

**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

SC Court of Appeals

Laurens Pediatric Clinic,

Petitioner


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, 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

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In South Carolina Supreme Court

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SC Court of Appeals

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Laurens Pediatric Clinic

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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

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Petitioner

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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
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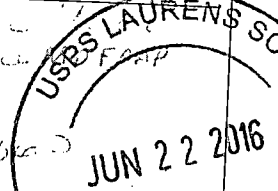
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