



The South Carolina Court of Appeals

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V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 06, 2016

The Honorable Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street
Suite 224
Columbia SC 29201

REMITTITUR

Re: Laurens Pediatric Clinic v. SCDHHS
Lower Court Case No. 2015ALJ080109AP
Appellate Case No. 2015-002088

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Dr. Nilsa I. Nazario (Laurens Pediatric Clinic)
Evan Markus Gessner, Esquire

The South Carolina Court of Appeals

Laurens Pediatric Clinic, Appellant,

v.

South Carolina Department of Health and Human
Services, Respondent.

Appellate Case No. 2015-002088

RECEIVED

NOV 19 2015

SC Court of Appeals

The Honorable Deborah Brooks Durden
Trial Court Case No. 2015ALJ080109AP

ORDER

Appellant has failed to timely serve the notice of appeal on the Administrative Law Court, as required by Rule 203 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Nilsa I. Nazario
Evan Markus Gessner, Esquire
Jana E. Shealy

FILED

11-05-2015

The South Carolina Court of Appeals

Laurens Pediatric Clinic, Appellant,

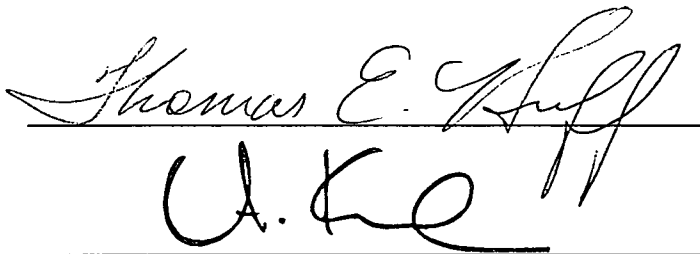
v.

South Carolina Department of Health and Human
Services, Respondent.

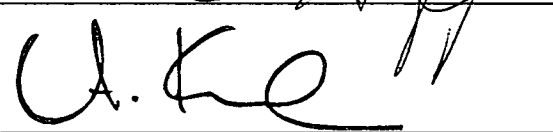
Appellate Case No. 2015-002088

ORDER

Appellant has filed a petition to rehear the dismissal of its appeal. After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing.¹ Accordingly, the petition is denied.



J.



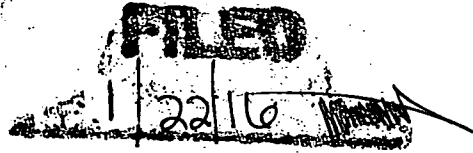
J.

¹ See Rule 203(b)(6), SCACR (stating an appellant must serve the notice of appeal from a decision of the ALC on all parties and the ALC within thirty days of receipt of the decision); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act *except the time for serving the notice of appeal* under Rules 203 and 227 may be extended" (emphasis added)); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (explaining service of the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice must be served).

Stephane P. McDaniel J.

Columbia, South Carolina

cc: Laurens Pediatric Clinic (Nilsa I. Nazario)
Evan Markus Gessner, Esquire
Jana E. Shealy



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The Supreme Court of South Carolina

Laurens Pediatric Clinic, Petitioner,

v.

South Carolina Department of Health and Human
Services, Respondent.

RECEIVED

JUN 23 2016

SC Court of Appeals

Appellate Case No. 2016-000328

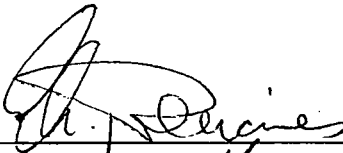
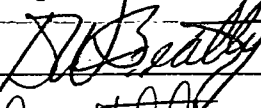
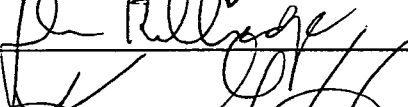

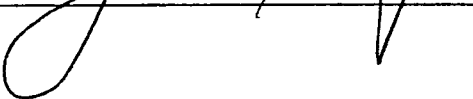
ORDER

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)