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FAX COVER

TO: The Honorable Daniel E. Shearouse, Supreme Court of South Carolina

DATE: June 22, 2018

FAX: (803) 734-1499

FROM: Cristin Uricchio, Uricchio Law Firm

RE: Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C.
Appellate Case No. 2016-000864

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S.C. SUPREME COURT

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June 22, 2018

Via U.S. Mail and Facsimile to (803) 734-1499The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201RE: Randall M. Green and Ann Green v. Wayne B. Bauerle, M.D. and
Wayne B. Bauerle, M.D., P.C.
Civil Action No. 2011-CP-26-7403
Appellate Case No. 2016-000864

Dear Mr. Shearouse,

Pursuant to the conversation with your office this morning, the Reply Brief of Respondents-Petitioners, which was mailed on June 18th, was received by the Court but is not showing as having been filed because a Respondents' Brief has not been filed. At this time, the Petitioners-Respondents' Motion to File Respondents' Brief out of Time is still pending. However, it is now my understanding that, in the event that the Respondents-Petitioners' Motion is granted, the Reply brief would be accepted as filed on June 18th. Accordingly, it appears that our Motion for Extension of Time to File Reply Brief of Petitioners-Respondents, filed June 12th, is no longer necessary. I was advised by your office that a letter clarifying this would be helpful.

By way of clarification, the Respondents' Brief of Petitioners-Respondents was due on December 20, 2017. On that date, Petitioners-Respondents filed a Motion to Supplement the Appendix, For Leave To Argue Judicial Estoppel, Waiver and/or Release and to Hold the Briefing Deadlines In Abeyance. On May 24, 2018, this Motion was denied by Order of the Honorable John W. Kittredge.

On June 7th, the Petitioners-Respondents filed a Motion to File Respondents' Brief Out Of Time and served all counsel of record with his Respondents' Brief. As Rule 242 (i), SCACR, provides that a reply brief must be filed and served within ten (10) days of *service* of a respondent's brief, the Reply Brief of Respondents-Petitioners appeared to have been due on June 18th. This created the unusual situation where the Reply Brief would be due prior to filing of the Respondents' Brief as this Court had not yet ruled on the Petitioners-Respondents' Motion to File Respondents' Brief Out Of Time. It was unclear whether the Reply Brief would be

accepted for filing as the Respondents' Brief had not been filed but, a motion to file out of time is not a motion which automatically stays the briefing deadlines pursuant to Rule 240 (b), SCACR.

On June 12th, we filed a Memorandum in Opposition to Petitioners-Respondents' Motion To File Respondents' Brief Out Of Time. Out of an abundance of caution, we also filed a Motion for Extension of Time to File Reply Brief of Respondents-Petitioners on that same date. As our Motion For Extension had not yet been decided by the June 18th deadline for filing a reply, we proceeded to file the Reply Brief of Respondents-Petitioners on that date. Accordingly, the Motion For Extension of Time to File Reply Brief of Respondents-Petitioners, which was filed on June 12th, is no longer necessary. Please let me know if a formal motion or other action is necessary to withdraw that Motion. Thank you for your assistance with this matter.

With kindest regards, I am

Sincerely,


Cristin Uricchio

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