

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

SEP 30 2014

SC Court of Appeals

173715

Appeal from Charleston County
Court of Common Pleas

Honorable R. Markley Dennis, Jr.
Circuit Court Judge

C.A. No. 2013-CP10-00088
Ct. App. No. 2013-001673

Beverly C. Moore-Rowe

Appellant,

v.

Bon Secours-St. Francis Xavier Hospital, Inc., d/b/a Bon Secours St. Francis Xavier Hospital, Bon Secours St. Francis Hospital and Roper St. Francis Healthcare, Bon Secours St. Francis Health System, Inc., d/b/a Bon Secours St. Francis Xavier Hospital, Bon Secours St. Francis Hospital and Roper St. Francis Healthcare, Bon Secours Health System, Inc., d/b/a Bon Secours St. Francis Hospital and Roper St. Francis Healthcare, Roper St. Francis Foundation, d/b/a Roper St. Francis Healthcare, Bon Secours-St. Francis Health System Foundation, Inc., d/b/a Roper St. Francis Healthcare, Roper Hospital, Inc., d/b/a Roper St. Francis Healthcare, Byron N. Bailey, M.D., Christine C. Thompson, M.D., a/k/a Christine Thompson, M.D., Charleston Neurosurgical Associates, LLC, Mt. Pleasant Anesthesia Associates, PA, Charleston Surgery Center Limited Partnership, d/b/a Charleston Surgery Center, Tammy McGraw, CRNA, also known as Tammy McGraw Speicher, CRNA, Nurse Anesthesia of South Carolina, LLC, Jeffery S. Wager, CRNA, Tricoastal Healthcare Billing and Management, Inc., and Steven Heath Cobb, Respondents.

Respondents.

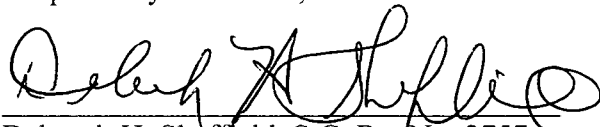
**MOTION TO ALLOW LATE FILING of
Respondents' Return to Appellant's Motion to Remand**

The Appellant Beverly Moore-Rowe served a motion to remand on September 15, 2014. The Respondents served a Return to the motion upon the Appellant by mail on September 25, 2014, and placed the original and six copies in the mail to the Court of

Appeals for filing on the same day. On Monday afternoon of September 29, 2014, the package mailed to the Court of Appeals for filing was returned for lack of postage. As of this filing, neither the package mailed to the Appellant nor the packages mailed to the co-counsel have been returned.¹

The undersigned Counsel is personally hand-delivering the package to the Court this day – September 30, 2014, and respectfully moves the Court to accept the late filing. The Respondents submit that good cause to allow the late filing is shown by the facts that the Return was timely served on the Appellant, filing by mail was timely attempted, and the filing will reach the Court with minimal delay and without any prejudice to the Appellant.

Respectfully submitted,



Deborah H. Sheffield, S.C. Bar No. 2757

Hood Law Firm, LLC

P.O. Box 1508

Charleston, SC 29402

(803) 419-7837

Attorneys for Respondent

September 30, 2014

¹ The Appellant's Husband has a companion pending appeal, and he made the same motion. Arthur Peter Rowe v. Bon Secours-St. Francis Xavier Hospital, Inc., et al., App. Case no. 2013-001682. The Respondents also served and filed a Return to his motion by mailings on September 25, 2014; however, the package addressed to the Court of Appeals was returned for lack of postage on Friday, September 26. The Respondents filed a motion to allow a late filing on that same day, September 26, 2014, by hand delivery. As of this filing, neither the mailing to Arthur Rowe nor the co-counsel have been returned.

Robert H. Hood, S.C. Bar No. 2599
James B. Hood, S.C. Bar No. 70212
Deborah H. Sheffield, S.C. Bar No. 2757
Hood Law Firm, LLC
P.O. Box 1508
Charleston, SC 29402
(843) 577-4435
Attorneys for Respondent
Christine C. Thompson, M.D.

Darren K. Sanders, S.C. Bar No. 68296
Buyck, Sanders & Simmons, LLC
P.O. Box 2424
Mt. Pleasant, SC 29464-2424
(843) 377-1400
Attorney for Respondents
Byron N. Bailey, M.D. and
Charleston Neurosurgical Associates, LLC

Jack G. Gresh, S.C. Bar No. 75188
Hall Booth Smith, P.C.
40 Calhoun Street, Suite 550
Charleston, SC 29401
(843) 720-3460
Attorney for Respondent
Charleston Surgery Center Limited
Partnership d/b/a Charleston Surgery Center

Andrew S. Halio, S.C. Bar No. 2459
Halio & Halio
P.O. Box 747
Charleston, SC 29402-0747
(843) 577-5200
Attorney for Respondent
Steven Heath Cobb

Jonathan H. Dunlap, S.C. Bar. No. 73778
Batten Lee PLLC
4141 Parklake Ave, Suite 350
Raleigh, NC 276120
(919) 439-2221
Attorney for Respondents
Nurse Anesthesia of South Carolina, LLC,
Jeffery Wager, CRNA, and Tammy McGraw
a/k/a Tammy McGraw Speicher, CRNA

Fred W. Suggs, III, S.C. Bar No. 70222
Roe Cassidy Coates & Price, P.A.
P.O. Box 10529
Greenville, SC 29603
(864) 349-2600
Attorneys for Respondents
Bon Secours Health Systems, Inc.,
Bon Secours St. Francis Health System
Foundation, Inc., Bon Secours St. Francis
Hospital

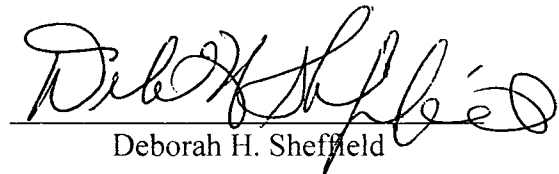
Stephen L. Brown, S.C. Bar No. 66468
Joseph J. Tierney, Jr., S.C. Bar No. 13917
Christine Kent Toporek, S.C. Bar No. 72495
Russell Grainger Hines, S.C. Bar No. 72100
Young Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402
(843) 577-4000

Attorneys for Respondents (improperly
named in the Plaintiff/Appellant's complaint
as): Bon Secours-St. Francis Xavier Hospital,
Inc., d/b/a Bon Secours St. Francis Xavier
Hospital and Roper St. Francis Healthcare,
Bon Secours St. Francis Health System, Inc.,
d/b/a Bon Secours St. Francis Xavier
Hospital and Roper St. Francis Healthcare,
Roper St. Francis Healthcare, Roper St.
Francis Foundation, d/b/a Roper St. Francis
Healthcare, Roper St. Francis Healthcare,
Roper Hospital, Inc., d/b/a Roper St. Francis
Healthcare

Certificate of Service

I certify that on this 30th day of September 2014, a copy of the foregoing Motion was served on the Appellant by depositing said copy in the U.S. Mail, with sufficient first class postage, addressed to him as listed below:

Beverly Moore-Rowe
52 Chadwick Drive
Charleston, SC 29407
Appellant Pro Se


Deborah H. Sheffield

RECEIVED

SEP 30 2014

SC Court of Appeals

September 30, 2014

HAND DELIVERED

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Beverly C. Moore-Rowe v. Bon Secours-St. Francis Xavier Hospital, Inc., et al.
Appellate Case no. 2013-001673

Dear Madam Clerk:

Enclosed please find the original and 6 copies of the Respondents' Motion to Allow Late Filing of Respondent's Return to the Appellant's Motion to Remand. As stated in the motion, the package was mailed to the Court for filing last Thursday, but it was returned for lack of postage yesterday afternoon. A check for the \$25.00 filing fee is also enclosed. By copy of this letter, we are serving the Appellant with a copy of the Motion.

With appreciation for the Court's understanding and consideration of this request, I am

Sincerely yours,



Deborah H. Sheffield

Enclosure

cc: Beverly C. Moore-Rowe
52 Chadwick Drive
Charleston, SC 29407
Appellant Pro Se

RECEIVED

SEP 30 2014

SC Court of Appeals

Letter to Clerk of Court of Appeals · #2013-001673\Beverly Rowe

September 30, 2014

Page 2

cc: Darren K. Sanders
Buyck, Sanders & Simmons, LLC
P.O. Box 2424
Mt. Pleasant, SC 29464-2424
Attorney for Respondents
Dr. Byron Bailey, M.D.
Charleston Neurosurgical Associates, LLC

Fred W. Suggs, III
Russell Grainger Hines
Joseph John Tierney, Jr.
Steven Lynwood Brown
Roe Cassidy Coates & Price, P.A.
P.O. Box 10529
Greenville, SC 29603
Attorneys for Respondents
Bon Secours Health Systems, Inc.
Bon Secours St. Francis Health System,
Inc.
Bon Secours St. Francis Healthcare
Bon Secours St. Francis Hospital
Bon Secours St. Francis Xavier Hospital
Bon Secours St. Francis Xavier Hospital,
Inc.

Christine Kent Toporek
Young Clement Rivers, LLP
P.O. Box 993
Charleston, SC 29402
Attorney for Respondents
Bon Secours St. Francis Hospital
Bon Secours St. Francis Health System
Foundation, Inc.
Bon Secours St. Francis Health System,
Inc.
Bon Secours St. Francis Healthcare
Bon Secours St. Francis Xavier Hospital
Bon Secours St. Francis Xavier Hospital,
Inc.
Roper Hospital, Inc.
Roper St. Francis Healthcare
Roper St. Francis Foundation
Tricoastal Healthcare Billing and
Management, Inc.

Jack G. Gresh
Hall Booth Smith, P.C.
40 Calhoun Street, Suite 550
Charleston, SC 29401
Attorney for Respondents
Charleston Surgery Center
Charleston Surgery Center Limited
Partnership

Andrew S. Halio, Esquire
Halio & Halio
P.O. Box 747
Charleston, SC 29402-0747
Attorney for Respondent
Steven Heath Cobb

Jonathan Hopkins Dunlap
Batten Lee PLLC
4141 Parklake Ave, Suite 350
Raleigh, NC 276120
Attorney for Respondents
Tammy McGraw
Nurse Anesthesia of South Carolina, LLC
Jeffery Wager, CRN

Mt. Pleasant Anesthesia Associates, PA
Charles Weinheimer, MD, Reg. Agent
c/o East Cooper Regional Medical Center
1200 Johnnie Dodd Boulevard
Mt. Pleasant, SC 29454
Respondent, Pro Se