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The State of South Carolina

S.C. Supreme Court

in the Supreme Court

APPEAL FROM ORANGEBURG COUNTY

James C. Williams, Jr., Circuit Court Judge

Opinion No. 27168

KAREEM J. GRAVES and TARA GRAVES,
Individually and as duly appointed personal
representatives of the
ESTATE OF INDIA IYANNA GRAVES,
..... Plaintiffs/Petitioners,

v.

CAS MEDICAL SYSTEMS, INC.,
Defendant/Respondent.

**MOTION FOR LEAVE TO FILE A BRIEF
AS *AMICI CURIAE***

Pursuant to Rule 213, SCACR, Stephen G. Pauker, M.D., by and through undersigned counsel, respectfully move this Court for leave to allow them to conditionally file the attached brief as *amici curiae*.

Rule 213 provides that “[a] brief of *amicus curiae* may be filed only by leave of

the appellate court granted on motion, or at the request of the appellate court” and “[a] motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable.”

Stephen G. Pauker, M.D., is a professor of medicine who practices, teaches, researches, and writes about how physicians do and should make medical decisions, including how to use “differential diagnosis.” Dr. Pauker is internationally recognized for his contributions to the application of decision analysis to clinical problems, cost-effectiveness and cost-benefit analyses, and medical informatics and that he is a Past President, founder Member, and current Member, of the Board of the Society for Medical Decision Making (SMDM), which honored him with a Distinguished Career Achievement Award in 1995. The SMDM is an organization of physician whose mission is to improve health outcomes through the advancement of proactive systematic approaches to clinical decision making and policy-formation in health care by providing a scholarly forum that connects and educates researchers, providers, policy-makers, and the public. He also has received career achievements awards from the Society for Clinical and Translational Science (SCTS), the Association for Patient Oriented Research (APOR), and the Association for Clinical Research Training (ACRT).

Amici have no stake in the outcome of the lawsuit at bar and they have not been compensated for their work on the attached conditional brief. They do, however, have a very keen interest in the proper development, exposition, and application of legal principles, rules, and precedents regulating the use and development of tort and evidence law in state and federal courts, an interest that they expressed long before this case commenced. *Amici* believe this Court’s decision in this matter very likely will have a

significant impact on the development of the law of torts and evidence in this State and, indeed, may well have a substantial effect on the development of the law on those subjects throughout the nation.

CONCLUSION

For the reasons stated above, Stephen G. Pauker, M.D. respectfully urges this Court to grant this motion, and to accept his attached conditional brief *amici curiae* for filing.

Respectfully submitted this 10 day of October, 2012.

A handwritten signature in black ink, appearing to read 'Kenneth M. Suggs', written over a horizontal line.

Kenneth M. Suggs
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Counsel Attorney for *Amicus Curiae*

THE STATE OF SOUTH CAROLINA

In the Supreme Court

Kareem J. Graves and Tara Graves,
individually and as duly appointed personal
representatives of the Estate of India Iyanna Graves.....Appellants,

v.

CAS Medical Systems, IncRespondent.

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas
James C. Williams, Jr., Circuit Court Judge

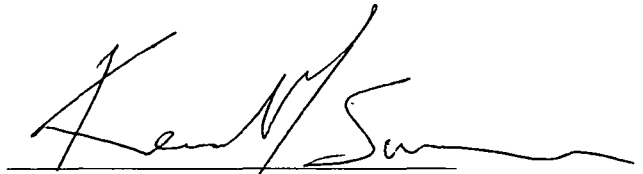
Appellate Case No.: 2010-161426

Opinion No.: 27168

Heard November 30, 2011 – Filed August 29, 2012

PROOF OF SERVICE

I certify that I have served one (1) copy of the Motion for Leave to File a Brief as Amici Curiae, by depositing a copy of it in the United States Postal Service, shipping prepaid, on October 10, 2012, addressed to attorneys of record J. Edward Bell, III, 232 King Street, Georgetown, South Carolina 29440 and Clarke W. Dubose, Esquire, Haynsworth Sinkler Boyd, P.A., Post Office Box 11889, Columbia, South Carolina 29211.



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