

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-CP-10-5000
Appellate Case No. 2019-000640

RECEIVED
DEC 27 2019
SC Court of Appeals

Jim Washington, Appellant.

v.

Trident Medical Center, LLC, Respondent.

**Response in Opposition to Request to Rehear/Clarify
Order Denying Supersedeas/Stay**

Despite the full Court’s clear and unequivocal denial of his Petition for Supersedeas/Stay and directive that the record on appeal be filed by December 20, 2019, Appellant has instead filed yet another motion seeking to reargue issues and delay consideration of the merits of his appeal. The Court’s action on Appellant’s motion did not have the “effect of dismissing or finally deciding” the appeal. *See* Rule 240(i), SCACR. Thus, Appellant’s most recent request for rehearing is improper under the South Carolina Appellate Court Rules and should be denied.

Moreover, the Appellate Court Rules provide that whenever an appellant has “failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal.” Rule 260, SCACR. On December 10, 2019, the Court issued a letter explaining that the time for service of the record on appeal and proof of service had expired. The Court directed Appellant to file a proof of service along with a motion for leave to file it out of time, by December 20, 2019. Appellant failed to make any such filings and instead filed an indecipherable motion seeking

unclear relief. The appeal should therefore be dismissed for failure to comply with the rules of this Court.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: Blake T. Williams
C. Mitchell Brown
S.C. Bar No. 012872
E-Mail: mitch.brown@nelsonmullins.com
Blake T. Williams
S.C. Bar No. 100794
E-Mail: blake.williams@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

BATTEN LEE, PLLC

David H. Batten
S.C. Bar No. 74531
E-Mail: dbatten@battenlee.com
4141 Parklake Avenue, Suite 350
Raleigh, North Carolina 27612
(919) 439-2223

Attorneys for Trident Medical Center

Columbia, South Carolina

December 27, 2019

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2015-CP-10-5000
Appellate Case No. 2019-000640

RECEIVED
DEC 27 2019
SC Court of Appeals

Jim Washington, Appellant.

v.

Trident Medical Center, LLC, Respondent,

PROOF OF SERVICE


I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Trident Medical Center, LLC, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Respondent's Response in Opposition to Request to Rehear/Clarify Order Denying Supersedeas/Stay

Served:

Mr. Jim Washington
209 Signet Drive
Eutawville, SC 29048


Kelli Diamond Martin
Administrative Assistant

December 27th 2019.



NELSON MULLINS

NELSON MULLINS RILEY & SCARBOROUGH LLP
ATTORNEYS AND COUNSELORS AT LAW

Blake T. Williams
T 803.255.9597 F 803.255.9032
blake.williams@nelsonmullins.com

1320 Main Street | 17th Floor
Columbia, SC 29201
T 803.799.2000 F 803.256.7500
nelsonmullins.com

December 27, 2019

RECEIVED

DEC 27 2019

SC Court of Appeals

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
P.O. Box 11629
Columbia SC 29211

RE: Jim Washington v. Trident Medical Center
Case No. 2019-000640
Our File No. 27979/01501

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of *Respondent's Response in Opposition to Request to Rehear/Clarify Order Denying Supersedeas/Stay* in the above referenced matter. Please return a clocked copy to our firm's courier.

With kind regards, I remain

Very truly yours,

Blake T. Williams

BTW:kdm
Enclosure
cc: Mr. Jim Washington