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DEC 08 2014

STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Unpublished Opinion No. 2014-UP-273 (S.C. Ct. App. filed June 30, 2014)

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD,
Upstate Lung & Critical Care Specialists, PC, and
Devendra Shantha, MD,.....Respondents,

v.

William Mark Casey, Ray E. ("Chuck") Thompson,
and Charles M. Fogarty,..... Petitioners.

**CONSENT MOTION TO FILE OUT OF TIME
PETITIONERS' REPLY TO RESPONDENTS' RETURN**

Joe Mooneyham
Mooneyham Berry, LLC
P.O. Box 8359
Greenville, SC 29604
Attorney for: William
Mark Casey

Matthew H. Henrikson
Henrikson Law Firm
1164 Woodruff Road
Greenville, SC 29607
Attorney for: Ray E.
"Chuck" Thompson

Michael B.T. Wilkes
Ellen S. Cheek
Wilkes Law Firm, P.A.
127 Dunbar Street, Ste 200
Spartanburg, SC 29306
Attorneys for: Charles
M. Fogarty

Attorneys for Petitioners

Other Counsel of Record:

F. Milton Mann, Jr.
151 Harold Fleming Court
Spartanburg, South Carolina 29303
Attorney for Respondents


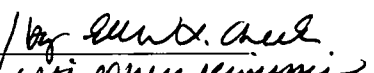
Petitioners William Mark Casey, Ray E. ("Chuck") Thompson, and Charles M. Fogarty ("Petitioners"), with the consent of Respondents Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, Upstate Lung & Critical Care Specialists, PC, and Devendra Shantha, MD ("Respondents"), hereby respectfully move this Court to allow Petitioners to file their Reply to Respondents' Return to Petition outside the time limit prescribed by Rule 242 of the South Carolina Appellate Court Rules. Per Rule 242, Petitioners' Reply was due on December 1, 2014, but Petitioners mailed their Reply to the Court for filing on December 4, 2014. Petitioners move this Court for the requested relief on grounds that Petitioners' failure to file their Reply within the designated period was due to the inadvertent misconstruction of Rule 242 by counsel for Fogarty, and that allowing the filing would provide this Court with the most complete set of materials and arguments on which to base its decision of whether to grant a petition of certiorari in this case.

Respectfully submitted,

December 5, 2014



Michael B.T. Wilkes, Esquire
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127 Dunbar Street, Suite 200
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 / 
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I consent:

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STATE OF SOUTH CAROLINA
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Devendra Shantha, MD,.....Respondents,

v.

William Mark Casey, Ray E. ("Chuck") Thompson,
and Charles M. Fogarty,..... Petitioners.

PROOF OF SERVICE

I certify that I have served the *Consent Motion to File Out of Time Petitioners' Reply to Respondents' Return* on Respondents Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, Upstate Lung & Critical Care Specialists, PC, and Devendra Shantha, MD, via United States mail, on December 5, 2014, addressed to their attorney of record, F. Milton Mann, Jr., Esquire, at his office at 151 Harold Fleming Court, Spartanburg, South Carolina, 29303.

Additionally, I hereby certify that I have served the *Consent Motion to File Out of Time Petitioners' Reply to Respondents' Return* on co-Petitioners, William Mark Casey and Ray E. ("Chuck") Thompson, by depositing a copy of it in the United States

Mail, postage prepaid, on December 5, 2014, addressed to their attorneys, Joe Mooneyham, Esquire, PO Box 8359, Greenville, South Carolina, 29604, and Matthew H. Henrikson, Esquire, PO Box 26554, Greenville, South Carolina, 29616, respectively.

December 5, 2014



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Charles M. Fogarty

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• CHARLESTON OFFICE
• ALSO MEMBER GEORGIA BAR
• ALSO MEMBER NORTH CAROLINA BAR
• ALSO MEMBER D.C. BAR

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S.C. SUPREME COURT

WWW.WILKESLAW.COM

December 5, 2014

Sent via UPS Next Day Air

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, Upstate Lung & Critical Care Specialists, PC, and Devendra Shantha, MD, Respondents v. William Mark Casey, Ray E. ("Chuck") Thompson and Charles M. Fogarty, Petitioners Unpublished Opinion No. 2014-UP-273 (S.C. Ct.App. filed June 30, 2014)

2014-002104

Dear Mr. Shearouse,

Enclosed for filing in the referenced matter are the following:

1. Original and seven copies of Petitioners' Consent Motion to File Out of Time Petitioners' Reply to Respondents' Return: Please mark one copy of our Reply and Proof of Service "filed" and return them to me in the enclosed, postage-paid envelope.
2. Original and seven copies of Proof of Service;
3. Filing fee in the amount of \$25; and
4. One copy of Petitioners' Reply to Respondents' Return: If the Court grants Petitioners' Motion to File Out of Time its Reply to Respondent's Return, and proceeds with filing the original and 6 copies of Petitioners' Reply, I ask that the Clerk's office also file the enclosed copy of Petitioners' Reply and return the filed copy to me in the postage-paid envelope provided herein.

Thank you for your assistance in this regard.

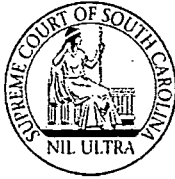
Sincerely,



Ellen S. Cheek
echeek@wilkeslaw.com

Enclosures
ESC:amh

- cc: V. Claire Allen, Deputy Clerk
S.C. Court of Appeals
(via U.S. Mail)
- cc: F. Milton Mann, Jr., Esquire (via U.S. Mail)
- cc: Joe Mooneyham, Esquire (via U.S. Mail)
- cc: Matthew H. Henrikson, Esquire (via U.S. Mail)
- cc: Michael B.T. Wilkes, Esquire (via Email Only)



The Supreme Court of South Carolina

Wilkes Law Firm, PA

12/09/2014

RECEIPT #74421

Case No: 2014-002104
Case Short Title: Gregory Feldman v. William Casey
Event: Motion - Extension of Time (1st)
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 11872
Check/Money Order Date: 12/05/2014
Comments: