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General Docket

S.C. SUPREME COURT **United States Court of Appeals for the Fourth Circuit****Court of Appeals Docket #:** 19-1957**Docketed:****Nature of Suit:** 4190 Other Contract Actions

09/04/2019

Poly-Med, Inc. v. Novus Scientific Pte. Ltd.

**Appeal From:** United States District Court for the District of South Carolina at Anderson**Fee Status:** fee paid**Case Type Information:**

- 1) Civil Private
- 2) private
- 3) null

**Originating Court Information:****District:** 0420-8 : 8:15-cv-01964-JMC**Court Reporter:** Debra Bull, Official Court Reporter**Court Reporter:** Peppa Caskey, Court Reporter

Coordinator

**Court Reporter:** Carleen Horenkamp, Official Court Reporter**Court Reporter:** Karen Martin, Official Court Reporter**Court Reporter:** Gigi Simcox, Official Court Reporter**Presiding Judge:** J. Michelle Childs, U. S. District Court Judge**Date Filed:** 05/08/2015

<b>Date Order/Judgment:</b>	<b>Date Order/Judgment EOD:</b>	<b>Date NOA Filed:</b>	<b>Date Rec'd COA:</b>
08/22/2019	08/22/2019	08/30/2019	09/03/2019
10/26/2018	10/26/2018		
09/05/2018	09/05/2018		
08/27/2018	08/27/2018		
08/24/2018	08/24/2018		
08/21/2018	08/21/2018		
05/30/2018	05/30/2018		
04/24/2018	04/24/2018		
12/07/2016	12/07/2016		

**Prior Cases:**18-2418 **Date Filed:** 11/29/2018 **Date Disposed:** 07/22/2019 **Disposition:** opn.u.sub**Current Cases:**

None

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v.

NOVUS SCIENTIFIC PTE. LTD.  
Defendant - Appellee

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POLY-MED, INC.

Plaintiff - Appellant

v.

NOVUS SCIENTIFIC PTE. LTD.; NOVUS SCIENTIFIC, INC.; NOVUS SCIENTIFIC AB





Defendants - Appellees

09/04/2019	<u>1</u>	Case docketed. Originating case number: 8:15-cv-01964-JMC. Case manager: JRice. [19-1957] JR [Entered: 09/04/2019 11:22 AM]
09/04/2019	<u>2</u>	DOCKETING NOTICE issued Re: [ <u>1</u> ] case Originating case number: 8:15-cv-01964-JMC. [19-1957] JR [Entered: 09/04/2019 11:56 AM]
09/17/2019	<u>3</u>	APPEARANCE OF COUNSEL by A. Mattison Bogan for Novus Scientific AB, Novus Scientific Pte. Ltd. and Novus Scientific, Inc.. [1000589100] [19-1957] Allen Bogan [Entered: 09/17/2019 10:46 AM]
09/17/2019	<u>4</u>	APPEARANCE OF COUNSEL by Mark C. Dukes for Novus Scientific AB, Novus Scientific Pte. Ltd. and Novus Scientific, Inc.. [1000589101] [19-1957] Mark Dukes [Entered: 09/17/2019 10:49 AM]
09/17/2019	<u>5</u>	APPEARANCE OF COUNSEL by Jennifer L. Mallory for Novus Scientific AB, Novus Scientific Pte. Ltd. and Novus Scientific, Inc.. [1000589103] [19-1957] Jennifer Mallory [Entered: 09/17/2019 10:51 AM]
09/17/2019	<u>6</u>	APPEARANCE OF COUNSEL by Robert H. McWilliams, Jr. for Novus Scientific AB, Novus Scientific Pte. Ltd. and Novus Scientific, Inc.. [1000589160] [19-1957] Robert McWilliams [Entered: 09/17/2019 11:15 AM]
09/17/2019	<u>7</u>	DISCLOSURE OF CORPORATE AFFILIATIONS by Novus Scientific Pte. Ltd.. Was any question on Disclosure Form answered yes? No [1000589169] [19-1957] Jennifer Mallory [Entered: 09/17/2019 11:19 AM]
09/17/2019	<u>8</u>	DISCLOSURE OF CORPORATE AFFILIATIONS by Novus Scientific AB. Was any question on Disclosure Form answered yes? Yes [1000589171] [19-1957] Jennifer Mallory [Entered: 09/17/2019 11:21 AM]

- 09/17/2019 9 DISCLOSURE OF CORPORATE AFFILIATIONS by Novus Scientific, Inc.. Was any question on Disclosure Form answered yes? Yes [1000589174] [19-1957] Jennifer Mallory [Entered: 09/17/2019 11:22 AM]
- 09/18/2019 10 APPEARANCE OF COUNSEL by Stephen L. Brown for Poly-Med, Inc.. [1000590457] [19-1957] Russell Hines [Entered: 09/18/2019 04:42 PM]
- 09/18/2019 11 APPEARANCE OF COUNSEL by Russell G. Hines for Poly-Med, Inc.. [1000590459] [19-1957] Russell Hines [Entered: 09/18/2019 04:44 PM]
- 09/18/2019 12 DISCLOSURE OF CORPORATE AFFILIATIONS by Poly-Med, Inc.. Was any question on Disclosure Form answered yes? No [1000590467] [19-1957] Russell Hines [Entered: 09/18/2019 04:45 PM]
- 09/18/2019 13 DOCKETING STATEMENT by Poly-Med, Inc.. [19-1957] Russell Hines [Entered: 09/18/2019 04:48 PM]
- 09/19/2019 14 BRIEFING ORDER filed. Opening Brief and Appendix due 10/29/2019. Response Brief due 11/29/2019 [19-1957] JR [Entered: 09/19/2019 07:15 AM]
- 10/16/2019 15 MOTION by Poly-Med, Inc. to adopt appendix 10/16/2019. Date and method of service: 10/16/2019 ecf. [1000607850] [19-1957] Russell Hines [Entered: 10/16/2019 02:47 PM]
- 10/17/2019 16 ORDER filed granting Motion to adopt joint appendix [15] Copies to all parties. [1000608178] [19-1957] DL [Entered: 10/17/2019 07:52 AM]
- 10/29/2019 17 BRIEF by Poly-Med, Inc. in electronic and paper format. Type of Brief: OPENING. Method of Filing Paper Copies: hand delivery. Date Paper Copies Mailed, Dispatched, or Delivered to Court: 10/29/2019. [1000616252] [19-1957] Russell Hines [Entered: 10/29/2019 04:40 PM]
- 10/29/2019 18 FULL ELECTRONIC APPENDIX and full paper appendix by Poly-Med, Inc.. Method of Filing Paper Copies: hand delivery. Date paper copies mailed dispatched or delivered to court: 10/29/2019. [1000616257] [19-1957] Russell Hines [Entered: 10/29/2019 04:48 PM]
- 10/29/2019 19 SEALED APPENDIX VOLUME(S) (court access only) by Poly-Med, Inc. in electronic and paper format. Method of Filing Paper Copies: hand delivery. Date Copies Mailed, Dispatched, or Delivered to court: 10/29/2019.. Filed Ex parte: N. [19-1957] Russell Hines [Entered: 10/29/2019 04:53 PM]
- 10/29/2019 20 CERTIFICATE OF CONFIDENTIALITY (Local Rule 25(c)) by Poly-Med, Inc.. Sealing Required: Yes. Description of document referenced by certificate: vol 7-9. [19-1957] Russell Hines [Entered: 10/29/2019 04:54 PM]
- 10/29/2019 21 Supplemental FULL ELECTRONIC APPENDIX and full paper appendix by Poly-Med, Inc.. Method of Filing Paper Copies: hand delivery. Date paper copies mailed dispatched or delivered to court: 10/29/2019. [1000616260] [19-1957] Russell Hines [Entered: 10/29/2019 04:55 PM]
- 10/29/2019 22 Supplemental SEALED APPENDIX VOLUME(S) (court access only) by Poly-Med, Inc. in electronic and paper format. Method of Filing Paper Copies: hand delivery. Date Copies Mailed, Dispatched, or Delivered to court: 10/29/2019.. Filed Ex parte: N. [19-1957] Russell Hines [Entered: 10/29/2019 04:56 PM]

- 10/29/2019 23 CERTIFICATE OF CONFIDENTIALITY (Local Rule 25(c)) by Poly-Med, Inc.. Sealing Required: Yes. Description of document referenced by certificate: sealed sja. [19-1957] Russell Hines [Entered: 10/29/2019 04:57 PM]
- 10/29/2019 25 Receipt of paper copy of OPENING BRIEF filed at [17] by Poly-Med, Inc.. Number of pages: [66]. Sufficient: Yes. Number of copies: [1]. Received by clerk date: 10/29/2019. [1000621283] [19-1957] JR [Entered: 11/06/2019 12:42 PM]
- 10/29/2019 26 Receipt of paper copy of APPENDIX filed at [18], [19] by Poly-Med, Inc.. Total number of volumes (including any sealed): [9]. Total number of pages in all volumes: [4194]. Total number of sealed volumes: 3. Sufficient? Yes. CD/DVD/Other exhibit? No. Number of copies: [1]. Received by clerk date: 10/29/2019. [1000621314] [19-1957] JR [Entered: 11/06/2019 12:57 PM]
- 10/29/2019 27 Receipt of paper copy of SUPPLEMENTAL APPENDIX filed at [21], [22] by Poly-Med, Inc.. Sealed volume: Yes. Total number of volumes (including any sealed): 2. Total number of pages in all volumes: 140. CD/DVD/Other exhibit? N. Number of Copies: [1]. Received by clerk date: 10/29/2019. [1000621346] [19-1957] JR [Entered: 11/06/2019 01:19 PM]
- 10/30/2019 24 ORDER filed sealing Volume VII-IX of the Joint Appendix adopted from Case No. 18-2418 and Sealed Supplemental Joint Appendix. Copies to all parties. [1000616336] [19-1957] JR [Entered: 10/30/2019 07:52 AM]
- 11/26/2019 28 BRIEF by Novus Scientific Pte. Ltd., Novus Scientific AB and Novus Scientific, Inc. in electronic and paper format. Type of Brief: RESPONSE. Method of Filing Paper Copies: courier. Date Paper Copies Mailed, Dispatched, or Delivered to Court: 11/26/2019. [1000634440] [19-1957] Jennifer Mallory [Entered: 11/26/2019 01:55 PM]
- 11/26/2019 29 Receipt of paper copy of RESPONSE BRIEF filed at [28] by Novus Scientific AB, Novus Scientific Pte. Ltd. and Novus Scientific, Inc.. Number of pages: [69]. Sufficient: YES. Number of Copies: [1]. Received by clerk date: 11/27/2019. [1000637325] [19-1957] JR [Entered: 12/03/2019 03:53 PM]
- 12/17/2019 30 BRIEF by Poly-Med, Inc. in electronic and paper format. Type of Brief: REPLY. Method of Filing Paper Copies: hand delivery. Date Paper Copies Mailed, Dispatched, or Delivered to Court: 12/17/2019. [1000646458] [19-1957] Russell Hines [Entered: 12/17/2019 01:09 PM]
- 12/17/2019 31 Receipt of paper copy of REPLY BRIEF filed at [30] by Poly-Med, Inc.. Number of pages: [18]. Sufficient: Yes. Number of Copies: [1]. Received by clerk date: 12/17/2019. [1000646789] [19-1957] JR [Entered: 12/17/2019 04:31 PM]
- 08/03/2020 33 PRE-ARGUMENT REVIEW ORDER ISSUED. Counsel shall file 3 paper copies of all briefs and appendices within 7 days. [19-1957] JLC [Entered: 08/03/2020 04:05 PM]
- 08/07/2020 34 NOTICE REGARDING CONFLICT WITH PROPOSED ARGUMENT DATES by Appellees Novus Scientific Pte. Ltd., Novus Scientific, Inc. and Novus Scientific AB. Argument Session: October 27-30, 2020 (in-person); October or November of 2020 (remote). Days you are available: Counsel for

Appellees are available on all proposed argument dates.. Identify any other cases you are tentatively scheduled to argue this session: N/A. Other scheduling information: N/A. [19-1957] Jennifer Mallory [Entered: 08/07/2020 04:39 PM]

- 08/10/2020 35 NOTICE REGARDING CONFLICT WITH PROPOSED ARGUMENT DATES by Appellant Poly-Med, Inc.. Argument Session: Oct. 27-30, 2020 (in-person); Oct. or Nov. 2020 (remote). Days you are available: Oct. 5-7, 9, 12-16, 21-23, 26-30, Nov. 6, 13, 16-20, 23-25, 30. Identify any other cases you are tentatively scheduled to argue this session: South Carolina State Court Appeal No. 2018-002009 (Nov 2-5, 10, or 12).. [19-1957] Stephen Brown [Entered: 08/10/2020 11:31 AM]
- 08/10/2020 36 Three additional copies of the RESPONSE BRIEF received from Novus Scientific AB, Novus Scientific Pte. Ltd. and Novus Scientific, Inc.. [19-1957] AWW [Entered: 08/10/2020 03:04 PM]
- 08/11/2020 37 Additional copies of the OPENING BRIEF, REPLY BRIEF, JOINT APPENDIX(vols 1-9)(vols 7-9 sealed), and SUPPLEMENTAL JOINT APPENDIX(vols 1-2)(vol 2 sealed) received from Poly-Med, Inc.. [19-1957] AD [Entered: 08/11/2020 12:10 PM]
- 09/23/2020 38 CASE CALENDARED for remote oral argument. Date: 10/27/2020. Argument Starting Time: 2:00 p.m.. Remote oral argument acknowledgment form due within 2 business days. [19-1957] JLC [Entered: 09/23/2020 01:19 PM]
- 09/24/2020 39  ORAL ARGUMENT ACKNOWLEDGMENT FOR REMOTE ARGUMENT (restricted access) by Poly-Med, Inc.. Counsel arguing: Stephen L. Brown. Opening argument time: 13 Minutes Rebuttal argument time: 7 Minutes . . [1000817164] [19-1957] Stephen Brown [Entered: 09/24/2020 02:27 PM]
- 09/24/2020 40  ORAL ARGUMENT ACKNOWLEDGMENT FOR REMOTE ARGUMENT (restricted access) by Novus Scientific Pte. Ltd., Novus Scientific, Inc. and Novus Scientific AB. Counsel arguing: Jennifer L. Mallory. Answering argument time: 20 minutes . . [1000817276] [19-1957] Jennifer Mallory [Entered: 09/24/2020 03:43 PM]
- 10/05/2020 41 Notice issued re: October 2020 Telephonic Argument Procedures. [19-1957, 19-1930, 20-1160] PSC [Entered: 10/05/2020 04:32 PM]
- 10/19/2020 42  Amended ORAL ARGUMENT ACKNOWLEDGMENT FOR REMOTE ARGUMENT (restricted access) by Novus Scientific Pte. Ltd., Novus Scientific AB and Novus Scientific, Inc.. Counsel arguing: Jennifer L. Mallory. Answering argument time: 20 minutes . . [1000832103] [19-1957] Jennifer Mallory [Entered: 10/19/2020 05:37 PM].
- 10/23/2020 43  Amended ORAL ARGUMENT ACKNOWLEDGMENT FOR REMOTE ARGUMENT (restricted access) by Poly-Med, Inc.. Counsel arguing: Stephen L. Brown. Opening argument time: 13 minutes Rebuttal argument time: 7 minutes . . [1000835340] [19-1957] Stephen Brown [Entered: 10/23/2020 12:12 PM]
- 10/27/2020 44 ORAL ARGUMENT (Teleconference) heard before the Honorable Robert B. King, Barbara Milano Keenan and Pamela A. Harris. Attorneys arguing case: Mr. Stephen Lynwood Brown, Esq. for Appellant Poly-Med, Inc. and Jennifer

L. Mallory for Appellees Noyus Scientific Pte. Ltd., Novus Scientific, Inc. and Novus Scientific AB. Courtroom Deputy: Rachel Lee. [1000837438] [19-1957] RJL [Entered: 10/27/2020 04:22 PM]

01/05/2021 45

OPINION/ORDER CERTIFYING QUESTION to state court in South Carolina. Originating case number: 8:15-cv-01964-JMC Copies to all parties and district court. [1000875278] [19-1957] JR [Entered: 01/05/2021 07:38 AM]