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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable J. Cornell Maddox, Jr., Circuit Court Judge

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Appellant Case No. 2016-000569

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Greenville Pharmaceutical Research, Inc., Appellant,

v.

Parham & Smith, LLC and Gerald H. Sokol, M.D., Defendants,

Of whom, Gerald H. Sokol, M.D. is the Respondent.

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MAY 03 2018

SC Court of Appeals

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MOTION FOR RECONSIDERATION

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Appellant, Greenville Pharmaceutical Research, Inc., by and through counsel undersigned hereby moves the Court to reconsider its order granting cost issued on May 1, 2018.

A motion for an extension of time to serve and file the petition for writ of certiorari and the appendix was filed with the Supreme Court of South Carolina on April 4, 2018. At the time of filing, the order of remittitur dated April 3, 2018 had not been received by the Appellant. On April 13, 2018, the motion was denied. After receiving the order of remittitur and the denial of the motion for an extension of time, on April 16, 2018, Appellant filed a motion to recall remittitur. The Respondent's motion for costs filed April 9, 2018 was deficient and the correction was filed April 17, 2018. Appellant's did not file a return on the motion for cost because we find no error in the amount presented.

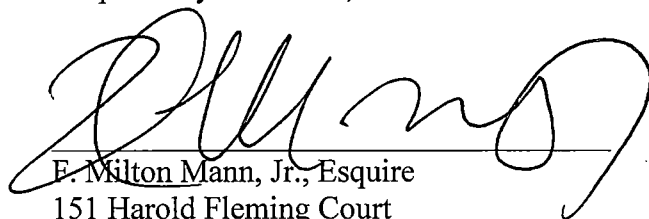
However, at this time, no order has been issued regarding Appellant's motion to recall remittitur, nor has the Respondent timely filed a return to Appellant's motion to recall. Appellant submits that the order for cost was granted prematurely considering the motion to recall remittitur is still pending. Additionally, Appellant believes that the Respondent's failure to file a return to the motion to recall remittitur should be construed as consent to the motion.

Under Rule 240(e) of the South Carolina Rules of Civil Procedure,

“Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.”

The Court's decision on the motion to recall remittitur could potentially conflict with the order granting costs. Wherefore, the Appellant moves the Court to reconsider the order for costs or in the alternative, stay the order for costs until the Court has reached a decision regarding the recall of the order of remittitur. Appellant also prays that the Court deem the Respondent's decision not to file a return to the motion to recall remittitur, as consent to the Appellant's motion.

Respectfully submitted,



E. Milton Mann, Jr., Esquire  
151 Harold Fleming Court  
Spartanburg, SC 29303  
(864) 680-5079  
*Attorney for the Appellant*

May 2, 2018

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SC Court of Appeals

F. MILTON MANN, JR.

ATTORNEY AT LAW  
LICENSED IN SC, GA & FL

May 3, 2018

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

**BY HAND-DELIVERY**

Re: Greenville Pharmaceutical Research, Inc., Appellant, v. Parham & Smith, LLC and Gerald H. Sokol, M.D., Defendants, of whom, Gerald H. Sokol, M.D. is the Respondent. - Appellant Case No. 2016-000569

Dear Mr. Kitchings:

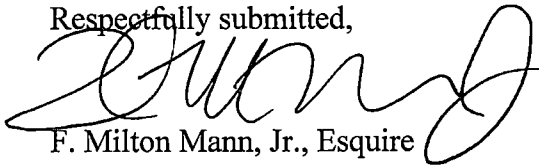
I represent Greenville Pharmaceutical Research, Inc. in the above captioned case. Please find enclosed Appellants motion to reconsider the Courts order for costs dated May 1, 2018.

The \$25.00 fee for your consideration of this matter is attached.

By copy of this letter, I certify that I am serving a copy of the motion to reconsider on each counsel of record by email.

Thank you in advance for your assistance in this matter.

Respectfully submitted,



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

CC: T. David Rheney, Esquire (by email)  
Jeffrey Michael Bogdan, Esquire (by email)

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