

THE STATE OF SOUTH CAROLINA  
In the Court Of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Steven H. John, Circuit Court Judge

Appellate Case No. 2020-000046  
Case No. 2011-CP-26-7403

**RECEIVED**

**Oct 13 2020**

**SC Court of Appeals**

Mark Green, as Personal Representative of the Estate of Randall M. Green  
and Ann Green,..... Respondents,

v.

Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C..... Appellants.

**MOTION TO HOLD THE DEADLINE FOR  
RESPONDENTS' FINAL BRIEF IN ABEYANCE**

The Respondents, Mark Green, as Personal Representative of the Estate of Randall M. Green, and Ann Green, respectfully move this Court to hold the deadline for filing their Final Brief in abeyance until the pending Motion to Strike the Record on Appeal is decided. This motion is based on the following grounds:

1. The Record on Appeal filed and served by the Appellants on September 11, 2020 omits several documents designated by the Respondents under Rule 209, SCACR.
2. The Respondents are unable to complete their Final Brief as they are unable to provide citations to the Record on Appeal for the omitted documents.

3. As a result of this issue, the Respondents have already received one extension of twenty (20) days until October 21, 2020 to file their Final Brief.
4. The Respondents have also filed a Motion to Strike the Record on Appeal asking the Court resolve this issue and, if the Court orders Appellants to file a Supplemental Record on Appeal, to grant the Respondents an additional ten (10) days after it is served to complete, file, and serve their Final Brief. This motion is currently pending.
5. If the pending motion is denied, Respondents will need an additional ten (10) days to complete their Final Brief without the correct citations for the omitted matter.

**WHEREFORE**, the Respondents respectfully request that the deadline for filing their Final Brief be held in abeyance until ten (10) days after the pending Motion to Strike the Record on Appeal is decided unless otherwise ordered at that time.

Respectfully Submitted,



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*Counsel for Respondents*

October 13, 2020

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The Honorable Steven H. John, Circuit Court Judge

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Mark Green, as Personal Representative of the Estate of Randall M. Green  
and Ann Green,.....

Respondents,

v.

Wayne B. Bauerle, M.D. and Wayne B. Bauerle, M.D., P.C.....

Appellants.

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court’s Order Re: Operation of the Appellate Courts During the Coronavirus Emergency (Amended May 29, 2020), I do hereby certify that I have served the **Motion to Hold the Deadline for Respondents’ Final Brief in Abeyance** on all counsel of record via email only at the addresses below:

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October 13, 2020

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

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**Oct 13 2020**

**SC Court of Appeals**

RE: Mark Green, as Personal Representative of the Estate of 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  
Court of Appeals Tracking No: 2020-000046

Dear Ms. Kitchings,

Please find attached a **Motion to Hold the Deadline for Respondents' Final Brief in Abeyance** for filing the in the above-referenced case. By copy of this correspondence, copies are being served on all counsel of record via email only pursuant to Section (g)(3) of the Supreme Court's Order Re: Operation of the Appellate Courts During the Coronavirus Emergency (As Amended May 29, 2020). The filing fee will be forthcoming via U.S. mail within 5 days of this correspondence.

Your attention to this request would be greatly appreciated. Should you have any questions, please do not hesitate to contact this office.

With kindest regards, I am

Sincerely,



Cristin A. Uricchio

Enclosures

cc: Andrew F. Lindemann, Esquire  
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