

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2016-002302

NHC HealthCare/Mauldin,
LLC,

Respondent,

v.

Wade Thompson and Shelia
Thompson,
Of whom Wade Thompson is
the

Appellant.

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JUN 12 2017

SC Court of Appeals

MOTION TO STRIKE; MOTION TO REQUIRE RESPONDENT TO CONFORM WITH RULES
CONCERNING DESIGNATION OF MATTER; AND REQUEST FOR STAY OF TIME LIMIT
TO FILE INITIAL REPLY BRIEF

I. MOTION TO STRIKE STATEMENT OF THE CASE AND STATEMENT OF THE FACTS
IN RESPONDENT'S INITIAL BRIEF

There are numerous errors of compliance with the South Carolina Appellate Court Rules in the Statement of the Case and Statement of Facts contained in the Initial Brief of Respondent. Specifically, Respondent fails to cite to the Pleadings, Orders, Exhibits, and Transcript as required by Rule 208(b)(2)(4), SCACR. Moreover, Respondent's Statement of Facts contains contested matters that are both argumentative and conclusory in nature, in violation of Rules 208(b)(1)(C) and Rule 208(b)(2), SCACR. Appellant requests that the Statement of the Case and Statement of Facts be stricken and resubmitted in compliance with the stated Rules.

II. MOTION FOR ORDER REQUIRING RESPONDENT'S DESIGNATION OF MATTER TO
IDENTIFY SPECIFIC PAGES FROM APPELLANT'S MEDICAL RECORD (EXHIBIT 5) THAT
ARE RELEVANT TO THE APPEAL

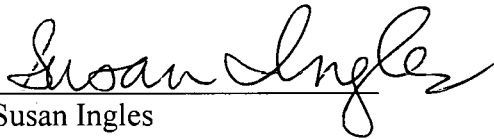
Respondent's proposed Designation of Matter includes Appellant's entire medical record (Exhibit 5), which is approximately an additional 250 pages and contains extensive personal identifiers and matter not relevant to the appeal, in violation of Rule 209(b), SCACR. The Respondent's Initial Brief contains 3 citations to the medical

record, only one of which cites specific pages, in violation of Rule 209(b), SCACR.208(b)(2)(4). Inclusion of the entire medical record is both unnecessary to resolving the issue on appeal and would be burdensome to both the Court and to the party required to redact the Record in accord with Rule 41.2, SCRPC. Appellant requests that Respondent be required to designate matter only specific to the appeal and to provide citations to those pages of the medical record.

III. MOTION FOR A STAY OF TIME LIMIT FOR APPELLANT TO SUBMIT ITS REPLY BRIEF TO RESPONDENT'S INITIAL BRIEF AND TO SUBMIT THE RECORD ON APPEAL PENDING THE COURT'S DECISION ON THE ABOVE MOTIONS

Appellant cannot determine whether a Reply Brief is required until the Court rules on the Motions presented. Furthermore, Appellant cannot prepare the Record On Appeal until a decision is rendered regarding Exhibit 5..

Respectfully submitted,



Susan Ingles
South Carolina Legal Services
701 South Main Street
Greenville, South Carolina 29601
S.C. Bar No. 004577
Sharon Young Ward
16 Jamestown Road
Charleston, South Carolina 29407
S.C. Bar No. 76167

June 7, 2017

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Circuit Court

R, Scott Sprouse, Circuit Court Judge

Case No. 2014-CP-04-00373

Appellate Case No. 2016-002302

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SC Court of Appeals

NHC HealthCare/Mauldin, LLC..... Respondent

v.

Wade Thompson and Sheila Thompson

Of whom Wade Thompson is the Appellant.

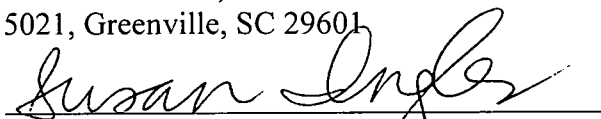
PROOF OF SERVICE

I certify that I have served the

MOTION TO STRIKE; MOTION TO REQUIRE RESPONDENT TO CONFORM WITH RULES CONCERNING DESIGNATION OF MATTER; AND REQUEST FOR STAY OF TIME LIMIT TO FILE INITIAL REPLY BRIEF AND RECORD ON APPEAL

on NHC HealthCare/Mauldin, LLC, other counsel of record and the Guardian ad Litem by depositing a copy to each in the U.S. mail, postage prepaid, on June 8, 2017 on the following:

Craig H. Allen, P. O. Box 10854, Greenville, SC 29603.
Erick M. Barbare 120 Halton Road Suite 3 Greenville, SC 29607
Jay W. Duvall, 330 E. Coffee St, Ste 5021, Greenville, SC 29601


Susan Ingles, S.C. Bar No. 0004577
South Carolina Legal Services
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South Carolina Legal Services

Balancing the Scales of Justice

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June 8, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201-3726

RE: NHC HealthCare/Mauldin, LLLC vs. Wade Thompson and Sheila Thompson of whom
Wade Thompson is the Appellant
Appellate Case No. 2016-002302

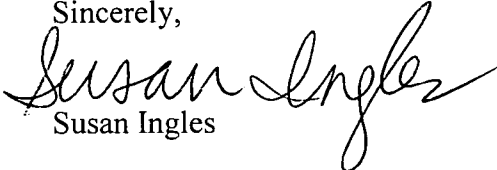
Dear Ms. Kitchings:

Enclosed for filing in the above referenced case are the following:

- 1) Motion To Strike; Motion To Require Respondent To Conform With Rules Concerning Designation Of Matter; And Request For Stay Of Time Limit To File Initial Reply Brief And Record On Appeal (original and 6 copies)
- 2) Proof of Service
- 3) \$25.00 for filing fees for the aforementioned Motion

Thank you for your consideration of this submission. Please let me know if anything further is needed.

Sincerely,


Susan Ingles

Encl.

cc: Craig H. Allen
Erick M. Barbare
Jay W. Duvall

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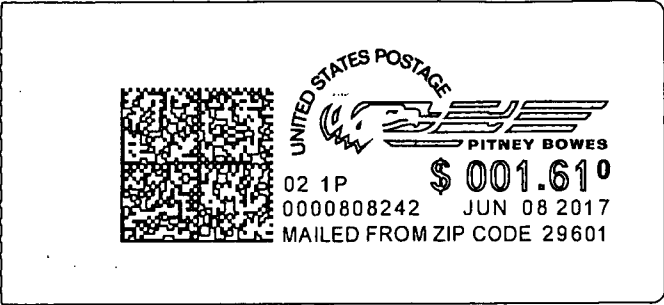
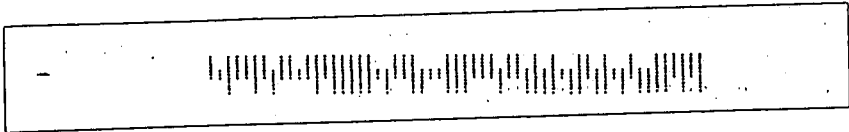
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