

**Eugene Benton**

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**From:** Edward Graham  
**Sent:** Wednesday, June 1, 2022 12:27 PM  
**To:** Eugene Benton  
**Subject:** FW: Patton vs Dr. Miller  
**Attachments:** doc00069120220524125457.pdf

**RECEIVED**  
**Jan 17 2023**  
S.C. SUPREME COURT

-----Original Message-----

From: Harry Goldberg <hgoldberg@FinkelLaw.com>  
Sent: Tuesday, May 24, 2022 2:00 PM  
To: Edward Graham <EGraham@grahamlawfirm.net>  
Subject: FW: Patton vs Dr. Miller

Ed.....

In support of Dr. Miller`s bad faith claim, attached please find the Consent to Settle and several emails between Dr. Miller and the MagMutual adjuster.  
Best Regards.

-----Original Message-----

From: Copier <copier@finkellaw.com>  
Sent: Tuesday, May 24, 2022 1:55 PM  
To: Harry Goldberg <hgoldberg@FinkelLaw.com>  
Subject:

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TASKalfa 5004i  
[00:17:c8:b9:8f:57]  
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**MAGMUTUAL AUTHORIZATION TO SETTLE CLAIM**

I, Gregory A. Miller, M.D., hereby authorize MagMutual Insurance Company and its agents and attorneys to attempt to settle the claim of Lumpkin vs Miller, Claim Number 31390, in such manner and upon such terms as MAG Mutual Insurance Company deems expedient, within the limits of liability afforded under the insurance policy. This consent to attempt to settle is NOT an admission of liability. Also, I understand my Authorization to Settle does not guarantee the case will reach a settlement and it may eventually have to be tried in court for a final resolution. I understand I must continue to prepare for my defense until the case is resolved by whatever method.

I understand that the Underwriting Department of MagMutual Insurance Company reviews all loss payments made on behalf of its insureds and there have been no representations or guarantees made to me regarding my future underwriting action. A settlement or judgment of \$25,000 or above will negate my Loss Free Credit.

I understand that any payment made by the Company on my behalf may be released, according to law, to individuals seeking credentialing information. Also, any payment made may be reportable to the National Practitioner Data Bank and the Medical Licensing Board(s) in the state(s) where I hold an active or inactive license, as required by law. The following are states in which I hold both an active or inactive medical license and the respective medical license numbers.

I understand that my policy includes a deductible amount of \$ 0, which I am responsible for payment upon resolution of the case.

State	License Number	Active or Inactive
1. <u>SC.</u>	<u>18834</u>	<u>Active</u>
2. <u>N.C.</u>	<u>9501007</u>	<u>Active</u>
3. _____	_____	_____

  
\_\_\_\_\_  
Signature of Insured

12/21/21  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Witness

12/21/21  
\_\_\_\_\_  
Date

(ED. 03/17)



Gregory A. Miller <gregoryamillermd1@gmail.com>

## Patton vs Miller malpractice case

5 messages

Gregory A. Miller <gregoryamillermd1@gmail.com>  
To: SAngelly@magmutual.com

*Patton to meeting*

Sun, Dec 19, 2021 at 7:25 PM

Dear Ms. Angelly,

We talked recently with Ashby about my case which involves a posterior shoulder dystocia. I did nothing wrong but jury trials are unpredictable. I am considering asking for a settlement because of the possibility of a judgement over my 2 million limit. I am worried about my personal asset risk exposure. At my age, nearing retirement, I can't afford a large settlement against my personal finances. I need some reassurances. Do you have time to discuss these issues tomorrow? Thank you.

Sincerely,  
Dr. Greg Miller

Gregory A. Miller <gregoryamillermd1@gmail.com>  
To: Ashby Davis <ADavis@davissnyder.com>, SAngelly@magmutual.com

*After meeting*

Mon, Dec 20, 2021 at 2:56 PM

Dear Ms. Angelly,

Per our discussion earlier today, I would like MagMutual to settle my malpractice case Angela Patton, et al vs. Gregory A. Miller et al up to the limits of my malpractice coverage. Please send the settlement consent paperwork for my signature. My address is 1104 Greene St, Beaufort, SC 29902. Thank you for your assistance in this matter.

Sincerely,  
Dr. Greg Miller  
[Quoted text hidden]

Sandy Angelly <SAngelly@magmutual.com>  
To: "Gregory A. Miller" <gregoryamillermd1@gmail.com>  
Cc: Ashby Davis <ADavis@davissnyder.com>

Mon, Dec 20, 2021 at 10:01 PM

Thanks Dr. Miller. Is it ok if I email you the consent to settle form?

Sandy

Sent from my iPhone  
[Quoted text hidden]

Gregory A. Miller <gregoryamillermd1@gmail.com>  
To: Sandy Angelly <SAngelly@magmutual.com>  
Cc: Ashby Davis <ADavis@davissnyder.com>

Tue, Dec 21, 2021 at 7:29 AM

Yes, that would be fine.  
[Quoted text hidden]

Sandy Angelly <SAngelly@magmutual.com>  
To: "Gregory A. Miller" <gregoryamillermd1@gmail.com>  
Cc: Ashby Davis <ADavis@davissnyder.com>

Tue, Dec 21, 2021 at 9:38 AM

Great. I am getting ready to head out to an appointment, and I will get this to you when I return home.



Gregory A. Miller &lt;gregoryamillermd1@gmail.com&gt;

**RE: 31390 Patton vs Miller malpractice case**

4 messages

Refusal letter

Sandy Angelly &lt;SAngelly@magmutual.com&gt;

To: "Gregory A. Miller" &lt;gregoryamillermd1@gmail.com&gt;, Ashby Davis &lt;ADavis@davissnyder.com&gt;

Cc: existing\_claims &lt;existing\_claims@magmutual.com&gt;

Tue, Dec 21, 2021 at 1:34 PM

Dr. Miller,

Thank you for speaking with me and Ashby yesterday about this case. As we discussed, this matter has been presented to our internal trial committee, and all were in agreement to take this matter to trial as we feel it is a defensible case. In addition, we have the new Statute on our side, and again, even if you were to be found negligent by the jury, you would still receive a defense verdict. He will have to work hard to prove gross negligence in this case. Mr. Graham, is a good attorney, however, the jury will start to see through him, and that won't go well for him.

As indicated yesterday, this is not a case in which MagMutual is going to settle prior to trial. I spoke to Sam McEwen this morning about the trial since I cannot attend. He said that he would try to attend a few days of the trial. I have attached the Consent to Settle Form for you to sign and return to me via email. Ashby will be analyzing the trial daily, and will report to me each evening. I will share this information with my Team Lead, and VP of Claims, and we will evaluate the case daily to determine next best steps.

Between you, and our very strong stable of experts, you all will be able to educate the jury on the medicine. Again, you were the one there, you know how much force you used, or didn't use. I would like to remind you to try very hard not to let Mr. Graham get under your skin. You need to be the nicest, most respectful witness at this trial. Let him tarnish his character in front of the jury, while you remain calm, confident, but not cocky.

Thanks so very much. I wish you and your family a very Merry Christmas, and may the new year put this all behind you.

Sandy Angelly  
Claims Analyst, MagMutual Leader

MAGMUTUAL®  
dir 919-881-4335 | cell 919-609-6869  
SAngelly@magmutual.com

**From:** Gregory A. Miller <gregoryamillermd1@gmail.com>

**Sent:** Monday, December 20, 2021 2:56 PM

**To:** Ashby Davis <ADavis@davissnyder.com>; Sandy Angelly <SAngelly@magmutual.com>

**Subject:** Re: Patton vs Miller malpractice case