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SC Court of Appeals

ELECTRONICALLY FILED - 2023 Aug 03 3:14 PM - ORANGEBURG - COMMON PLEAS - CASE#2022CP3801392

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

The Honorable Heath P. Taylor

Appellate Case No.: 2023-_____
Case No.: 2022-CP-38-01392

Village Medical Park, LLC.....Appellant,

v.

Dr. Khadijah Allen.....Respondent.

NOTICE OF APPEAL

Pursuant to Rule 203 of the South Carolina Appellate Court Rules, Appellant Village Medical Park, LLC appeals Judge Taylor’s June 12, 2023, Order reversing Magistrate decision, and Judge Taylor’s July 7, 2023, Order denying Appellant’s Rule 59(e), SCRCF, motion regarding the same. Copies of these orders are attached as Exhibits A and B. Further, a copy of this Notice of Appeal is simultaneously being filed in the Court of Common Pleas for Orangeburg County.

(Signature Page to Follow)

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: s/Benjamin R. Gooding

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Counsel for Appellant Village Medical Park, LLC

Columbia, South Carolina
August 3, 2023

OTHER COUNSEL OF RECORD:

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Counsel for Respondent

EXHIBIT A

to

Notice of Appeal

**Form 4 Order
June 12, 2023**

Village Medical Park, Llc
PLAINTIFF(S)

Khadijah Allen
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:

This matter is before the Court on appeal from the Orangeburg County Magistrates Court. Counsel for the parties appeared before the Court on May 9, 2023. After considering the arguments of counsel and the Magistrate's Return, the decision of the Magistrate is reversed. The plain language of the lease agreement required the Respondent to repair or replace the HAVC unit at issue in the case. The record before the Magistrate was insufficient to support Appellant's request for damages. Accordingly, this matter is reversed and remanded to the Magistrate with instructions to enter judgment in favor of Village Medical Park, LLC on the Plaintiff's claim and in favor of Dr. Khadijah Allen on the Defendant's counterclaim.

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 06/12/2023 .

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SC Court of Appeals

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), SCRCP.



Orangeburg Common Pleas

Case Caption: Village Medical Park, Llc VS Khadijah Allen

Case Number: 2022CP3801392

Type: Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

EXHIBIT B

to

Notice of Appeal

Form 4 Order
July 7, 2023

Village Medical Park, Llc
PLAINTIFF(S)

Khadijah Allen
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:

Appellant Village Medical Park's Motion to Alter or Amend is hereby denied.

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 07/06/2023 .

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Court Reporter:

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Orangeburg Common Pleas

Case Caption: Village Medical Park, Llc VS Khadijah Allen

Case Number: 2022CP3801392

Type: Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

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APPEAL FROM ORANGEBURG COUNTY
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The Honorable Heath P. Taylor

Appellate Case No.: 2023-_____
Case No.: 2022-CP-38-01392

Village Medical Park, LLC.....Appellant,

v.

Dr. Khadijah Allen.....Respondent.

PROOF OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, I certify that I have caused the **NOTICE OF APPEAL** to be served on the following counsel of record by AIS email at the following addresses:

I.S. Leevy Johnson, SC Bar No. 3020
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Orangeburg, South Carolina 29118
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islj@jtbpa.com
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Counsel for Respondent

(Signature Page to Follow)

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By: s/Benjamin R. Gooding

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Counsel for Appellant Village Medical Park, LLC

Columbia, South Carolina

August 3, 2023

Dara Carmichael

From: Dara Carmichael
Sent: Thursday, August 3, 2023 2:56 PM
To: chelsea@jtbpa.com; islj@jtbpa.com
Cc: Benjamin Gooding; Cynthia D. Nygord
Subject: Village Medical Park v Dr. Khadijah Allen
Attachments: Notice of Appeal and Proof of Service(38721885.1).pdf

Good afternoon,

Attached herewith for service upon you is a Notice of Appeal regarding this matter, which will be filed with the Court of Appeals momentarily.

A copy of this email will be filed with the Proof of Service.

Thank you,
Dara



DARA CARMICHAEL LEGAL ASSISTANT

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