

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
Medical Malpractice

Honorable Doyet A. Early, III, Circuit Court Judge

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Appellate Case No.: 2012-211924

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The Estate of Anthony Bibbs, .....Appellant

vs.

Aiken Regional Medical Centers, Incorporated .....Respondent  
Universal Health Services, Incorporated .....Respondent  
Universal Health Services Foundation .....Respondent  
Stephen Platte, M.D. ....Respondent  
Aiken Emergency Medicine Physicians .....Respondent

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NOTICE OF MOTION AND MOTION  
FOR LIMITED REMAND  
TO THE CIRCUIT COURT

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You will take notice that the Appellant in the above-mentioned appellate case number, respectfully, moves before this Honorable Appellate Court for a limited remand in this matter to the lower Circuit Court of Aiken County, South Carolina to entertain the filed Motion to Alter and Amend the Judgment pursuant to Rule 59, SCRCP, before the Honorable Circuit Court. Appellant moves for a limited remand or in the the alternative Appellant moves for dismissal without prejudice under the spirit of Rule 59, SCRCP.

As a result, the Appellant in this matter, at the request of the estate's personal representative, Irene Bibbs, requests a limited remand from the Court of Appeals of South Carolina to the Circuit Court of Aiken County, so that the properly filed Motion to Alter and Amend the Judgment pursuant to

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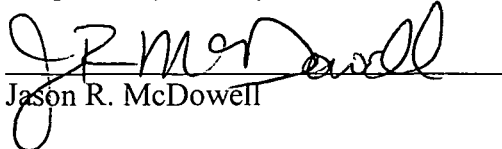
JUN 26 2012

**SC Court of Appeals**

Rule 59, SCRPC, may be heard in this matter concerning the dismissal Order, which was filed on April 23, 2012, in the Circuit Court of Aiken County. If such a limited remand is not feasible in this matter, than in the alternative, the Appellant requests a dismissal of the current appeal before the Court of Appeals without prejudice until a decision in the Rule 59, SCRPC motion before the Circuit Court is made.

Hence, Appellant, at the request of its personal representative, moves for a limited remand from this Honorable Court of Appeals of South Carolina to the Circuit Court of Aiken County, or in the alternative, the Appellant dismisses without prejudice this appellate case number until a decision is granted in the Circuit Court of Aiken County under the properly filed Motion to Alter and Amend the Judgment pursuant to Rule 59, SCRPC.

Respectfully submitted,



Jason R. McDowell

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Attorney for Appellant

June 21, 2012

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In The Court of Appeals

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Medical Malpractice

Honorable Doyet A. Early, III, Circuit Court Judge

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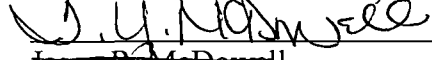
CERTIFICATE OF SERVICE

I, Taneika Y. McDowell, Legal Assistant to Jason R. McDowell, Esq., hereby certify that I placed in the United States Mail this 21<sup>st</sup> day of June, 2012, a copy of **Notice of Motion and Motion for Limited Remand to the Circuit Court**, with postage prepaid and the return address clearly shown on said envelop, to James Nance, Esquire, and George C. Beighley, Esquire, respectively, Respondents' attorney, at:

**James Nance, Esq.**  
Post Office Box 2881  
Aiken, SC 29802

**George C. Beighley, Esq.**  
Post Office Drawer 7788  
Columbia, SC 29202

THE MCDOWELL FIRM, LLC

  
~~Jason R. McDowell~~  
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Attorney for Appellant

June 21, 2012