

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Steven H. John, Circuit Court Judge

Case No. 2011-CP-26-7403

RECEIVED

DEC 17 2014

SC Court of Appeals

Randall M. Green and Ann Green, Respondents/Appellants,

v.

Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C., Appellants/Respondents.

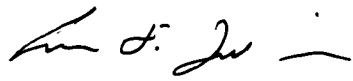
**APPELLANTS-RESPONDENTS' RETURN TO
MOTION TO SEAL COVENANT**

The Respondents-Appellants Randall M. Green and Ann Green have filed a "Motion to Seal Covenant," whereby they seek a court order allowing the Covenant Not to Sue and Covenant Not to Prosecute or Execute Judgment, dated May 31, 2013, to be filed under seal. The Appellants-Respondents Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C. have no objection to the motion.

By way of clarification, the Greens' motion may be construed as suggesting that the Covenant Not to Sue at issue has already been filed with the Court. To the contrary, there is a placeholder page that was included in the Record on Appeal at page 505 which states "To Be Filed Under Seal by Counsel for Respondents/Appellants." Nonetheless, the Covenant Not to Sue was designated by the parties for inclusion in the appellate record and is a key exhibit for certain issues on appeal. Therefore, the Covenant Not to Sue needs to be included in the record and available to the panel, and Dr. Bauerle has no objection to the Covenant Not to Sue being filed under seal.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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Bauerle, M.D., P.C.*

Columbia, South Carolina

December 15, 2014

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CERTIFICATE OF SERVICE

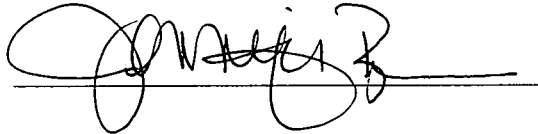
The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellants-Respondents, does hereby certify that service of the **Appellants-Respondents' Return to Motion to Seal Covenant** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 15th day of December 2014:

O. Grady Query, Esquire
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Post Office Box 1740
Conway, South Carolina 29528

A handwritten signature in black ink, appearing to read "John B. McCutcheon, Jr.", is written over a horizontal line. The signature is stylized and cursive.

DAVIDSON & LINDEMANN, P.A.

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December 15, 2014

Of Counsel
Kenneth P. Woodington

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The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C.
Appeal Tracking Number: 2014-000460
Civil Action Number: 2011-CP-26-7403
Claim Number: CB053262M
Our File Number: 22.9301

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Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of **Appellants-Respondents' Return to Motion to Seal Covenant** with regard to the above referenced matter. Please file the original and return a clocked-in copy to me in the enclosed envelope.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
December 15, 2014
Page Two

cc: (w/ Enclosure)

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