

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM RICHALAND COUNTY
Court Of Common Pleas

Jean H. Toal, Circuit Court Judge
DeAndrea G. Benjamin, Circuit Court Judge
James P. Kelly, Arbitrator

Case No.: 2014-CP-40-6017
Appellate Case No. 2017-000994

RECEIVED
OCT 10 2017
SC Court of Appeals

Rajinder Parmar.....Respondent,

vs.

Balbir S. Minhas, Midlands Gastroenterology, PC, and Midlands Endoscopy Center, LLC
..... Appellants

**RESPONDENT’S RETURN TO MOTION TO WITHDRAW AS COUNSEL OF
RECORD**

The Respondent Rajinder Parmar (“Respondent”) submits this Return in opposition to Appellants’ Motion to Withdraw as Counsel of Record. Respondents filed a Notice of Appeal and an Amended Notice of Appeal on April 20, 2017 and April 26, 2017. The Notices list four attorneys as counsel of record for Appellants: John S. Nichols, Joel W. Collins, Christian Stegmaier, and James E. Smith, Jr.

Appellants’ deadline to file its Initial Brief was September 5, 2017. On September 5, 2017, Appellants filed a Motion or Extension of Time requesting an additional 30 days to file their Initial Brief. Appellants set forth no grounds in support of their Motion for Extension other than their general desire for an extension. Respondent did not object to

Appellants' first request for an extension of time. By Order dated September 7, 2017, the Court extended Appellants' deadline until October 5, 2017. On October 4, 2017, the day before Appellants' Initial Brief was due, Appellants filed a Motion to Withdraw as Counsel of Record because Mr. Nichols is leaving private practice. Appellants requested 60 days "to advise the Court whether they intend to proceed with substitute appellate counsel or *pro se*." Respondent objects to Appellants request.

First, Appellants contend co-counsel was engaged for the limited purpose of assisting them at the trial level; however, Appellants listed co-counsel as their attorneys of record on the Notice of Appeal. While Respondent does not object to Mr. Nichols' withdrawal as counsel, Appellants have three other attorneys of record who have not withdrawn. Furthermore, Appellants could have made arrangements to retain substitute counsel when they were notified of Mr. Nichols' plan to leave private practice.

Second, Appellants Gastroenterology, PC and Midlands Endoscopy Center, LLC are corporations and do not have a right to appear *pro se* before the Court of Appeals. *See* S.C. Code Ann. §40-5-320; *Renaissance Enters., Inc. v. Summit Teleservices, Inc.*, 334 S.C 649, 515 S.E.2d 257 (1999). Nevertheless, 60 days is an unreasonable amount of time to obtain substitute counsel, especially considering that Appellants' already received one 30-day extension to file their Initial Brief. This Appeal relates to an arbitration award entered in favor of Respondent on May 17, 2016 and has been pending for nearly 6 months. Respondent is unable to collect the money he is owed while the Appeal is pending and continues to be prejudiced the longer Appellants drag out their Appeal.¹

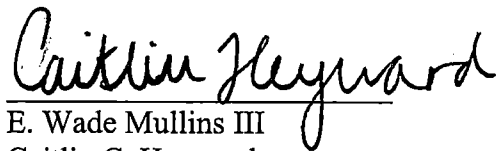
¹ Appellants were granted leave to deposit the judgment sum of \$362,954.42 with the Clerk of Court pending the outcome of the Appeal.

Finally, the Motion to Withdraw does not request a second extension for Appellants to file their Initial Brief, and no such request was otherwise filed by Appellants. Appellants did not file their Initial Brief on or before October 5, 2017. Therefore, Appellants' Appeal must be dismissed pursuant to South Carolina Appellate Court Rules 208(a)(4) and 260 because they failed to file an Initial Brief within the time prescribed.

For the reasons stated herein, Respondent respectfully requests the Court enter an Order dismissing the Appeal or, in the alternative, directing Appellants to immediately file their Initial Brief.

Respectfully Submitted,

October 9, 2017



E. Wade Mullins III
Caitlin C. Heyward
Bruner, Powell, Wall & Mullins, LLC
P.O. Box 61110
Columbia, South Carolina 29260
(803) 252-7693
Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHALAND COUNTY
Court Of Common Pleas

Jean H. Toal, Circuit Court Judge
DeAndrea G. Benjamin, Circuit Court Judge
James P. Kelly, Arbitrator

RECEIVED

OCT 10 2017

SC Court of Appeals

Case No.: 2014-CP-40-6017
Appellate Case No. 2017-000994

Rajinder Parmar.....Respondent,

vs.

Balbir S. Minhas, Midlands Gastroenterology, PC, and Midlands Endoscopy Center, LLC
..... Appellants

PROOF OF SERVICE


I, Caitlin C. Heyward, an attorney with Bruner Powell Wall & Mullins, LLC, attorneys for the Respondent, Rajinder Parmar, hereby certify that on this 10 day of October, 2017, have served the following with a copy of the Respondent's Return to Motion to Withdraw as Counsel of Record, via Email and by mailing a copy of same to them in the United States mail, with proper postage affixed and addressed as follows:

Joel W. Collins Jr.
Collins & Lacy, P.A.
1330 Lady Street, Sixth Floor
Columbia, South Carolina 29201
jcollins@collinsandlacy.com
Attorney for Appellants

Christian Stegmaier
Collins & Lacy, P.A.
1330 Lady Street, Sixth Floor
Columbia, South Carolina 29201
cstegmaier@collinslacy.com
Attorney for Appellants

John S. Nichols
Bluestein Nichols Thompson &
Delgado, LLC
1614 Taylor St.
Columbia, South Carolina 29201
john@bluesteinattorneys.com
Attorney for Appellants

James E. Smith, Jr.
James E. Smith Jr., PA
1422 Laurel Street
Columbia, SC 29201
james@jamesmithpa.com
Attorney for Appellants


Caitlin C. Heyward
Bruner, Powell, Wall & Mullins, LLC
P.O. Box 61110
Columbia, South Carolina 29260
Phone: 803-252-7693
Fax: 803-254-5719
Email: cheyward@brunerpowell.com
Attorney for Respondent

BRUNER, POWELL, WALL & MULLINS, LLC

ATTORNEYS AND COUNSELORS AT LAW
1735 ST. JULIAN PLACE, SUITE 200
POST OFFICE BOX 61110
COLUMBIA, SOUTH CAROLINA 29260-1110
TELEPHONE 803-252-7693
FAX 803-254-5719
WWW.BRUNERPOWELL.COM

JAMES L. BRUNER, P.A.
OF COUNSEL

WARREN C. POWELL, JR., P.A.**
HENRY P. WALL
E. WADE MULLINS III, P.A.
BRIAN P. ROBINSON, P.A.
WESLEY D. PEEL, P.A.
JOEY R. FLOYD, P.A.
BENJAMIN C. BRUNER, P.A.

ANN F. ALLISON
CAITLIN C. HEYWARD
ROBERT C. OSBORNE III
BRYAN M.J. TRIPLETT

** Also Admitted in District of Columbia

AUTHOR'S E-MAIL: CHEYWARD@BRUNERPOWELL.COM

October 9, 2017

VIA HAND DELIVERY

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

RECEIVED
OCT 10 2017
SC Court of Appeals

**RE: Rajiner Parmar vs. Balbir S. Minhas, Midlands Gastroenterology and
Midlands Endoscopy Center, LLC
Appellate Case No.: 2017-000994
BPWM File No.: 7-2797.100**


Dear Ms. Kitchings:

Enclosed herewith please find the original and seven (7) copies of the Respondent's Return to Motion to Withdraw as Counsel of Record along with a Proof of Service. Please have a member of your staff file the original and return a filed copy to me via my firm's courier.

All counsel of record is being served with a copy of the enclosed. Thank you for your assistance in this matter.

With my kindest regards, I am

Sincerely,


Caitlin C. Heyward

CCH/ash

Enclosures

cc: John S. Nichols, (w/enclosures, via email - john@bluesteinattorneys.com & U.S. mail)
Joel W. Collins Jr. (w/enclosures, via email - jcollins@collinsandlacy.com & U.S. mail)
Christian Stegmaier (w/enclosures, via email - cstegmaier@collinsandlacy.com and U.S. mail)
James E. Smith, Jr. (w/enclosures, via email - james@jamesmithpa.com & U.S. mail)
Rajiner Parmar (w/enclosures, via email)

BRUNER, POWELL, WALL & MULLINS, LLC
1735 ST. JULIAN PLACE, SUITE 200
POST OFFICE BOX 61110
COLUMBIA, SC 29260

(ash-7-2797.100)

VIA HAND DELIVERY

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

RECEIVED
OCT 10 2017
SC Court of Appeals