

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

RECEIVED

Appellate Case No. 2017-00252  
Common Pleas Case No. 2010-CP-5743

JAN 23 2018

SC Court of Appeals

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD,  
and Upstate Lung & Critical Care Specialists, PC,

Appellants,

v.

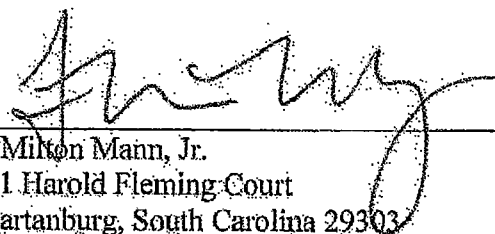
Ray E. "Chuck" Thompson  
and Charles M. Fogarty, MD,

Respondents.

MOTION TO ORDER HEARING TRANSCRIPT  
OUTSIDE OF DEADLINE IN RULE 207, SCACR

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, and Upstate Lung & Critical Care Specialists, PC, hereby move the Court for an additional forty-five (45) days within which to order the October 19, 2017, hearing transcript outside the deadline established in Rule 207, SCACR. Appellants served their Notice of Appeal on December 6, 2017 and, if granted, Appellants' would have until January 30, 2018 to order the hearing transcript.

January 23, 2018



E. Milton Mann, Jr.  
151 Harold Fleming Court  
Spartanburg, South Carolina 29303  
(864) 680-5079  
Attorney for Appellants

Other Counsel of Record:

Matthew H. Henrikson, Esquire (with enclosures)  
Henrickson Law Firm  
1164 Woodruff Road  
Greenville, South Carolina 29607  
Phone: (864) 672-7106  
Attorney for Respondent Thompson

Ellen Check, Esquire (with enclosures)  
Wilkes Law Firm  
127 Dunbar Street, Suite 200  
Spartanburg, SC 29306  
Phone: (864) 591-1113  
Attorney for Respondent Fogarty

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

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JAN 23 2013

SC Court of Appeals

Gregory J. Feldman, MD, Joseph A. Boscia, III, MD,  
and Upstate Lung & Critical Care Specialists, PC,

Appellants,

v.

Ray E. "Chuck" Thompson  
and Charles M. Fogarty, M.D.,

Respondents.

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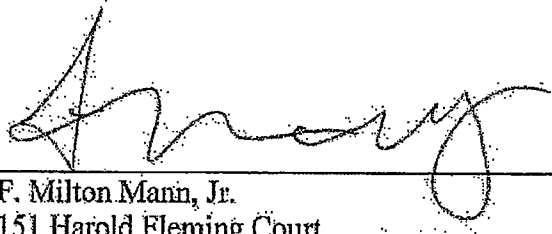
PROOF OF SERVICE

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I certify that I have served Appellants' Motion to Order Hearing Transcript Outside of Deadline in Rule 207, SCACR and Proof of Service, upon Respondents Ray E. "Chuck" Thompson and Charles M. Fogarty, M.D. by email:

Matthew H. Henrikson, Esquire  
Henrickson Law Firm  
1164 Woodruff Road  
Greenville, South Carolina 29607  
Attorney for Respondent Thompson

Ellen Cheek, Esquire  
Wilkes Law Firm  
127 Dunbar Street, Suite 200  
Spartanburg, SC 29306  
Attorney for Respondent Fogarty



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F. Milton Mann, Jr.  
151 Harold Fleming Court  
Spartanburg, South Carolina 29303  
(864) 680-5079  
Attorney for Appellants

January 23, 2018

F. MILTON MANN, JR.

ATTORNEY AT LAW  
LICENSED IN SC, GA & FL

RECEIVED

January 23, 2018

JAN 23 2018

SC Court of Appeals

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

**BY FACSIMILE & FEDERAL EXPRESS**

Re: Gregory Feldman v. Ray Thompson  
Appellate Case No. 2017-002522

Dear Ms. Kitchings:

Please find enclosed the original and six (6) copies of Appellants' Motion to Order Hearing Transcript Outside of Deadline in Rule 207, SCACR request for a forty-five (45) day extension in the above-referenced case. Appellants' served their Notice of Appeal on December 6, 2017 and the extension would allow Appellants until January 30, 2018 to request the hearing transcript.

Counsel for Appellant was out-of-state from December 16<sup>th</sup> until December 21<sup>st</sup>. Further, counsel's office follows the state holiday schedule and was closed from December 22<sup>nd</sup> through December 26<sup>th</sup> for the Christmas holiday and January 1, 2018 for the New Year holiday.

In addition, counsel's mother had been terminally ill for several months and passed away on October 29<sup>th</sup>. Unfortunately, counsel's father became suddenly ill and passed away on November 20<sup>th</sup>. Given these circumstances, Appellants respectfully request an additional forty-five (45) days to order the October 19, 2017 hearing transcript outside of deadline in Rule 207, SCACR.

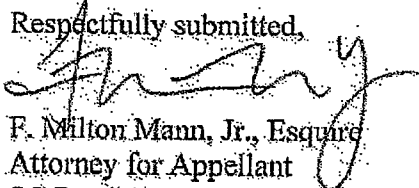
151 HAROLD FLEMING COURT • SPARTANBURG, SOUTH CAROLINA 29303  
864-208-0359 • FAX 864-208-0233 • CELL 864-680-5079  
EMAIL: MILTON.MANN@GMAIL.COM

✓

Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
January 23, 2018  
Page Two

Please apply Appellants' check in the amount of Twenty-Five and 00/100 (\$25.00) Dollars that was previously sent in error to this Motion. By copy of this letter, I am serving a copy on each counsel of record. Thank you in advance for your thoughtful consideration.

Respectfully submitted,



F. Milton Mann, Jr., Esquire  
Attorney for Appellant  
SC Bar #68250

cc: Ellen Cheek, Esquire (by email w/ enclosures)  
Matthew H. Henrickson, Esquire (by email w/ enclosures)

## FAX COVER SHEET

TO	TheHonorableJennyAbbottKitchingsClerk
COMPANY	SouthCarolinaCourtofAppeals
FAXNUMBER	18037341839
FROM	holly mann
DATE	2018-01-23 21:11:16 GMT
RE	Feldman v. Thompson - Case No. 2017-00252

### COVER MESSAGE

Please see attached Motion.

**RECEIVED**

JAN 23 2018

SC Court of Appeals