

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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JUL 11 2016

SC Court of Appeals

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

Op. No. 2016-UP-052
(S.C. Ct.App. Filed February 3, 2016)

Randall M. Green and Ann Green,.....Respondents-Petitioners,

v.

Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C.,.....Petitioners-Respondents.

**RESPONDENTS'-PETITIONERS' MOTION
TO ACCEPT FILING OUT OF REPLY OUT OF TIME**

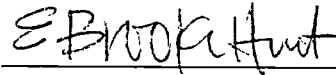
The Respondents-Petitioners, Randall M. Green and Ann Green (hereinafter collectively "the Greens"), respectfully move this Court to accept the Reply to Petitioners'-Respondents' Return to Petition for Writ of Certiorari out of time.

The undersigned counsel for the Greens received Petitioners'-Respondents' Reply to the Greens' Petition for Writ of Certiorari on June 21, 2016, which is the same day that it was received by the South Carolina Supreme Court. Counsel was under the impression the Greens had ten (10) days from the date that the Return was *received* to file the Reply, pursuant to Rule 242(g), SCACR. By counsel's calculation, the Greens' Reply was due on July 1, 2016. Upon learning that the ten (10) ran from the date that Petitioners-Respondents *mailed* the Return, Respondents-Petitioners filed this Motion.

Had Counsel realized, the Reply was due June 27, 2016, Counsel would have timely requested an extension as Counsel was in trial and out of the office the week of June 20, 2016.

WHEREFORE, Respondents-Petitioners respectfully request that this Honorable Court accept the filing of Respondents-Petitioners Reply out of time.

Respectfully Submitted,



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Counsel for Respondents-Petitioners

Charleston, South Carolina
July 8, 2016

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The Honorable Steven H. John, Circuit Court Judge

Unpublished Opinion No. 2016-UP-052
(S.C. Ct. App. filed Feb. 3, 2016)

Randall M. Green and Ann Green,.....Respondents-Petitioners,

v.

Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C.,.....Petitioners-Respondents,

CERTIFICATE OF MAILING

I certify that I have served the **Respondents-Petitioners' Motion to Accept Filing of Reply to Petition for Writ of Certiorari out of Time** on Petitioners-Respondents, Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C., by depositing a copy of it in the United States Mail, first class postage prepaid, addressed to his counsel of record, Andrew F. Lindemann and Jack McCutcheon, at the addresses below:

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Attorney for Respondents

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Date: 7/8/16

E. Brook Hunt

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*Certified National Trial Advocacy Civil Trial Specialist

Michael W. Sautter**

**Managing Partner

Michèle Patrão Forsythe***

***Certified Family Court Mediator

Elizabeth Brooke Hurt

July 8, 2016

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SC Court of Appeals

Via U.S. Mail

The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C.
Civil Action No. 2011-CP-26-7403
Appellate Case No. 2016-000864

Dear Mr. Shearouse:

With reference to the above case, enclosed for filing please find one unbound original and seven (7) bound copies of Respondents-Petitioners', Randall and Ann Green, Motion to Accept Filing Reply in Support of Writ of Certiorari out of time and Certificate of Service showing that the Reply has been served on all counsel of record.

Please return a filed copy of each in the self-addressed postage prepaid envelope I have provided. By copy of this correspondence, copies of the enclosed Motion and Certificate of Service are being served on all counsel of record.

Your attention to this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact this office.

With kindest regards, I remain,

Very truly yours,

E. Brooke Hurt

Brooke Hurt
Enclosures

cc: The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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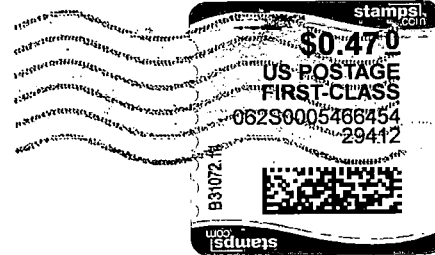
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