

RECEIVED

OCT 17 2016

SC Court of Appeals

S·W·B

SWEENEY WINGATE & BARROW P.A.

MAIN OFFICE: T • 803-256-2233 F • 803-256-9177 1515 LAUNY ST. (29201) • POST OFFICE BOX 12129 • COLUMBIA, SC 29211  
Pee Dee Office: T • 843-878-0390 F • 843-878-0393 115 CARGILL WAY, SUITE B • POST OFFICE BOX 88 • HARTSVILLE, SC 29550

FACSIMILE COVER SHEET

DATE: October 14, 2016  
TO: Jessica - The Honorable Jenny Abbott Kitchings (803) 734-1839  
FROM: Bobbie J. Powell  
PAGES: 38 (including coversheet)  
RE: Elizabeth McCants v. Nickles, Hartsville Medical Group  
APPELLATE Case no. 2016-002064  
FILE NO.: 2935-8437

ORIGINAL COPY VIA:  U.S. Mail  Overnight Courier  
 Hand-Delivery  Facsimile Only

COMMENTS:

Jessica, please find attached Exhibit A to the Notice of Appeal previously filed which contains the signature page as requested which was inadvertently omitted. Thank you for your attention to this and should you have any questions, please do not hesitate to contact us.

Thank you,  
Bobbie

*The information contained in this facsimile message is information protected by attorney-client and/or the work product doctrine. It is intended only for the use of the individual named above and the privileges are not waived by virtue of this having been sent by facsimile. If the person actually receiving this facsimile or any other reader of the facsimile is not the named recipient or the employee or agent responsible to deliver it to the named recipient, any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via U.S. Postal service. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT OUR OFFICE AT (803) 256-2233.*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

OCT 03 2016

SC Court of Appeals

APPEAL FROM DARLINGTON COUNTY  
Court of Common Pleas  
Honorable Paul M. Burch, Fourth Judicial Circuit

Case No. 12-CP-16-0872

Elizabethh McCants and Greg McCants ..... Respondents,

v.

Hartsville Medical Group, LLC ..... Appellant.

NOTICE OF APPEAL

Hartsville Medical Group, LLC ("Appellant") appeals the August 1, 2016 Order of the Honorable Paul M. Burch. Appellant received written notice of the Order on August 8, 2016, and a Motion to Reconsider was filed August 17, 2016. Appellant received written notice of the court's Order Denying Defendant's Motion to Reconsider Pursuant to Rule 56(e), SCRCP and Plaintiff's Prayer for Attorney's Fees on September 12, 2016. The Orders impact a substantial right of the Appellants and are immediately appealable pursuant to S.C. Code Ann. § 14-3-330(3). A copy of the Orders are attached as Exhibits A and B, respectively.

October 3, 2016

RECEIVED

OCT 17 2016

--Signature page to follow--

SC Court of Appeals



---

Martin S. Driggers, Jr.  
Richard E. McLawhorn, Jr.  
Brandon R. Gottschall  
115 Cargill Way, Suite B  
Hartsville, South Carolina 29550  
(803) 865-0390  
Attorneys for Appellant

Other Counsel of Record:

William J. Tuck  
William J. Tuck, P.A.  
54 Public Square  
P.O. Box 933  
Darlington, SC 29540  
Attorney for Respondent Greg McCants

H. Thad White, Jr.  
Lucas, Warr & White  
2917 W. Palmetto St.  
Florence, SC 29501  
Attorney for Respondent Elizabeth McCants

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY  
Court of Common Pleas  
Honorable Paul M. Burch, Fourth Judicial Circuit

RECEIVED

OCT 03 2016

SC Court of Appeals

Case No. 12-CP-16-0872

Elizabeth McCants and Greg McCants ..... Respondents,

v.

Hartsville Medical Group, LLC ..... Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Elizabeth McCants and Greg McCants by depositing a copy of it in the United States Mail, postage prepaid, on October 3, 2016 addressed to their attorneys of record: William J. Tuck, Esquire, William J. Tuck, P.A., 54 Public Square, Post Office Box 933, Darlington, SC 29540, for Greg McCants, and H. Thad White, Jr., Lucas, Warr & White, 2917 W. Palmetto St., Florence, SC 29501, for Elizabeth McCants.

October 3, 2016



Martin S. Driggers, Jr.  
Richard E. McLawhorn, Jr.  
Brandon R. Gottschall  
115 Cargill Way, Suite B  
Hartsville, South Carolina 29550  
(803) 865-0390  
Attorneys for Appellant

RECEIVED

OCT 17 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA  
 COUNTY OF DARLINGTON  
 Elizabeth McCants and Greg McCants,  
 Plaintiffs,  
 vs.  
 Hartsville Medical Group, LLC,  
 Defendant

) IN THE COURT OF COMMON PLEAS  
 ) OF THE FOURTH JUDICIAL CIRCUIT

RECEIVED

) C/A No.: 2012-CP-16-0975

OCT 03 2016

SC Court of Appeals

) ORDER DENYING DEFENDANT'S  
 ) MOTION TO RECONSIDER PURSUANT  
 ) TO RULE 59(e), SCRCP AND  
 ) PLAINTIFF'S PRAYER FOR  
 ) ATTORNEY'S FEES

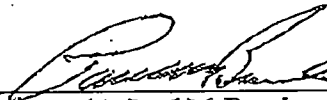
This matter is before the Court pursuant to Defendant's Motion to alter or amend this Court's Order dated August 1, 2016 (filed August 8, 2016). In accordance with Rule 59 (f), SCRCP, the Court finds that it is not necessary to hear oral arguments on this matter. After reviewing the memoranda and other documents submitted to the Court and the applicable authority, and upon careful reconsideration, the Court hereby finds that Defendant's Motion should be denied.

In their memorandum in response to Defendant's Motion to Reconsider, Plaintiffs request the Court award attorney's fees for the costs incurred in responding to Defendant's Motion. The Court finds that Plaintiff's Prayer for Attorney's Fees should be, and is hereby, denied.

THEREFORE, Defendant's Motion to Reconsider Pursuant to Rule 59(e), SCRCP and Plaintiff's Prayer for Attorney's Fees are respectfully DENIED.

AND IT IS SO ORDERED.

Chesterfield, South Carolina  
 September 1, 2016

  
 Honorable Paul M. Burch  
 Judge, Fourth Judicial Circuit

SCOTT B. SUGGS  
 CLERK OF COURT  
 COUNTY OF DARLINGTON  
 SOUTH CAROLINA

2016 SEP -7 AM 8:36

FILED

