

83858

**STATE OF SOUTH CAROLINA**

**IN THE COURT OF APPEALS**

\_\_\_\_\_  
Appeal from Florence County  
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

\_\_\_\_\_  
Case No. 2013-CP-21-00690  
Appellate Case No. 2016-001551  
\_\_\_\_\_

**RECEIVED**

JUN 30 2017

**SC Court of Appeals**

Christy Bryd, as Next Friend of Julia B., a minor,

Appellant,

v.

McLeod Physician Associates II and Dr. John B. Browning,

Respondents.

\_\_\_\_\_  
**Motion to Complete the Record on Appeal**  
\_\_\_\_\_

The Respondents McLeod Physician Associates II and Dr. John B. Browning hereby move the Court for an order allowing the transfer of a physical exhibit in the trial of the above captioned case from the Office of the Clerk of Court for Florence County to the Appellate Court to complete the Record on Appeal.

In this obstetrical (shoulder dystocia) medical malpractice action, a video of a portion of time during the delivery of the Infant Appellant was admitted into evidence. The Respondents

have cited to the video in their brief and designated the video for inclusion in the Record on Appeal pursuant to Rule 209.<sup>1</sup>

Rule 210(c) of the Appellate Court Rules provides that: “The Record on Appeal shall include all matter designated to be included by any party under Rule 209...” However, Rule 210(f) provides that: “All exhibits other than paper exhibits must be retained in the trial court and delivered to the appellate court only upon receipt of an order from the clerk of the appellate court.”

The Appellant has served the Record on Appeal upon the Respondents and filed it with the Court of Appeals. The Respondents respectfully request that the Court issue an appropriate order to allow the Florence County Clerk of Court to release the birth video, Plaintiff’s Exhibit 5 to the Appellant for transfer to the Court of Appeals to complete the Record on Appeal.

Respectfully submitted,

HOOD LAW FIRM, LLC



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Mary Agnes Hood Craig (SC #6960)  
Ellore A. Ganes (SC #70509)  
Benjamin H. Joyce (SC #100949)  
Deborah H. Sheffield, *Of Counsel* (SC #2757)  
172 Meeting Street ~ P.O. Box 1508  
Charleston, South Carolina 29402  
Phone: (843) 577-4435  
Facsimile: (843) 722-1630

**Attorneys for the Respondents  
McLeod Physician Associates II and  
Dr. John B. Browning**

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<sup>1</sup> The exhibit number was incorrectly listed on the Designation, but the correct number is Plaintiff’s exhibit 5.

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Certificate of Service

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The undersigned certifies that on this 20th day of June, 2017, a copy of the Motion to Complete the Record on Appeal on behalf of Respondents McLeod Physician Associates II and Dr. John B. Browning, was served by depositing said copy in the U.S. Mail, with sufficient first class postage, on the following counsel at the addresses listed below:

Edward L. Graham, Esquire  
Diane M. Rodriguez, Esquire  
Graham Law Firm, P.A.  
P.O. Box 550  
Florence, SC 29503

Edward L. Graham, Esquire  
Diane M. Rodriguez, Esquire  
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P.O. Box 604  
Sumter, SC 29151-0604

HOOD LAW FIRM, LLC



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**Attorneys for the Respondents  
McLeod Physician Associates II and  
Dr. John B. Browning**

June 28, 2017

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Re: Christy Byrd, as Next Friend of Julia Byrd, a minor v. McLeod Physician  
Associates II and Dr. John B. Browning,  
C/A No. 2013-CP-21-00690, Florence CP  
Appellate Case No. 2016-001551  
HLF File No. 25.056

Dear Ms. Kitchings:

Enclosed please find the original plus six copies of the Respondents' Motion to Complete the Record on Appeal in the above matter, along with the Certificate of Service and the filing fee. I am serving all counsel of record with copies of the each. Please return a clocked-in copy of each in the envelope provided.

Kind regards,

Yours truly,



Elloree A. Ganes

EAG/jad  
Enclosure

cc: Edward L. Graham, Esquire/Diane Rodriguez, Esquire

Hood Law Firm, LLC  
172 Meeting Street  
P.O. Box 1508  
Charleston, SC 29401

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

