

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
R. Keith Kelly, Circuit Court Judge

Case No. 2010-CP-5743

RECEIVED
JUL 02 2018
SC Court of Appeals

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

v.

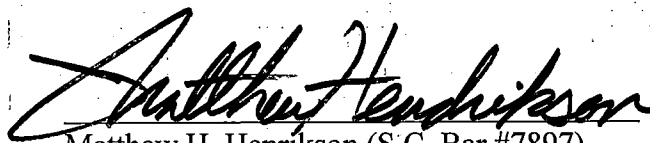
Ray E. ("Chuck") Thompson
and Charles M. Fogarty, Respondents.

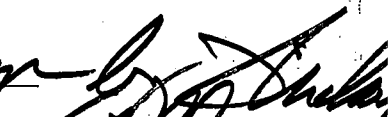
**RESPONSE TO APPELLANTS' REPLY
TO RESPONDENTS'
BRIEF IN OPPOSITION TO
MOTION FOR EXTENSION**

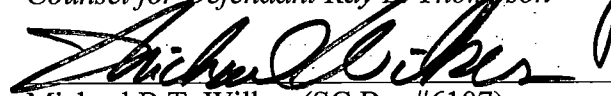
Respondents Ray E. ("Chuck") Thompson and Charles M. Fogarty, MD ("Respondents") have no objection to Appellants having a standard extension of time within based on a death in counsel's family. A death in the family was the sole basis for the request set forth in the June 26, 2018 telephone call between counsel for Appellants and counsel for Respondent Thompson.

The family death basis for Appellants' motion for extension was not set forth in the Motion. The basis set forth in the Motion, extra time to analyze and research, was not discussed in the phone call and not consented to.

June 29, 2018


Matthew H. Henrikson (S.C. Bar #7897)
Henrikson Law Firm
1164 Woodruff Road
Greenville, SC 29607
Counsel for Defendant Ray E. Thompson


*with
his express
permission*



Michael B.T. Wilkes (SC Bar #6107)

mwilkes@wilkeslaw.com

Ellen S. Cheek (SC Bar #69642)

echeek@wilkeslaw.com

WILKES LAW FIRM, PA

127 Dunbar Street, Suite 200

Spartanburg, South Carolina 29306

(864) 591-1113

Attorneys for Respondent Charles M. Fogarty, MD

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
R. Keith Kelly, Circuit Court Judge

Trial Court Case No. 2010-CP-42-05743

Appellate Case No. 2017-002522

RECEIVED
JUL 02 2018
SC Court of Appeals

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

v.

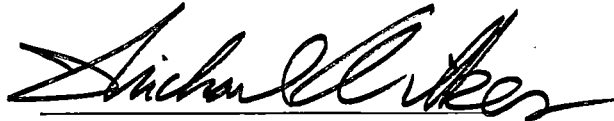
Ray E. ("Chuck") Thompson and Charles M. Fogarty,.....Respondents.

PROOF OF SERVICE

I certify that I have served the *Response to Appellants' Reply to Respondents' Brief in Opposition to Motion for Extension* upon Gregory J. Feldman, MD, Joseph A. Boscia, III, MD, and Upstate Lung & Critical Care Specialists, PC, by depositing a copy of it in the United States Mail, postage prepaid, on June 29, 2018, addressed to their attorney of record, F. Milton Mann, Jr., Esquire, at his office at 151 Harold Fleming Court, Spartanburg, South Carolina, 29303, and via email to Milty.mann@gmail.com.

Additionally, I hereby certify that I have served this same pleading upon co-respondent, Ray E. ("Chuck") Thompson, by depositing a copy of it in the United States Mail, postage prepaid, on June 29, 2018, addressed to his attorney, Matthew H. Henrikson, Esquire, 1164 Woodruff Road, Greenville, South Carolina, 29607, and via email to matt@henriksonlaw.com.

June 29, 2018



Michael B. T. Wilkes (SC Bar #6107)

mwilkes@wilkeslaw.com

Ellen S. Cheek (SC Bar #69642)

echeek@wilkeslaw.com

WILKES LAW FIRM, PA

127 Dunbar Street, Ste. 200

Spartanburg, SC 29306

(864) 591-1113

Attorneys for Respondent

Charles M. Fogarty, M.D.

WILKES LAW FIRM P.A.

MICHAEL B.T. WILKES**
ELLEN S. CHEEK*
J. DERHAM COLE, JR.
C. DANIEL ATKINSON**
J. ALEXANDER JOYNER*

- CHARLESTON OFFICE
- ALSO MEMBER GEORGIA BAR
- ALSO MEMBER NORTH CAROLINA BAR
- CERTIFIED MEDIATOR

WILKES LAW FIRM, P.A.
Reply to: SPARTANBURG OFFICE
127 DUNBAR STREET, SUITE 200
SPARTANBURG, SOUTH CAROLINA 29306
864.591.1113
TOLL FREE 866.920.1113
FAX 864.591.1767

CHARLESTON OFFICE
200 MEETING STREET, SUITE 205
CHARLESTON, SOUTH CAROLINA 29401
843.737.6229

WWW.WILKESLAW.COM

June 29, 2018

RECEIVED

JUL 02 2018

SC Court of Appeals

Via UPS Overnight Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201-3769

**Re: In the Court of Appeals for the State of South Carolina
Appeal from Spartanburg County Court of Common Pleas,
R. Keith Kelly, Circuit Court Judge
Trial Court Case No. 2010-CP-42-05743**

***Gregory J. Feldman, MD, Joseph A. Boscia III, MD, and Upstate Lung and
Critical Care Specialists PC, Appellants, v. Ray E. "Chuck" Thompson and
Charles M. Fogarty, MD, Respondents***

**In the Court of Appeals for the State of South Carolina
Appellate Case No. 2017-002522**

Dear Ms. Kitchings:

Enclosed for filing in the referenced matter is *Response to Appellants' Reply to Respondents' Brief in Opposition to Motion for Extension and Proof of Service*. I am filing these documents on behalf of the collective Respondents, Ray E. "Chuck" Thompson, and Charles M. Fogarty, MD. Additionally, I have enclosed a "Copy" stamped version of these documents, which I would appreciate your marking filed and returning to me in the enclosed postage-prepaid envelope.

Thank you for your assistance in this regard.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael B.T. Wilkes". The signature is fluid and cursive, with a large initial "M" and "W".

Michael B.T. Wilkes

mwilkes@wilkeslaw.com

MBTW:amh

Enclosures

cc: F. Milton Mann, Esq. (via U.S. Mail and Email)
cc: Matthew H. Henrikson, Esq. (via U.S. Mail and Email)
cc: Ellen S. Cheek, Esq. (via Email)

Extremely Urgent

This envelope is for use with the following services:

- UPS Next Day Air®
- UPS Worldwide Express™
- UPS 2nd Day Air™

Visit ups.com® or call 1-800-PICK-UPS® (1-800-742-5877) to schedule a pickup or find a drop off location near you.

Domestic Shipments

- To qualify for the Letter rate, UPS Express Envelopes may only contain correspondence, urgent documents, and/or electronic media, and must weigh 8 oz. or less. UPS Express Envelopes combine items other than those listed or

International Shipments

- The UPS Express value. Certain ups.com/imp/

- To qualify for 1 UPS Express Et

Note: Express Et containing sensi or cash equivalent

WILKES LAW FIRM, PA
8645011113
WILKES LAW FIRM, PA
127 DUNBAR STREET
SPARTANBURG, SC 29306

0.3 LBS LTR 1 OF 1

SHIP TO:
THE HON. JENNY ABBOTT KITCHINGS
CLERK OF COURT OF APPEALS
1220 SENATE STREET
COLUMBIA SC 29201

SC 292 9-01

UPS NEXT DAY AIR 1
TRACKING #: 1Z 46Y 87A 01 9437 7375

BILLING: P/P

Reference No.1: Feldman v. Fogarty

XOL 18 03 09 N745 99 0A 04/2016

RECEIVED
JUL 02 2018
SC Court of Appeals

Apply shipping documents on this side.
Do not use this envelope for:
UPS Ground
UPS Standard
edited®

FOR UPS SHIPPING ONLY

Serving you for more than 100 years
United Parcel Service.



International Shipping Notice - Carriage Recipients may be subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the "Warsaw Convention") and/or the Convention on the Contract for the International Carriage of Goods by Road (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Provision contrary to U.S. law prohibited. 010195101 4/14 PAK United Parcel Service