

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Steven H. John, Circuit Court Judge

Appellate Case No. 2016-000864
Op. No. 2016-UP-052
(S.C. Ct. App. filed February 3, 2016)

RECEIVED

DEC 27 2017

S.C. SUPREME COURT

Randall M. Green and Ann Green, Respondents-Petitioners,

v.

Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C., Petitioners-Respondents.

**MOTION TO FILE SUPPLEMENTAL APPENDIX,
FOR LEAVE TO ARGUE JUDICIAL ESTOPPEL, WAIVER, AND/OR
RELEASE AND TO HOLD DEADLINES IN ABEYANCE**

The Petitioners-Respondents Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C. (hereafter collectively referred to as "Dr. Bauerle"), respectfully move this Court to allow the filing of a Supplemental Appendix to include post-judgment filings as discussed in the supporting memorandum filed herewith. Dr. Bauerle further seeks leave of court to allow him to brief a judicial

estoppel, waiver and/or release argument based on those post-judgment filings as part of his Respondent's Brief. Dr. Bauerle further requests that the briefing deadlines be held in abeyance during the pendency of this motion.

The grounds for this motion are addressed in more detailed in the supporting memorandum filed herewith.

The undersigned counsel for the Petitioners-Respondents was unable to consult with opposing counsel prior to the filing of this motion but will do so expeditiously.

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Columbia, South Carolina

December 20, 2017

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CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Petitioners-Respondents, does hereby certify that service of below documents was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 20th day of December 2017:

1. Motion to File Supplemental Appendix, for Leave to Argue Judicial Estoppel, Waiver and/or Release and to Hold Deadlines in Abeyance

2. Memorandum in Support of Motion to File Supplemental Appendix, for Leave to Argue Judicial Estoppel, Waiver and/or Release and to Hold Deadlines in Abeyance

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