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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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FEB 08 2016
SC Court of Appeals

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

Case No. 2011-CP-26-7403

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

v.

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

**MOTION FOR EXTENSION TO FILE
PETITION FOR REHEARING**

The Appellants/Respondents Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C. (hereafter collectively referred to as "Dr. Bauerle") respectfully move this Court for an Order granting an extension of time to file their Petition for Rehearing as set forth herein.

On February 3, 2016, this Court issued a memorandum opinion which affirmed the rulings of the Circuit Court in their entirety. This Court thereby rejected the issues on appeal raised by Dr. Bauerle and the issues on cross-appeal raised by the Respondents-Appellants Randall M. Green and Ann Green.


Dr. Bauerle is willing to accept the result of this Court's decision on appeal and for the Remittitur to be issued. However, in the event that the Greens file a petition for rehearing, then Dr. Bauerle also intends to file a conditional petition for rehearing to preserve the issues he raised on appeal for consideration by this Court and for consideration by the Supreme Court on a petition for writ of certiorari should the Greens pursue that additional avenue for review. Dr. Bauerle, however, seeks to preserve his resources and to avoid incurring the time and expense of preparing and filing a petition for rehearing with this Court until such time as it is known that the Greens have filed a petition for rehearing.

The South Carolina Appellate Court Rules do not currently provide for the filing of a "cross-petition" or a "conditional petition." Instead, Rule 221(a), SCACR, provides that "[p]etitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court." Rule 221(a), SCACR.

Because the Appellate Court Rules do not provide for the filing of a "cross-petition" or a "conditional petition," Dr. Bauerle therefore requests that the Court

grant an extension whereby Dr. Bauerle and Wayne B. Bauerle, M.D., P.C. be given ten days from service of any petition for rehearing filed by the Greens to file their own petition for rehearing.

DAVIDSON & LINDEMANN, P.A.

BY: 

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Wayne B. Bauerle, M.D. and Wayne B.
Bauerle, M.D., P.C.*

Columbia, South Carolina

February 8, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

Op. No. 2016-UP-052
(Ct. App. filed February 3, 2016)

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FEB 08 2016
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.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellants-Respondents, does hereby certify that service of the **Motion for Extension to File Petition for Rehearing** 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 8th day of Februray 2016:

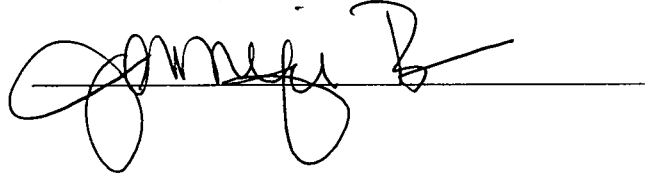
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A handwritten signature in black ink, appearing to read "John B. McCutcheon, Jr.", is written over a horizontal line. The signature is stylized and cursive.

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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FEB 08 2016

SC Court of Appeals

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February 8, 2016

Of Counsel
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Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of the **Motion for Extension to File Petition for Rehearing** with regard to the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier. I have also enclosed my firm's \$25.00 check for the filing fee.

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
February 8, 2016
Page Two

cc: (w/ Enclosure)

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