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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2023-000952

Kellie Bingham and Kayla Bingham Appellants-Respondents

vs.

Medical University of South CarolinaRespondent-Appellant

PROOF OF FILING OF NOTICE OF CROSS-APPEAL
WITH THE CLERK OF THE CIRCUIT COURT

Respondent-Appellant Medical University of South Carolina ("MUSC") certifies that it filed its Notice of Cross-Appeal with the Clerk of the Court of Common Pleas of Charleston County, South Carolina on June 20, 2023 (*see* Exhibit A hereto). Since Respondent-Appellant served its Notice of Cross-Appeal on June 12, 2023, this filing was timely pursuant to Rule 203(d)(1)(B), SCACR ("The notice of appeal shall be filed with the clerk of the lower court and the clerk of the appellate court within ten (10) days after the notice of appeal is served.").

June 21, 2023

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 
John W. Fletcher (SC Bar No.: 69550)
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*Attorneys for Respondent-Appellant Medical
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ELECTRONICALLY FILED - 2023 Jun 20 4:58 PM - CHARLESTON - COMMON PLEAS - CASE#2017CP1005699

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Kristi F. Curtis, Circuit Court Judge

Case No. 2017-CP-10-05699

Kellie Bingham and Kayla Bingham Plaintiffs/Respondents

vs.

Medical University of South Carolina Defendant/Appellant

NOTICE OF CROSS-APPEAL

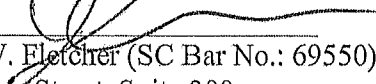
Defendant/Appellant Medical University of South Carolina ("MUSC") hereby cross-appeals from: (a) the oral orders of Kristi F. Curtis, Circuit Court Judge, during the November 14-18, 2022 trial of this matter, including (but not limited to) the trial court's rulings denying MUSC's motions for directed verdict or judgment as a matter of law made at the close of Plaintiffs' and MUSC's cases at trial and any rulings on motions made by MUSC at the close of all evidence; (b) the jury verdict in the November 14-18, 2022 trial of this matter; and (c) the Form 4 order denying MUSC's Post-Trial Motions that the Honorable Kristi F. Curtis, Circuit Court Judge signed and filed on May 15, 2023 (attached hereto as Exhibit A).

EXHIBIT A

Defendant/Appellant MUSC received written notice of entry of the Order denying its Post-Trial Motion (Exhibit A) on May 15, 2023. This Notice of Cross-Appeal is timely served pursuant to Rule 203(c), SCACR

June 12, 2023

BARNWELL WHALEY PATTERSON &
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Attorneys for Plaintiffs/Respondents Kellie Bingham and Kayla Bingham

EXHIBIT A TO
NOTICE OF APPEAL

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP1005699

Kelle Bingham et al
PLAINTIFF(S)

Medical University of South Carolina
DEFENDANT(S)

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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- 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;

Defendant's post-trial motions for Judgment Notwithstanding the Verdict and for a New Trial Absolute are DENIED. Plaintiffs' counsel is to draft a formal order consistent with Plaintiffs' Memorandum in Opposition, and e-mail the proposed order to Defendant's counsel before e-filing the order for the court's review and signature.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/15/2023 .

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NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Charleston Common Pleas

Case Caption: Kellie Bingham VS Medical University of South Carolina
Case Number: 2017CP1005699
Type: Order/Electronic Form 4

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762

Electronically signed on 2023-05-15 16:42:51 page 3 of 3

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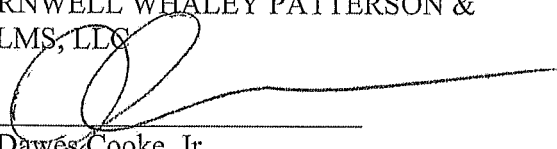
PROOF OF SERVICE OF NOTICE OF CROSS-APPEAL

[Continued on Following Page]

I certify that I have served the Notice of Cross-Appeal on the above-referenced Respondents by email and by depositing a copy of it in the United States Mail, postage prepaid, on June 12, 2023, addressed to their attorneys of record:

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