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STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 Angela Patton, as Next Friend of)
 Alexia L., a minor,)
)
 Plaintiff,)
)
 v.)
)
 Dr. Gregory A. Miller, and Rock)
 Hill Gynecological & Obstetrical)
 Associates P.A.,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS **Nov 10 2022**
 FOR THE SIXTEENTH JUDICIAL CIRCUIT
 S.C. SUPREME COURT
 Civil Action number 2009-CP-46-05195

Order Denying Defendants' Motion to Reconsider Denial of Motion to Reduce Amount of Appeal Bond

THIS MATTER came before the Court by way of Defendants' Motion to Reconsider Denial of Motion to Reduce Amount of Appeal Bond, filed June 6, 2022. The Hon. William A. McKinnon, Circuit Court Judge, entered judgment against Defendants in the amount of \$4,682,789.57 on March 3, 2022. This Court subsequently granted Defendants' Motion to Stay Execution on Appeal by Order dated May 19, 2022, and required Defendants to post a *supersedeas* bond in the amount of \$6.25 million. Defendants filed a Motion asking this court to reduce the amount of the *supersedeas* bond, which was denied by Order dated June 1, 2022.

Defendants now ask this Court to again reconsider the amount of the *supersedeas* bond. In light of the facts and law as state below, Defendants' Motion is DENIED.

It is within this Court's discretion whether to grant a motion to stay execution on a judgment, and if so, to fix the amount of the *supersedeas* bond required as a condition of any stay order. Rule 62(d), SCRCF; Rule 241(c)(2), SCACR. Although S.C. Code Ann. § 18-9-130 sets a cap of \$1 million on *supersedeas* bonds when the judgment debtor is an individual or a smaller business, the statutory cap is inapplicable to the case at hand. The legislative history is clear that the \$1 million cap applies only to those actions that accrue on or after January 1, 2012.

Plaintiff filed her Summons and Complaint on November 25, 2009, at which time there was no limit on the amount of a *supersedeas* bond which could be required as a condition to a stay order.

Post-judgment interest is to be compounded at a rate of 7.25% *per annum*. See S.C. Code Ann. § 34-31-20; Order of the Supreme Court 2022-01-06-01. At this rate, the judgment balance will be \$6,195,749.43 as of March 3, 2026, and \$6,644,941.26 as of March 3, 2027. Considering the lengthy history of this case and the potential length of time this case may spend on appeal, the Court finds it is appropriate to required Defendants to post a *supersedeas* bond in the amount of \$6.25 million.

IT IS SO ORDERED.

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York Common Pleas

Case Caption: Angela Patton VS Gregory A Miller , defendant, et al

Case Number: 2009CP4605195

Type: Order/Stay of Execution of Judgment

IT IS SO ORDERED

s/D. Craig Brown (2160)