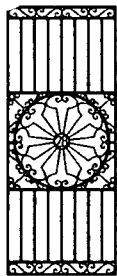


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Other Office:
Columbia, SC



**YOUNG
CLEMENT
RIVERS LLP**
ATTORNEYS AT LAW

June 29, 2010

Russell G. Hines
Associate

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1327
E-mail: RHines@ycrlaw.com

RECEIVED

JUN 30 2010

SC Court of Appeals

The Honorable Tanya A. Gee
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Law Offices of William A. Green vs. Roper St. Francis Healthcare and
Dominique Smalls
Case No.: 2009-CP-10-0735
YCR File: 3810-20090183

Dear Ms. Gee:

Please note that Stephen L. Brown and myself, both of us of Young Clement Rivers, LLP, 28 Broad Street, Charleston, South Carolina 29401, will also be appearing along with Joseph J. Tierney, Jr. and Robert B. Hawk (also of Young Clement Rivers, LLP) on behalf of the Respondent, Roper St. Francis Healthcare, in the above-captioned matter, which is now on appeal to this Court. I would ask that the Court send all future correspondence in this matter to Mr. Brown and myself. I will then ensure that Messrs. Tierney and Hawk are provided with copies of the same. If this request requires a more formal filing, please let me know.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Russell G. Hines
Associate

RGH/amj

cc: D. Scott Drescher, Esquire
Desa Ballard, Esquire
Stephanie Weissenstein, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 16, 2010

Desa Ballard, Esquire
Law Offices of Desa Ballard
226 State St.
West Columbia, SC 29169

Re: Law Offices W. Green v. Roper
2010163386

Dear Ms. Ballard:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

Upon review, it has come to the Court's attention that the caption should read as follows:

| | |
|---|-------------|
| Law Offices of William A. Green, | Plaintiff, |
| v. | |
| Roper St. Francis Healthcare and Dominique Smalls, | Defendants, |
| Of whom, Roper St. Francis Healthcare is, | Respondent, |
| And Dominique Smalls, | Appellant. |

Any future filings by any party to this appeal must feature the above caption.

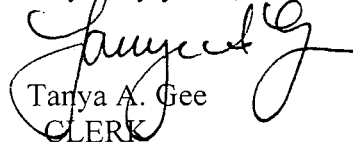
We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1015 Sumter Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten (10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,


Tanya A. Gee
CLERK

TAG/mpm

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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June 16, 2010

Desa Ballard, Esquire
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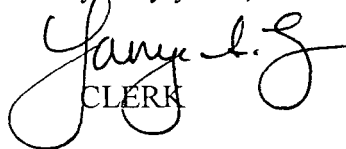
Re: Law Offices W. Green v. Roper
2010163386

Dear Ms. Ballard:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,


CLERK

TAG/mpm

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Es

The Supreme Court of South Carolina

RE: Interim Guidance Regarding Personal Data Identifiers and
Other Sensitive Information in Appellate Court Filings

ORDER

Under the Federal Constitution, our State Constitution, and our common law, court records are presumptively open to the public, and these records may only be sealed by a court based on specific findings that the need for secrecy outweighs the presumption of openness. Ex parte Capital U-Drive-It, Inc., 369 S.C. 1, 630 S.E.2d 464 (2006); Davis v. Jennings, 304 S.C. 502, 405 S.E.2d 601 (1991). Therefore, with some few exceptions,¹ documents filed with this Court or the South Carolina Court of Appeals (appellate court) are available to the public unless sealed by order of the appellate court in which the matter is pending.

Several commercial vendors have recently requested copies of briefs filed with the appellate courts, and it is anticipated that these and other appellate filings will be available electronically from both private and public sources in the future. The ready availability of these documents raises significant privacy concerns. While this problem is currently under review by the Chief Justice's Task Force on Public Access to Court Records, we adopt the following interim guidance regarding personal data identifiers and other sensitive information in documents filed in the appellate courts.

Parties shall not include, or will partially redact where inclusion is necessary, the following personal data identifiers from documents filed with an appellate court:²

1. Social Security Numbers. If a social security number must be included, only the last four digits of that number should be used.
2. Names of Minor Children. If a minor is the victim of a sexual assault or is involved in an abuse or neglect case, the minor's name will be completely redacted and a term such as "victim" or "child" should be used. In all other cases, only the minor's first name and first initial of the last name (i.e., John S.) should be used.
3. Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
4. Home Addresses. If a home address must be included, only the city and state should be used.

Parties wishing to file documents containing the personal data identifiers listed above may file unredacted documents under seal, together with redacted versions for the public file. The sealed unredacted documents shall be filed in a separate Appendix and the bottom of each page of the Appendix shall be marked "Sealed." No order of the appellate court will be required to file this sealed Appendix. The number of copies of the Appendix to be served and filed shall

be the same as that required for the brief, record on appeal, motion or other filing that includes the redacted documents.

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend the caption to redact the identifier. This should be done contemporaneously with the filing of the notice of appeal or the commencement of the case with the appellate court. Without a motion to the appellate court, the caption of a juvenile delinquency matter from the family court shall be redacted to only use the juvenile's first name and first letter of the juvenile's last name (i.e., In the Interest of John S., a Juvenile.)

A party seeking to seal material beyond those personal identifiers listed above, must file a motion to seal with the appellate court in which the matter is pending. This is true even if the lower court or administrative tribunal may have issued an order sealing the record. Until the motion is ruled on, the clerk of the appellate court shall treat the material as if it is sealed. Parties and counsel are reminded that the standard established in Ex parte Capital U-Drive-It, Inc. and Davis v. Jennings, supra, must be met before any request to seal all or a portion of a record will be granted. Once sealed by order of an appellate court, the materials will remain sealed before the appellate courts unless otherwise ordered by the appellate court in which the matter is pending.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, or national security information.

Attorneys are expected to discuss this matter with their clients so that an informed decision can be made about the inclusion of sensitive information. The appellate courts and their staff will not review filings for redaction or to determine if materials should be sealed; the responsibility for insuring that information is redacted or sealed rests with counsel and the parties.

IT IS SO ORDERED.

s/Jean H. Toal _____ C.J.

s/James E. Moore _____ J.

s/John H. Waller, Jr. _____ J.

s/E.C. Burnett, III _____ J.

s/Costa M. Pleicones _____ J.

Columbia, South Carolina

August 13, 2007

1 See, e.g., Rule 12 of the Rules for Lawyer Disciplinary Enforcement contained in Rule 413, SCACR; Rule 12 of the Rules for Judicial Disciplinary Enforcement contained in Rule 502, SCACR; Rule 402(n), SCACR; and Rule 403(l), SCACR.

2 This restriction shall not apply when this information is required or requested by the appellate court. For example, the application for admission to practice law under Rule 402, SCACR, requires many of these personal identifiers to be disclosed.

RM 6/9/10
Pos 6/8/10

RECEIVED

JUN 10 2010

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

vs.

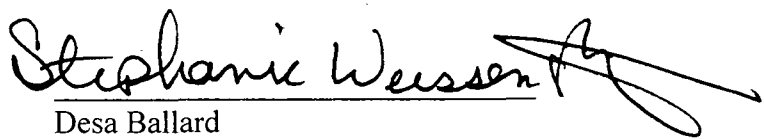
Roper St. Francis Healthcare,RESPONDENT

and

Dominique Smalls,APPELLANT

NOTICE OF APPEAL

Appellant Dominique Smalls appeals the orders of the Honorable Roger Young filed March 30, 2010 and April 29, 2010. Appellant's counsel received Notice of the latter order on or about May 10, 2010. Copies of each of the orders on appeal are attached hereto and incorporated by reference.



Desa Ballard
Stephanie Weissenstein
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West Columbia, South Carolina 29169
Telephone 803.796.9299
Facsimile 803.796.1066
E-mails: desab@desaballard.com
stephanie@desaballard.com

ATTORNEYS FOR APPELLANT

June 8, 2010

Other counsel of record:

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Young Clements Rivers LLP
Post Office Box 993
Charleston, South Carolina 29402
Attorneys for Respondent

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston, South Carolina 29415
Attorney for Law Offices of William A. Green

RECEIVED

JUN 10 2010

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

vs.

Roper St. Francis Healthcare,RESPONDENT

and

Dominique Smalls,APPELLANT

CERTIFICATE OF SERVICE


I, Jena Breedlove, do hereby certify that I have this date, served one (1) copy of the **Notice of Appeal** in the above-captioned matter on the following by placing same in United States Mail, with sufficient first-class postage affixed and addressed as follows:

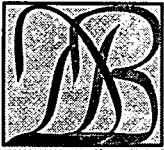
Joseph J. Tierney, Jr., Esquire and Robert B. Hawk, Esquire
Young Clements Rivers LLP
Post Office Box 993
Charleston, South Carolina 29402

D. Scott Drescher, Esquire
Law Offices of William A Green
Post Office Box 70306
North Charleston, South Carolina 29415

Julie J. Armstrong, Clerk of Court
Charleston County Courthouse
100 Broad Street, Suite 106
Charleston, South Carolina 29401

June 8, 2010


Jena Breedlove
Paralegal



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

June 9, 2010

RECEIVED

JUN 10 2010

SC Court of Appeals

Via U.S. Mail Only
The Honorable Tanya Gee
1015 Sumter Street
Post Office Box 11629
Columbia South Carolina 29211

Re: *Law Offices of William A. Green v. Roper St. Francis Healthcare and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Gee:

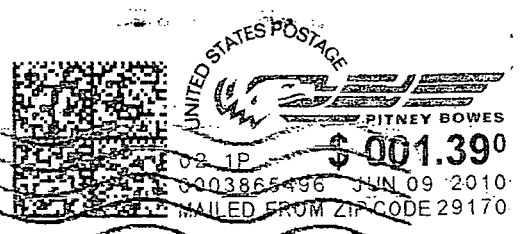
Please find enclosed for filing the original and one (1) copy of **Appellant Dominique Smalls' Notice of Appeal**, with proof of service on all opposing counsel on the last page of the motion, along with our firm's check for the \$100.00 filing fee. Please clock in the extra copy and return to me in the enclosed self-addressed and stamped envelope. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,

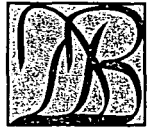
Jena Breedlove
Paralegal
jena@desaballard.com

c: Honorable Julie J. Armstrong, Charleston County Clerk of Court
Robert B. Hawk, Esquire
Joseph J. Tierney, Jr., Esquire
D. Scott Drescher, Esquire
Dominique N. Smalls (via e-mail only)



COLUMBIA SC 292

WED 09 JUN 2010 PM



Law Offices of Desa Ballard

226 State Street
West Columbia, SC 29169

To:

Honorable Tanya Gee
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

IN THE STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
)
 Law Offices of William A. Green)
)
 Plaintiff)
)
 vs.)
)
 Roper St. Francis Healthcare and)
 Dominique Smalls)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 Case No.: 2009-CP-10-0735

**ORDER DENYING CO-DEFENDANT'S
 AND CROSS CLAIMANT'S MOTION
 FOR RECONSIDERATION**

FILED
 2010 APR 29 PM 2:39
 JULIE K. ARMSTRONG
 CLERK OF COURT
 BY _____

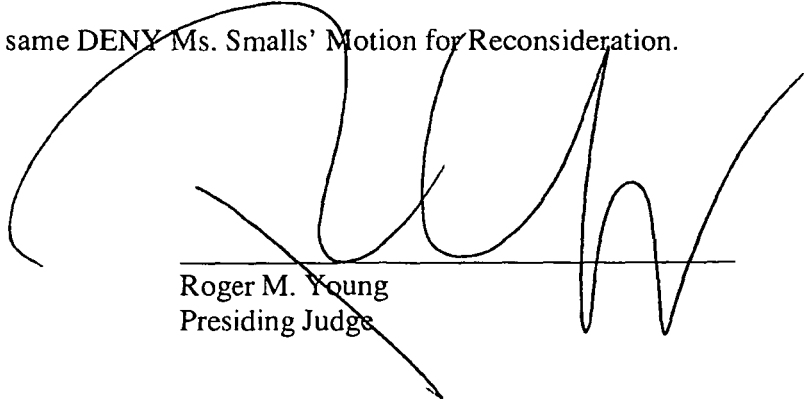
This matter initially came before the court upon Defendant, Roper St. Francis Healthcare's ("Roper") Motion for Summary Judgment. After oral argument, this Court granted Roper's Motion for Summary Judgment and Denied Ms. Small's Motion to Compel on March 30, 2010. Through her counsel Defendant, Dominique Smalls, and in response, filed a Motion to Reconsider that order pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure.

Power to open, modify or vacate a judgment is possessed solely by the court that rendered judgment. Coleman v. Dunlap, 413 S.E.2d 15 (S.C. 1992). A Rule 59(e) motion is not only the proper vehicle to request a court to alter or amend a judgment, but also to seek reconsideration of issues and arguments previously presented. Elam v. South Carolina Dept. of Transp., 361 S.E.2d 772 (S.C. 2004). It is well established that a Rule 59(e) motion can be successful in only three situations: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice. Zinkand v. Brown, 478 F.3d 634 (4th Cir. 2007)¹.

¹ The South Carolina Supreme Court looks to Zinkand for guidance on interpretation of Rule 59(e) because the state and federal rules are virtually identical. See Elam v. South Carolina Dept. of Transp. supra.

I have thoroughly considered the Motion for Reconsideration, supporting and opposing material and arguments, and based on same DENY Ms. Smalls' Motion for Reconsideration.

AND IT IS SO ORDERED.



A large, stylized handwritten signature in black ink, appearing to read 'RM Young', is written over a horizontal line. The signature is highly cursive and loops around the line.

Roger M. Young
Presiding Judge

April 27, 2010
Charleston, South Carolina.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 LAW OFFICES OF WILLIAM A.)
 GREEN,)
)
 PLAINTIFF,)
)
 vs.)
)
 ROPER ST. FRANCIS HEALTHCARE)
 AND DOMINIQUE SMALLS,)
)
 DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO. 2009-CP-10-0735

FILED
 2010 MAR 30 AM 11:35
 JULIE J. ARMSTRONG
 CLERK OF COURT

**ORDER DENYING DOMINIQUE
 SMALL'S MOTION TO COMPEL;
 ORDER GRANTING SUMMARY
 JUDGMENT ON BEHALF OF ROPER ST.
 FRANCIS HEALTHCARE; ORDER
 TRANSFERRING CASE TO MASTER IN
 EQUITY**

On March 17, 2010 three motions were argued before this honorable court that stem from the above captioned litigation. This action involves an interpleader claim filed by the Law Office of William Green against Roper St. Francis Healthcare and Dominique Smalls. The interpleader action asks the court to determine who is the rightful owner of \$13,312.75 dollars held in the trust account of the Law office of William Green. The \$13,312.75 held in escrow represents the difference in the paid amount and the total amount owed for services Dominique Smalls incurred while a patient at Roper Hospital as a result of a car wreck on November 23, 2006.

As a result of the interpleader action defendant Roper St. Francis Healthcare cross-claimed against co-defendant Dominique Smalls for the \$13,312.75 (difference in amount of total hospital charges and amount paid Roper by Dominique Smalls for services rendered). In return Dominique Smalls cross-claimed against Roper St. Francis Healthcare with an Unfair Trade Practices Act claim alleging it was unfair trade for Roper St. Francis Healthcare to withdraw a "self pay" discount and the withdraw was a penalty for Ms. Smalls obtaining legal counsel in her automobile accident case.

The below order memorializes findings from the bench regarding these motions.

MOTION TO COMPEL

Counsel for Dominique Smalls filed and argued a Motion to Compel against co-defendant, Roper St. Francis Healthcare seeking an order compelling Roper St. Francis Healthcare to produce all accounts in which Roper St. Francis withdrew its courtesy self-pay discount' from 2006 to the present, and, as to each, set forth the reason for the withdrawal of the discount. From 2006 to the present, approximately 31,400 Roper St. Francis Healthcare patients have been granted the self-pay discount and had that discount reversed. In response to Ms. Small's motion, counsel for Roper St. Francis Healthcare argued that production of patient information such as what was requested would violate HIPPA and constitute a violation of patient privacy. Counsel for Roper St. Francis Healthcare further argued that it would be unduly burdensome to Roper St. Francis Healthcare to manually go through 31,400 patient records and furthermore Plaintiff's objective for seeking this information (to prove repetition and the reasoning behind reversal of the self pay discount) was previously accomplished through the examination and sworn testimony of Roper St. Francis employees in the billing department and the further sworn affidavit testimony of Laura Icard from the Roper St. Francis billing department.

IT IS THEREFORE THE FINDING OF THIS COURT that the information sought would prove to be a violation of patient privacy and unduly burdensome on Roper St. Francis Healthcare. Furthermore the objective for the information sought could be accomplished through a less obtrusive and burdensome method.

IT IS THEREFORE ORDERED that Dominique Small's Motion to Compel against Roper St. Francis Healthcare is hereby denied!

MOTION FOR SUMMARY JUDGMENT

A handwritten signature in black ink, appearing to be a stylized 'D' followed by a flourish.

Next, counsel for defendant Roper St. Francis Healthcare argued that Dominique Small's cross claim against Roper St. Francis Healthcare for violation of the Unfair Trade Practices Act should be dismissed as a matter of law as there is no genuine issue as to any material fact with regard to the cause of action set forth against Roper St. Francis Healthcare violating the South Carolina Unfair Trade Practices Act.

Co-defendant, Dominique Smalls presented to Roper Hospital on November 23, 2006 as the result of an automobile accident. At the time of her presentation Ms. Smalls had no health insurance. As a result of having no health insurance Ms. Small's was granted a "self pay" discount as no third party would be assisting Ms. Smalls with the payment of her medical bills. Ms. Smalls' total bill for services rendered while a patient at Roper Hospital was \$66,563.75 dollars. The estimated patient balance with the "self pay" discount applied was \$53,251.00 dollars.

Subsequent to Ms. Small's discharge from the hospital it was learned by the hospital that Ms. Smalls was making a claim for the cost of her medical bills against several parties related to the automobile accident. As a result of third parties now being asked by Ms. Smalls to reimburse her for the cost of her medical bills Ms. Smalls no longer met the condition of qualifying for the "self pay" discount resulting in the total bill being \$66,563.75 dollars. (It should be noted that Ms. Smalls did tender \$53,251.00 dollars to the hospital out of the settlement proceeds from the automobile accident claim. The Law Office of William Green kept the remaining \$13,312.75 in their escrow account).

As a result of the reversal of the "self pay" discount Dominique Smalls filed a cross claim against defendant Roper St. Francis Healthcare alleging that the reversal of the "self pay" discount amounted to a violation of the South Carolina Unfair Trade Practices Act and that she is rightfully owed the \$13,312.75 held in escrow.

The South Carolina Unfair Trade Practices Act declares unlawful “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.” S.C. Code Ann. §39-5-20(a). “A trade practice is “unfair” when it is offensive to public policy or when it is immoral, unethical, or oppressive; a practice is “deceptive” when it has a tendency to deceive.” Young v. Century Lincoln-Mercury, Inc., 302 S.C. 320, 326, 396 S.E.2d 105, 108 (Ct. App. 1989) (Judgment affirmed in part, reversed in part on other grounds.).

NO VIOLATION OF PUBLIC POLICY

Counsel for Roper St. Francis healthcare argued that Roper St. Francis Healthcare is under no legal obligation to grant a self pay discount to uninsured patients who present to their hospital. Further counsel argued the “self pay” discount is a courtesy to ensure that all uninsured patients are able to access quality healthcare without significant financial consequences. Counsel argued that a benevolent act such as offering a discount to those not fortunate enough to have health insurance could not be offensive to public policy. Rather, the “self pay” discount actually promotes sound public policy as it assists those without the financial means to pay their hospital bills. Counsel for Dominique Smalls argued that the reversal of the “self pay” discount violates the unfair trade practices act because it penalizes people for obtaining legal counsel and therefore violates public policy. Counsel for Dominique Smalls put forth no evidence as to any material fact as to how Dominique Smalls was penalized as it was uncontroverted that her hospital bill for total services rendered was neither inflated or changed as a result of the self pay discount being applied and subsequently revoked. Counsel for Roper St. Francis Healthcare argued that Ms. Smalls’ self pay discount was not reversed because she obtained legal counsel for her car wreck but rather because she no longer met the condition of the self pay discount as a third party was now assuming the costs of Ms. Smalls’ medical bills (it is also uncontroverted that Ms. Smalls claimed



the full value of her medical bills, \$66,563.75 in negotiating and obtaining a \$220,000 dollar settlement with the insurance carriers of the parties involved in the automobile accident). Counsel for Roper St. Francis Healthcare argued that no evidence of any material fact exists to prove how Roper St. Francis Healthcare attempting to recover their loss equates to an offense against public policy. Counsel for Roper St. Francis argued that when a discount is given on a medical bill the hospital endures the costs resulting from the discounted amount because the hospital is still obligated to pay the vendors who provided services to the patient (physical therapists, drug companies, medical equipment companies, etc). When a patient such as Dominique Smalls makes a claim and is compensated by a third party for recovery of these hospital bills the third party is compensating Ms. Smalls for the services provided by these vendors. Should the hospital not receive full tender for the services provided by these vendors the hospital actually takes a loss as they are obligated to pay these vendors regardless. Therefore, the reversal of the self pay discount simply serves as a way for the hospital to recover their potential loss. Counsel argued no issue as to any material fact exists as to how the hospital trying to recover its loss amounts to an offense to public policy especially in light of Dominique Smalls receiving a potential windfall based on the hospital's loss.

ASCERTAINABLE LOSS

Counsel for Roper St. Francis healthcare next argued that the Unfair Trade Practices Act claim should be dismissed because no issue as to any material fact exists as to an ascertainable loss being suffered by Ms. Smalls. An individual may bring an action under the Act only if he suffers an "ascertainable loss" as a result of the use of a method, act or practice found unlawful under the Act. S.C. Code Ann. §39-5-140(a); Young, 302 S.C. at 326, 396 S.E.2d at 108. Ascertainable loss is defined as the loss of money or real or personal property, Counsel for



Roper St. Francis healthcare argued that the only party who has an ascertainable loss as of the date of the hearing on the motion for summary judgment is Roper St. Francis Healthcare (the difference between the \$53,251.00 dollars paid by Dominique Smalls and the charges for services rendered of 66,563.75 dollars). When Ms. Smalls' attorney was asked directly by the court if the settlement negotiations with the insurance carriers for the underlying automobile accident were based on the medical bills being \$53,251.00 (self pay discount amount) or \$66,563.75 Ms. Smalls' attorney affirmed to the court that the settlement negotiations for the medical bills were based on the \$66,563.75 dollar amount. Attorney Scott Drescher of the Law Office of William Green (attorney for Ms. Smalls in the automobile accident) was present at these arguments and did not dispute that the amount used to negotiate with the insurance carriers was the \$66,563.75 dollar amount. As such, Ms. Smalls was compensated by the insurance carriers based on her medical bills being \$66,563.75. Ms. Smalls does not contend that she was overcharged or that her bill was inflated as a result of receiving or the revocation of the "self pay" discount. Further, Ms. Smalls has only paid Roper Hospital \$53,251.00 dollars out of total charges of \$66,563.75 for services rendered. Therefore, she has suffered no ascertainable loss of money and has failed to prove this necessary element of an Unfair Trade Practices Act claim.

THIS COURT finds that based on the evidence presented Dominique Smalls has failed to prove any genuine issue as to any material fact as to how she was penalized for obtaining legal counsel or how the granting or revocation of a self pay discount results in an offensive or deceptive act on the public by Roper St. Francis Healthcare. THIS COURT FURTHER FINDS that Dominique Smalls has suffered no ascertainable loss as a result of the revocation of the "self pay" discount or the actions of Roper St. Francis Healthcare.

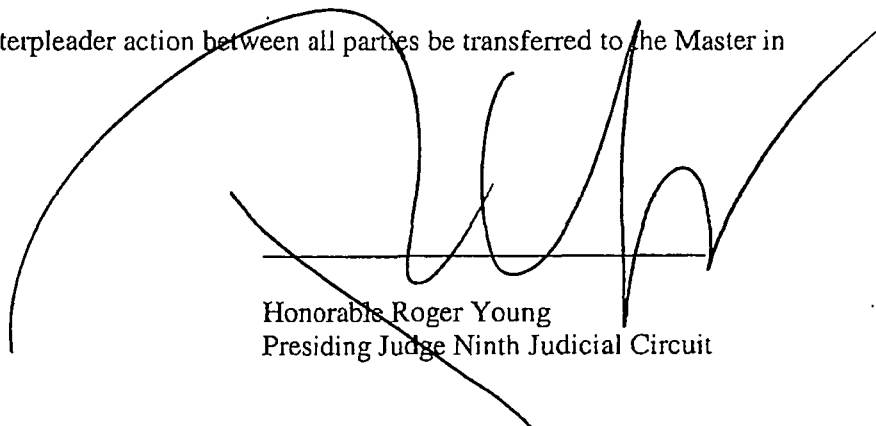
A handwritten signature in black ink, appearing to be the initials 'DS' or similar, located at the bottom right of the page.

IT IS THERFORE ORDERED that Dominique Smalls' Unfair Trade Practices Act claim against Roper St. Francis Healthcare be dismissed as a matter of law.

TRANSFER TO MASTER

A motion was also filed on behalf of defendant, Roper St. Francis Healthcare to transfer the original Interpleader action to the Master in Equity. As this motion was unopposed it is hereby ORDERED that the Interpleader action between all parties be transferred to the Master in Equity.

IT IS SO ORDERED!



Honorable Roger Young
Presiding Judge Ninth Judicial Circuit

Charleston, South Carolina

Dated: _____

3/24/10



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

July 29, 2010

Via U.S. Mail

V. Claire Allen
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
AUG 02 2010
SC Court of Appeals

Re: *Law Offices W. Green v. Roper*
Case No: 2010163386

Dear Ms. Allen:

Pursuant to your request, enclosed is a **Certificate of Service** showing service of our request for transcript on counsel and the court administrator, as follows:

Joseph J. Tierney, Jr., Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Robert B. Hawk, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Stephen L. Brown, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Russell G. Hines, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston South Carolina 29415

Office of Court Administration
1015 Sumter Street, Suite 200
Columbia South Carolina 29201

We apologize for the misunderstanding and appreciate your cooperation in the matter.

With warm personal regards, I am,

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephanie Weissenstein". The signature is written in a cursive style and is positioned above the printed name and email address.

Stephanie Weissenstein
stephanie@desaballard.com

c: Dominique Smalls (via E-mail)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

RECEIVED

Case No. 2009-CP-10-0735

AUG 02 2010

SC Court of Appeals

Law Offices of William A. Green,

vs.

Roper St. Francis Healthcare,RESPONDENT

and

Dominique Smalls,APPELLANT

CERTIFICATE OF SERVICE

I, Brooks C. Schumacher, do hereby certify that I have this date, served one (1) copy of **Appellant's request for a copy of the transcript from hearing dated March 18, 2010, and our letter enclosing payment for a copy of the transcript from the hearing dated March 18, 2010**, in the above-captioned matter on the following by placing same in United States Mail, with sufficient first-class postage affixed and addressed as follows:

V. Claire Allen
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Joseph J. Tierney, Jr., Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Robert B. Hawk, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Stephen L. Brown, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Russell G. Hines, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston South Carolina 29415

Office of Court Administration
1015 Sumter Street, Suite 200
Columbia South Carolina 29201

A handwritten signature in black ink, appearing to read 'B.C. Schumacher', written over a horizontal line.

Brooks C. Schumacher
Paralegal

July 29, 2010



Law Offices of Desa Ballard

Desa Ballard

Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

June 18, 2009

RECEIVED

AUG 02 2010

SC Court of Appeals

Via U.S. Mail Only
Amanda K. Haffenden
Post Office Box 424
Summerville, South Carolina 29484

Re: *Law Offices of William A. Green v. Roper St. Francis and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Haffenden:

According to the South Carolina Judicial Department website you were the court reporter at the Motions Hearing held on March 18, 2010 before the Honorable Roger M. Young in the above-referenced matter.

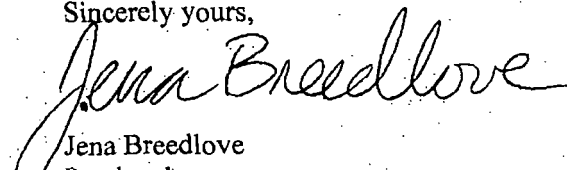
This letter is to formally request a copy of the transcript from that hearing, as our firm represents Ms. Smalls. Please mail the transcript along with an invoice for the copy to:

Law Offices of Desa Ballard
226 State Street
West Columbia, South Carolina 29169

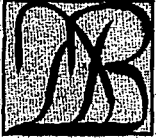
If you require payment in advance, please contact me as soon as possible, so I can make arrangements. Also, if you would please call me at (803) 796-9299, extension 18, or via e-mail at jena@desaballard.com and let me know the approximate date that we can expect to receive the transcript, I would appreciate it. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,


Jena Breedlove
Paralegal
jena@desaballard.com

c: Dominique Smalls (via e-mail)



Law Offices of Desa Ballard

Desa Ballard

*Certified Mediator
also admitted in D.C.*

**Harvey M. Watson III
Stephanie Weissenstein**

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

June 30, 2009

Via U.S. Mail Only

Amanda K. Haffenden, RPR, CRR
Post Office Box 424
Summerville, South Carolina 29484

Re: *Law Offices of William A. Green v. Roper St. Francis and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Haffenden:

Pursuant to your letter dated June 24, 2010, enclosed please find a check in the amount of \$73.15 for a copy of the transcript of the Motions Hearing held on March 18, 2010 before the Honorable Roger M. Young in the above-referenced matter. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,

Jena Breedlove
Paralegal
jena@desaballard.com

Enclosure

c: Dominique Smalls (via e-mail)

RECEIVED
AUG 02 2010
SC Court of Appeals

**LAW OFFICES OF DESA BALLARD
OPERATING ACCOUNT**
226 STATE STREET
WEST COLUMBIA, SC 29169
803-796-9299

FIRST CITIZENS BANK
CAYCE, SC 29033
67-604/539

1042

Jun 28/10

PAY TO THE ORDER OF Amanda K. Haffenden, RPR, CRR \$ 73.15
*** Seventy Three ***** 15/100 DOLLARS

Amanda K. Haffenden, RPR, CRR
Post Office Box 424
Summerville, South Carolina 29484

VOID AFTER 90 DAYS

MEMO Transcript fee for Green vs. Roper St. Francis and Smalls

Desa Ballard
AUTHORIZED SIGNATURE

⑈001042⑈ ⑆053906041⑆08312 7274501⑈

THIS DOCUMENT MUST HAVE A COLORED BACKGROUND, ULTRAVIOLET FIBERS AND AN ARTIFICIAL WATERMARK ON THE BACK - VERIFY FOR AUTHENTICITY.

LAW OFFICES OF DESA BALLARD OPERATING ACCOUNT

1042

DATE : June 28, 2010
CHE # : 1042
AMOUNT : \$73.15
ACCOUNT : 1
PAID TO : Amanda K. Haffenden, RPR, CRR
Post Office Box 424
Summerville, South Carolina 29484

EXPLANATION : Transcript fee for Green vs. Roper St. Francis and Smalls

CLIENT : Amanda K. Haffenden, RPR, CRR



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 27, 2010

Desa Ballard, Esquire
Law Offices of Desa Ballard
226 State St.
West Columbia, SC 29169

Re: Law Offices W. Green v. Roper
2010163386

Dear Ms. Ballard:

We have received your letter of July 21, 2010 with the request for the transcript in the above matter. According to Rule 207 of the South Carolina Appellate Court Rules, all correspondence with the court reporter must be copied on all parties, the Court of Appeals and the Office of Court Administration. Please provide this Court with proof that you have served this request on opposing party and the Office of Court Administration within ten (10) days of the date of this letter.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/mpm

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

July 21, 2010

RECEIVED

JUL 22 2010

SC Court of Appeals

Via U.S. Mail and Facsimile
Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Ordering of Transcript*

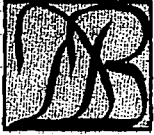
Dear Ms. Gee:

In response to your letter of July 19, 2010, enclosed is a copy of our letter to the court reporter, Ms. Haffenden, dated June 18, 2010, ordering the transcript of the proceedings before Honorable Roger M. Young. Ms. Haffenden responded via letter dated June 24, 2010, requesting payment, which our office mailed on June 30, 2010. Copies of those letters are also enclosed. Please do not hesitate to contact us if you have any further questions.

With warm personal regards, I am,

Sincerely yours,

Ainsley Price
Executive Assistant to Desa Ballard
ainsley@desaballard.com



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

June 18, 2009

Via U.S. Mail Only
Amanda K. Haffenden
Post Office Box 424
Summerville, South Carolina 29484

Re: *Law Offices of William A. Green v. Roper St. Francis and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Haffenden:

According to the South Carolina Judicial Department website you were the court reporter at the Motions Hearing held on March 18, 2010 before the Honorable Roger M. Young in the above-referenced matter.

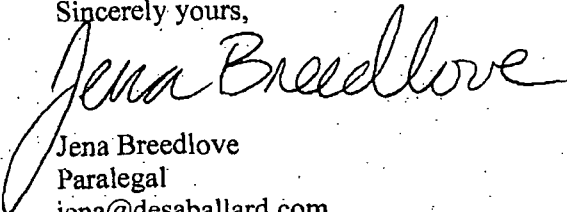
This letter is to formally request a copy of the transcript from that hearing, as our firm represents Ms. Smalls. Please mail the transcript along with an invoice for the copy to:

Law Offices of Desa Ballard
226 State Street
West Columbia, South Carolina 29169

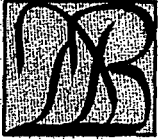
If you require payment in advance, please contact me as soon as possible, so I can make arrangements. Also, if you would please call me at (803) 796-9299, extension 18, or via e-mail at jena@desaballard.com and let me know the approximate date that we can expect to receive the transcript, I would appreciate it. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,


Jena Breedlove
Paralegal
jena@desaballard.com

c: Dominique Smalls (via e-mail)



Law Offices of Desa Ballard

Desa Ballard

*Certified Mediator
also admitted in D.C.*

**Harvey M. Watson III
Stephanie Weissenstein**

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

June 30, 2009

Via U.S. Mail Only

Amanda K. Haffenden, RPR, CRR
Post Office Box 424
Summerville, South Carolina 29484

Re: *Law Offices of William A. Green v. Roper St. Francis and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Haffenden:

Pursuant to your letter dated June 24, 2010, enclosed please find a check in the amount of \$73.15 for a copy of the transcript of the Motions Hearing held on March 18, 2010 before the Honorable Roger M. Young in the above-referenced matter. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,

Jena Breedlove
Paralegal
jena@desaballard.com

Enclosure

c: Dominique Smalls (via e-mail)



Law Offices of Desa Ballard

Desa Ballard

*Certified Mediator
also admitted in D.C.*

**Harvey M. Watson III
Stephanie Weissenstein**

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

FAX TRANSMISSION COVER SHEET

Date: *Wednesday, July 21, 2010*
To: *Honorable Tanya Gee*
Fax: *734-1839*
Re: *Smalls, Dominique (Appeal)*
Sender: *Ainsley Price*
Client No: *970196-014*

RECEIVED
JUL 21 2010
SC Court of Appeals

The original x will will not be mailed to you.

**YOU SHOULD RECEIVE 4 PAGE(S), INCLUDING THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (803) 796-9299.**

The information contained in the facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited and will be considered as a tortuous interference in our confidential relationship. If you received this transmission in error, or if you encounter difficulty with your receipt of this transmission, please call (803) 796-9299.



Law Offices of Desa Ballard

Desa Ballard

*Certified Mediator
also admitted in D.C.*

**Harvey M. Watson III
Stephanie Weissenstein**

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

July 21, 2010

Via U.S. Mail and Facsimile
Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Ordering of Transcript*

Dear Ms. Gee:

In response to your letter of July 19, 2010, enclosed is a copy of our letter to the court reporter, Ms. Haffenden, dated June 18, 2010, ordering the transcript of the proceedings before Honorable Roger M. Young. Ms. Haffenden responded via letter dated June 24, 2010, requesting payment, which our office mailed on June 30, 2010. Copies of those letters are also enclosed. Please do not hesitate to contact us if you have any further questions.

With warm personal regards, I am,

Sincerely yours,

Ainsley Price
Executive Assistant to Desa Ballard
ainsley@desaballard.com

RECEIVED
JUL 21 2010
SC Court of Appeals



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

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226 State Street
West Columbia, SC 29169

June 18, 2009

RECEIVED
JUL 21 2010

SC Court of Appeals

Via U.S. Mail Only
Amanda K. Haffenden
Post Office Box 424
Summerville, South Carolina 29484

Re: *Law Offices of William A. Green v. Roper St. Francis and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Haffenden:

According to the South Carolina Judicial Department website you were the court reporter at the Motions Hearing held on March 18, 2010 before the Honorable Roger M. Young in the above-referenced matter.

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Law Offices of Desa Ballard
226 State Street
West Columbia, South Carolina 29169

If you require payment in advance, please contact me as soon as possible, so I can make arrangements. Also, if you would please call me at (803) 796-9299, extension 18, or via e-mail at jena@desaballard.com and let me know the approximate date that we can expect to receive the transcript, I would appreciate it. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,

Jena Breedlove
Jena Breedlove
Paralegal
jena@desaballard.com

c: Dominique Smalls (via e-mail)



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

June 30, 2009

RECEIVED

JUL 21 2010

SC Court of Appeals

Via U.S. Mail Only
Amanda K. Haffenden, RPR, CRR
Post Office Box 424
Summerville, South Carolina 29484

Re: *Law Offices of William A. Green v. Roper St. Francis and Dominique Smalls*
Case No: 2009-CP-10-0735

Dear Ms. Haffenden:

Pursuant to your letter dated June 24, 2010, enclosed please find a check in the amount of \$73.15 for a copy of the transcript of the Motions Hearing held on March 18, 2010 before the Honorable Roger M. Young in the above-referenced matter. Thank you for your assistance.

With warm personal regards, I am,

Sincerely yours,

Jena Breedlove
Paralegal
jena@desaballard.com

Enclosure

c: Dominique Smalls (via e-mail)



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 19, 2010

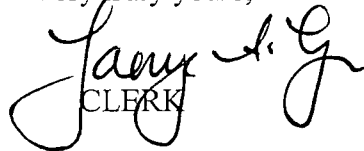
Desa Ballard, Esquire
Law Offices of Desa Ballard
226 State St.
West Columbia, SC 29169

Re: Law Offices W. Green v. Roper
2010163386

Dear Ms. Ballard:

As of today's date, we have not received a request for the transcript or the Appellant's Initial Brief and Designation of Matter in the above entitled case on appeal. If we do not receive proof that you have ordered the transcript within ten (10) days of the date of this letter, the case may be dismissed.

Very truly yours,


CLERK

TAG/mpm

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 8, 2010

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P O Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper
2010163386

Dear Counsel:

The following Order has been endorsed on your Motion for Extension of Time to File/Serve Initial Brief of Respondent in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

November 08, 2010.”

Please be advised Respondent’s Initial Brief and Designation of Matter must be served and filed no later than December 1, 2010.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Desa Ballard, Esquire
Brooks Schumacher, Esquire
Stephanie Weissenstein, Esquire

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

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Circuit Court Judge

RECEIVED

Case No. 2009-CP-10-0735

NOV 02 2010

SC Court of Appeals

Law Offices of William A. Green,

Plaintiff,

v.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

Of whom, Dominique Smalls is

Appellant,

and Roper St. Francis Healthcare is

Respondent.

**MOTION FOR EXTENSION OF TIME
TO FILE/SERVE INITIAL BRIEF OF RESPONDENT**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Joseph J. Tierney, Jr.
Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
Attorneys for the Respondent

11/1/10 2nd motion

12/1/10

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA
COURT OF APPEALS

COMES NOW the Respondent, Roper St. Francis Healthcare, by and through its undersigned counsel, pursuant to Rule 263(b), SCACR, and respectfully moves this Honorable Court to grant it an extension of 30 day's time to file/serve its initial respondent's brief and corresponding designation of matters to be included in the record on appeal.

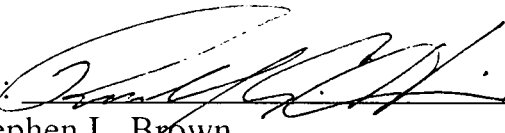
In light of other work-related time commitments, the requested extension would be of substantial benefit to the undersigned in fully briefing this matter for the Court. Prior to making this motion, the undersigned corresponded with Stephanie Weissenstein, Esquire, counsel for the Appellant, Dominique Smalls, and counsel has no objection. Further, the undersigned believes that this motion is consistent with the interests of justice.

WHEREFORE, the Respondent requests that the Court grant it a 30-day extension of time (i.e., up to and including December 1, 2010) to file/serve its initial respondent's brief and corresponding designation of matters to be included in the record on appeal.

<SIGNATURE BLOCK ON THE FOLLOWING PAGE>

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:  _____
Stephen L. Brown

Joseph J. Tierney, Jr.

Robert B. Hawk

Russell G. Hines

28 Broad Street, P. O. Box 993 (29402)

Charleston, South Carolina 29401

Telephone: (843) 577-4000

Facsimile: (843) 579-2936


Attorneys for the Respondent

Charleston, South Carolina

Dated: 11/1/10

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: V. Claus Allen
(Clerk) (Deputy Clerk)

FILED
11/8/10 

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

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

Plaintiff,

v.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

Of whom, Dominique Smalls is

Appellant,

and Roper St. Francis Healthcare is

Respondent.

PROOF OF SERVICE

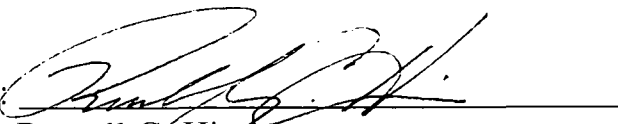
YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
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Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
Attorneys for the Respondent

I, Russell G. Hines, of Young Clement Rivers, LLP, do hereby certify that a copy of the Respondent's **Motion for Extension of Time to File/Serve Initial Brief of Respondent** in the above-captioned matter was served on all parties hereto by depositing a copy of the same in the United States Mail, postage prepaid, on November 1, 2010, addressed as follows to their attorneys of record:

LAW OFFICES OF DESA BALLARD
Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
226 State Street
West Columbia, SC 29169
Attorneys for the Appellant

LAW OFFICES OF WILLIAM A. GREEN
D. Scott Drescher, Esquire
P.O. Box 70306
North Charleston, SC 29415
Attorneys for the Plaintiff

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines

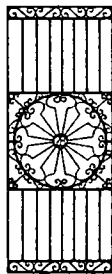
Charleston, South Carolina

Dated: 11/1/10

CHARLESTON
28 BROAD STREET
P.O. Box 993
CHARLESTON, SC 29402-0993
TELEPHONE: (843) 577-4000

www.ycrlaw.com

Other Office:
Columbia, SC



**YOUNG
CLEMENT
RIVERS LLP**
ATTORNEYS AT LAW

November 1, 2010

Russell G. Hines
Associate

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1327
E-mail: RHines@ycrlaw.com

VIA FACSIMILE & U.S. MAIL

The Honorable Tanya A. Gee
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
NOV 02 2010
SC Court of Appeals

Re: Law Offices of William A. Green vs. Roper St. Francis Healthcare and
Dominique Smalls
Case No.: 2009-CP-10-0735
Case Tracking No.: 2010163386
YCR File: 3810-20090183

Dear Ms. Gee:

Enclosed please find the original and seven (7) copies of a Motion for Extension of Time to File/Serve Initial Brief of Respondent in the above-referenced matter along with a filing fee check in the amount of \$25. Please file the original motion and return a stamped copy of it to me in the envelope provided. If you have any questions or concerns, please let me know. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Russell G. Hines
Associate

RGH/kal

Enclosures

cc: Desa Ballard, Esquire, Law Offices of Desa Ballard
Stephanie N. Weissenstein, Esquire, Law Offices of Desa Ballard
D. Scott Drescher, Esquire, Law Offices of William A. Green, LLC



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 6, 2010

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P O Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper
2010163386

Dear Counsel:

The following Order has been endorsed on your Extension Request for 30 days in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

October 06, 2010.”

Please be advised the Respondent’s Initial Brief and Designation of Matter are to be served and filed no later than November 1, 2010.

Very truly yours,

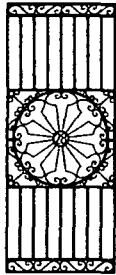
V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Desa Ballard, Esquire

CHARLESTON
28 BROAD STREET
P.O. BOX 993
CHARLESTON, SC 29402-0993
TELEPHONE: (843) 577-4000
www.ycrlaw.com

Other Office:
Columbia, SC



**YOUNG
CLEMENT
RIVERS LLP**
ATTORNEYS AT LAW

September 30, 2010

Russell G. Hines
Associate

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1327
E-mail: RHines@ycrlaw.com

RECEIVED

OCT 01 2010

SC Court of Appeals

VIA FACSIMILE & U.S. MAIL

The Honorable Tanya A. Gee
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Law Offices of William A. Green vs. Roper St. Francis Healthcare and
Dominique Smalls
Case No.: 2009-CP-10-0735
YCR File: 3810-20090183

Dear Ms. Gee:

In accordance with Rule 263(b) of the South Carolina Appellate Court Rules, I hereby request a 30-day extension of time in which to file Respondent's Initial Brief in the above-referenced matter. With this extension, Respondent's Initial Brief will be due on November 1, 2010. I have consulted with opposing counsel, who has expressed no opposition to this request. By copy of this letter, I am notifying all counsel of record of my request for an extension.

I am enclosing a firm check in the amount of Twenty-five Dollars (\$25.00) to cover this request. If a more formal motion is required, please do not hesitate to let me know. With best wishes and kindest regards, I am

Sincerely,

GRANTED

JOHN CANNON FEW, C.J.
FOR THE COURT

YOUNG CLEMENT RIVERS, LLP

By: V. Claire Allen
(Clerk) (Deputy Clerk)


Russell G. Hines
Associate

RGH/kal
Enclosure

cc: Desa Ballard, Esquire, Law Offices of Desa Ballard
Stephanie N. Weissenstein, Esquire, Law Offices of Desa Ballard

FILED

10/1/10

10/1/10 1st motion
11/1/10

RECEIVED
SEP 02 2010
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green, Plaintiff,

vs.

Roper St. Francis Healthcare and Dominique Smalls, Defendants,

Of whom,

Dominique Smalls is.....Appellant

And

Roper St. Francis Healthcare is, Respondent.

**DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL**

Pursuant to Rule 209, SCACR, Appellant hereby designates the following material to be included in the Record on Appeal in this matter. Unless otherwise stated, each item matter designated includes all attachments to the original of the referenced item. Additionally, if the certificate of service appears on a document separate from the pleading to which it refers, the certificate of service has been excluded unless relevant to an issue on appeal.

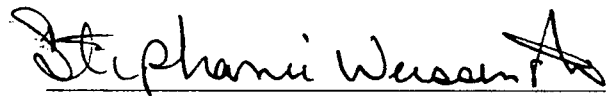
1. Transcript of Record for the hearing held on March 18, 2010, before the Honorable Roger M. Young;

2. Transcript of Record for the hearing held on August 5, 2009, before the Honorable R. Markley Dennis, Jr.;
3. Order dated March 29, 2010;
4. Order dated April 27, 2010;
5. Compliant for Interpleader, dated January 27, 2009, filed February 6, 2009;
6. Roper St. Francis Healthcare's Answer to Complaint for Interpleader and Cross-claim, dated March 12, 2009;
7. Dominique Smalls' Answer and Cross-claim, filed March 26, 2009;
8. Roper St. Francis Healthcare's Motion to Dismiss Cross-Claim, dated April 4, 2010;
9. Answer to Cross Claim by Defendant Roper St. Francis Healthcare, dated August 20, 2009;
10. Dominique Smalls' Motion for Reconsideration Pursuant to Rule 59(e), SCRCPP, dated April 22, 2010;
11. Dominique Smalls' Motion to Compel, filed December 7, 2009, with exhibits;
12. Roper St. Francis Hospital's Response to Request for Admission, dated January 11, 2010;
13. Defendant Roper St. Francis Healthcare Motion for Summary Judgment, dated January 19, 2010;
14. Medical bill From Roper St. Francis Hospital for services rendered, dated May 30, 2008 with checks # 091229 and 09157 and receipt ;
15. Medical bill From Roper St. Francis Hospital for services rendered, dated August 19, 2008 with receipt for check # 094053;
16. Medical bill From Roper St. Francis Hospital for services rendered, dated May 12, 2006 with receipt for check # 093143;
17. Medical bill from Roper St. Francis Hospital dated February 26, 2007;
18. Letter to Roper St. Francis from Law Offices of William A. Green, dated December 1, 2006;
19. Check # 81592192dated December 05, 2007 and drafted for the amount of \$53,251.00;

20. Deposition of Dominique Smalls, Date Taken December 2, 2009, page 1 and page 80;

21. Deposition of Lori O. Reed, Date Taken December 3, 2009, pages 1, 2, and 35-38;

Appellant certifies, pursuant to Rule 209(c), SCACR, that the designations set forth above are relevant to the appeal in this matter, and that he has not designated any matter which is irrelevant to the issues before the Court. Appellant reserves the right to supplement these designations in response to any designations of respondent and otherwise.



Desa Ballard
Stephanie Weissenstein
Law Offices of Desa Ballard
226 State Street
West Columbia, South Carolina 29169
Telephone: 803.796.9299
Facsimile: 803.796.1066
E-mail: desab@desaballard.com
E-mail: stephanie@desaballard.com
ATTORNEYS FOR APPELLANT

September 1, 2010

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

SEP 02 2010

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green, Plaintiff,

vs.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

Of whom,

Dominique Smalls is.....Appellant

And

Roper St. Francis Healthcare is,

Respondent.

CERTIFICATE OF SERVICE


I, Brooks C. Schumacher, do hereby certify that I have this date, served one (1) copy of the **Initial Brief of the Appellant** and served one (1) copy of the **Designation of Matter** in the above-captioned matter on the following by placing same in United States Mail, with sufficient first-class postage affixed and addressed as follows:

Stephen L. Brown, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Russell G. Hines, Esquire
Associate
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston, South Carolina 29415

Honorable Tanya Gee
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia South Carolina 29211

A handwritten signature in black ink, appearing to read 'Brooks C. Schumacher', written over a horizontal line.

Brooks C. Schumacher
Paralegal

September 1, 2010

RECEIVED

SEP 02 2010

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

Plaintiff,

vs.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

Of whom,

Dominique Smalls is.....Appellant

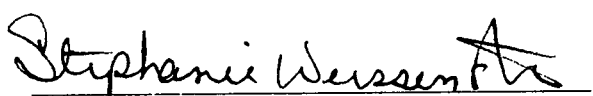
And

Roper St. Francis Healthcare is,

Respondent.

CERTIFICATE OF COUNSEL

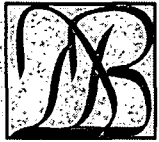
Counsel for Respondents hereby certifies that the Designation of Matter complies with Rule 209 of the South Carolina Appellate Court Rules.



Desa Ballard
Stephanie Weissenstein
Law Offices of Desa Ballard
226 State Street
West Columbia, South Carolina 29169
Telephone 803.796.9299
Facsimile 803.796.1066
E-mail: desab@desaballard.com
stephanie@desaballard.com

September 1, 2010

ATTORNEYS FOR APPELLANTS



Law Offices of Desa Ballard

Desa Ballard

Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

September 01, 2010

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
SEP 02 2010
SC Court of Appeals

Re: *Law Offices W. Green vs. Roper St. Francis Healthcare*
Case No: 2009-CP-10-0735

Dear Ms. Gee:

Enclosed please find the Original **Initial Brief of Appellant, Designation of Matter, Certificate of Service, and Certificate of Counsel** for the above referenced matter. Also enclosed is a copy of each of the following for filing and a self-addressed envelope with correct postage affixed for return delivery to us. If you would please return a filed copy to us we would be much appreciative.

Thank you for your time in this matter, if you have any questions please do not hesitate to contact me, or Stephanie Weissenstein at your convenience we will be more than happy to assist you.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
brooks@desaballard.com

c: Stephen L. Brown, Esquire
Russell G. Hines, Esquire
D. Scott Drescher, Esquire
Dominique Smalls (Via E-mail)



Law Offices of Desa Ballard

Desa Ballard

*Certified Mediator
also admitted in D.C.*

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

August 04, 2010

RECEIVED

AUG 05 2010

SC Court of Appeals

Via U.S. Mail
Honorable Tanya Gee
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia South Carolina 29211

Re: *Law Offices W. Green v. Roper*
Case No. 2010163386

Dear Ms. Gee:

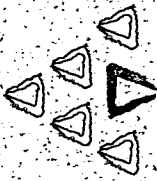
On August 2, 2010 we received the Transcript of Record for the above captioned case. Let this letter serve as our notification to the court that we received the transcript. Thank you for your time in this matter. If you have any questions please do not hesitate to contact me or Stephanie Weissenstein, as we will be more than happy to assist you in any way we can.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c: Stephen L. Brown, Esquire (Via U.S. Mail)
Russell G. Hines, Esquire (Via U.S. Mail)
William A. Green, Esquire (Via E-mail)



**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

Thursday, February 24, 2011

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

Enclosed please find a Certificate of Service for the above referenced matter. Also enclosed is a copy of the Certificate of Service. If you would please clock and return the copy in the self addressed envelope we would be most appreciative.

Thank you for your time in this matter. If you have any question please do not hesitate to contact me, or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c: Stephen L. Brown, Esquire (Via U.S. Mail)
Russell G. Hines, Esquire (Via U.S. Mail)
D. Scott Drescher, Esquire (Via U.S. Mail)

RECEIVED

FEB 28 2011

SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

RECEIVED

FEB 25 2011

SC Court of Appeals

Law Offices of William A. Green,

Plaintiff,

v.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

of whom, Roper St. Francis Healthcare is

Respondent,

and Dominique Smalls is

Appellant.

**MOTION FOR LEAVE TO FILE
SUPPLEMENTAL RECORD ON APPEAL**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Joseph J. Tierney, Jr.
Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
*Attorneys for the Respondent
Roper St. Francis Healthcare*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA
COURT OF APPEALS

COMES NOW the Respondent, Roper St. Francis Healthcare, by and through its undersigned counsel, and hereby respectfully requests that this Honorable Court grant it leave to file the attached Supplemental Record on Appeal and to cite thereto in its Final Brief of Respondent Roper St. Francis Healthcare, which is provisionally filed contemporaneously herewith.

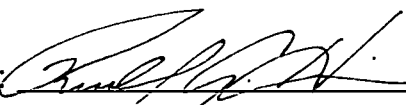
The attached Supplemental Record on Appeal includes only the following matter: Deposition transcript of Dominique Smalls dated December 2, 2009, pages 41 through 43. This portion of deposition testimony was attached as an exhibit to the Respondent's memorandum of law filed in support of summary judgment, which memorandum was designated for inclusion in the Record on Appeal. Although the Record on Appeal included the body of the foregoing memorandum of law, it did not include the referenced pages of deposition testimony.

The undersigned has consulted with Stephanie Weissenstein, Esquire, counsel for the Appellant, Dominique Smalls, and Ms. Weissenstein has no objection to the present motion. The Respondent further submits that there is good cause to grant the present motion, such motion being consistent with the interests of justice.

WHEREFORE, the Respondent respectfully requests that the proposed Supplemental Record on Appeal, of which the original and 15 copies are being filed herewith, be accepted as filed along with the Final Brief of Respondent Roper St. Francis Healthcare, which cites thereto, and which is provisionally filed contemporaneously herewith.

Respectfully submitted,

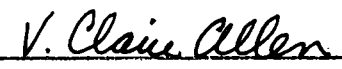
YOUNG CLEMENT RIVERS, LLP

By: 
Stephen L. Brown
Joseph J. Tierney, Jr.
Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
Attorneys for the Respondent
Roper St. Francis Healthcare

Charleston, South Carolina

Dated: 2/24/11

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: 
(Clerk) (Deputy Clerk)

FILED
3/3/11

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

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

Plaintiff,

v.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

of whom, Roper St. Francis Healthcare is

Respondent,

and Dominique Smalls is

Appellant.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Joseph J. Tierney, Jr.
Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
*Attorneys for the Respondent
Roper St. Francis Healthcare*

RECEIVED

FEB 25 2011

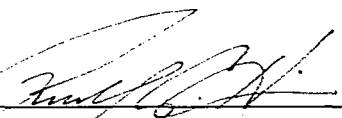
SC Court of Appeals

I, Russell G. Hines, do hereby certify that a copy of the **Final Brief of Respondent Roper St. Francis Healthcare, Motion for Leave to File Supplemental Record on Appeal, and the Supplemental Record on Appeal** in the above-captioned matter was served on all parties hereto by depositing a copy of the same in the United States Mail, postage prepaid, on February 24, 2011, addressed as follows to their attorneys of record:

BALLARD WATSON WEISSENSTEIN
Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
226 State Street
West Columbia, SC 29169
Attorneys for the Appellant
Dominique Smalls

LAW OFFICES OF WILLIAM A. GREEN
D. Scott Drescher, Esquire
P.O. Box 70306
North Charleston, SC 29415
Attorneys for the Plaintiff
Law Offices of William A. Green

YOUNG CLEMENT RIVERS, LLP

By: 

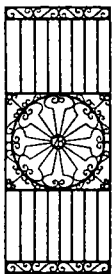
Russell G. Hines

Charleston, South Carolina

Dated: 2/24/11

CHARLESTON
28 BROAD STREET
P.O. Box 993
CHARLESTON, SC 29402-0993
TELEPHONE: (843) 577-4000
www.ycrlaw.com

Other Office:
Columbia, SC



**YOUNG
CLEMENT
RIVERS LLP
ATTORNEYS AT LAW**

Elizabeth R. O'Neil
Paralegal

Direct Dial: (843) 724-6658
Direct Fax: (843) 579-2936
E-mail: eoneil@ycrlaw.com

February 24, 2011

VIA US MAIL

The Honorable Tanya A. Gee
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Law Offices of William A. Green vs. Roper St. Francis Healthcare and Dominique Smalls*
Case Tracking No.: 2010163386
Case No.: 2009-CP-10-0735
YCR File: 3810-20090183

Dear Ms. Gee:

RECEIVED
FEB 25 2011

Enclosed for filing please find the following:

SC Court of Appeals

- The original and two (2) copies of a Motion to File Supplemental Record on Appeal;
- Our firm check in the amount of \$25.00 to cover the cost of the motion;
- The original and sixteen (16) copies of a Supplemental Record on Appeal;
- The original and sixteen (16) copies of Respondents' Final Brief; and
- The original and two (2) copies of a Proof of Service and Rule 211, SCACR certification regarding same.

Kindly return one copy of each document to us in the self addressed stamped envelope provided.

Thank you, in advance, for your assistance with this.

Respectfully yours,

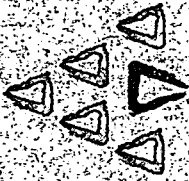
YOUNG CLEMENT RIVERS, LLP

Elizabeth R. O'Neil
Paralegal

ERO/ero

Enclosures

cc: Stephanie N. Weissenstein, Esquire
Gregory T. Edwards, Esquire
D. Scott Drescher, Esquire
Desa Ballard, Esquire



**Ballard
Watson Weissenstein**
PERSISTENT UNWAVERING

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys At Law

Post Office Box 6338
West Columbia, SC 29171
Phone: 803.796.9299
Fax: 803.796.1066
www.desaballard.com

February 01, 2011

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

FEB 03 2011

SC Court of Appeals

Dear Ms. Gee:

I respectfully request that you update the contact information for the following attorneys in our firm:

Desa Ballard, SC Bar # 000498
Harvey M. Watson III, SC Bar # 74053
Stephanie Weissenstein, SC Bar # 72604

Our new firm name is now **Ballard Watson Weissenstein** and our mailing address is now

Ballard Watson Weissenstein
Post Office Box 6338
West Columbia, SC 29171-6338

The street address for deliveries and overnight packages remains the same as before

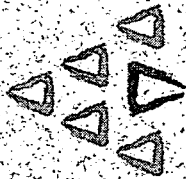
226 State Street
West Columbia, SC 29169

All previous e-mail, phone and facsimile information remains the same. If you should have any questions, please do not hesitate to contact me at (803) 796-9299 or via e-mail at maraballard.com. With kindest regards, I am,

Sincerely yours,



Mara T. Ballard
Forensic Accountant



**Ballard
Watson Weissenstein**
PERSISTENT · UNWAVERING

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys At Law

Post Office Box 6338
West Columbia, SC 29171
Phone: 803.796.9299
Fax: 803.796.1066
www.desaballard.com

February 04, 2011

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

FEB 07 2011

SC Court of Appeals

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

Enclosed please find a Certificate of Service showing service of the Record on Appeal on all parties. Also enclosed is a copy of the certificate of service. If you will please clock and return the copy in the self addressed envelope we would be most appreciative.

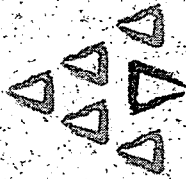
Thank you for your time in this matter, if you have any questions please do not hesitate to contact me, or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c: Dominique Smalls (Via E-mail)



**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys At Law

Post Office Box 6338
West Columbia, SC 29171
Phone: 803.796.9299
Fax: 803.796.1066
www.desaballard.com

February 04, 2011

Via Hand Delivery

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

Enclosed please find the Record on Appeal for the above captioned case. Also enclosed are fifteen copies (15) of the Record on Appeal in accordance to Rule 210(b) SCACR. Also enclosed are Four Additional Copies (4). If you will please clock and return the 4 copies to the courier it would be most appreciative. If you have any questions please do not hesitate to contact me; or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c. Dominique Smalls (Via E-mail)



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 7, 2011

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169

Re: Law Offices W. Green v. Roper (Smalls)
2010163386

Dear Counsel:

We have received the Record on Appeal in the above case. However, you must file proof you have served the record on opposing counsel.

Unfortunately, the caption on these briefs is incorrect and must be corrected before they will be accepted as filed.

Our records indicate that the caption of this matter must read exactly as follows:

Law Offices of William A. Green,

v.

Plaintiff,

**Roper St. Francis Healthcare and Dominique
Smalls,**

Defendants,

Of whom, Roper St. Francis Healthcare is,

Respondent,

and Dominique Smalls,

Appellant.

Please arrange for a representative from your office to come to the Court of Appeals filing desk on the 1st floor of the Calhoun Building to place the appropriate labels on the cover of the original and all copies of the record to correct the caption.

We request that you have corrections completed and provide an original proof of service within ten (10) days of the date of this letter and that you notify this office when someone will be arriving to make the corrections so the documents will be available without delay.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 7, 2011

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P O Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper (Smalls)
2010163386

Dear Counsel:

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate Court Rules, but should not be bound. You may secure the originals with paper clips, binder clips, rubber bands, by placing them in large envelopes, or by any other similar means that will keep the pages together without binding or hole-punching. All COPIES of the record on appeal and final briefs should be bound as specified in the South Carolina Appellate Court Rules.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green, Plaintiff,

vs.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

Of whom,

Dominique Smalls is.....Appellant

And

Roper St. Francis Healthcare is,

Respondent.

CERTIFICATE OF SERVICE

I, Brooks C. Schumacher, do hereby certify that I have this date, served one (1) copy of the **Initial Reply Brief of the Appellant** in the above-captioned matter on the following by placing same in United States Mail, with sufficient first-class postage affixed and addressed as follows:

Stephen L. Brown, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Russell G. Hines, Esquire
Associate
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

RECEIVED
JAN 06 2011
SC Court of Appeals

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston, South Carolina 29415

A handwritten signature in black ink, appearing to read 'B. Schumacher', written over a horizontal line.

Brooks C. Schumacher
Paralegal

January 5, 2011

Ballard Watson Weissenstein

Attorneys at Law
226 State Street
West Columbia, SC 29169
Phone: 803.796.9299
Fax: 803.796.1066
www.desaballard.com

January 05, 2011

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

Enclosed please find the Appellants Initial Reply Brief and Certificate of Service for the above referenced matter. Also please find one copy of the above documents, if you will please clock and return to us in the self addressed envelope we will be most grateful.

If you have any questions please do not hesitate to contact me, or Stephanie Weissenstein we will be happy to assist you further.

With warm personal regards, I am,

Sincerely yours,



Brooks Schumacher
brooks@desaballard.com

c: Russell G. Hines, Esquire (Via U.S. Mail)
Stephen L. Brown, Esquire (Via U.S. Mail)
D. Scott Drescher, Esquire (Via U.S. Mail)

RECEIVED
JAN 06 2011
SC Court of Appeals



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 6, 2011

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169

Re: Law Offices W. Green v. Roper (Smalls)
2010163386

Dear Counsel:

The following Order has been endorsed on your Extension Request in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

January 06, 2011 .”

Please be advised the Appellant’s Initial Reply Brief must be served and filed no later than January 18, 2011.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire



Law Offices of Desa Ballard

Desa Ballard

*Certified Mediator
also admitted in D.C.*

**Harvey M. Watson III
Stephanie Weissenstein**

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

December 17, 2010

Via U.S. Mail and Facsimile
Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

ck 1027
\$25

Re: *Law Offices of William A Green v Roper St Francis*
Case No: 09-CP-10-0735

Dear Ms. Gee:

Ms. Small's Reply to Roper's initial brief was due on Friday, December 10 but on the 8th, I submitted a request for extension to allow our deadline to be December 20, 2010.

Because we have not received an Order yet pertaining to the request, I would like to amend my request to extend the deadline to January 5, 2010. I spoke today with opposing counsel and he consents to this request. If a more formal motion is required, please do not hesitate to let me know.

With warm personal regards and wishes for a happy holiday, I am,

Sincerely yours,

Stephanie Weissenstein
stephanie@desaballard.com

c. Bill Green, Esquire (email)
Dominique Smalls (email)
Russell Hines, Esquire (email)

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: *V. Claire Allen*
(~~Clerk~~) (Deputy Clerk)

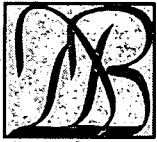
RECEIVED

DEC 20 2010

SC Court of Appeals
FILED

1/6/11

12/20/10 2nd
1/10/11



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

December 17, 2010

Via U.S. Mail and Facsimile

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

DEC 20 2010

SC Court of Appeals

Re: *Law Offices of William A Green v Roper St Francis*
Case No: 09-CP-10-0735

Dear Ms. Gee:

Ms. Small's Reply to Roper's initial brief was due on Friday, December 10 but on the 8th, I submitted a request for extension to allow our deadline to be December 20, 2010.

Because we have not received an Order yet pertaining to the request, I would like to amend my request to extend the deadline to January 5, 2010. I spoke today with opposing counsel and he consents to this request. If a more formal motion is required, please do not hesitate to let me know.

With warm personal regards and wishes for a happy holiday, I am,

Sincerely yours,

Stephanie Weissenstein
stephanie@desaballard.com

c. Bill Green, Esquire (email)
Dominique Smalls (email)
Russell Hines, Esquire (email)



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 16, 2010

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169

Re: Law Offices W. Green v. Roper (Smalls)
2010163386

Dear Counsel:

The following Order has been endorsed on your Extension Request in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

December 16, 2010.”

Please be advised Appellants Initial Reply Brief must be served and filed no later than December 20, 2010.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire



Law Offices of Desa Ballard

Desa Ballard
Certified Mediator
also admitted in D.C.

Harvey M. Watson III
Stephanie Weissenstein

803.796.9299 telephone
803.796.1066 facsimile

www.desaballard.com

226 State Street
West Columbia, SC 29169

December 08, 2010

Via U.S. Mail and Facsimile
Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

DEC 09 2010

SC Court of Appeals

Re: *Law Offices of William A Green v Roper St Francis*
Case No: 09-CP-10-0735

Dear Ms. Gee:

Ms. Small's Reply to Roper's initial brief is due on Friday, December 10. Counsel for Roper consented to my request for additional time. With the Court's permission, we would like to postpone our filing date of Appellant's Reply to December 20, 2010.

I am enclosing a firm check in the amount of Twenty-five Dollars (\$25.00) to cover this request. If a more formal motion is required, please do not hesitate to let me know.

With warm personal regards and wishes for a happy holiday, I am,

Sincerely yours,

Stephanie Weissenstein
stephanie@desaballard.com

c. Bill Green, Esquire (email)
Dominique Smalls (email)
Russell Hines, Esquire (email)

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: V. Claire Allen
(Clerk) (Deputy Clerk)

FILED

12/16/10

12/13/10

12/23/10

motion

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas

Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

RECEIVED

DEC 02 2010

SC Court of Appeals

Law Offices of William A. Green,

Plaintiff,

v.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

of whom, Dominique Smalls is

Appellant,

and Roper St. Francis Healthcare is

Respondent.

DESIGNATION OF MATTERS TO BE INCLUDED IN THE
RECORD ON APPEAL

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Joseph J. Tierney, Jr.
Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
Attorneys for the Respondent
Roper St. Francis Healthcare

Respondent proposes the following to be included in the Record on Appeal:

1. Order Denying Co-Defendant's and Cross Claimant's Motion for Reconsideration entered April 29, 2010;
2. Order Granting Summary Judgment on Behalf of Roper St. Francis Healthcare;
3. Order Denying Dominique Smalls' Motion to Compel;
4. Order Transferring Case to Master in Equity entered March 20, 2010;
5. Summons & Complaint;
6. Answer & Cross-claim of Roper St. Francis Healthcare;
7. Answer and Cross-claim by Defendant Dominique Smalls;
8. Answer to Cross-claim by Defendant Roper St. Francis Healthcare;
9. Co-Defendant and Cross-claimant Dominique Smalls' Notice of Motion and Motion to Compel Response to Interrogatories and Requests for Production from Roper St. Francis Healthcare;
10. Order Denying Dominique Smalls' Motion to Compel;
11. Defendant Roper St. Francis Healthcare's Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment;
12. Dominique Smalls' Memorandum in Opposition to Motion for Summary Judgment;
13. Affidavit of Laura Icard filed March 17, 2010;
14. Co-defendant and Cross-claimant Dominique Smalls' Motion for Reconsideration Pursuant to Rule 59(e), SCRCF;

15. Notice of Appeal;
16. Transcript of March 18, 2010 hearing in its entirety;
17. Letter from D. Scott Drescher, Esquire, to Linda Thompson dated March 8, 2007;
18. Letter from D. Scott Drescher, Esquire, to Tom Lauper dated March 8, 2007;
19. Covenant Not to Executed dated March 28, 2007;
20. Letter from D. Scott Drescher, Esquire, to Olga Fuertes dated August 13, 2007;
21. Letter from Olga Fuertes to D. Scott Drescher, Esquire, dated September 4, 2007;
22. Underinsured Motorist Coverage Release and Trust Agreement dated September 6, 2007;
23. Explanation of Benefits paid March 17, 2007; and
24. Detailed Statement dated February 26, 2007.

SIGNATURE BLOCK ON FOLLOWING PAGE

I certify that this Designation of Matters contains no matter which is irrelevant to this appeal.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:  _____

Stephen L. Brown

Joseph J. Tierney, Jr.

Robert B. Hawk

Russell G. Hines

28 Broad Street, P. O. Box 993 (29402)

Charleston, South Carolina 29401

Telephone: (843) 577-4000

Facsimile: (843) 579-2936

Attorneys for the Respondent

Roper St. Francis Healthcare

Charleston, South Carolina

Dated: 12/1/10

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

Appeal from Charleston County
Court of Common Pleas

RECEIVED

DEC 02 2010

Roger M. Young, Circuit Court Judge

SC Court of Appeals

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

Plaintiff,

v.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

of whom, Dominique Smalls is

Appellant,

and Roper St. Francis Healthcare is

Respondent.

PROOF OF SERVICE

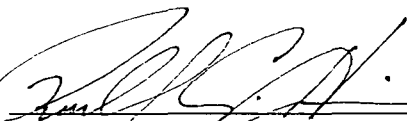
YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown
Joseph J. Tierney, Jr.
Robert B. Hawk
Russell G. Hines
28 Broad Street, P. O. Box 993 (29402)
Charleston, South Carolina 29401
Telephone: (843) 577-4000
Facsimile: (843) 579-2936
Attorneys for the Respondent
Roper St. Francis Healthcare

I, Russell G. Hines, do hereby certify that a copy of the **Initial Brief of Respondent Roper St. Francis Healthcare** and the Respondent's corresponding **Designation of Matters to be Included in the Record on Appeal** in the above-captioned matter was served on all parties hereto by depositing a copy of the same in the United States Mail, postage prepaid, on December 1, 2010, addressed as follows to their attorneys of record:

LAW OFFICES OF DESA BALLARD
Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
226 State Street
West Columbia, SC 29169
Attorneys for the Appellant
Dominique Smalls

LAW OFFICES OF WILLIAM A. GREEN
D. Scott Drescher, Esquire
P.O. Box 70306
North Charleston, SC 29415
Attorneys for the Plaintiff
Law Offices of William A. Green

YOUNG CLEMENT RIVERS, LLP

By: 
Russell G. Hines

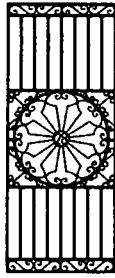
Charleston, South Carolina

Dated: 12/1/10

CHARLESTON
28 BROAD STREET
P.O. Box 993
CHARLESTON, SC 29402-0993
TELEPHONE: (843) 577-4000

www.ycrlaw.com

Other Office:
Columbia, SC



**YOUNG
CLEMENT
RIVERS LLP
ATTORNEYS AT LAW**

December 1, 2010

Elizabeth R. O'Neil
Paralegal

Direct Dial: (843) 724-6658
Direct Fax: (843) 579-2936
E-mail: eoneil@ycrlaw.com

RECEIVED

DEC 02 2010

SC Court of Appeals

VIA US MAIL

The Honorable Tanya A. Gee
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *Law Offices of William A. Green vs. Roper St. Francis Healthcare and Dominique Smalls*
Case Tracking No.: 2010163386
Case No.: 2009-CP-10-0735
YCR File: 3810-20090183

Dear Ms. Gee:

Enclosed for filing in the above referenced matter are the original and one copy of the *Initial Brief of Respondent Roper St. Francis Healthcare and Designation of Matters to be Included in the Record on Appeal*. Also enclosed are the original and one copy of a Proof of Service concerning same. Kindly return one clocked copy of each document to us in the self addressed stamped envelope provided.

Thank you, in advance, for your assistance with this.

Respectfully yours,

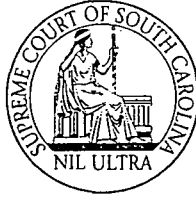
YOUNG CLEMENT RIVERS, LLP

Elizabeth R. O'Neil
Paralegal

ERO/ero

Enclosures

cc: Stephanie N. Weissenstein, Esquire
Gregory T. Edwards, Esquire
D. Scott Drescher, Esquire
Desa Ballard, Esquire



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

April 9, 2012

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Ballard Watson Weissenstein
P.O. Box 6338
West Columbia, SC 29171-6338

Stephen L. Brown, Esquire
Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P. O. Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper (Smalls)

Dear Counsel:

The record in the above case has been reviewed and the time allotment for oral argument for this case is as follows:

| | |
|--------------------|------------|
| Appellant | 10 minutes |
| Respondent | 10 minutes |
| Appellant in Reply | 5 minutes |

This case is scheduled for hearing on Tuesday, April 17, 2012 at 10:00 a.m.

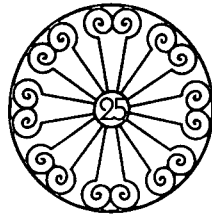
Very truly yours,

Daniel E. Shearouse, Clerk

By Debbie M. Hopkins

Administrative Assistant

DES/dmh



YCR LAW
Young Clement Rivers, LLP

Russell G. Hines
Associate

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1327
E-mail: RHines@ycrlaw.com

February 24, 2012

VIA FACSIMILE & U.S. MAIL

The Honorable Daniel E. Shearouse, Clerk
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: Law Offices of William A. Green vs. Roper St. Francis Healthcare and
Dominique Smalls
Case Tracking No.: 2010163386
Case No.: 2009-CP-10-0735
YCR File: 3810-20090183

Dear Mr. Shearouse:

This letter is in response to your correspondence dated February 17, 2012, advising that the above-referenced case will probably be reached for hearing at the April 2012 term of Court and asking that you be advised of any scheduling conflicts on the days that the Court will meet, i.e., April 3, 4, 5, 17 and 18.

Joseph J. Tierney, Jr. and myself have been primarily handling this matter on appeal for Respondent Roper St. Francis Healthcare. If possible, Mr. Tierney and myself would both appreciate the opportunity to be present for oral argument. In that regard, I can advise that I am available on all of the dates that the Court will meet during the April term, but Mr. Tierney has a date-certain trial scheduled in Charleston County Circuit Court April 2 through 13. Accordingly, we would appreciate it if the Court would not schedule oral argument in this matter for April 3, 4, or 5, but certainly understand if that is not possible.

If you have any questions or concerns, please contact me.

With best wishes and kindest regards, I am


RECEIVED

FEB 27 2012

S.C. SUPREME COURT

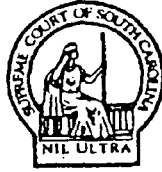
Sincerely,

YOUNG CLEMENT RIVERS, LLP


Russell G. Hines
Associate

RGH/jla

cc: Stephanie N. Weissenstein, Esquire (via facsimile & U.S. Mail)
Desa Ballard, Esquire (via facsimile & U.S. Mail)
D. Scott Drescher, Esquire (via facsimile & U.S. Mail)
Gregory T. Edwards, Esquire (via facsimile & U.S. Mail)



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Stephen L. Brown, Esquire
Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Russell G. Hines, Esquire

From: Daniel E. Shearouse

Date: February 17, 2012

RE: April Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the April 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of April 3, 4, 5, 17 and 18. Please notify this office in writing prior to February 24, 2012 as to any scheduling conflicts for the April term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Law Offices W. Green v. Roper (Smalls)



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
From: Daniel E. Shearouse
Date: February 17, 2012
RE: April Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the April 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of April 3, 4, 5, 17 and 18. Please notify this office in writing prior to February 24, 2012 as to any scheduling conflicts for the April term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Law Offices W. Green v. Roper (Smalls)

The Supreme Court of South Carolina

Law Offices of William A.
Green,

Plaintiff,

v.

Roper St. Francis Healthcare
and Dominique Smalls,

Defendants,

Of whom, Roper St. Francis
Healthcare, is the

Respondent,

and Dominique Smalls, is the

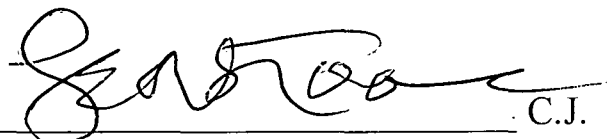
Appellant.

The Honorable Roger M. Young
Charleston County
Trial Court Case No. 2009-CP-10-00735

ORDER

Pursuant to Rule 204(b) of the South Carolina Appellate Court Rules, this appeal is hereby certified for review by the South Carolina Supreme Court. Upon receipt of this order, the Court of Appeals is hereby directed to forward the case file, all records and briefs and any exhibits on file to this Court.

IT IS SO ORDERED.


C.J.

FOR THE COURT

Columbia, South Carolina

February 3, 2012

cc: Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
The Honorable Tanya Gee



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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January 31, 2012

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Ballard Watson Weissenstein
PO Box 6338
West Columbia, SC 29171-6338

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P O Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper (Smalls)

Dear Counsel:

To clarify my last letter, the case will be put in held in abeyance status while the Supreme Court considers certification and the oral argument scheduled for Tuesday, February 28, 2012, has been cancelled.

Very truly yours,

V. Claire Allen

DEPUTY CLERK



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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January 27, 2012

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Ballard Watson Weissenstein
PO Box 6338
West Columbia, SC 29171-6338

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P O Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper (Smalls)

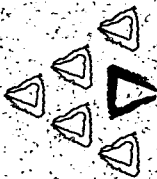
Dear Counsel:

The Court of Appeals has decided to seek certification from the Supreme Court on this case. It will be placed in held in abeyance status until the Supreme Court makes its decision after review. You will be advised when a decision is made.

Very truly yours,

A handwritten signature in cursive script that reads "V. Claire Allen".

DEPUTY CLERK



Ballard
Watson Weissenstein
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

Tuesday, March 17, 2011

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

On March 15, 2011 we sent via U.S. Mail the Certificate of Counsel to all opposing parties. This Morning we received it returned for insufficient postage. Enclosed please find the original and one copy of the Amended Certificate of Service for the above referenced matter. The Amended Certificate of Service reflects the correct date of service for the above referenced matter. If you will please clock and return the copy in the self addressed envelope we will be most appreciative.

Thank you for your time in this matter. If you have any questions please do not hesitate to contact me, or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c. Dominique Smalls (Via Email)

RECEIVED
MAR 18 2011
SC COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

Plaintiff,

vs.

Roper St. Francis Healthcare and Dominique Smalls,

Defendants,

Of whom, Roper St. Francis Healthcare is,

Respondent,

And Dominique Smalls,

Appellant.

AMENDED CERTIFICATE OF SERVICE

I, Brooks C. Schumacher, do hereby certify that I have this date, served one (1) copy of the **Certificate of Counsel** in the above-captioned matter on the following by placing same in United States Mail, with sufficient first-class postage affixed and addressed as follows:

Stephen L. Brown, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

Russell G. Hines, Esquire
Associate
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

SC Court of Appeals

MAR 18 2011

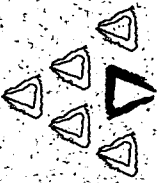
RECEIVED

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston, South Carolina 29415

A handwritten signature in black ink, appearing to read 'BC Schumacher', written over a horizontal line.

Brooks C. Schumacher
Paralegal

March 17, 2011



**Ballard
Watson Weissenstein**
PERSISTENT UNWAVERING

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

Tuesday, March 15, 2011

Via U.S. Mail

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
MAR 16 2011
SC Court of Appeals

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

Enclosed please find a Certificate of Service for the above referenced matter. Also enclosed is a copy of the Certificate of Service. If you will please clock and return the copy in the self addressed envelope we will be most appreciative.

Thank you for your time in this matter. If you have any questions please do not hesitate to contact me, or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c: Dominique Smalls (Via Email)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Honorable Roger M. Young, Circuit Court Judge

Case No. 2009-CP-10-0735

Law Offices of William A. Green,

vs.

Roper St. Francis Healthcare and Dominique Smalls,

Of whom, Roper St. Francis Healthcare is,

And Dominique Smalls,

RECEIVED

Plaintiff,
MAR 16 2011

SC Court of Appeals

Defendants,

Respondent,

Appellant.

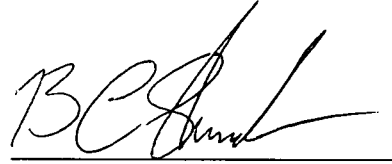
CERTIFICATE OF SERVICE

I, Brooks C. Schumacher, do hereby certify that I have this date, served one (1) copy of the **Certificate of Counsel** in the above-captioned matter on the following by placing same in United States Mail, with sufficient first-class postage affixed and addressed as follows:

Stephen L. Brown, Esquire
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

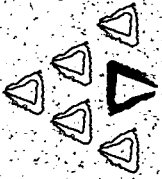
Russell G. Hines, Esquire
Associate
Young Clement Rivers LLP
Post Office Box 993
Charleston South Carolina 29402

D. Scott Drescher, Esquire
Law Offices of William A. Green
Post Office Box 70306
North Charleston, South Carolina 29415

A handwritten signature in black ink, appearing to read 'BC Schumacher', written over a horizontal line.

Brooks C. Schumacher
Paralegal

March 15, 2011



**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

Tuesday, March 15, 2011

Via Hand Delivery
Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

RECEIVED

MAR 15 2011

SC Court of Appeals

Dear Ms. Gee:

Enclosed please find the Certificate of Counsel in reference to the Final Brief of Appellants and the Final Reply Briefs of Appellants, for the above referenced matter. Also enclosed a copy of the Certificate of Counsel, if you will please clock and return the copy with the courier we will be most appreciative.

Thank you for your time in this matter. If you have any questions please do not hesitate to contact me, or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
brooks@desaballard.com

c: Dominique Smalls (Via Email)



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
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FAX: (803) 734-1839
www.sccourts.org

March 4, 2011

Joseph J. Tierney, Jr., Esquire
Robert B. Hawk, Esquire
Stephen L. Brown, Esquire
Russell G. Hines, Esquire
Young Clement Rivers, LLP
P O Box 993
Charleston, SC 29402

Re: Law Offices W. Green v. Roper (Smalls)
2010163386

Dear Counsel:

The following Order has been endorsed on your Motion in the above entitled case on appeal.

“Granted.

John Cannon Few C.J.
For the Court

By s/ V. Claire Allen
Deputy Clerk

March 03, 2011.”

The Supplemental Record on Appeal has been received and is accepted as filed.

We have received the Appellant's Final Brief and Final Reply Brief in the above matter. However, you must provide a Certificate of Counsel for each brief.

Furthermore, the caption must be corrected on the Final Reply Brief to the following:

| | |
|--|-------------|
| Law Offices of William A. Green, | Plaintiff, |
| v. | |
| Roper St. Francis Healthcare and Dominique Smalls, | Defendants, |
| Of whom, Roper St. Francis Healthcare is, | Respondent, |
| and Dominique Smalls, | Appellant. |

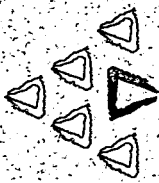
Within ten days of this letter, please provide the certificates and arrange for a representative from your office to come to the Court of Appeals filing desk on the 1st floor of the Calhoun Building to make the required corrections. We request that you notify this office when someone will be arriving to make the corrections so the documents will be available without delay.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/laf

cc: Desa Ballard, Esquire
Stephanie Weissenstein, Esquire



**Ballard
Watson Weissenstein**
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M. Watson III
Stephanie Weissenstein
Attorneys at Law

Post Office Box 6338 | West Columbia, SC 29171
226 State Street | West Columbia, SC 29169 | ph 803.796.9299 | fx 803.796.1066 | desaballard.com

Thursday, February 24, 2011

Via Hand Delivery

Honorable Tanya Gee
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

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FEB 24 2011

SC Court of Appeals

Re: *Law Offices W. Green v. Roper (Smalls)*
Case No: 2010163386

Dear Ms. Gee:

Enclosed please find the Final Brief of Appellant and Final Reply of Appellant in the above referenced matter. Also enclosed are 19 copies of each of the above briefs. If you would please clock and return 4 copies of the briefs to the carrier we would be most appreciative.

Thank you for your time in this matter. If you have any questions please do not hesitate to contact me, or Stephanie Weissenstein.

With warm personal regards, I am,

Sincerely yours,

Brooks Schumacher
Paralegal
brooks@desaballard.com

c: Stephen Brown, Esquire (Via U.S. Mail)
Russell G. Hines, Esquire (Via U.S. Mail)
D. Scott Drescher, Esquire (Via U.S. Mail)