDACTED]

ARMED FORCES: NO

DATE OF BIRTH: JULY 15, 1956

AGE: 56 YEARS

TYPE OF PLACE OF DEATH: HOSPITAL- INPATIENT

COUNTY OF DEATH: LEXINGTON

NAME AND ADDRESS OF PLACE OF DEATH: LEXINGTON MEDICAL CENTER, WEST COLUMBIA, SC 29169

PLACE OF DISPOSITION: CAUGHMAN HARMAN CREMATORY

DISPOSITION LOCATION: LEXINGTON, SOUTH CAROLINA

METHOD OF DISPOSITION: CREMATION

DECEDENT'S RESIDENCE: 222 TURTLE TRAIL, LEESVILLE, LEXINGTON COUNTY, SC, 29070

PLACE OF BIRTH: CALIFORNIA

MARITAL STATUS: MARRIED

SURVIVING SPOUSE'S NAME: AARON J KOZLOSKI

FATHER'S NAME: WILLIAM L KEESHAN

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: SYBIL JANE COOK

RELATIONSHIP: HUSBAND

INFORMANT'S NAME: AARON J KOZLOSKI

MAILING ADDRESS: 222 TURTLE TRAIL, LEESVILLE, SC, 29070

FUNERAL HOME: CAUGHMAN-HARMAN FUNERAL HOME - LEXINGTON, 503 NORTH LAKE DR., LEXINGTON, SC, 29072

FUNERAL DIRECTOR: KEVIN B. SHARPE

LICENSE NUMBER: 3154

EMBALMER'S NAME: NA

LICENSE NUMBER: NA

ACTUAL OR PRESUMED DATE OF DEATH: JUNE 25, 2013

MANNER OF DEATH: NATURAL

ACTUAL OR PRESUMED TIME OF DEATH: 1900

CAUSE OF DEATH - PART I

ACUTE RENAL FAILURE

ACUTE RESPIRATORY FAILURE

SYSTEMIC INFLAMMATORY RESPONSE SYNDROME

SEVERE ANOXIA

OTHER SIGNIFICANT CONDITIONS - PART II:

NA

CORONER CONTACTED? YES

AUTOPSY PERFORMED? NO

AUTOPSY AVAILABLE? NA

DATE OF INJURY: NA

TIME OF INJURY: NA

INJURY AT WORK? NA

PLACE OF INJURY: NA

LOCATION OF INJURY: NA

HOW THE INJURY OCCURRED?

NA

CERTIFIER NAME AND TITLE: MD STEPHEN L. WATKINS

LICENSE NUMBER: 11377

CERTIFIER'S ADDRESS: 2720 SUNSET BLVD, WEST COLUMBIA, SC, 29169

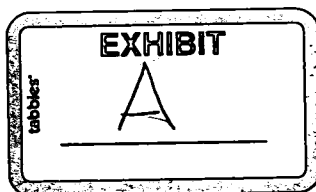
DATE FILED: JUNE 28, 2013

DATE OF ISSUANCE: AUGUST 12, 2013

SPECIAL INSTRUCTIONS:

NA

SC03112957



This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

Catherine Templeton
Catherine Templeton
Director and State Registrar

Guang Zhao
Guang Zhao
Assistant State Registrar

This copy is not valid unless prepared on an engraved border displaying the state seal and issuing agency logo.

Revision Date: 03/21/2012



STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF LEXINGTON)

APPLICATION/PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

IN THE MATTER OF:)

(Decedent))

CASE NUMBER: 2014-ES-32-00819

***COMPLETE THIS SECTION ONLY IF FILING PETITION FOR SPECIAL ADMINISTRATOR**

*
Petitioner(s) vs.
*
Respondent(s)

FILED

INFORMAL

***FORMAL**

JUN 24 2014

Appointment of a Special Administrator is requested:

PROBATE JUDGE
LEXINGTON COUNTY, S.C. *de*

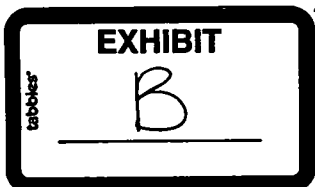
INFORMAL PROCEEDING:

- to protect the Estate of Decedent prior to the appointment of a general Personal Representative.
- to safeguard Estate assets until a Successor Personal Representative is appointed due to the death or disability of _____, the previously appointed Personal Representative.
- to enforce a creditor's security interest upon property of the Estate or to institute proceedings to establish the Decedent's liability to the extent of the limits of insurance protection only.
- to take appropriate actions involving Estate assets, specifically: _____.
- to obtain medical, tax, or other confidential records, specifically: _____.
- to gain access to and take possession of any Wills, deeds to cemetery plots, and insurance policies, or other Estate related documents in Decedent's safe deposit box located at: _____.
- Other: _____.

FORMAL PROCEEDING:

- Appointment of a Special Administrator is requested to preserve the Estate and to secure the Estate and to secure the Estate's proper administration because: _____.
- Other: _____.

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO A PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**



A TRUE COPY:

ATTEST:

[Signature]
Probate Judge, Lexington County, S. C.

P A I D

\$25.00 6-24-14 ddc

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statements are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this 13th day of JUNE, 2014
[Signature]
Notary Public for South Carolina
My Commission Expires: 8/20/2020

Signature: [Signature]
Print Name: RONALD B. COX, ESQUIRE
Address: 8910 TWO NOTCH ROAD, STE 400
COLUMBIA, SC 2923
Telephone (Work): (803) 834-7097
(Home): _____
(Cell): _____
Email: RCOX@PROFFITTCOX.COM
Relationship to Decedent/Estate: ATTORNEY FOR CREDITOR (SEE ATTACHED)

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on this matter be set for:

DATE: _____
TIME: _____
PLACE: _____

Pursuant to SCPC 62-1-401, Petitioner is ordered to give notice of this hearing to all interested persons at least twenty (20) days prior to the hearing date.

Executed this _____ day of _____, 20____

_____, Probate Court Judge

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above application/petition for appointment of Special Administrator in the above estate be GRANTED DENIED as follows:

RESTRICTIONS: TO ENFORCE A CREDITOR'S SECURITY INTEREST UPON PROPERTY OF THE ESTATE OR TO INSTITUTE PROCEEDINGS TO ESTABLISH THE DECEDENT'S LIABILITY TO THE EXTENT OF THE LIMITS OF INSURANCE PROTECTION ONLY.
Executed this 24th day of June, 2014.

[Signature]
DANIEL R. ECKSTROM, Probate Court Judge

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept appointment and agree to perform the duties and discharge the trust of the office of Special Administrator of the foregoing Estate and submit to the jurisdiction of the Court in this matter.

Signature: 
Print Name: MICHAEL J. POLK, ESQUIRE
Address: PO BOX 96
COLUMBIA, SC 29202
Telephone (Work): (803) 929-0096
(Home): _____
(Cell): _____
Email: MIKE@BELSERPA.COM

Attorney: _____
Address: _____
Telephone: _____
Email: _____



PROMOTE PROTECT PROSPER

South Carolina Department of Health
and Environmental Control

DATE : JUN 10, 2014

RE :

FILE NO :

TO WHOM IT MAY CONCERN:

According to the death records on file with the Division of Vital Records, Public Health Statistics and Information Services, _____, died on JUN 25, 2013 in LEXINGTON County, South Carolina.

Barbara Derrick

Assistant State Registrar

South Carolina Department of Health and
Environmental Control

FILED

JUN 24 2014

PROBATE JUDGE
LEXINGTON COUNTY, S.C.

MICROFILMED-LEXINGTON COUNTY

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

IN THE MATTER OF

(Decedent)

)
)
)
)
)
)

IN THE PROBATE COURT
FIDUCIARY LETTERS

CASE NUMBER: 2014ES3200819

- PERSONAL REPRESENTATIVE
- SUCCESSOR PERSONAL REPRESENTATIVE
- SPECIAL ADMINISTRATOR

On the 24th day of June 2014 MICHAEL J. POLK

was/were appointed and qualified as Fiduciary(ies) of the above matter by this court, with all the authority granted to a fiduciary by law


NOW, THEREFORE, LETTERS are issued, as evidence of such appointment, qualification, and authority of the above fiduciary(ies) to do and perform all acts which may be authorized by law.

RESTRICTIONS:

TO ENFORCE A CREDITOR'S SECURITY INTEREST UPON PROPERTY OF THE ESTATE OR TO INSTITUTE PROCEEDINGS TO ESTABLISH THE DECEDENT'S LIABILITY TO THE EXTENT OF THE LIMITS OF INSURANCE PROTECTION ONLY.

Executed this 24th day of June 2014

**A TRUE COPY:
ATTEST**



Probate Judge, Lexington County, S. C.



DANIEL R. ECKSTROM, PROBATE JUDGE



LEXINGTON COUNTY PROBATE COURT

Lexington County Judicial Center
205 East Main Street, Suite 134
Lexington, SC 29072
(803) 785-8324

DANIEL R. ECKSTROM
Judge

JULIE H. THOMPSON
Associate Judge

MEMORANDUM FOR ESTATE OF
CASE NO.: 2014-ES-32-00819

TO: RONALD B. COX, ESQUIRE (VIA FAX + US MAIL)
8910 TWO NOTCH ROAD, SUITE 400
COLUMBIA, SC 29223

Mr. Cox:

Enclosed is a copy of the Order for Appointment of Special Administrator in the above matter. Also enclosed are five Certificates of Appointment. The appointment will remain open for one year. Please forward a Death Certificate for our file.

Also enclosed is your Receipt for the filing fee. Thank you.

Donna D. Corley
Estate Clerk II
Date: June 24, 2014

A TRUE COPY
ATTEST

Probate Judge, Lexington County, S. C.



LEXINGTON COUNTY PROBATE COURT

Lexington County Judicial Center
205 East Main Street, Suite 134
Lexington, SC 29072
(803) 785-8324

DANIEL R. ECKSTROM
Judge

JULIE H. THOMPSON
Associate Judge

Date: June 27, 2014

Creditor: Orson Ravenell

To: Willie F. Bradley, Jr., Attorney

From: Rebecca O. Looby, Estate Clerk *RL*

Re: STATEMENT OF CREDITOR'S CLAIM
Estate of _____
Case No: 2014-ES-32-00819

The enclosed Statement of Creditor's Claim dated 6-25-14, and presented on 6-25-14, is being returned for the following reason:

There is presently no record of this estate in the probate court. (Note: If an estate has not been opened forty-five days after the decedent's death, any creditor would have priority to be appointed personal representative under the probate code.)

The estate was closed on _____. As provided by State law, any claim which arose before the decedent's death is barred unless presented within the earlier of one year after the decedent's death or eight months after the first publication of notice to creditors.

According to probate court records, all personal property belonging to the decedent was collected by a successor to the decedent and disbursed pursuant to small estate proceedings as provided in S.C. Code §62-3-1201. A copy of the Affidavit for Collection of Personal Property Pursuant to Small Estate Proceedings is enclosed.

Based on all matters of record the claim was not filed within the time required by the South Carolina Probate Code. If there are matters not presently in the record that you believe would demonstrate your claim is not barred by statute you may petition the Probate Court to have the matter heard. Any such petition must be accompanied by a \$150.00 filing fee payable to "County of Lexington."

Other A general Personal Representative has not been appointed for this estate. A creditor may petition to be appointed as Personal Representative per S.C. Code Ann. Section 62-3-203(a)(6). You may file a claim along with a Petition for Appointment per S.C. Code Ann. Section 62-3-804(1)(b).

Enclosure:

cc:

A TRUE COPY
ATTEST:

[Signature]

Probate Judge, Lexington County, S. C.

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

IN THE MATTER OF:

(Decedent)

IN THE PROBATE COURT

STATEMENT OF CREDITOR'S CLAIM

CASE NUMBER: 2014ES3200819

Decedent's Date of Death (if known): JUNE 25, 2013

Decedent's Last Mailing Address: 222 TURTLE TRAIL LEESVILLE, SOUTH CAROLINA 29070

Creditor:	ORSON RAVENELL
Address:	487 BEAUMONT PARK CIRCLE BLYTHEWOOD, SOUTH CAROLINA 29016
Telephone:	(803) 391-9432
Email:	ORAVENELL@HOTMAIL.COM
Original Creditor:	FIRST CITIZENS BANK AND TRUST COMPANY, INC.
Address (if different from above)	
Claim Amount Due:	\$175,000.00
Account Number:	
Other Reference Number:	CASE NO.: 2013-CP-32-03750
Basis of claim (Ex: Contract, Services Rendered for decendent, etc):	CONTRIBUTION AND EQUITABLE INDEMNIFICATION
Date claim will become due (if not already due)	JUNE 25, 2013.
Nature of uncertainty as to the claim, if any (i.e. contingent claim, amount of claim, due date):	THE CLAIM ARISES OUT OF A COLLECTION ON GUARANTEES AND ON AN EQUIPMENT LEASE INITIATED BY FIRST CITIZENS BANK AGAINST DR. _____'S FORMER MEDICAL PARTNERS, DR. MAHMOUD I. MOSTAFA AND DR. ORSON RAVENELL. DR. MOSTAFA FILED A THIRD-PARTY COMPLAINT AGAINST DR. _____'S ESTATE SEEKING EQUITABLE INDEMNIFICATION. DR. _____'S ESTATE RECENTLY FILED A MOTION TO STRIKE THE THIRD-PARTY CLAIMS. THE MOTION HAS NOT BEEN RULED UPON AS OF THE DATE OF THIS CREDITOR'S CLAIM. THE LITIGATION IS ONGOING AS OF THE DATE OF THE FILING OF THIS CREDITOR'S CLAIM.
Description of security as to the claim, if any (Ex: Collateral for the debt)	

RECEIVED

JUN 25 2014

PROBATE

LEXINGTON COUNTY, S.C.

Signature:

Printed Name: WILLIE F. BRADLEY, JR.

Title: ATTORNEY FOR ORSON RAVENELL

Date: JUNE 25, 2014

INSTRUCTIONS: Claims MUST be filed with the Probate Court of the county in which the Decedent's Estate is under

FORM #371ES (1/2014)
62-3-104, 62-3-803, 62-3-804, 62-3-806

A TRUE COPY.

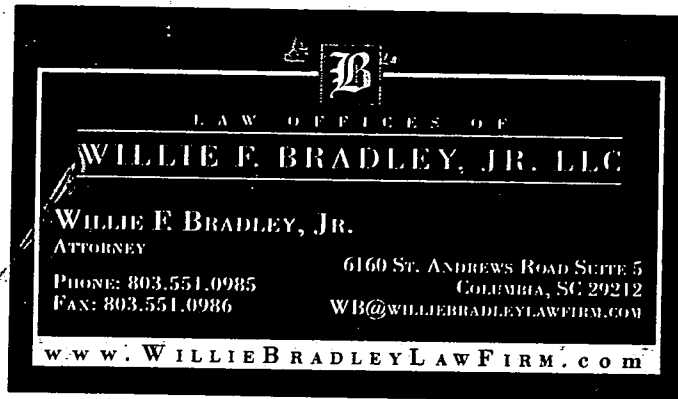
ATTEST:

Probate Judge, Lexington County, S. C.

administration : may be delivered or mailed to the fiduciar appointed to administer the Estate (see SCPC 62-3-803, 62-3-804, and 62-3-806).

No claim against a Decedent's estate may be presented or legal action commenced against a Decedent's Estate prior to the appointment of a Personal Representative to administer the Decedent's Estate (except see SCPC 62-3-804(1)(b)).

Satisfaction or withdrawal of claim **MUST** be filed once claim is resolved.





LEXINGTON COUNTY PROBATE COURT

Lexington County Judicial Center
205 East Main Street, Suite 134
Lexington, SC 29072
(803) 785-8324

DANIEL R. ECKSTROM
Judge

JULIE H. THOMPSON
Associate Judge

Date: June 27, 2014

Creditor: Mahmoud I. Mostafa

To: Kenneth A. Davis, Attorney

From: Rebecca O. Looby, Estate Clerk *rd*

Re: **STATEMENT OF CREDITOR'S CLAIM**
Estate of _____
Case No: 2014-ES-32-00819

The enclosed Statement of Creditor's Claim dated 6-24-14, and presented on 6-24-14, is being returned for the following reason:

There is presently no record of this estate in the probate court. (Note: If an estate has not been opened forty-five days after the decedent's death, any creditor would have priority to be appointed personal representative under the probate code.)

The estate was closed on _____. As provided by State law, any claim which arose before the decedent's death is barred unless presented within the earlier of one year after the decedent's death or eight months after the first publication of notice to creditors.

According to probate court records, all personal property belonging to the decedent was collected by a successor to the decedent and disbursed pursuant to small estate proceedings as provided in S.C. Code §62-3-1201. A copy of the Affidavit for Collection of Personal Property Pursuant to Small Estate Proceedings is enclosed.

Based on all matters of record the claim was not filed within the time required by the South Carolina Probate Code. If there are matters not presently in the record that you believe would demonstrate your claim is not barred by statute you may petition the Probate Court to have the matter heard. Any such petition must be accompanied by a \$150.00 filing fee payable to "County of Lexington."

Other A general Personal Representative has not been appointed for this estate. A creditor may petition to be appointed as Personal Representative per S.C. Code Ann. Section 62-3-203(a)(6). You may file a claim along with a Petition for Appointment per S.C. Code Ann. Section 62-3-804(1)(b).

Enclosure:

cc:

A TRUE COPY
ATTEST:
[Signature]

Probate Judge, Lexington County, S. C.

STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF LEXINGTON)

STATEMENT OF CREDITOR'S CLAIM

IN THE MATTER OF:)

CASE NUMBER: 2014ES3200819

(Decedent))

Decedent's Date of Death (if known): JUNE 25, 2013

Decedent's Last Mailing Address: 222 TURTLE TRAIL LEESVILLE, SOUTH CAROLINA 29070

Creditor:	MAHMOUD I. MOSTAFA
Address:	337 RIVER CLUB ROAD
	LEXINGTON, SOUTH CAROLINA 29072
Telephone:	(803) 206-9700
Email:	MAXMOSTAFA06@YAHOO.COM
Original Creditor:	FIRST CITIZENS BANK AND TRUST COMPANY, INC.
Address (if different from above)	
Claim Amount Due:	\$175,000.00
Account Number:	
Other Reference Number:	CASE NO.: 2013-CP-32-03750
Basis of claim (Ex: Contract, Services Rendered for decedent, etc):	CONTRIBUTION AND EQUITABLE INDEMNIFICATION
Date claim will become due (if not already due)	JUNE 25, 2013.
Nature of uncertainty as to the claim, if any (i.e. contingent claim, amount of claim, due date):	THE CLAIM ARISES OUT OF A COLLECTION ON GUARANTEES AND ON AN EQUIPMENT LEASE INITIATED BY FIRST CITIZENS BANK AGAINST DR. [REDACTED]'S FORMER MEDICAL PARTNERS, DR. MAHMOUD I. MOSTAFA AND DR. ORSON RAVENELL. DR. MOSTAFA FILED A THIRD-PARTY COMPLAINT AGAINST DR. [REDACTED]'S ESTATE SEEKING EQUITABLE INDEMNIFICATION. DR. [REDACTED]'S ESTATE RECENTLY FILED A MOTION TO STRIKE THE THIRD-PARTY CLAIMS. THE MOTION HAS NOT BEEN RULED UPON AS OF THE DATE OF THIS CREDITOR'S CLAIM. THE LITIGATION IS ONGOING AS OF THE DATE OF THE FILING OF THIS CREDITOR'S CLAIM.
Description of security as to the claim, if any (Ex: Collateral for the debt)	

RECEIVED

JUN 24 2014

PROBATE JUDGE

LEXINGTON COUNTY, S.C.

Signature: *Kent A. Davis*

Printed Name: KENNETH A. DAVIS

Title: ATTORNEY FOR MAHMOUD I. MOSTAFA

Date: JUNE 24, 2014

INSTRUCTIONS: Claims MUST be filed with the Probate Court of the county in which the Decedent's Estate is under

A TRUE COPY.

ATTEST:

[Signature]
Probate Judge, Lexington County, S. C.

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Satisfaction or withdrawal of claim **MUST** be filed once claim is resolved.

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Case No. 2012-CP-40-4129
Appellate Case No. 2013-002802

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S.C. Supreme Court

Anonymous Surgeon.....Appellant,

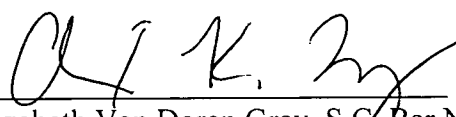
v.

Matthew T. Siedhoff, M.D.....Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Motion to Dismiss Appeal on Appellant Anonymous Surgeon by depositing a copy of it in the United States Mail, postage prepaid, on July 30, 2014, addressed to the attorney of record as addressed below:

Aaron J. Kozloski, Esquire
Capitol Counsel, LLC
Post Office Box 1996
Lexington, South Carolina 29071
Attorney for the Appellant


Elizabeth Van Doren Gray, S.C. Bar No. 2434
Alexis K. Lindsay, S.C. Bar No. 78049
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden Street (29201)
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
Attorneys for Respondent

July 30, 2014