

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Appellate No. 2021-001129

Anita and James Chabek,Appellants,

v.

AnMed Health and Larry
Davidson, MD,.....Respondents.

**MOTION FOR LEAVE TO FILE
AMICUS CURIAE BRIEF OF
THE AMERICAN MEDICAL ASSOCIATION AND
SOUTH CAROLINA MEDICAL ASSOCIATION
IN SUPPORT OF THE RESPONDENTS
ANMED HEALTH AND LARRY DAVIDSON, MD**

Pursuant to Rule 213, SCACR, the American Medical Association (“AMA”) and the South Carolina Medical Association (“SCMA”) respectfully move for leave to file an amicus curiae brief in support of Respondents, AnMed Health and Larry Davidson, MD (collectively “the Respondents”). As permitted by Rule 213, SCACR, the amicus curiae brief is being conditionally filed with this motion. The Respondents have consented to the filing of this motion and brief.

STATEMENT OF INTEREST OF AMICI CURIAE

The AMA is the largest professional association of physicians, residents, and medical students in the United States. Additionally, through state and specialty medical societies and other

physician groups seated in its House of Delegates, substantially all physicians, residents, and medical students in the United States are represented in the AMA's policy-making process. The AMA was founded in 1847 to promote the art and science of medicine and the betterment of public health, and these remain its core purposes. AMA members practice in every medical specialty and every state, including South Carolina.

The SCMA is a South Carolina non-profit membership organization that represents physicians of all specialties and geographic locations within South Carolina. SCMA is the State's largest physician organization, representing more than 6,000 physicians, residents, and medical students. SCMA regularly advocates on behalf of physicians by raising important health care issues, including issues that have the potential to adversely affect the rights of physicians, the practice of medicine, and the quality of medical care.

The AMA and SCMA join this brief on their own behalf and as representatives of the Litigation Center of the AMA and the State Medical Societies. The Litigation Center is a coalition among the AMA and the medical societies of each state and the District of Columbia. Its purpose is to represent the viewpoint of organized medicine in the courts.

Each Amicus Curiae has a unique and substantial interest in the issues presented by the instant case and believes strongly that existing law sufficiently balances the privacy rights of physicians as to their own personal, medical, or behavioral issues with a physician's duty to disclose under the existing doctrine of "informed consent".

The AMA and SCMA are appropriate amici under Rule 213 of the South Carolina Appellate Court Rules. Amici urge this Court to consider the legal and policy considerations advanced in this Brief Amicus Curiae, which compels the conclusion that the trial court's decision

must be upheld. We believe that the Court should hear the AMA and SCMA on this issue given the breadth of the interests at stake for all physicians and patients in South Carolina.

Respectfully submitted,

JOLLEY LAW GROUP, LLC

s/Ariail B. Kirk

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*Counsel for the American Medical Association and
the South Carolina Medical Association*

August 31, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on August 31, 2023, she served all counsel of record with *The American Medical Association and South Carolina Medical Association’s Motion for Leave to File Amicus Curiae Brief in Support of the Respondents AnMed Health and Larry Davidson, MD* along with the provisionally filed *Amicus Curiae of the American Medical Association and South Carolina Medical Association in Support of the Respondents* at the email addresses listed below pursuant to Rule 262(c)(3), SCACR and Section (d)(1) of the South Carolina’s Supreme Court’s August 25, 2021 order (Order No. 2021-08-25-02):

- Jay Wright (jaywright@mcgowanhood.com)
- Jordan Calloway (jalloway@mcgowanhood.com)
- Carmen V. Ganjehsani (cganjehsani@richardsonplowden.com)
- Marian Williams Scalise (mscalise@richardsonplowden.com)
- Fred W. “Trey” Suggs III (tsuggs@roecassidy.com)
- Edward H. Bender (ebender@scha.org)

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RECEIVED

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SC Court of Appeals



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August 31, 2023

Via Email (ctappfilings@sccourts.org)

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

**Re: Anita and James Chabek v. AnMed Health and Larry Davidson, MD; Appellate Case
No. 2021-001129**

Dear Ms. Kitchings:

Enclosed for electronic filing in the above-captioned Case, please find *The American Medical Association and South Carolina Medical Association's Motion for Leave to File Amicus Curiae Brief in Support of the Respondents AnMed Health and Larry Davidson, MD* along with the provisionally filed *Amicus Curiae of the American Medical Association and South Carolina Medical Association in Support of the Respondents*.

As indicated on the Certificate of Service submitted herewith counsel for all parties are being served at the email addresses listed below pursuant to Rule 262(c)(3), SCACR and Section (d)(1) of the South Carolina's Supreme Court's August 25, 2021 order (Order No. 2021-08-25-02).

Additionally, Check #2595 paid to the order of South Carolina Court of Appeals in the amount of Fifty Dollars (\$50.00), for the filing fee is being placed in the mail to your attention with a copy of this letter.

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

JOLLEY LAW GROUP, LLC

A handwritten signature in black ink that reads 'Ariail B. Kirk' followed by a horizontal line.

ARIAIL B. KIRK

ABK:hjs
Enclosures

cc Jay Wright
Jordan Calloway
Carmen V. Ganjehsani
Marian Williams Scalise
Fred W. "Trey" Suggs III
Edward H. Bender