

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

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

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**RECEIVED**

AUG 14 2014

**S.C. Supreme Court**

Anonymous Surgeon.....Appellant,

v.

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

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**RESPONDENT'S REPLY IN SUPPORT OF HIS MOTION TO DISMISS  
APPEAL AND RESPONSE TO CROSS MOTION TO SUBSTITUTE PERSONAL  
REPRESENTATIVE**

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Respondent hereby replies to Appellant's Response to the Motion to Dismiss Appeal and responds to Appellant's "Cross Motion to Substitute Personal Representative."

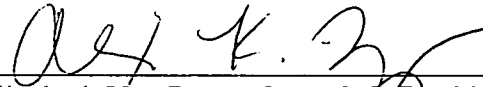
This case cannot continue as it is currently postured because the appeal is brought in the name of an improper party. The Appellant is deceased, and a deceased person cannot be a party to an action. *Montanya v. McGonegal*, 757 A.2d 947, 950 (Pa. Super. Ct. 2000). The requirement that a party be a legal entity with the capacity to pursue an appeal is fundamental and, contrary to Appellant's response, cannot be waived.

However, as Respondent stated in the opening paragraph of his Motion to Dismiss, the personal representative for the Appellant's estate is the proper party to this appeal. Accordingly, Respondent has no objection to the motion to substitute the personal

representative as the proper party to represent the Appellant's estate in this action.

Respectfully submitted,

SOWELL GRAY STEPP & LAFFITTE, LLC



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*Attorneys for Respondent*

August 14, 2014  
Columbia, South Carolina

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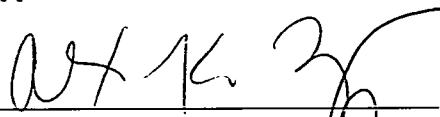
v.

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

PROOF OF SERVICE

I certify that I have served the Respondent's Reply in Support of His Motion to Dismiss Appeal and Response to Cross Motion to Substitute Personal Representative on Appellant Anonymous Surgeon by depositing a copy of it in the United States Mail, postage prepaid, on August 14, 2014, addressed to the attorney of record as addressed below:

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