

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Appellate Case No. 2016-002026
Circuit Court Case No. 2015-CP-11-0363

Mae Gregory, As Personal Representative of the Estate of
Antonio L. Gregory,..... Respondent,

v.

Southern Health Partners, Inc.,.....Appellant.

APPELLANT'S REPLY TO RETURN TO PETITION FOR REHEARING

James G. Long III
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ARGUMENT

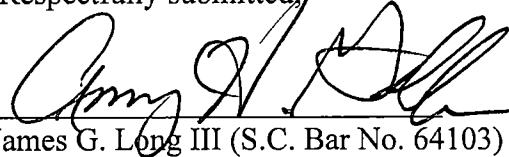
Pursuant to Rule 240(f) of the South Carolina Appellate Court Rules, the Appellant Southern Health Partners, Inc. files this short Reply to the Respondent's Return to the Petition for Rehearing. In its Petition for Rehearing, the Appellant contends that the dismissal of the appeal was improvidently granted and that the appeal should be held in abeyance until the Supreme Court decides the pending Petition for Writ of Certiorari. Rule 221(b) clearly holds that this Court should not issue the Remittitur if a Petition for Writ of Certiorari is pending in the Supreme Court. As shown in the Appellant's Petition for Rehearing, a Petition for Writ of Certiorari is pending.

In the Return, the Respondent took the opportunity to argue her position in opposition to the Petition for Writ of Certiorari. Appellant contends that the Petition for Writ of Certiorari pending in the Supreme Court raises issues of significance to the Bench and Bar, arises from the failure of the Trial Court to follow Supreme Court precedent, involves a recurring issue in civil litigation, and warrants instruction from the State's highest Court regarding appropriate boundaries for discovery of highly sensitive and confidential information. These matters all go to the merits of the Petition for Writ of Certiorari, however, such that Appellant will not fully address them here. In the interest of judicial economy and following the rules of appellate procedure, the Remittitur should be held in abeyance as requested by the Appellant, pending the Supreme Court's determination on the merits of the Petition for Writ of Certiorari.

CONCLUSION

Based on the foregoing, Appellant respectfully requests that the Court of Appeals hold its remittitur in abeyance pending a decision by the Supreme Court on the Appellant's Petition for Writ of Certiorari, pursuant to SCACR 221(b).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy H. Geddes", written over a horizontal line.

James G. Long III (S.C. Bar No. 64103)

Amy H. Geddes (S.C. Bar No. 16960)

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November 7, 2016

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Mae Gregory, As Personal Representative of the Estate of
Antonio L. Gregory,..... Respondent,

v.

Southern Health Partners, Inc.,..... Appellant.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Reply to Return to Petition for Rehearing on the following attorneys of record, by depositing a copy in the United States Mail, postage pre-paid, addressed to them at their offices as shown below this 7th day of November, 2016:

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November 7, 2016

Amy Harmon Geddes
Member
Admitted in SC

November 7, 2016

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: ***Southern Health Partners, Inc., Petitioner, v. Mae Gregory, as
Personal Representative of the Estate of Antonio L. Gregory,
Respondent
Appellate Case No.: 2016—002023
Case No. 2015-CP-11-0363***

Dear Ms. Kitchings:

Enclosed for filing please find an original and six (6) copies of *Appellant's Reply to Return to Petition for Rehearing and Proof of Service*. Please return the file-stamped copy to our office via our courier.

Very truly yours,


Amy H. Geddes

AHG/ect

cc: Scott C. Evans, Esquire
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