

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

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SEP 29 2016
SC Court of Appeals

Case Nos. 2010-CP-23-09954; 2010-CP-23-09956

Appellate Case No. 2016-000583

Charles Benjamin "Ben" Dickerson and Gale M. Dickerson..... Respondents,

v.

TLC Corporate; TLC The Laser Center (Institute), Inc., f/k/a TLC The Laser Center
(Piedmont), Inc., TLC Physicians; Jonathan Woolfson, M.D., Jeffrey Machat, M.D.,
Derek P. Van Veen, O.D., Cynthia Wike Yeager, O.D., John Potter, M.D., and David
Kohler, O.D., Defendants,

Of whom, Derek P. Van Veen, O.D. is theAppellant.

And

Michael "Chad" Luce,Respondent,

v.

TLC Corporate; TLC The Laser Center (Institute), Inc., f/k/a TLC The Laser Center
(Piedmont), Inc., TLC Physicians; Jonathan Woolfson, M.D., Derek P. Van Veen, O.D.,
Cynthia Wike Yeager, O.D., and John Potter, M.D.,.....Defendants,

Of whom, Derek P. Van Veen, O.D. is theAppellant.

**JOINT MOTION FOR EXTENSION TO FILE RECORD ON APPEAL AND
FINAL BRIEFS, TO SUBMIT PORTIONS OF RECORD ON CD, AND TO SEAL
THE RECORD**

Respondents and Appellants jointly move this Court for an Order (i) allowing the parties to file certain voluminous portions of the record on a CD rather than including them in the printed Record; (ii) sealing the record in this case; and (iii) extending by thirty days the respective deadlines for serving and filing the Record on Appeal and the parties' Final Briefs. The grounds for these requests are as follows.

First, the history of the litigation – including two prior cases involving many of the same parties – which formed the basis of the lower court's decision, is extensive and spans over ten years. In providing the full procedural history, the parties' briefs refer to a number of pleadings from this and the prior litigation that are important for background but that do not directly involve the substance of this appeal. The parties are concerned that inclusion of all of the documents referenced would make the printed Record on Appeal unnecessarily large, and so propose providing these documents on a CD.

Second, the arguments in this case involve a number of exhibits that in aggregate amount to several thousand pages. While the existence and general nature of these documents are significant to the parties' arguments, the particular content of these hundreds of pages is less relevant, and can be conveyed with a relatively small excerpt from each. As to these documents, the parties propose that the entire documents be included on the same CD, with excerpts reproduced in the record on appeal. This will allow the members of the Court to access any and all procedural history and document references but prevent the printed Record on Appeal from being unmanageably voluminous.

Third, the underlying dispute alleges medical malpractice and many of the documents and arguments involve private healthcare data of these parties and of other patients treated by Appellant. Accordingly, the record should be sealed to protect that private information.

Fourth, because the record is voluminous and relatively complicated, the parties are still working to finalize the appropriate Record on Appeal. In particular, Respondents still plan to amend their designation of matter and, if this motion is granted, the parties will need time to coordinate concerning what documents should be submitted on CD. The parties believe this can be accomplished with an additional thirty days to submit the Record on Appeal and their Final Briefs.

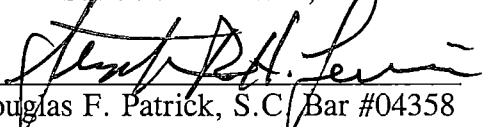
Accordingly, the parties move the Court for an order directing:

- (i) That the parties may submit on CD, and omit from the printed Record, documents from the procedural history that the parties agree are not central to this appeal;
- (ii) That the parties may submit on CD, and omit from the printed Record, certain voluminous exhibits that the parties agree do not need to be reproduced in their entirety in the printed Record; the parties will include in the printed record excerpts of any such exhibits sufficient to make clear how the documents support the arguments made in connection with them;
- (iii) That the index of the written Record on Appeal also index the documents submitted on CD;

- (iv) That the record in this case be sealed to protect health information of parties and other patients; and
- (v) That Appellant shall have until November 18, 2016 to serve the Record on Appeal in accordance with Rule 210, and that the parties shall have until December 8, 2016 to file and serve final briefs in accordance with Rule 211, and for Appellant to file the Record on Appeal in accordance with Rule 210.

Respectfully submitted,

COVINGTON, PATRICK, HAGINS,
STERN & LEWIS, P.A.

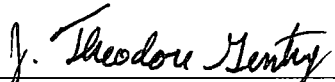

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September 27, 2016

Greenville, South Carolina

ATTORNEYS FOR THE RESPONDENTS

I SO CONSENT:


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In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Edward W. Miller, Circuit Court Judge

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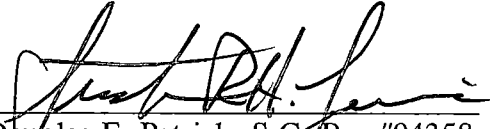
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PROOF OF SERVICE

I certify that on the 27th day of September, 2016, I served a copy of the Joint Motion for Extension to File Record on Appeal and Final Briefs, to Submit Portions of Record on CD, and to Seal the Record on counsel of record in the above-captioned matters by sending a copy of the same via e-mail and by placing a copy of the same in the U.S. mail, with proper postage affixed thereto, and addressed as follows:

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Greenville, SC 29601-3512
Attorneys for Appellant Derek P. Van Veen, O.D.

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September 27, 2016

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SC Court of Appeals

S.C. Court of Appeals
1220 Senate Street
Columbia, SC 29201

**RE: Charles Benjamin "Ben" Dickerson, et al. v. Derek P. Van Veen, O.D.
Appellate Case No. 2016-000583**

Dear Sir/Madam:

Please find enclosed an original and six (6) copies of a Joint Motion for Extension to File Record on Appeal and Final Briefs, to Submit Portions of Record on CD, and to Seal the Record which we need to have filed in the above-referenced matter.

I am enclosing our check in the amount of \$25.00 to cover the filing fees. Please copy of this letter, a copy of the same has been served upon counsel of record for the Appellant.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

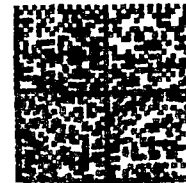
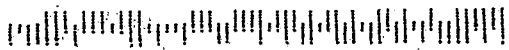
COVINGTON, PATRICK, HAGINS,
STERN & LEWIS, P.A.


Stephen R.H. Lewis

SRHL:dcs
Enclosures

cc: J. Theodore Gentry
Douglas F. Patrick

J



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FROM: Stephen R. H. Lewis, P.A.
Attorney at Law
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S.C. Court of Appeals
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