

**MOTION FOR REVERSAL OF DECISION AND DISMISSAL OF THE CASE
IN FAVOR OF PETITIONER**

To The Supreme Court Of South Carolina
Clerk Of Court

Appellate Case No. 2016-000328

RECEIVED

JUN 23 2016

Laurens Pediatric Clinic,

Petitioner

S.C. SUPREME COURT

v.

South Carolina Department Of Health And Human Services,

Respondent

On February 18, 2016, I submitted to the Honorable SC Supreme Court a Writ Of Certiorari to consider reversal of a decision to dismiss the case by SC Court Of Appeals, which was based on a technicality (submitting a little late proof of service to the lower court-ALC). On March 9, 2016, a motion to seal documents was presented as well. A response by Respondent (SCDHHS), was received to the latter but never to the writ of certiorari. SC Supreme Court has ruled on both petitions together. I respectfully remind the Court that the response of Respondent to the Motion to Seal documents was late as rule 240 (e) states the return should be filed within 10 days of the motion. Respondent filed it on March 24 which is 15 days after. To the former the court should note that I responded in rebuttal timely, on March 29, 2016 (within five days, according to rule of the court 240 (f)). Rules 240(e) and 242 (f) were violated by Respondent as he was late on his return to the motion to seal documents and never wrote a return to petition (within thirty days), on the Writ Of Certiorari. Although the motion to seal documents pertained to the Appendix presented with the Writ Of Certiorari, they are different petitions and each should comply with due process according to rules 240 and 242 respectively. I cannot accept that due process was followed by the Respondent. The respondent, SCDHHS, is in violation of Court rules 242(f) for not submitting any return to petition to the Writ Of Certiorari submitted February 18, 2016, and in violation of rule 240(e) with respect to the late response (five days over the limit) to the motion to seal documents. It is for these reasons that I respectfully request the Honorable Justices at the Supreme Court Of South Carolina to reverse the ruling dated June 16, 2016, and dismiss the case in favor of Petitioner. I am enclosing copy of the court ruling, Proof Of Service to Respondent (SCDHHS), SC Court Of Appeals and Administrative Law Court., along with six copies and the fee for this motion.

June 22, 2016

Nilsa I. Nazario MD FACP

Nilsa I. Nazario, M.D., F.A.A.P.

Laurens Pediatric Clinic

P.O. Box 1367, Laur4ens , SC 29360

cc. Mr. Evan Gessner – SCDHHS/ Respondent
The Honorable Jenny Abbott Kitchings-SC Court Of Appeals
The Honorable Jana E. Shealy-Administrative Law Court

The Supreme Court of South Carolina

Laurens Pediatric Clinic, Petitioner,

v.

South Carolina Department of Health and Human
Services, Respondent.

Appellate Case No. 2016-000328


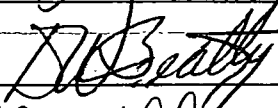
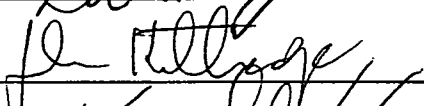

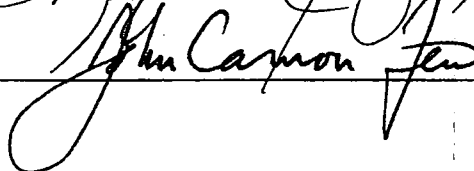
ORDER

Petitioner has filed a petition for a writ of certiorari to the Court of Appeals following the Court of Appeals' issuance of an order dismissing petitioner's appeal. Petitioner has also filed a motion to seal certain documents before the Administrative Law Court (ALC), the Court of Appeals and this Court in this matter. Respondent has filed a return in opposition to the motion to seal.

We first address the motion to seal. However, we consider only the request to seal documents that are part of the record in this Court, as petitioner's requests for records to be sealed in the ALC and the Court of Appeals must be made to those courts. The motion to seal the record before this Court is denied. There is only one issue that can properly be raised to this Court and that is whether the Court of Appeals erred in dismissing petitioner's appeal pursuant to Rule 203(b)(6), SCACR, based on her failure to serve the notice of appeal on the ALC in a timely manner. The only documents this Court needs to determine that issue are the following: notice of appeal; proofs of service of the notice of appeal on respondent and the ALC; letters from the Court of Appeals requesting proof of service of the notice of appeal on the ALC and the date on which petitioner received the ALC decision; petitioner's response to the latter request; the order of the Court of Appeals dismissing the appeal; petitioner's "Petition for Rehearing/Petition for Reinstatement of Appeal"; and order of the Court of Appeals denying the petition. These documents are contained on pages 1 through 15 of the corrected appendix filed in this matter. The remaining portions of the corrected appendix, as well as the entire initial appendix, are hereby stricken and will be returned to petitioner, as

they are not necessary for a decision on the petition for a writ of certiorari, and in many instances, do not comply with this Court's order in *In re Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (2014).

After consideration of the petition for a writ of certiorari and the documents relevant to the one issue that is properly before this Court for consideration, the petition for a writ of certiorari is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

June 16, 2016

cc:
The Honorable Jenny Abbott Kitchings
The Honorable Jana E. Shealy
Evan Markus Gessner, Esquire
Dr. Nilsa I. Nazario (Laurens Pediatric Clinic)

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In South Carolina Supreme Court

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S.C. SUPREME COURT

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Petitioner

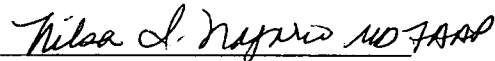
v.

South Carolina Department Of Health And Human Services

Respondent

This is to certify that I sent copy of the Motion for reversal of decision and dismissal of the case to: the Respondent, SC Court Of Appeals (Case No. 2015-002088) and S.C. Administrative Law Court (Docket No.15-ALJ-08-0109-AP), by US postal service on June 22, 2016.

June 22, 2016



Nilsa I. Nazario, M.D., F.A.A.P.

P.O. Box 1367

Laurens, S.C. 29360-1367

(864) 483-0234

Petitioner

cc. Mr. Evan Gessner
Counsel SCDHHS-Respondent
1801 Main St. Suite 1100
Columbia, S.C. 29201-8206

SC Court Of Appeals
The Honorable Jenny Abbott Kitchings-Clerk Of Court
1015 Sumter St. #5
Columbia, SC 29201

SC Administrative Law Court
The Honorable Jana E. Shealy-Clerk Of Court
Edgar A. Brown Building
1205 Pendleton St., Suite 224
Columbia, S.C. 29201