

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

Unpublished Opinion No. 2019-UP-331
Appellate Case No. 2017-000994
Case No. 2014-CP-40-06017

RECEIVED
DEC 09 2019
SC Court of Appeals

Rajinder Parmar, Respondent,

v.

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

REPLY TO RETURN TO
PETITION FOR REHEARING

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ATTORNEYS FOR APPELLANTS

REPLY ARGUMENTS

The Respondent repeatedly complains that the Appellant's Petition for Rehearing does not make any new arguments and repeats arguments previously made to this Court. This complaint has no merit because, *inter alia*, rehearing petitions generally are limited to arguments previously made. Moreover, as to Arguments 2, 3, and 6, those arguments request a specific ruling on the arguments previously made. As to all remaining arguments by the Respondent, the Appellant relies on the Petition for Rehearing and appellate briefs. The Respondent's return on the "double recovery" issue, however, warrants a specific reply.


With regard to the Appellant's Argument 4 on "double recovery," the Respondent argues that the Appellant is asking this Court to "assume the variance amounts were already included in the accounts receivable and bank accounts awarded [but there is] no evidence in the Record as to what monies made up the accounts receivable and the bank accounts" (Ret. at Arg. 4). The Appellant's "double recovery" argument, however, is not based on any money-in / money-out analysis. Rather, all monies available to make any payment to anyone were in the accounts receivable and bank accounts. Thus, when the arbitrator awarded the "variances" to the Respondent, those payments manifestly had to be made from the accounts receivable or the bank accounts, there being no other payment source. Thus, to avoid double recovery of those "variance" amounts, it was necessary to deduct those amounts from the accounts receivable / bank accounts values before awarding the Respondent 50% of those accounts.

CONCLUSION

For all of the foregoing reasons, and for the reasons set forth in the Appellant's Petition for Rehearing, Brief of Appellant and Reply Brief, which are incorporated herein, it is respectfully submitted that this Court should grant rehearing and issue an amended opinion that vacates the

arbitration award in its entirety or, in the alternative, grants the other lesser relief requested by the Appellant.

Respectfully Submitted,



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ATTORNEYS FOR APPELLANTS

December 9, 2019
Columbia, SC

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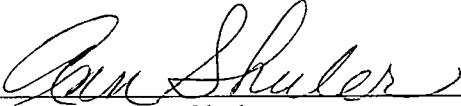
Balbir S. Minhas; Midlands Gastroenterology, PC;
and Midlands Endoscopy Center, LLC, Appellants.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of Burr Forman McNair, hereby certify that a true and correct copy of the Reply to Return to Petition for Rehearing was served upon counsel for the Respondent in the above-captioned matter, by causing a copy of same to be deposited in the United States Mail, first class postage prepaid, this 9th day of December, 2019, addressed as follows:

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Columbia, SC



Ann Shuler

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December 9, 2019

VIA COURIER

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Rajinder Parmar v. Balbir S. Minhas, et al.
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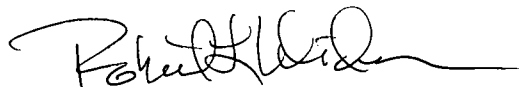
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of Balbir S. Minhas' Reply to Return to Petition for Rehearing regarding the above referenced case. Please file the Reply and return the file stamped extra copy to me via our courier. By copy of this letter, we are serving counsel for the Respondent with a copy of the Reply.

Respectfully yours,

Burr Forman McNair



Robert L. Widener

RLW/as

Enclosures

cc: E. Wade Mullins III, Esq.