

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM RICHLAND COUNTY  
Court Of Common Pleas

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

RECEIVED

JUN 06 2018

SC Court of Appeals

---

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

---

Rajinder Parmar.....Respondent,

vs.

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

---

**RESPONDENT'S RETURN TO APPELLANTS'  
6<sup>TH</sup> MOTION FOR EXTENSION OF TIME**

---

The Respondent Rajinder Parmar ("Respondent") submits this Return in limited opposition to Appellants' Motion for Extension of Time.

Counsel for Respondent certainly sympathizes with Mr. Widener's orthopaedic condition and does not wish to impose an undue hardship on counsel. However, it is important to view Appellants' Motion within the procedural context of this Appeal. The subject Motion is Appellants 6<sup>th</sup> request for an extension in this Appeal:

- (1) On September 5, 2017, Appellants requested a 30-day extension to file an Initial Brief. Respondent did not object and the Court granted Appellants' Motion by Order dated September 7, 2017.
- (2) On October 4, 2017, Appellants former counsel, John Nichols, moved to withdraw and requested that Appellants be granted an additional 60 days "to

advise the court whether they intend to proceed with substitute appellate counsel or pro se.” Respondent objected on the ground that 60 days was excessive for Appellants to retain counsel. The Court ultimately granted Respondent’s Motion and extended Appellants deadline to obtain substitute counsel to December 29, 2017.

- (3) On December 18, 2017, Mr. Widener appeared in this action on behalf of Appellants and requested Appellants’ initial briefing deadline be extended to January 29, 2018 due to the holidays and a scheduled week-long vacation.
- (4) On January 24, 2018, counsel for Appellants filed another Motion for an Extension of Time, requesting an additional 43-day extension due to a health emergency. While Respondent did not object to the Motion, Respondent filed a Return to note the prejudice to Respondent as a result of the delay and to request that any extension balance the hardship imposed on both parties.
- (5) On March 26, 2018, Appellants moved to extend the briefing deadline yet another week. Mr. Widener consulted with Respondents’ counsel, and Respondent graciously but reluctantly consented to yet another extension. By Order dated March 27, 2018, this Court extended Appellants’ briefing deadline to April 2, 2018 and ordered that no further extensions be granted absent extraordinary circumstances.

As a result of the numerous extensions outlined above, Appellants obtained a 208-day extension to file their Initial Brief. 105 of those days accrued after Mr. Widener appeared as counsel of record. Appellants Initial Brief was finally submitted on April 2, 2018, 347 days after Appellants’ Notice of Appeal. Respondent filed his Initial Brief on May 24, 2018.<sup>1</sup> Appellants now request and additional 30 days to file a Reply.

Respondent obtained a \$361,954.42 judgment against Appellants, which Appellants now appeal. Much of the judgment represents compensation Respondent earned as a physician employee of the corporate Appellants. Appellants obtained leave to deposit the judgment into the Court to halt the running of post-judgment interest pending the outcome of the appeal. Not only does Respondent not have use of the judgment funds, he is unable to invest those funds into a high-yield account.

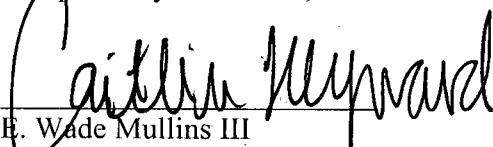
---

<sup>1</sup> Due to the breadth of the issues raised on appeal and several previously imposed deadlines in other matters, Respondent reluctantly requested a 30-day extension to file his Initial Brief. Respondent filed his Initial Brief only 22 days after his initial filing deadline.

While Respondent remains deeply sympathetic of counsel's health issues, Respondent asks the Court to consider the circumstances of all the parties when determining to what extent an extension is warranted. The filing of a Reply Brief is discretionary, and Appellants are not permitted to raise any new grounds. A 30-day extension is 3 times period provided in the Rules. SCRAP 208. Respondent is aware that counsel for Appellants previously indicated that he has not associated any junior lawyers within his firm to assist him on this Appeal; however, to the extent the Court is inclined to grant Appellants' Motion, Respondent requests that Mr. Widener take advantage of the resources available to him and work to ensure that no further extensions are necessary.

June 6, 2018

Respectfully Submitted,



E. Wade Mullins III

Caitlin C. Heyward

Bruner, Powell, Wall & Mullins, LLC

P.O. Box 61110

Columbia, South Carolina 29260

(803) 252-7693

*Attorneys for Respondents*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

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

RECEIVED

JUN 06 2018

SC Court of Appeals

Appellate Case No. 2017-000994  
Civil Action No. 2014-CP-40-06017

Rajinder Parmar, .....Respondent,

v.


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

CERTIFICATE OF SERVICE

I, Lacey E. Segars, hereby certify that a true and correct copy of the attached **Respondent's Return to Appellants' 6<sup>th</sup> Motion for Extension of Time** was served upon counsel for the Appellants in the above-captioned matter, by courier hand delivery and depositing a copy of it in the U.S. Mail, postage prepaid, on June 6, 2018, addressed as follows:

Robert L. Widener  
McNair Law Firm, P.A.  
1221 Main St., Suite 1800  
Post Office Box 11390  
Columbia, SC 29211

June 6, 2018

  
\_\_\_\_\_  
Lacey E. Segars

BRUNER, POWELL, WALL & MULLINS, LLC

ATTORNEYS AND COUNSELORS AT LAW

1735 ST. JULIAN PLACE, SUITE 200

POST OFFICE BOX 61110

COLUMBIA, SOUTH CAROLINA 29260-1110

TELEPHONE 803-252-7693

FAX 803-254-5719

[WWW.BRUNERPOWELL.COM](http://WWW.BRUNERPOWELL.COM)

WARREN C. POWELL, JR., P.A.\*\*

HENRY P. WALL

E. WADE MULLINS III, P.A.

BRIAN P. ROBINSON, P.A.

WESLEY D. PEEL, P.A.

JOEY R. FLOYD, P.A.

BENJAMIN C. BRUNER, P.A.

JAMES L. BRUNER, P.A.  
OF COUNSEL

ANN F. ALLISON

CAITLIN C. HEYWARD

CHELSEA J. CLARK

STEVEN R. SPREEUWERS

\*\* Also Admitted in District of Columbia

AUTHOR'S E-MAIL: [LSEGARS@BRUNERPOWELL.COM](mailto:LSEGARS@BRUNERPOWELL.COM)

June 6, 2018

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RECEIVED  
JUN 06 2018  
SC Court of Appeals

**Re: Rajinder Parmar vs. Balbir S. Minhas, Midlands Gastroenterology and  
Midlands Endoscopy Center, LLC  
Appellate Case No.: 2017-000994  
C/A No.: 2014-CP-40-6017  
Our File No.: 7-2797.100**

Dear Ms. Kitchings:

I have enclosed the original and seven (7) copies of the **RESPONDENT'S RETURN TO APPELLANTS' 6<sup>th</sup> MOTION FOR EXTENSION OF TIME** and a proof of service on counsel for the Appellants. Please stamp one copy and return it with our runner who will be waiting.

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

With my kindest regards, I am

Sincerely yours,

  
Lacey E. Segars

CCH/les

Enclosures

cc: Robert Widener, Esquire  
Rajinder Parmar