

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Case No. 2014-CP-04-00373

Appellate Case No.: 2016-002302

NHC HealthCare Mauldin,
LLC,

Respondent,

v.

Wade Thompson and Sheila
Thompson Of Whom Wade
Thompson is the

Appellant.

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RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE AND
RESPONDENT'S RETURN TO APPELLANT'S MOTION TO REQUIRE
RESPONDENT TO CONFORM WITH RULES CONCERNING
DESIGNATION OF MATTER

- 1: APPELLANT'S MOTION TO STRIKE SHOULD BE GRANTED IN PART AND DENIED IN PART

Respondent concedes that its initial brief omitted citations to the pleadings and orders as required by SCACR 208 (b) (4) in the Statement of the Case section. Respondent requests ten (10) days to amend its initial brief to conform to the rules.

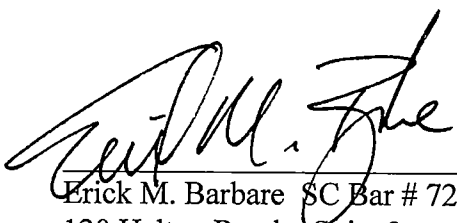
Conversely, Respondent contends that Appellant's reliance on SCACR 208 (b) (1) (C) and Rule 208 (b) (2) is misplaced inasmuch as Appellant argues that Respondent's Initial Brief violates these rules by including contested matters in Respondent's Statement of Facts. These Rules apply

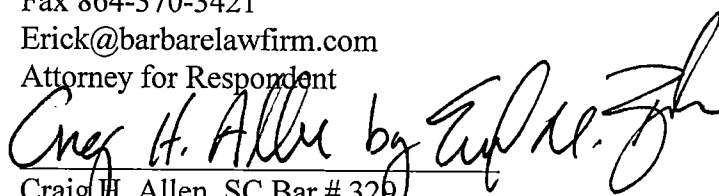
only to the Statement of the Case, and not the Statement of Facts. Respondent's Initial Brief contains no contested matters in its Statement of the Case, and Appellant does not contend that it does. Contested matters may be properly included in a Statement of Facts pursuant to SCACR 208 (b) (1) (D) and SCACR 208 (b) (2). Accordingly, Appellant's motion to strike as it relates to Respondent's Statement of the Facts should be denied.

2. RESPONDENT AGREES TO IDENTIFY SPECIFIC PAGES IN EXHIBIT 5 IN ITS DESIGNATION OF MATTER AND IN ITS CITATIONS TO THIS EXHIBIT IN ITS INITIAL BRIEF.

Respondent Request ten (10) days to resubmit its designation of matter and its initial brief.

Date: 6/19/17
Greenville, South Carolina


Erick M. Barbare SC Bar # 72851
120 Halton Road, Suite 3
Greenville, SC 29607
864-232-2700
Fax 864-370-3421
Erick@barbarelawfirm.com
Attorney for Respondent


Craig H. Allen, SC Bar # 329
PO Box 10854
Greenville, SC 29603
craig@craigallenlaw.com
(864) 239-0444
Fax (864) 239-0098
Attorney for Respondent

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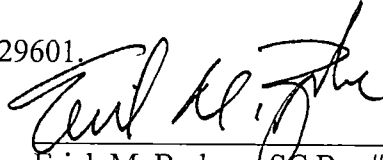
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PROOF OF SERVICE

I certify that I have served the RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE AND RESPONDENT'S RETURN TO APPELLANT'S MOTION TO REQUIRE RESPONDENT TO CONFORM WITH RULES CONCERNING DESIGNATION OF MATTER on Wade Thompson by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2017, addressed to his attorney of record, Susan Ingles, 701 South Main

Street, Greenville, South Carolina 29601.

June 19, 2017



Erick M. Barbare SC Bar # 72851

120 Halton Road, Suite 3

Greenville, SC 29607

864-232-2700

Fax 864-370-3421

Erick@barbarelawfirm.com

Attorney for Respondent

BARBARE LAW FIRM

PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
120 HALTON ROAD SUITE 3
GREENVILLE, SOUTH CAROLINA 29607
(864)-232-2700
FAX (864)-370-3421

RONALD F. BARBARE

ERICK M. BARBARE

June 19, 2017

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
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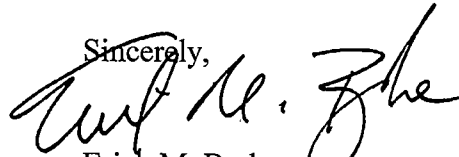
RE: NHC HealthCare Mauldin, LLC, Respondent, v. Wade Thompson and Sheila Thompson, Defendants Of Whom Wade Thompson is the Appellant.
Appellate Case No.: 2016-002302

Dear Ms. Kitchings:

Enclosed for filing is the original and one copy of the RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE AND RESPONDENT'S RETURN TO APPELLANT'S MOTION TO REQUIRE RESPONDENT TO CONFORM WITH RULES CONCERNING DESIGNATION OF MATTER and the Proof of Service of same in the above-referenced appeal.

Please return the clocked-in copy to me in the envelope provided.

Sincerely,



Erick M. Barbare
Attorney for Respondent

cc: Susan Ingles, Esquire
Attorney for Appellant

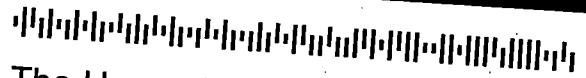
The Barbare Law Firm, PA
120 Halton Road, Suite 3
Greenville SC 29607

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