

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Jennifer B. McCoy

Case No.: 2007-CP-10-01444

App. Case No.: 2020-000968

Cynthia Holmes, M.D.Respondent/Appellant,

v.

Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A.,
Manton Grier and James Y. Becker, Defendants,

Of which Haynsworth Sinkler Boyd, P.A., successor to Sinkler & Boyd, P.A.,
Is theAppellant/Respondent.

APPELLANT/RESPONDENT'S INITIAL BRIEF

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES.....	ii
STATEMENT OF ISSUES ON APPEAL.....	1
STATEMENT OF THE CASE	2
ARGUMENT.....	2
CONCLUSION.....	3

TABLE OF AUTHORITIES

APPELLATE COURT RULES

Rule 208, SCACR..... 9

STATEMENT OF ISSUES ON APPEAL

1. Has Respondent/Appellant articulated any grounds for relief in her Initial Brief?
2. Should the Court render an order in Appellant/Respondent's favor for the reasons set forth in Initial Brief in the direct appeal?

STATEMENT OF THE CASE

This cross-appeal is the result of a lengthy period of litigation between Haynsworth Sinkler Boyd, P.A. (“HSB”) and Cynthia Holmes (“Holmes”). The background of this litigation, and the events leading to this cross-appeal, is set forth in HSB’s Initial Brief, filed on August 31, 2020, which HSB incorporates herein.

HSB filed its Notice of Appeal on June 30, 2020, and Holmes filed her Notice of Cross-Appeal August 4, 2020 (the “Cross-Appeal”). The Cross-Appeal sought to appeal orders entered by the lower court dated January 3, 2017, January 18, 2017, February 9, 2017, March 14, 2017, June 23, 2017, September 29, 2017, April 9, 2019, and June 26, 2020, “as well as intermediate orders.” Holmes filed her Initial Brief on November 15, 2020, and seemingly expanded the Cross-Appeal to encompass “[t]he entire supplemental hearing and all orders arising therefrom,” requesting that the Court vacate all such orders. (Initial Brief of Respondent/Appellant, p.4.)

HSB filed its Motion to Dismiss Cross-Appeal on December 15, 2020, and the Court granted the motion in part on February 4, 2021. Holmes filed a Motion to Reconsider shortly thereafter, and the Court denied Holmes’ motion on March 29, 2021. Presently, the only Orders on appeal under the Cross-Appeal that are pending before this Court are the June 10, 2020 order denying relief and the June 26, 2020 order denying the motion to reconsider (the “2020 Orders”). (*See* Order entered on March 29, 2021.) Holmes’s Initial Brief fails to articulate any basis for relief as to the 2020 Orders, and in fact she appeals two orders that were decided in her favor.

ARGUMENT

Despite the fact that Holmes includes the 2020 Orders in her Cross-Appeal, she fails to articulate *any* issues with the 2020 Orders in her Initial Brief. (*See generally* Initial Brief of Respondent/Appellant.) Holmes’ Initial Brief focuses entirely on orders entered in the

supplemental proceedings, which likely explains why Holmes does not contend that the lower court erred in entering the 2020 Orders—those orders were entered *against* HSB, and were entered *in Holmes' favor*. Moreover, Holmes has failed to articulate any issues with the 2020 Orders in her Statement of Issues on Appeal, and thus this Court should not consider any issues Holmes now seeks to assert in connection with the 2020 Order. *See* Rule 208(b)(1)(B), SCACR (“Ordinarily, no point will be considered which is not set forth in the statement of the issues on appeal.”) Because Holmes fails to articulate or identify any errors committed by the lower court in connection with the 2020 Orders in her Initial Brief, this Court should decline to grant hear appeal.

Alternatively, Holmes’ Cross-Appeal should be denied for the reasons set forth in HSB’s Initial Brief, filed on August 31, 2020, and HSB’s Initial Reply Brief, filed on October 9, 2020. As noted above, the 2020 Orders were entered *against* HSB, and are thus in Holmes’ favor. Accordingly, they are the subject of HSB’s Appeal, filed on June 30, 2020. For the reasons set forth in HSB’s Initial Brief and Initial Reply Brief, the Court should render a judgment in HSB’s favor.

CONCLUSION

For the foregoing reasons, HSB respectfully requests that the Court render a judgment in its favor.

Respectfully submitted,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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