

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
D. Craig Brown, Circuit Court Judge

Case No. 2009-CP-21-2350

Pam Millard and Ronald De'ray Skipper,
Individually and as Co-Personal Representatives
for the Estate of Ronald De'ray Skipper, Appellants,

v.

Maria Cecilia Farina-Morin, M.D., Respondent.

REPLY MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL

RECEIVED

APR 12 2013

SC Court of Appeals

The Respondent Maria Cecilia Farina-Morin, M.D. has moved this Court for a dismissal of the Appellants' appeal for lack of appellate jurisdiction as a result of their failure to timely serve a Notice of Appeal. The Appellants have now filed a return to that motion, to which a brief reply is warranted.

The crux of the issue raised by this motion is whether the Appellants timely served their Notice of Appeal. The Notice of Appeal, which was signed only by J. Marshall Biddle as counsel for the Appellants, states that "[c]ounsel received written notice of entry of this order on April 26, 2012." *See*, Notice of Appeal. In their return, the Appellants have now conceded that "it is clear that the lead counsel at the time, J. Marshall Biddle, did not receive written notice of the entry of judgment until at least April 3, [2012]." *See*, Appellants' Return to Respondent's Motion to Dismiss Appeal, p. 7.¹ Thus, the admission that Biddle received notice of the order on (or before) April 3, 2012, is different than what was stated in the Notice of Appeal. No explanation is provided for this discrepancy. Indeed, the Appellants fail to even explain how or from whom Biddle received written notice on April 3, 2012.

Nonetheless, with that concession, it is clear that the Appellants' service of the Notice of Appeal on May 23, 2012 was untimely. That service was more than thirty days from April 3, 2012, and as a result, this Court lacks appellate jurisdiction. In a footnote, the Appellants write: "Counsel filed a motion for reconsideration with the circuit court which was rejected by the clerk of court in May of 2012." *See*, Appellants' Return to Respondent's Motion to Dismiss Appeal, p. 7, n.3. The docket in the Circuit Court includes no record of the filing of a motion

¹ The reference to "2013" is an obvious typographical error. In footnote 3 of the return, the Appellants write: "In extensively reviewing the file in preparation for the present return, counsel has discovered what appears to be his first written notification of the entry of judgment dated April 3, 2012." *See*, Appellants' Return to Respondent's Motion to Dismiss Appeal, p. 7, n.3.

for reconsideration, nor any ruling by Judge Craig Brown. *See*, Exhibit A. A motion for reconsideration was never filed,² and hence, the time for appeal under Rule 203(b)(1), SCACR, was not stayed.

Furthermore, it is clear from the Appellants' return that they have avoided the real question – the date that George McMaster received notice of Judge Brown's directed verdict order. By footnote, the Appellants state that the date that Mr. McMaster received the order is "unknown." *See*, Appellants' Return to Respondent's Motion to Dismiss Appeal, p. 7, n.4.³ No explanation for this is given. Surprisingly, no affidavits have been filed to demonstrate the timeliness of the appeal or any "factual" information contained in the return. By way of example, Mr. McMaster did not offer any explanation as to his office procedures or how an order is received in his office without it receiving some type of date-stamp. It is reiterated that an appellant has the duty to present facts to support its claim of appellate jurisdiction and to comply with the requirements of Rule 203(e)(1)(C), SCACR. To state that the date is "unknown" does not satisfy that burden.

² The Appellant states that the motion was "rejected" by the Clerk of Court, but they do not explain what that means nor provide any written evidence of that. The Appellant has even not presented this Court with a filed copy of any motion for reconsideration.

³ The Appellants concede only that "Mr. McMaster's office received the envelope prior to April 26, 2012." *See*, Appellants' Return to Respondent's Motion to Dismiss Appeal, p. 7, n.4. That concession is meaningless. There is absolutely no significance to the date of April 26, 2012. If it was received prior to April 23, 2012, then that would be further proof that the service of the Notice of Appeal was untimely.

Instead of providing the Court with concrete evidence to prove the timeliness of the appeal, the Appellants attempt to argue a distinction between "lead counsel" and the "lowest-ranked attorney." This distinction is not included in the Appellate Court Rules, which does not recognize the concept of "lead counsel." Further, the Appellants point out that Mr. McMaster is not listed on the Florence County Clerk's website as an attorney of record. However, there can be no dispute that Mr. McMaster was counsel of record during the trial. The trial transcript cover reflects that Mr. McMaster was counsel for Plaintiffs, and the index to the transcript shows that he examined at least one witness during the trial until it ended at the directed verdict stage. *See*, Exhibit B. Most importantly, the Form 4 prepared by the Florence County Clerk of Court and which accompanied the directed verdict order clearly shows Mr. McMaster as counsel of record and, most significantly, that he was mailed a copy of the directed verdict order on January 10, 2012. *See*, Exhibit C.

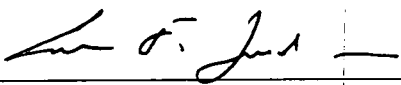
Finally, the Appellants suggest that the Respondent "makes much of the fact" that the envelope mailed to Mr. Biddle with the wrong zip code was not returned. The Respondent did not focus on that fact. Nonetheless, the Appellants claim that it is not unusual for misaddressed mail not to be returned. They wrote: "But where the error is in the zip code, and the envelope is addressed to a post office box, the most logical thing is that the workers at the post office for that zip code simply place the letter in the box with that number." *See*, Appellants' Return to Respondent's Motion

to Dismiss Appeal, p. 4. That explanation, while possibly true, does not help the Appellants. The Postal Service website reflects that there is no Post Office Box 50460 with the zip code 29575. If one enters that post box number and that zip code, the website directs one to that very box number at zip code 29579. *See*, Exhibit D. Thus, the Appellants' own explanation would suggest that the Postal Service would have correctly delivered the mail to the only Post Office Box 50460 with a Myrtle Beach address, that being Mr. Biddle's box. *See*, Exhibit E.⁴

In effect, the Appellants have failed to present the requisite facts to support their claim of appellate jurisdiction and to demonstrate the timely service of the Notice of Appeal on May 23, 2012. Therefore, the Respondent Farina-Morin requests that this Court dismiss the Appellants' appeal.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222

⁴ If one enters Post Office Box 50460 and Myrtle Beach but no zip code, the website directs one to Post Office Box 50460 at zip code 29579 which was Mr. Biddle's correct address. *See*, Exhibit E. That demonstrates that there is no other Post Office Box 50460 having a Myrtle Beach address.

Darren K. Sanders
Hugh W. Buyck
BUYCK & SANDERS, L.L.C.
757 Johnnie Dodds Boulevard - Suite 100
Post Office Box 2424
Mt. Pleasant, South Carolina 29465
(843) 377-1400

Counsel for Respondent
Maria Cecilia Farina-Morin, M.D.

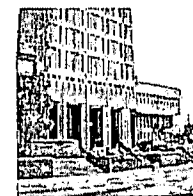
Columbia, South Carolina

April 12, 2013

EXHIBIT A



Florence County Twelfth Judicial Circuit Public Index



[Florence County Home Page](#)
[South Carolina Judicial Department Home Page](#)
[SC.GOV Home Page](#)



Pam Millard , plaintiff, et al VS Mcleod Regional Medical Center of the Pee Dee , defendant, et al

Case Number:	2009CP2102350	Court Agency:	Common Pleas Court	Filed Date:	10/07/2009
Case Type:	Common Pleas	Case Sub Type:	Notice/Med Mal/230	File Type:	Jury
Status:	Dismissed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:	Dismissed by Court - not Rule 40J	Disposition Date:	01/06/2012	Disposition Judge:	Brown, D. Craig
Original Source Doc:		Original Case #:		Restore Reason:	Reopened Case
Judgment Number:		Court Roster:			

Case Parties Judgments Tax Map Information Associated Cases Actions Financials

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Millard, Pam	Notice of appeal to Court of Appeals	Filing		06/06/2012-15:44		
Farina Morin, Maria Cecilia	Direct Verdict in Favor of Defendant	Filing		01/06/2012-16:39	01/06/2012-16:39	
Millard, Pam	Substitution Of Parties	Filing		12/05/2011-08:37	01/06/2012-08:37	
Millard, Pam	ADR/Mediation Results Report	Filing		12/01/2011-11:47	01/06/2012-11:47	
Millard, Pam	Stipulation Of Dismissal as to McLeod Regional Med. Cen ONLY	Filing		11/21/2011-13:21	01/06/2012-13:21	
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		11/07/2011-09:15	01/06/2012-09:15	
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		11/07/2011-09:15	01/06/2012-09:15	
Mills, David J.	Notice of Case Roster Publication Sent	Action		11/07/2011-09:15	01/06/2012-09:15	
Biddle, James Marshall	Notice of Case Roster Publication Sent	Action		11/07/2011-09:15	01/06/2012-09:15	
McLeod Regional Medical Center of the Pee Dee	Order/Consent Order	Order		11/04/2011-09:51	01/06/2012-09:51	
McLeod Regional Medical Center of the Pee Dee	Consent Order (Continuance)	Motion		11/04/2011-16:29	11/04/2011-16:29	
Mills, David J.	Notice of Case Roster Publication Sent	Action		10/14/2011-10:53	01/06/2012-10:53	

Biddle, James Marshall	Notice of Case Roster Publication Sent	Action		10/14/2011-10:53	01/06/2012-10:53
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		10/14/2011-10:53	01/06/2012-10:53
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		10/14/2011-10:53	01/06/2012-10:53
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Biddle, James Marshall	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Biddle, James Marshall	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Mills, David J.	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Mills, David J.	Notice of Motions Roster Publication Sent	Action		10/14/2011-10:33	01/06/2012-10:33
Mcleod Regional Medical Center of the Pee Dee	Motion/Dismiss	Motion		08/17/2011-15:43	11/14/2011-15:43
Biddle, James Marshall	Notice of Motions Roster Publication Sent	Action		08/03/2011-11:59	01/06/2012-11:59
Mills, David J.	Notice of Motions Roster Publication Sent	Action		08/03/2011-11:59	01/06/2012-11:59
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		08/03/2011-11:59	01/06/2012-11:59
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		08/03/2011-11:59	01/06/2012-11:59
Farina Morin, Maria Cecilia	Motion/Dismiss	Motion		07/13/2011-15:02	11/14/2011-15:02
Farina Morin, Maria Cecilia	Order/Order	Order		05/25/2011-16:31	01/06/2012-16:31
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Biddle, James Marshall	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Biddle, James Marshall	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Mills, David J.	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55
Mills, David J.	Notice of Motions Roster Publication Sent	Action		05/16/2011-11:55	01/06/2012-11:55

Mcleod Regional Medical Center of the Pee Dee	Motion/Summary Judgment	Motion		05/13/2011-13:21	05/24/2011-13:21
Millard, Pam	Affidavit of Maria Cecilia Farina-Morin MD	Filing		05/09/2011-16:03	01/06/2012-16:03
Farina Morin, Maria Cecilia	Motion/Summary Judgment	Motion		05/09/2011-12:23	05/24/2011-12:23
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		04/29/2011-17:01	01/06/2012-17:01
Mills, David J.	Notice of Motions Roster Publication Sent	Action		04/29/2011-17:01	01/06/2012-17:01
Millard, Pam	Notice of Motions Roster Publication Sent	Action		04/29/2011-17:01	01/06/2012-17:01
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		04/29/2011-17:01	01/06/2012-17:01
Millard, Pam	CP Notification Sent	Filing		04/23/2011-00:00	01/06/2012-00:00
Millard, Pam	Order/Consent Scheduling Order	Order		04/14/2011-09:57	01/06/2012-09:57
Farina Morin, Maria Cecilia	Motion/Dismiss	Motion		04/14/2011-13:06	05/24/2011-13:06
Farina Morin, Maria Cecilia	Motion/Motion For Consent scheduling order	Motion		04/14/2011-13:09	04/14/2011-13:09
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		02/18/2011-14:49	01/06/2012-14:49
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		02/18/2011-14:49	01/06/2012-14:49
Mills, David J.	Notice of Case Roster Publication Sent	Action		02/18/2011-14:49	01/06/2012-14:49
Mills, David J.	Notice of Case Roster Publication Sent	Action		02/17/2011-16:18	01/06/2012-16:18
Millard, Pam	Notice of Case Roster Publication Sent	Action		02/17/2011-16:18	01/06/2012-16:18
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		02/17/2011-16:18	01/06/2012-16:18
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		02/17/2011-16:18	01/06/2012-16:18
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		02/03/2011-09:25	01/06/2012-09:25
Millard, Pam	Notice of Case Roster Publication Sent	Action		02/03/2011-09:25	01/06/2012-09:25
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		02/03/2011-09:25	01/06/2012-09:25
Mills, David J.	Notice of Case Roster Publication Sent	Action		02/03/2011-09:25	01/06/2012-09:25
Mills, David J.	Notice of Case Roster Publication Sent	Action		12/29/2010-09:57	01/06/2012-09:57
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		12/29/2010-09:57	01/06/2012-09:57
Millard, Pam	Notice of Case Roster Publication Sent	Action		12/29/2010-09:57	01/06/2012-09:57
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		12/29/2010-09:57	01/06/2012-09:57
Millard, Pam	Order/Order	Order		12/06/2010-13:44	01/06/2012-13:44

Millard, Pam	CP Notification Sent	Filing		12/06/2010-00:00	01/06/2012-00:00
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		12/03/2010-15:18	01/06/2012-15:18
Millard, Pam	Notice of Case Roster Publication Sent	Action		12/03/2010-15:18	01/06/2012-15:18
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		12/03/2010-15:18	01/06/2012-15:18
Mills, David J.	Notice of Case Roster Publication Sent	Action		12/03/2010-15:18	01/06/2012-15:18
Boyd, William Ashley	Notice of Case Roster Publication Sent	Action		10/13/2010-13:55	01/06/2012-13:55
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		10/13/2010-13:55	01/06/2012-13:55
Millard, Pam	Notice of Case Roster Publication Sent	Action		10/13/2010-13:55	01/06/2012-13:55
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		10/13/2010-13:55	01/06/2012-13:55
Millard, Pam	CP Notification Sent	Filing		10/06/2010-00:00	01/06/2012-00:00
Boyd, William Ashley	CP Notification Sent	Filing		10/06/2010-00:00	01/06/2012-00:00
Boyd, William Ashley	Notice of Motions Roster Publication Sent	Action		10/04/2010-16:00	01/06/2012-16:00
Millard, Pam	Notice of Motions Roster Publication Sent	Action		10/04/2010-16:00	01/06/2012-16:00
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action		10/04/2010-16:00	01/06/2012-16:00
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action		10/04/2010-16:00	01/06/2012-16:00
Warren, Elizabeth Foy	Notice of Motions Roster Publication Sent	Action		10/04/2010-16:00	01/06/2012-16:00
Prosser, John Murdock Jr.	Notice of Motions Roster Publication Sent	Action		10/04/2010-16:00	01/06/2012-16:00
Mcleod Regional Medical Center of the Pee Dee	Motion/Compel	Motion		09/28/2010-10:24	11/03/2010-10:24
Prosser, John Murdock Jr.	Notice of Case Roster Publication Sent	Action		09/27/2010-08:35	01/06/2012-08:35
Warren, Elizabeth Foy	Notice of Case Roster Publication Sent	Action		09/27/2010-08:35	01/06/2012-08:35
Bridges, Saunders M. Jr.	Notice of Case Roster Publication Sent	Action		09/27/2010-08:35	01/06/2012-08:35
Sanders, Darren Kent	Notice of Case Roster Publication Sent	Action		09/27/2010-08:35	01/06/2012-08:35
Millard, Pam	Notice of Case Roster Publication Sent	Action		09/27/2010-08:35	01/06/2012-08:35
Boyd, William Ashley	Notice of Case Roster Publication Sent	Action		09/27/2010-08:35	01/06/2012-08:35
Farina Morin, Maria Cecilia	Motion/Compel	Motion		08/13/2010-11:41	11/03/2010-11:41
Farina Morin, Maria Cecilia	Answer/Amended Answer	Filing		04/01/2010-11:32	01/06/2012-11:32
Farina Morin, Maria Cecilia	Answer/Answer	Filing		03/31/2010-11:33	01/06/2012-11:33
Millard, Pam	Order/Relieve Counsel	Order		03/16/2010-09:50	01/06/2012-09:50

Mcleod Regional Medical Center of the Pee Dee	Answer / Answer	Filing	03/03/2010-08:40	01/06/2012-08:40
Millard, Pam	Motion/Relieve As Counsel	Motion	03/03/2010-11:15	03/16/2010-11:15
Millard, Pam	ADR/Mediation Results Report Impasse	Filing	02/02/2010-10:04	02/02/2010-10:04
Millard, Pam	Letter/Letter	Filing	12/08/2009-15:31	02/02/2010-15:31
Winslow, Thomas William	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Winslow, Thomas William	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Winslow, Thomas William	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Warren, Elizabeth Foy	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Warren, Elizabeth Foy	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Warren, Elizabeth Foy	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Prosser, John Murdock Jr.	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Prosser, John Murdock Jr.	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Prosser, John Murdock Jr.	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Bridges, Saunders M. Jr.	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Sanders, Darren Kent	Notice of Motions Roster Publication Sent	Action	11/17/2009-11:10	02/02/2010-11:10
Mcleod Regional Medical Center of the Pee Dee	Motion/Dismiss	Motion	11/13/2009-11:41	12/15/2009-11:41
Farina Morin, Maria Cecilia	Motion/Dismiss	Motion	11/06/2009-11:49	12/15/2009-11:49
Farina Morin, Maria Cecilia	Service/Proof Of Service Of notice of intent	Filing	11/05/2009-12:51	02/02/2010-12:51
Mcleod Regional Medical Center of the Pee Dee	Service/Proof Of Service Of notice of intent	Filing	11/05/2009-12:51	02/02/2010-12:51
Farina Morin, Maria Cecilia	Notice/Notice OF APPEARANCE	Filing	10/29/2009-16:24	02/02/2010-16:24
Mcleod Regional Medical Center of the Pee Dee	Notice/Notice OF APPEARANCE	Filing	10/28/2009-12:30	02/02/2010-12:30
Millard, Pam	ADR/Notice of ADR	Filing	10/07/2009-11:15	02/02/2010-11:15
Millard, Pam	Summons & Complaint	Filing	10/07/2009-11:07	02/02/2010-11:07
Millard, Pam	Complaint/No Summons Filed	Filing	10/07/2009-11:00	02/02/2010-11:00

Millard, Pam	Archived Document	Filing		10/07/2009-00:00	02/02/2010-00:00	
Millard, Pam	Motion/Motion For depositions	Motion		10/07/2009-11:10	12/15/2009-11:10	

CMSWeb 6.1
 © 2011 South Carolina Judicial Department • All rights reserved

b

EXHIBIT B

STATE OF SOUTH CAROLINA)	IN THE CIRCUIT COURT
)	TWELFTH JUDICIAL CIRCUIT
COUNTY OF FLORENCE)	CASE NO. 2009-CP-21-2350
)	
PAM MILLARD AND RONALD DE'RAY)	
SKIPPER, INDIVIDUALLY AND AS)	
CO-PERSONAL REPRESENTATIVES)	
FOR THE ESTATE OF RONALD)	
DE'RAY SKIPPER II,)	
)	
Plaintiffs,)	
)	
-vs-)	TRANSCRIPT OF RECORD
)	(VOLUME 1 of 2)
)	DAYS 1 & 2
MARIA CECILIA FARINA-MORIN, MD,)	
)	
Defendant.)	
)	

December 5-8, 2011
Florence, South Carolina

B E F O R E:

THE HONORABLE D. CRAIG BROWN, Judge, and a jury

A P P E A R A N C E S:

JAMES MARSHALL BIDDLE, Esquire
Attorney for the Plaintiffs

GEORGE HUNTER McMASTER, Esquire
Attorney for the Plaintiffs

DARREN KENT SANDERS, Esquire
Attorney for the Defendant

HUGH WILLCOX BUYCK, Esquire
Attorney for the Defendant

KRYSTAL J. SMITH
Circuit Court Reporter

M A S T E R I N D E X

WITNESS/DESCRIPTION	PAGE NUMBER
(DAY 1 - VOLUME 1)	
Jury Voir Dire.....	5
Jury Seated.....	29
Motions.....	35
(DAY 2 - VOLUME 1)	
Jury Sworn.....	79
Opening Statements	
Mr. Biddle.....	86
Mr. Sanders.....	93
Pamela Millard	
Direct Examination by Mr. Biddle.....	108
Cross Examination by Mr. Buyck.....	155
Redirect Examination by Mr. Biddle.....	187
Recross Examination by Mr. Buyck.....	192
Karen Amerson	
Direct Examination by Mr. Biddle.....	199
Cross Examination by Mr. Sanders.....	224
Redirect Examination by Mr. Biddle.....	236
Recross Examination by Mr. Sanders.....	237
Caroline Kelly	
Direct Examination by Mr. Biddle.....	240
Cross Examination by Mr. Buyck.....	255
(continued on next page)	

1	WITNESS/DESCRIPTION	PAGE NUMBER
2	(DAY THREE - VOLUME TWO)	
3	James Merikangas, M.D.	
4	Direct Examination by Mr. McMaster.....	286
5	Cross Examination by Mr. Sanders.....	337
6	Redirect Examination by Mr. McMaster.....	359
7	Plaintiff Rests.....	365
8	Motions.....	366
9	Belynda Veser, M.D.	
10	Direct Examination by Mr. Buyck.....	385
11	Direct Voir Dire by Mr. Biddle.....	392
12	Continued Direct Examination by Mr. Buyck.....	393
13	Cross Examination by Mr. Biddle.....	431
14	Redirect Examination by Mr. Buyck.....	463
15	Recross Examination by Mr. Biddle.....	473
16	(DAY FOUR - VOLUME TWO)	
17	Ruling on Directed Verdict Motion.....	480
18	Court Reporter Certification.....	491
19		
20		
21		
22		
23		
24		
25		

EXHIBIT C

STATE OF SOUTH CAROLINA
COUNTY OF FLORENCE
IN THE COURT OF COMMON PLEAS

FILED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2009CP2102350

2012 JAN 10 AM 9:57

Pam Millard Ronald De Ray Skipper II	Ronald De Ray Skipper CONNIE REEL SHEARIN CCCP & GS FLORENCE COUNTY, SC	Mcleod Regional Medical Center of the Pee Dee	Maria Cecilia Farina Morin
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
---------------	---

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRCP;
 - Rule 41(a), SCRCP (Vol. Nonsuit);
 - Rule 43(k), SCRCP (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRCP;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

CERTIFIED: A TRUE COPY
Connie Reel Shearin
 CLERK OF COURT C.P & G.S.
 FLORENCE COUNTY, S.C.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge	Judge Code	1/10/2012 Date
---------------------	------------	-------------------

For Clerk of Court Office Use Only

This judgment was entered on January 6, 2012, and a copy mailed first class or placed in the appropriate attorney's box on January 10, 2012, to attorneys of record or to parties (when appearing pro se) as follows:

David J. Mills McNair Law Firm, PA P. O. Box 1469
Pawleys Island, SC 29585
James Marshall Biddle Biddle Law Firm, PA P.O. Box
50460 Myrtle Beach, SC 29575
George H. McMaster P.O. Box 7337 Columbia, SC 29202

Darren Kent Sanders Buyck & Sanders, LLC P.O. Box 2424
Mt. Pleasant, SC 29465

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Connie Reel-Shearin

Connie Reel-Shearin - Clerk of Court

Court Reporter

EXHIBIT D



Follow us

Quick Tools

Always a Click Away

Roll over the tools menu across the site to access quick, handy tools.

[Track & Confirm](#)

[Find Locations](#)

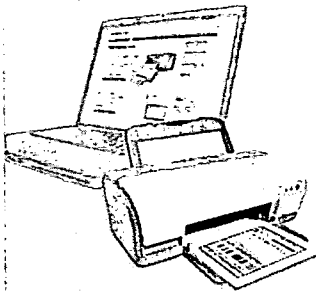
[Calculate a Price](#)

[Look Up a ZIP Code™](#)



Pay, Print, & Ship

Ship online quickly with Click-N-Ship®, our easy-to-use tool.



Look Up a ZIP Code™

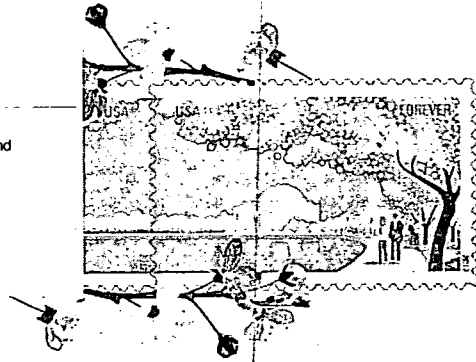
You entered:
POST OFFICE BOX 50460
MYRTLE BEACH SC 29575

Here's the full address, using standard abbreviations and formatting...

PO BOX 50460
MYRTLE BEACH SC 29579-0008

[More lookup options](#)

[Close Modal Window](#)



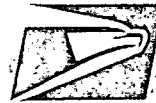
Need to Change Your Address?

[Get started now >](#)



Mailing & Shipping Prices

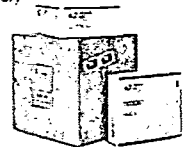
[Learn More >](#)



New Delivery Schedule

6-day package delivery
5-day mail delivery

[Read More >](#)



Copyright© 2013 USPS. All Rights Reserved.

EXHIBIT E



Follow us

Quick Tools

Always a Click Away

Roll over the tools menu across the site to access quick, handy tools.

[Track & Confirm](#)

[Find Locations](#)

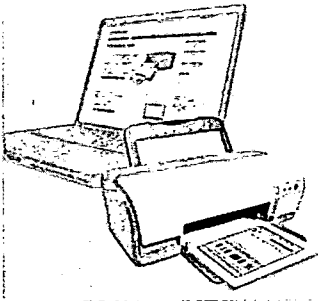
[Calculate a Price](#)

[Look Up a ZIP Code™](#)



Pay, Print, & Ship

Ship online quickly with Click-N-Ship®, our easy-to-use tool.



Look Up a ZIP Code™

You entered:
POST OFFICE BOX 50460
MYRTLE BEACH SC

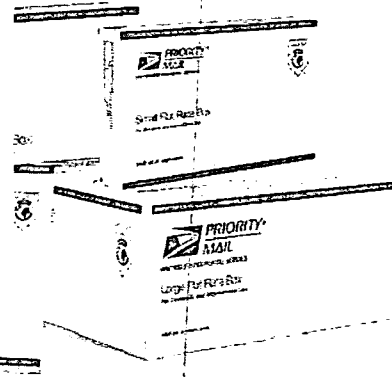
Here's the full address, using standard abbreviations and formatting...

PO BOX 50460
MYRTLE BEACH SC 29579-0008

[Hide lookup options](#)

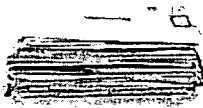
[Close Modal Window](#)

*Ship mailable items up to 70 lbs.



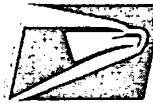
Need to Change Your Address?

[Get started now >](#)



Mailing & Shipping Prices

[Learn More >](#)



New Delivery Schedule

6-day package delivery
5-day mail delivery

[Read More >](#)

