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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

APPEAL FROM FAIRFIELD COUNTY  
Court of Common Pleas  
Roger L. Couch, Circuit Court Judge

JAN 22 2016  
SC Court of Appeals

Appellate Case No. 2015-001964

Philip Ethier and Jeanne Ethier,

Appellants,

v.

Fairfield Memorial Hospital; Guy R. Bibeau, M.D.; Tuomey  
Medical Professionals, Inc; and Pee Dee Emergency Medical  
Associates, PA,

Defendants,

Of whom Guy R. Bibeau, M.D., is the Respondent.

**APPELLANTS' MOTION FOR PERMISSION TO FILE BRIEF  
EXCEEDING PAGE LIMIT**

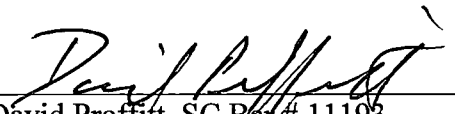
Appellants, by and through their undersigned counsel and pursuant to Rules 240 and 263(b), SCACR, move for permission to file a principal brief which exceeds the limit of 50 pages contained in Rule 208(b)(5), SCACR. The initial brief submitted by Appellants is 79 pages, excluding the table of contents and table of authorities.

Appellants raise four post-trial issues in their appeal of a defense verdict in this medical malpractice case. Appellants believe the first issue raised is a novel one in South Carolina – whether the trial judge erred in ruling that comparative negligence law dictates Appellant Jeanne Ethier recover nothing on her loss of consortium claim when the directly injured spouse,

Appellant Philip Ethier, recovered nothing because he was found more negligent than Respondent.

Appellants further submit this case presents novel and unusually egregious acts of juror misconduct during voir dire and in premature and actual deliberations. It is necessary for Appellants to exceed the page limit in order to adequately explain the trial testimony and evidence, as well as the facts, law and arguments related to the post-trial issues.

Respectfully submitted,

  
David Proffitt, SC Bar # 11193  
Ronald Cox, SC Bar # 11129  
Proffitt & Cox, LLP  
140 Wildewood Park Drive, Suite A  
Columbia, S.C. 29223-4311  
Telephone: (803) 834-7097  
Fax: (888) 711-1057  
Email: [dproffitt@proffittcox.com](mailto:dproffitt@proffittcox.com)  
Email: [rcox@proffittcox.com](mailto:rcox@proffittcox.com)

Attorneys for Appellants

January 21, 2016

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**PROOF OF SERVICE**

I, the undersigned lawyer or employee in the offices Proffitt & Cox, LLP, Attorneys for Appellants, do hereby certify that I have served the counsel or parties specified below in this action with a copy of the specified pleadings by causing a copy of the same to be X mailed by United States Mail, postage prepaid; \_\_\_ e-mailed; \_\_\_ faxed; \_\_\_ hand-delivered, to the following address:

Pleading: Appellants' Motion for Permission to File Brief Exceeding Page Limit

Counsel / Parties Served: Andrew F. Lindemann  
Davidson & Lindemann, PA  
PO Box 8568  
Columbia, SC 29202  
[alindemann@dml-law.com](mailto:alindemann@dml-law.com)

G. Murrell Smith, Jr.  
David Holler  
Lee Erter Wilson Holler & Smith LLC

P.O. Box 580  
Sumter, SC 29151  
[murrellsmith@leeandmoise.com](mailto:murrellsmith@leeandmoise.com)

Stanley L. Myers  
Moore Taylor Law Firm  
PO Box 5709  
W. Columbia, SC 29171  
[Stanley@mttlaw.com](mailto:Stanley@mttlaw.com)



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January 21, 2016

# PROFFITT & COX

Attorneys at Law

PROFFITT & COX, LLP  
140 WILDEWOOD PARK DRIVE, SUITE A  
COLUMBIA, SC 29223  
TELEPHONE (803) 834-7097  
FACSIMILE (888) 711-1057  
WWW.PROFFITTCOX.COM

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DAVID PROFFITT  
dproffitt@proffittcox.com

January 21, 2016

The Honorable Jenny Abbott Kitchings  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: Philip Ethier and Jeanne Ethier v. Guy R. Bibeau, M.D.  
C.A. No. 2013-CP-20-12  
PC File No. 1236.01

Dear Ms. Kitchings:

We represent Appellants Philip and Jeanne Ethier in this appeal. Please find enclosed for filing the following:


- Appellants' Initial Brief;
- Appellants' Designation of Matter; and
- Appellants' Motion for Permission to File Brief Exceeding Page Limit.

Please file the originals and return the date-stamped copies to us. Also enclosed is a check in the amount of \$25 for the motion filing fee.

With kindest personal regards, I remain

Sincerely yours,

PROFFITT & COX, LLP



David Proffitt

RDP/nif  
Enclosures

cc: Andrew F. Lindemann (w/ enclosures)  
G. Murrell Smith, Jr. (w/ enclosures)  
David Holler (w/ enclosures)  
Stanley L. Myers (w/ enclosures)