

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

RECEIVED

APR 29 2013

SC Court of Appeals

Case No. 2008-CP-26-9047 and 2008-CP-26-9368

Sean D. Fay, as Personal Representative for the
Estate of Kelly L. Fay, Deceased, Respondent/Appellant,

v.

Grand Strand Regional Medical Center, LLC, d/b/a
South Strand Ambulatory Care Center, and Stephen
W. Law, D.O., Dr. Richard Young, M.D., and
Grand Strand Urology, LLP, Defendants,

Of whom Grand Strand Regional Medical Center,
LLC d/b/a South Strand Ambulatory Care Center is, ... Appellant/Respondent.

And Of Whom Stephen W. Law, D.O. is, Respondent/Appellant,

And Of Whom Dr. Richard Young, M.D., and
Grand Strand Urology, LLP, are, Respondents.

Amended Motion for an Extension of Time to Serve Record on Appeal

Per the request of the Court, Appellant/Respondent Grand Strand Regional
Medical Center, LLC d/b/a South Strand Ambulatory Care Center ("Grand Strand")
files this amended motion to clarify confusion related to the original motion for an
extension of time filed on January 16, 2013. That motion has yet to be ruled on by the
Court.

In that motion, Grand Strand asked for an extension of time until February 15,
2013, and that the deadline to serve the Record on Appeal be held in abeyance pending

the Court's ruling on the motion for an extension. Respondent/Appellant Stephen W. Law filed a return, arguing the motion was premature due to motions practice surrounding the filing of Respondent/Appellant Sean D. Fay's initial reply brief and Law's opposition to same. See Return attached hereto to Exhibit A.

While the Court ruled on the motions related to Fay's initial reply brief, the Court has yet to rule on Grand Strand's original motion to an extension of time to serve the Record on Appeal. As such, the deadline has been held in abeyance since January 16, 2013.

Per undersigned counsel's conversation with the Court's docketing office today, the Court has yet to rule on Grand Strand's January 16, 2013 motion for an extension of time. Counsel for Grand Strand was told to file this amended motion to alert the Court to this oversight and request a new extension of time to serve the Record on Appeal. Given the passage of time, Grand Strand does not need further extension of the deadline. Rather, Grand Strand will serve the Record on Appeal on all parties by **Wednesday, May 8, 2013**.

Lastly, per the same conversation with the court today, Grand Strand has been told to request that the Court apply the motion fee submitted with the January 16, 2013, motion for an extension of time to this Amended Motion.

{Signature Page Follows}

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

~~C. Mitchell Brown~~

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Michael J. Anzelmo

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Attorneys for Appellant/Respondent Grand Strand
Regional Medical Center, LLC d/b/a South Strand
Ambulatory Care Center

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Sean D. Fay, as Personal Representative for the Estate
of Kelly L. Fay, Deceased, Respondent/Appellant,

v.

Grand Strand Regional Medical Center, LLC, d/b/a
South Strand Ambulatory Care Center, Jane Doe and
unidentified nurse employed with Grand Strand
Regional Medical Center, LLC, Stephen W. Law,
D.O., Carolina Health Specialists, Dr. Richard
Young, M.D. and Grand Strand Urology, LLP, Defendants

of whom

Richard Young M.D., Grand Strand Urology, LLP
and Stephen W. Law, D.O. are Respondents

and

Grand Strand Regional Medical Center, LLC d/b/a
South Strand Ambulatory Care Center is Appellant/Respondent.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson
Mullins Riley & Scarborough LLP, attorneys for Grand Strand Regional Medical
Center, LLC d/b/a South Strand Ambulatory Care Center, 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: Amended Motion for an Extension of Time to Serve Record on Appeal

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*Attorneys for Sean D. Fay, as Personal Representative for
the Estate of Kelly L. Fay, Deceased*

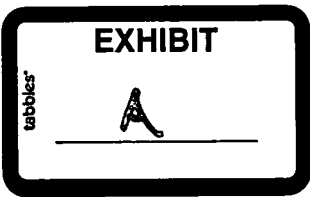
Mason A. Summers
Richardson Plowden & Robinson, PA
1900 Barnwell Street
Columbia, SC 29201



Jennifer B. Lee
Administrative Assistant

April 29, 2013

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SC Court of Appeals



rec'd 8/30/13
00458/01554

DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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Andrew F. Lindemann*
James M. Davis, Jr.[†]
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*Also Admitted In North Carolina
†Certified Mediator

January 28, 2013

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

Hand Delivered

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

RE: Sean D. Fay, as Personal Representative for the Estate of Kelly L. Fay, deceased v. Grand Strand Regional Medical Center, LLC, d/b/a South Strand Ambulatory Care Center, Stephen W. Law, D.O., and Richard Young, M.D.
Court of Appeals Case Tracking Number: 2010167127
Civil Action Numbers: 2008-CP-26-9047 & 2008-CP-26-9368
Claim Number: CB042148M
Our File Number: 22.8406

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies each of the **Return to Motion for Extension of Time to Serve Record on Appeal** in the above referenced matter. Please file the original and return a clocked-in copy to me by way of my courier.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosures

The Honorable Jenny Abbott Kitchings
January 28, 2013
Page Two

cc: Ruskin C. Foster, Esquire (*w/ Enclosure*)
Brad D. Hewett, Esquire (*w/ Enclosure*)
John S. Nichols, Esquire (*w/ Enclosure*)
J. Boone Aiken, III, Esquire (*w/ Enclosure*)
Mason A. Summers, Esquire (*w/ Enclosure*)
Marian W. Scalise, Esquire (*w/ Enclosure*)
Lydia McGee, Esquire (*w/ Enclosure*)
Mason A. Summers, Esquire (*w/ Enclosure*)
C. Mitchell Brown, Esquire (*w/ Enclosure*)
William C. Wood, Jr., Esquire (*w/ Enclosure*)
Michael J. Anzelmo, Esquire (*w/ Enclosure*)
Monteith P. Todd, Esquire (*w/ Enclosure*)
Randolph L. Lee, Esquire (*w/ Enclosure*)

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Of whom Grand Strand Regional Medical
Center, LLC, d/b/a South Strand Ambulatory
Care Center is Appellant/Respondent,

And of whom Stephen W. Law, D.O. is Respondent/Appellant,

And of whom Richard Young, M.D. and
Grand Strand Urology, LLP are, Respondents.

**RETURN TO MOTION FOR EXTENSION OF TIME
TO SERVE RECORD ON APPEAL**

The Appellant/Respondent Grand Strand Regional Medical Center, LLC d/b/a South
Strand Ambulatory Care Center ("Grand Strand") has filed a motion seeking a thirty day

extension of time to serve the Record on Appeal. The Respondent-Appellant Stephen W. Law, D.O. opposes that motion as being premature and unnecessary.

Grand Strand's motion is premature and unnecessary because the briefing stage of the appeal is not yet complete and there may be additional designations to be included in the Record on Appeal. On October 26, 2012, the Respondent-Appellant Sean D. Fay *conditionally* filed his Initial Respondent's Brief against Dr. Law, subject to a ruling on a motion to exceed the page limitations which was also filed on that date. Dr. Law has opposed the motion to exceed the page limitations, and that motion remains pending. As a result, Fay's Initial Respondent's Brief has not yet been accepted for filing. Dr. Law will be filing an Initial Reply Brief once the Court rules on the pending motion and an Initial Respondent's Brief is actually accepted by the Court for filing. Dr. Law may also have some additional designations for the Record on Appeal in conjunction with the filing of his Initial Reply Brief.

Therefore, Dr. Law takes the position that Grand Strand's motion for an extension is premature. The Record on Appeal is not yet due and should not be prepared until the initial briefing stage of the entire appeal is completed.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN
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Stephen W. Law, D.O., Richard Young, M.D.,
and Grand Strand Urology, LLP, Defendants,

Of whom Grand Strand Regional Medical
Center, LLC, d/b/a South Strand Ambulatory
Care Center is Appellant/Respondent,

And of whom Stephen W. Law, D.O. is Respondent/Appellant,

And of whom Richard Young, M.D. and
Grand Strand Urology, LLP are, Respondents.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondent-Appellant, Stephen W. Law, D.O., does hereby certify that service of the **Return to Motion for Extension of Time to Serve Record on Appeal** in the above-captioned matter was

made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 28th day of January 2013:

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Bluestein Nichols Thompson & Delgado, LLC
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Columbia, South Carolina 29202

J. Boone Aiken, III, Esquire
Aiken, Bridges, Nunn, Elliott & Tyler, P.A.
Post Office 1931
Florence, South Carolina 29503

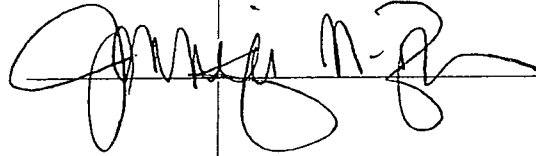
Mason A. Summers, Esquire
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Cary, North Carolina 27513

A handwritten signature in black ink, appearing to read "Randolph L. Lee", written over a horizontal line.

Nelson Mullins

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April 29, 2013

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
ATTN: Elizabeth Carter
1015 Sumter Street - 5th Floor
Columbia, SC 29201

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SC Court of Appeals

RE: Sean Fay, et al. v. Grand Strand Regional Medical Center, LLC, dba South
Strand Ambulatory Care Center, et al.
Case Nos. 2008-CP-26-9047 and 2008-CP-26-9368
SC Court of Appeals Case Tracking No. 2010167127
Our File No. 00458/01554

Dear Ms. Carter:

Enclosed please find an original and seven copies of an Amended Motion for an Extension of Time to Serve Record on Appeal in the above-referenced matter. Please file the original and return a clocked-in copy to me via our courier. Lastly, per the conversation with the court today, Grand Strand has been told to request that the Court apply the motion fee submitted with the January 16, 2013, motion for an extension of time to this Amended Motion. Should you have any questions, please do not hesitate to contact me.

By copy of this letter, I am hereby serving opposing parties.

Very truly yours,



Michael J. Anzelmo

MJA:jlee

The Honorable Jenny Abbott Kitchings
April 29, 2013
Page 2

Enclosures

cc: Ruskin C. Foster, Esquire
J. Boone Aiken III, Esquire
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