

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2016-CP-26-3317
Appellate Case No. 2017-000254

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JUN 02 2017
SC Court of Appeals

Paul Sasser, M.D., Mark R. Borowicz, M.D., Lane Ingram Moore, M.D.,
FACS and Goatee Vascular, LLC.....Appellants,

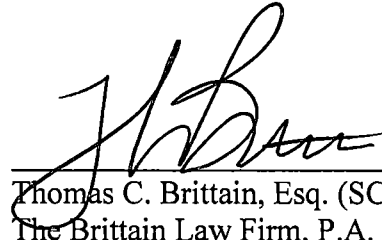
v.

Dominick Ronga, Mid Atlantic Vascular, LLC and Fresenius Vascular
Care Myrtle Beach MSO, LLC.....Respondents.

MEMORANDUM

In the above-referenced matter we were convinced that an agreement obtained fraudulently could never be enforced to deprive a party of constitutional rights based on that agreement. In looking at this matter closely it has become clear to me that the South Carolina Supreme Court has ruled to the contrary and that, even if obtained fraudulently, a specific provision requiring arbitration of all issues is enforceable.

Therefore, on behalf of my clients I concede that the issue decided in the circuit court is not appealable to the South Carolina Court of Appeals.



Thomas C. Brittain, Esq. (SC Bar #00893)
The Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, South Carolina 29577
843-449-8562
Attorney for Appellant

June 1, 2017
Myrtle Beach, SC

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v.

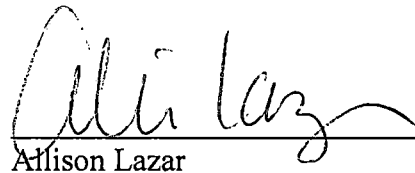
Dominick Ronga, Mid Atlantic Vascular, LLC and Fresenius Vascular
Care Myrtle Beach MSO, LLC.....Respondents.

PROOF OF SERVICE


I, Allison Lazar, do hereby certify that I am an employee of THE BRITAIN LAW FIRM, P.A., attorneys for the Appellants Paul Sasser, M.D., Mark R. Borowicz, M.D., Lane Ingram Moore, M.D., FACS and Goatee Vascular, LLC in the above-entitled action, and that I have this 1st day of June, 2017, caused to be served upon the following parties the **Memorandum** by depositing a copy of same in the United States Mail, with sufficient first class postage affixed thereto, addressed as follows:

Robert Calamari, Esq.
A. Mattison Bogan, Esq.
Nelson Mullins
BNC Bank Corporate Center, Suite 300
3751 Robert M. Grissom Parkway
Myrtle Beach, SC 29577

Stephen M. Cox, Esq.
Robinson, Bradshaw & Hinson, P.A.
140 East Main Street, Suite 420
Rock Hill, SC 29730


Allison Lazar

SWORN AND SUBSCRIBED before me
this 1 day of June, 2017.


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3/16/25

THE BRITAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITAIN
MARY MADISON BRITAIN LANGWAY
A. PRESTON BRITAIN
T. CASE BRITAIN, JR.

843-449-8562
FAX 843-497-6124
www.brittainlawfirm.com

June 1, 2017

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JUN 02 2017

SC Court of Appeals

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

Re: Paul Sasser, M.D., Mark R. Borowicz, M.D., Lane Ingram Moore, M.D., FACS
and Goatee Vascular, LLC v. Dominick Ronga, Mid Atlantic Vascular, LLC and
Fresenius Vascular Care Myrtle Beach MSO, LLC
Appellate Case No. 2017-000254

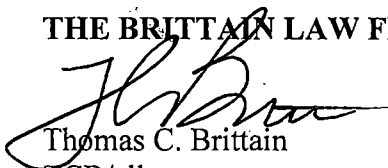
Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the Appellants' Memorandum together with the Proof of Service.

Please return one clocked-in copy to our office in the enclosed self-addressed stamped envelope.

With warm regards, I am
Yours truly,

THE BRITAIN LAW FIRM, P.A.


Thomas C. Britain
TCB/all

cc: Robert Calamari, Esquire
A. Mattison Bogan, Esquire
Stephen M. Cox, Esquire

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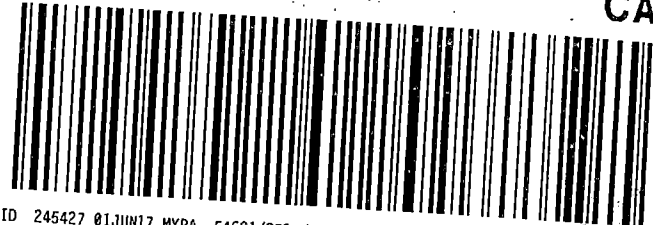
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SC Court of Appeals

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