

IN THE SUPREME COURT

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S.C. Supreme Court

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellant Case. No. 2014-001115

Kristin Joseph P.T., Thomas N. Joseph, M.D., and William G. McCarthy, M.D., Appellants,

v.

South Carolina Department of Labor, Licensing and Regulation, South Carolina Board of Physical Therapy, Respondents,

and

South Carolina Chapter, American Physical Therapy Association, Joseph M. McKowen, PT, Sabrina Queen Bridges, PTA, and Amalia W. Kirby, PTA, Respondents.

MOTION TO ARGUE AGAINST PRECEDENT

Pursuant to Rule 217, SCACR, the Appellants Kristin Joseph P.T., Thomas N. Joseph, M.D., and William G. McCarthy, M.D. (Appellants) respectfully move for leave to argue against precedent, to the extent this Court determines that it is necessary to consider Sloan v. South Carolina Board of Physical Therapy Examiners, 370 S.C. 452, 469, S.E.2d 598 (2006), in reaching its decisions on the issues at bar. This is the first practical moment for this Court to reexamine the Sloan decision, a decision decided three (3) to two (2).

Rule 217 instructs that where a party desires to give oral argument against precedent, a motion seeking permission to do so shall be filed at least fifteen (15) days prior to oral argument. Because oral argument is expected to be set for February 2015, this motion is timely.

Therefore, Appellants request that this motion for leave to argue against precedent be granted.

Respectfully submitted,

M. Elizabeth Crum, S.C. Bar No. 1486

lcum@mcnair.net

Ariail B. Kirk, S.C. Bar No. 71101


akirk@mcnair.net

McNAIR LAW FIRM, P.A.

Post Office Box 11390

Columbia, South Carolina 29211-1390

(803) 799-9800

By: 
Attorneys for Appellants

November 21, 2014
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-001115

Kristin Joseph P.T., Thomas N. Joseph, M.D., and
William G. McCarthy, M.D., Appellants,

v.

South Carolina Department of Labor, Licensing and Regulation,
South Carolina Board of Physical Therapy, Respondents,

and

South Carolina Chapter, American Physical Therapy Association,
Joseph M. McKowen, PT, Sabrina Queen Bridges, PTA, and
Amalia W. Kirby, (PTA), Respondents.

CERTIFICATE OF SERVICE

I do hereby certify that I have this date served one (1) copy of Appellants' Motion to Argue Against Precedent and upon the following counsel of record by United States Mail, First Class, postage prepaid, to the following addresses:

Darra Coleman Esquire
Advice Counsel
SC DLLR
Office of Advice Counsel
South Carolina Department of Labor,
Licensing & Regulation
110 Centerview Drive
Columbia, SC 29211

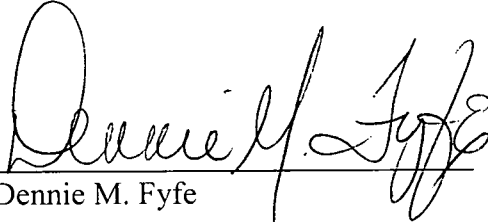
John Devlin, Esquire
Devlin & Parkinson, P.A.
27 Cleveland Street, Suite 201
P.O. Box 10387
Greenville, SC 29603-0387

N. Thomas Connally, III, Esquire
Hogan Lovells US LLP
Park Place II Ninth Floor
7930 Jones Branch Drive
McLean, Virginia 22102-3302

November 21, 2014
Columbia, South Carolina

John C. Bradley, Jr., Esquire
Moore, Taylor & Thomas, P.A.
1700 Sunset Boulevard
P.O. Box 5709
West Columbia, SC 29171

Monteith P. Todd, Esquire
Sowell Gray
1310 Gadsden Street
Columbia, SC 29211


Dennie M. Fyfe