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Oct 10 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Kristi F. Curtis, Circuit Judge

Court of Common Pleas Case No. 2021-CP-26-07488
American Health Law Association Arbitration Claim No. 7029

DR. SCOTT F. DUNCAN, M.D.,

Plaintiff/Appellant on Appeal,

v.

ORTHO SC, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY; DR. GENE M.
MASSEY, M.D.; AND HCA HEALTHCARE, INC., A DELAWARE CORPORATION,
Defendants,

v.

Of whom

ORTHO SC, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, AND DR.
GENE M. MASSEY, M.D. are the Respondents on Appeal.

NOTICE OF APPEAL

Pursuant to South Carolina Appellate Court Rule 203(b)(1), Appellant Dr. Scott F. Duncan, M.D. (“Appellant”), by and through the undersigned attorneys, hereby appeals the Order of Circuit Judge Kristi F. Curtis dated February 24, 2023 Denying Plaintiff’s Motion to Compel Compliance with or Enforce Arbitration Subpoenas and/or for Order of Contempt, and the Order of Circuit Judge Kristi F. Curtis dated September 25, 2023 Denying Plaintiff Dr. Scott F. Duncan, M.D.’s Motion to Partially Alter or Amend Order. Counsel for Appellant received written notice of the entry of the Circuit Court’s Order Denying Plaintiff’s Motion to Partially Alter or Amend Order on September 25, 2023, thus this Notice of Appeal is timely filed pursuant

to South Carolina Appellate Court Rule 203(b)(1). Copies of the Circuit Court's Orders being appealed from are attached hereto.

ROSEN HAGOOD, LLC

By: */s/ Daniel F. Blanchard, III*

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Charleston, South Carolina
October 10, 2023.

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ATTORNEYS FOR
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Plaintiff/Appellant on Appeal,

v.

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MASSEY, M.D.; AND HCA HEALTHCARE, INC., A DELAWARE CORPORATION,
Defendants,

v.

Of whom

ORTHO SC, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, AND DR.
GENE M. MASSEY, M.D. are the Respondents on Appeal.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Defendants by mailing a copy of it to their attorneys of record on October 10, 2023, by United States first-class mail, with sufficient postage affixed thereto, and addressed as follows:

Charles E. Ipock, Esquire
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SC Court of Appeals

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October 10, 2023

VIA E-MAIL AND U.S. MAIL:

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

Re: Dr. Scott F. Duncan v. OrthoSC, LLC, a South Carolina limited liability company, Dr. Gene M. Massey, M.D.; and HCA Healthcare, Inc., a Delaware corporation
Court of Common Pleas Case No. 2021-CP-26-07488
American Health Law Association Arbitration Claim No. 7029

Dear Ms. Kitchings:

Please find enclosed for filing the following:

1. Notice of Appeal along with copies of the Circuit Court Orders being appealed from,
2. Proof of Service, and
3. Filing fee check in the amount of \$250.00.

We would greatly appreciate your filing these on our behalf. We are also filing the notice of appeal in the Circuit Court and are mailing copies of the enclosures to other counsel of record.

With best regards, I am

Sincerely,

ROSEN HAGOOD, LLC



Reviewed and Approved for Electronic Transmission

Daniel F. Blanchard, III

DFB/db
Encls.

cc: The Honorable Renee Elvis, Clerk of Court for Horry County (w/ encls.)
Charles E. Ipock, Esquire (w/ encls.)

10/10/2023
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