

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge  
Trial Court Case No. 2020-CP-08-01232

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Appellant Case No. 2023-001703

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Mia Anderson, on Behalf of the Estate of Jessie Heyward  
a/k/a Jessie Bell Anderson .....Appellant,

v.

Richard Miles Thompson, M.D. and ACS Primary Care  
Physicians – Southeast, P.C., ..... Respondents.

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MOTION TO DISMISS

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Respondents, Richard Miles Thompson, M.D., and ACS Primary Care Physicians – Southeast, P.C., move the court to dismiss this appeal on the grounds that the Notice of Appeal was served more thirty (35) days after Appellant’s receipt of written notice of the final order in this case. Appellant’s Motion for New Trial was not made within ten (10) days of the discharge of the jury, so the motion did not stay the deadline to appeal and the trial court did not have jurisdiction to consider such a motion. Furthermore, the Court of Appeals does not have jurisdiction to review findings of fact settled by a jury.

This motion is based on Rule 203(b), SCACR; Rules 50 and 59, SCRCPP; Const. art. V § 5; Appellants' Notice of Appeal and certificate of service; the Affidavit of Chilton Grace Simmons (attaching filings made in the trial court); and the following discussion.

### **Procedural Background**

This is a medical malpractice action. The jury returned its verdict in favor of Defendants/Respondents on Friday, September 15, 2023. That afternoon, shortly after the jury was discharged, the trial court granted Appellant ten (10) days to make post-trial motions. Ex. A (Aff. of Chilton Grace Simmons, ¶ 2).

The following Monday, September 18, 2023, the trial court entered into the South Carolina Electronic Filing System a Form 4 order reading:

This matter is on trial for the week of September 11, 2023. The Jurors found in favor of the Defendants. This order ends the case.

Ex. B (Form 4 Order Ending Case).

When the Court entered the Order Ending Case, the E-Filing System automatically generated a Notice of Electronic Filing ("NEF") indicating that an order had been submitted. *Id.* Simultaneously, the system accepted the Form 4 Order and generated a Certificate of Electronic Notification ("CEN"). *Id.* The transmission of the NEF and CEN served as written notice to counsel of entry of the Order Ending the Case. Guideline 4(e), SC Electronic Filing Policies and Guidelines.

It appears that after hours on Monday, September 25, 2023, Appellant transmitted to the court a motion for new trial and memorandum in support of motion for new trial using the E-Filing System. Ex. C (NEF email dated September 5 at 7:55 PM). Appellant did not email or

mail to Respondents either the motion or the supporting memorandum that night. Ex. A (Aff. of Chilton Grace Simmons, ¶ 5).

The following morning at 9:16 AM, the Clerk rejected the previous night's electronic filing (Ex. D, Rejection Email) and simultaneously rescinded her NEF. Ex. E (Retraction Email). She alerted Appellant:

**The Notice below is RESCINDED  
The filing was not filed.**

Ex. E.

The Clerk wrote:

Your electronic filing was rejected by Circuit Court.  
Reason: Dear Filer: Please redact personal information on Exhibit. Thank you.

Ex. D.

At 12:51 PM on Tuesday, September 26, the eleventh day after the jury was discharged, Appellant submitted to the Clerk through the E-Filing system a new motion for new trial and supporting memorandum with personal information redacted. Ex. F. The motion relies on Rule 59. The Clerk then marked the motion and supporting memorandum as having been filed at 12:51 PM on September 26. *Id.*

Despite having lost jurisdiction (as discussed below), on October 2 the trial court denied the motion for new trial, stating:

This case is before me on Plaintiff's Motion for a New Trial following a jury trial and a verdict for the Defendants. This was a well-trying case in which the attorneys did an excellent job of presenting their side. I have carefully considered the motion of the Plaintiff and respectfully decline to grant it. It is so ordered.

Ex. G (Order Denying Motion for New Trial).

October 23 was the thirty-fifth day after entry of the September 18 order ending the case.

On October 31 Appellant served a Notice of Appeal. The Notice of Appeal reads:

Appellant ... appeals from a jury verdict entered in favor of Respondents Richard Miles Thompson, M.D. and ACS Primary Care Physicians - Southeast. P.C. on September 15, 2023. Pursuant to Rules 50 and 59, SCRCP Appellant filed post-trial motions on September 25, 2023, which the Hon. Thomas L. Hughston, Jr. denied in a Form 4 order on October 2, 2023. This appeal covers the jury verdict and the order referenced above.

Exhibit H (Notice of Appeal, without attachments).

### **Bases for the Motion to Dismiss**

Respondents have moved to dismiss the appeal because (a) the notice of appeal was filed more than thirty-five (35) days after Appellant's receipt of written notice of entry of the order ending the case and because the trial court lost jurisdiction of the case the day before Appellant filed the Motion for New Trial; and because (b) the subject matter jurisdiction of the Court of Appeals does not extend to appeals of jury verdicts but instead only to correction of matters of law.

### **The Motion for New Trial was Made Late**

Appellant had ten (10) days after the jury was discharged to make a motion for a new trial or a motion to reconsider. When she failed to do either, the trial court lost jurisdiction to consider such a motion, and at that point, Appellant's only remedy was to file a timely notice of appeal. She failed to file a timely notice of appeal, so this court does not have jurisdiction to hear this appeal, and the appeal should be dismissed.

At the outset we would point out that Appellant never made a Rule 50 motion. Her first reference to Rule 50 is in her Notice of Appeal. See Ex. H (Notice of Appeal).

Rule 59 reads:

(a) Grounds. A new trial may be granted to all or any of the parties and on all or part of the issues (1) in an action in which there has been a trial by jury, for any of the reasons for which new trials have heretofore been granted in actions at law in the courts of the State;\*\*\*.

(b) Time for Motion. **The motion for a new trial shall be made promptly after the jury is discharged, or in the discretion of the court not later than 10 days thereafter.** \*\*\*.

Rule 59, SCRCPP (emphasis added).

The Supreme Court has made it abundantly clear that the trial court loses power to alter or amend a final order if more than 10 days passes from the discharge of the jury and no Rule 59(e) motion is made. In *Overland, Inc. v. Nance*, 423 S.C. 253, 815 S.E.2d 431 (2018), the Court wrote:

Rule 6(b) states, "The time for taking any action under rules 50(b), 52(b), 59, and 60(b) may not be extended except to the extent and under the conditions stated in them." Rule 59(e) does not have any "conditions stated" which would allow such an extension. Rather, Rule 59(e) states, "A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order."

We have previously held that the ten-day limit for serving a Rule 59(e) motion is **an absolute deadline**. In *Leviner v. Sonoco Prods. Co.*, 339 S.C. 492, 530 S.E.2d 127 (2000), the circuit court entered a dispositive order on January 10, 1997. 339 S.C. at 493, 530 S.E.2d at 127. "Neither party filed a Rule 59(e), SCRCPP, motion within the ten day period allowed by that rule." *Id.* Nevertheless, on February 10, the circuit court issued another dispositive order completely reversing itself from the January 10 order. We held,

the trial judge's . . . order filed February 10, 1997, more than thirty days later, was patently untimely. Under Rule 59(e), SCRCPP, the trial judge has only ten days from entry of judgment to alter or amend an earlier order on his own initiative . . . . When no timely Rule 59 motion was made nor timely sua sponte order filed under Rule 59(e), the January . . . order "matured" into a final judgment. The order filed on February 10 was a nullity because the trial judge no longer had jurisdiction over the matter.

339 S.C. at 494, 530 S.E.2d at 128; see also *Russell v. Wachovia Bank, N.A.*, 370 S.C. 5, 20, 633 S.E.2d 722, 730 (2006) ("Generally, a trial judge loses jurisdiction over a case when the time to file post-trial motions has elapsed."); *Doran v. Doran*,

288 S.C. 477, 343 S.E.2d 618 (1986) (on appeal from an order entered just before the effective date of the Rules of Civil Procedure, holding the trial court lost the power to modify the final order after end of the term of court, and noted that under Rule 59(e) the trial court would have the power to alter or amend such an order for a ten-day period after entry of judgment).

In light of these authorities, we repeat that the ten-day deadline in Rule 59(e) is an absolute deadline. A trial court does not have the power to alter or amend a final order if more than ten days passes and no Rule 59(e) motion has been served, *Leviner*, 339 S.C. at 494, 530 S.E.2d at 128, nor does a trial court have any power to grant the moving party an extension of time in which to file a Rule 59(e) motion, see *Alston v. MCI Commc'ns Corp.*, 84 F.3d 705, 706 (4th Cir. 1996) ("It is clear . . . that the district court was without power to enlarge the time period for filing a Rule 59(e) motion."). The failure to serve a Rule 59(e) motion within ten days of receipt of notice of entry of the order converts the order into a final judgment, **and the aggrieved party's only recourse is to file a notice of intent to appeal.**

*Overland, Inc. v. Nance*, 423 S.C. 253, 815 S.E.2d 431 (2018) (emphasis added).

When Appellant failed to make a Rule 59(b) motion for a new trial by the tenth day after the jury was discharged, she lost that right, and the trial court lost jurisdiction to hear any such motion.

The issue then becomes whether an unsuccessful **attempt** to make a Rule 59(b) motion on the tenth day after the jury is discharged constitutes actually making the motion on the tenth day. And it does not.

Guideline 4.(e)(3) of the E-Filing Rules reads:

**(3) Service Complete Upon E-Filing.** Service of a pleading, motion, or other paper by NEF subsequent to the summons and complaint or other filing initiating a case is complete at the time of the submission of the pleading, motion, or other paper for E-Filing, **provided** an NEF is transmitted by the E-Filing System **in accordance with paragraph (e)(2) of this Section.** The act of E-Filing the pleading, motion or other paper is the equivalent of depositing it in the United States Mail under Rule 5(b)(1), SCRCF. The NEF constitutes proof of service under Rule 5(b), SCRCF, and **the date of service shall be the date stated in the NEF as the "Official File Stamp."** \*\*\*

Guideline 4, SC E-Filing Guidelines and Procedures, emphasis added.

The date stated in the NEF as the “Official File Stamp” of the Motion for New Trial is Tuesday, September 26, 2023 (Ex. F), the eleventh day after the discharge of the jury. Ex. A (Aff. of Chilton Simmons, ¶ 2).

Under our Electronic Filing Rules, transmitting a paper to the clerk does not constitute filing. Such a transmission has to be in accordance with the policies and procedures of our Electronic Filing Rules and Guidelines. Guideline 4 reads:

**(a) Electronic Filing.** The electronic transmission of a document to the E-Filing System **in accordance with these Policies and Procedures and the Filer Interface User Guide** constitutes the filing of that document in accordance with Rule 5(e), SCRCP. Any required filing fees and/or technology fees must be paid for by credit card at the time of submission.

Rule 4(a), emphasis added. The Rule goes on to provide:

**(b) Official Record.** Where a document is E-Filed, the electronic version of that filing constitutes the official record. E-Filed documents have the same force and effect as documents filed by Traditional means. \*\*\*.

**(c) Timeliness.** A document transmitted and received by the E-Filing System on or before 11:59:59 p.m., Eastern Standard Time, shall be considered filed with the Clerk of Court on that date, **provided it is subsequently accepted by the Clerk of Court.** Except as provided in Section 9, nothing in these Policies and Guidelines should be construed to reduce or extend any filing or service deadlines set by statute, the South Carolina Rules of Civil Procedure, or orders of the court.

(Emphasis added.) Guideline 4 goes on to read:

**(d) Clerk Review.** The Clerk of Court shall promptly review an Electronic Filing to determine whether it conforms to applicable filing requirements.

**(1) Acceptance.** If the Clerk of Court accepts the document, the document shall be considered filed with the court at the time the original submission to the Electronic Filing System was complete in accordance with paragraph (c) of this Section, and the Electronic Filing System will affix the date and time of receipt to the document. Upon acceptance, the Electronic Filing System will issue a confirmation with the date and time of the original submission. \*\*\*.

**(2) Rejection.** If the Clerk of Court rejects the document, the document shall not become part of the court record. The Clerk of Court will notify the E-Filer of the rejection and the reason for rejection, which the E-Filer may access in the E-Filing System under the "My Filings" Tab. In the event an NEF was transmitted at the time of submission, a new NEF will be sent to all E-Filers in the case informing them that the document was rejected by the Clerk of Court, **and the previous NEF shall not be effective as proof of service.**

If a document is rejected by the clerk of court and is therefore untimely, the party may seek appropriate relief from the court upon good cause shown, such as when the clerk of court erroneously rejected a filing or where a rejection was based on improper formatting.

(Emphasis added.)

So the electronic transmission to the clerk of court of the rejected motion for new trial did not constitute filing.

And nor did it constitute service.

Rule 4(e) **Electronic Service** provides:

**(2) Automatic Service of Other Papers on Authorized E-Filers by the E-Filing System.** Except as provided in sub-paragraphs (A) and (B) below, upon the E-Filing of any pleading, motion, or other paper subsequent to the summons and complaint or other filing initiating a case, the E-Filing System will automatically generate and transmit an NEF to all Authorized E-Filers associated with that case. Where the parties are proceeding in the E-Filing System and a pleading, motion, or other paper must be filed, made, or served under the SCRCPP, the E-Filing of that pleading, motion, or other paper, together with the transmission of an NEF, constitutes proper service under Rule 5, SCRCPP, as to all other parties who are E-Filers in that case. It is the responsibility of an E-Filer to review the content of the E-Filed document in the E-Filing System to determine its force and effect.

\*\*\*

**(3) Service Complete Upon E-Filing.** Service of a pleading, motion, or other paper by NEF subsequent to the summons and complaint or other filing initiating a case is complete at the time of the submission of the pleading, motion, or other paper for E-Filing, provided an NEF is transmitted by the E-Filing System in accordance with paragraph (e)(2) of this Section. The act of E-Filing the pleading, motion or other paper is the equivalent of depositing it in the United States Mail under Rule 5(b)(1), SCRCPP. The NEF constitutes proof of service under Rule 5(b), SCRCPP, and **the date of service shall be the date stated in the NEF as the**

**"Official File Stamp."** Where notice of the filing of a pleading, motion, or other paper is served by an NEF, the E-Filer need not file proof of service, but the E-Filer must retain a copy of the NEF as proof of service.

(Emphasis added.)

By the time the motion for new trial was actually made at 12:51 PM on September 26, the trial court had lost jurisdiction to hear such a motion, and Appellant's only recourse was to file a notice of appeal within 35 days of receipt of written notice of entry of the final judgment. That deadline expired on Monday, October 23. The Notice of Appeal was not served until October 31, 2023, eight days late.

Rule 203(b)(1), SCACR provides:

A notice of appeal shall be served on all respondents within thirty (30) days<sup>1</sup> after receipt of written notice of entry of the order or judgment. When a timely motion for judgment *n.o.v.* (Rule 50, SCRCF), motion to alter or amend the judgment (Rules 52 and 59, SCRCF), or a motion for a new trial (Rule 59, SCRCF) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion. When a form or other short order or judgment indicates that a more full and complete order or judgment is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

As with motions for a new trial, the service of a notice of appeal is jurisdictional:

The notice of appeal in a case appealed from the Court of Common Pleas must be served on all respondents within thirty days after receipt of written notice of entry of the order or judgment. Rule 203(b)(1), SCACR. The requirement of service of the notice of appeal is jurisdictional, *i.e.*, if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to "rescue" the delinquent party by extending or ignoring the deadline for service of the notice.

*Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004).

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<sup>1</sup> Plus 5 days per Guideline 4.(e)(4) if service is made via the E-Filing System, which it was. Note that it was in the courtroom, on the record, that the trial court granted Plaintiff/Appellant ten (10) additional days to make post-trial motions. As a result, Appellant was not afforded any additional days for notice received via mail or under the E-Filing rules.

Because the trial court did not have jurisdiction to consider Appellant’s post-trial motion, and because Appellant did not serve a notice of appeal within 35 days of receipt of written notice of entry of the order ending the case, this appeal should be dismissed.

**The Court of Appeals does not have Jurisdiction to Hear Appeals From Jury Verdicts**

As stated above, the Notice of Appeal states that Appellant “appeals from a jury verdict entered in favor of Respondents” and that “this appeal covers the jury verdict ... referenced above.”

But a jury verdict cannot be appealed.

The Constitution provides:

The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other original and remedial writs. The Court shall have appellate jurisdiction only in cases of equity, and in such appeals they shall review the findings of fact as well as the law, **except in cases where the facts are settled by a jury and the verdict not set aside.** The Supreme Court shall constitute a court for the correction of errors at law under such regulations as the General Assembly may prescribe.

S.C. Const. art. V, § 5 (emphasis added).

South Carolina Code § 14-3-330 provides that the “Supreme Court shall have appellate jurisdiction for correction of errors of law in law cases” and shall review upon appeal various sorts of orders. The statute does not give the Supreme Court jurisdiction to review jury verdicts.

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**SIGNATURE PAGE TO FOLLOW**

## Conclusion

Because the notice of appeal was not served within 35 days of entry of the trial court's order ending the case, the appeal must be dismissed. Appellant's late-filed post-trial motion did not stay the time to appeal. Furthermore, because the Court of Appeals does not have jurisdiction to set aside facts settled by a jury, the appeal of the jury verdict should be dismissed.

December 18, 2023.

/s/ Robert P. Wood

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Attorneys for Respondents, Richard M. Thompson,  
MD and ACS Primary Care Physicians - Southeast  
Physicians, P.C.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BERKELEY COUNTY  
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Richard Miles Thompson, M.D. and ACS Primary Care  
Physicians – Southeast, P.C., ..... Respondents.

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AFFIDAVIT OF CHILTON GRACE SIMMONS

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PERSONALLY APPEARED BEFORE ME CHILTON GRACE SIMMONS, who, after  
being duly sworn, deposes and says that:

1. My name is Chilton Grace Simmons. I serve as counsel of record for Richard Miles Thompson, M.D. and ACS Primary Care Physicians – Southeast, P.C. (“Movants”). I am submitting this Affidavit in conjunction with Respondents’ Motion to Dismiss. I have personal knowledge of the matters addressed in this Affidavit.



2. This is a medical malpractice action. The jury returned its verdict in favor of Defendants/Respondents on Friday, September 15, 2023. That afternoon, shortly after the jury was discharged, the trial court granted Appellant ten (10) days to make post-trial motions.

3. Exhibit 1 to this Affidavit is a true and accurate copy of the Circuit Court Docket in Case No. 2020-CP-08-01232.

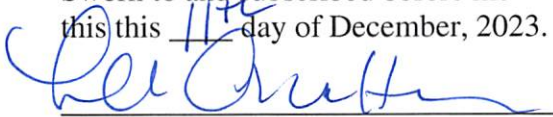
4. The Exhibits attached to the Motion to Dismiss are true and correct copies of the originals.

5. It appears that after hours on Monday, September 25, 2023, Appellant transmitted a Motion for New Trial and Memorandum in Support of Motion for New Trial (Ex. C) to the court using the E-Filing System. See Ex. D to the Motion to Dismiss. Appellant did not email or mail either the motion for new trial or the supporting memorandum to me that day.

FURTHER AFFIANT SAYETH NOT.

  
CHILTON GRACE SIMMONS

Sworn to and subscribed before me  
this this 11<sup>th</sup> day of December, 2023.

  
Notary Public for South Carolina

Print Name: Lee Anne Walters  
My Commission Expires: 9/30/2030





# Berkeley County 9th Judicial Circuit Public Index



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## Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc , defendant, et al

<b>Case Number:</b>	2020CP0801232	<b>Court Agency:</b>	Common Pleas	<b>Filed Date:</b>	06/09/2020
<b>Case Type:</b>	Common Pleas	<b>Case Sub Type:</b>	Medical Malpract 220	<b>File Type:</b>	Jury
<b>Status:</b>	Transferred	<b>Assigned Judge:</b>	Clerk Of Court C P, G S, And Family Court		
<b>Disposition:</b>	Removed to Other Court (Fed or District)	<b>Disposition Date:</b>	09/15/2023	<b>Disposition Judge:</b>	Hughston, Thomas L
<b>Original Source Doc:</b>		<b>Original Case #:</b>			
<b>Judgment Number:</b>	2020CP0801232	<b>Court Roster:</b>			













**Case Parties** | **Judgments** | **Tax Map Information** | **Associated Cases** | **Actions** | **Financials**

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Acs Primary Care Physicians-Southeast P.C.	NEF(11-14-2023 01:57:45 PM) Order/Costs	Filing		11/14/2023-13:57		
Acs Primary Care Physicians-Southeast P.C.	Order/Costs/Judgment	Order		11/14/2023-13:57		
Acs Primary Care Physicians-Southeast P.C.	Judgment/Judgment	Judgment		11/14/2023-13:56		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Judgment/Judgment	Judgment		11/14/2023-13:56		
Anderson, Robert	Judgment/Judgment	Judgment		11/14/2023-13:55		
Acs Primary Care Physicians-Southeast P.C.	Judgment/Judgment	Judgment		11/14/2023-13:55		
Anderson, Individually, Mia	Judgment/Judgment	Judgment		11/14/2023-13:55		
Acs Primary Care Physicians-Southeast P.C.	Judgment/Judgment	Judgment		11/14/2023-13:55		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Judgment/Judgment	Judgment		11/14/2023-13:54		

**EXHIBIT**





tabbles\*

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Thompson, Richard Miles Md	Judgment/Judgment	Judgment		11/14/2023-13:54		
Anderson, Robert	Judgment/Judgment	Judgment		11/14/2023-13:54		
Thompson, Richard Miles Md	Judgment/Judgment	Judgment		11/14/2023-13:54		
Anderson, Individually, Mia	Judgment/Judgment	Judgment		11/14/2023-13:53		
Thompson, Richard Miles Md	Judgment/Judgment	Judgment		11/14/2023-13:53		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	NEF(10-31-2023 06:09:16 PM) Appeal/Notice of Appeal to C...	Filing		11/01/2023-09:12		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Appeal/Notice of Appeal to Court of Appeals	Filing		10/31/2023-18:09		
Moncks Corner Medical Center	NEF(10-31-2023 11:37:25 AM) Stipulation Of Dismissal	Filing		10/31/2023-14:00		
Moncks Corner Medical Center	Stipulation Of Dismissal	Filing		10/31/2023-11:37		
Acs Primary Care Physicians-Southeast P.C.	NEF(10-11-2023 09:32:13 AM) Service/Certificate Of Servi...	Filing		10/11/2023-09:44		
Acs Primary Care Physicians-Southeast P.C.	Service/Certificate Of Service	Filing		10/11/2023-09:32		
Acs Primary Care Physicians-Southeast P.C.	NEF(10-10-2023 04:39:26 PM) Motion/Costs	Filing		10/10/2023-16:56		
Acs Primary Care Physicians-Southeast P.C.	Affidavit/Affidavit of Costs	Filing		10/10/2023-16:39		
Acs Primary Care Physicians-Southeast P.C.	Motion/Costs	Motion		10/10/2023-16:39		
Acs Primary Care Physicians-Southeast P.C.	Order/Order Cover Sheet \$25.00	Filing		10/10/2023-16:39		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	NEF(10-02-2023 03:24:23 PM) Order/Other	Filing		10/02/2023-15:24		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Order/Other/Motion for New Trial (DENIED)	Order		10/02/2023-15:24		
Acs Primary Care Physicians-Southeast P.C.	NEF(09-29-2023 11:36:19 AM) Notice/Notice of Appearance	Filing		09/29/2023-11:36		









Acs Primary Care Physicians-Southeast P.C.	Notice/Notice of Appearance	Filing		09/29/2023-11:36		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	NEF(09-26-2023 12:51:05 PM) Motion/New Trial	Filing		09/26/2023-12:59		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Motion/New Trial	Motion		09/26/2023-12:51		
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Memo/Memo in Support	Filing		09/26/2023-12:51		
Anderson, Individually, Mia	NEF(09-18-2023 04:14:18 PM) Order/Electronic Form 4	Filing		09/18/2023-16:14	09/15/2023-16:14	
Anderson, Individually, Mia	Order/Electronic Form 4/In Favor of Defendants	Order		09/18/2023-16:14	09/15/2023-16:14	
Anderson, Individually, Mia	Exhibit/Exhibit List	Filing		09/15/2023-13:29		
Anderson, Individually, Mia	Verdict Form	Filing		09/15/2023-11:51	09/15/2023-11:51	
Anderson, Individually, Mia	NEF(09-13-2023 10:06:31 AM) Filing/Other	Filing		09/13/2023-10:29	09/15/2023-10:29	
Anderson, Individually, Mia	Filing/Other	Filing		09/13/2023-10:06	09/15/2023-10:06	
Anderson, Individually, Mia	Order/Approval of Settlement	Order		09/11/2023-16:30	09/11/2023-16:30	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-10-2023 01:36:55 PM) Motion/In Limine	Filing		09/11/2023-08:56	09/11/2023-08:56	
Thompson, Richard Miles Md	Motion/In Limine	Motion		09/10/2023-13:36	09/11/2023-13:36	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-08-2023 04:11:21 PM) Motion/In Limine	Filing		09/08/2023-16:30	09/11/2023-16:30	
Thompson, Richard Miles Md	Motion/In Limine	Motion		09/08/2023-16:11	09/11/2023-16:11	
Thompson, Richard Miles Md	Motion/In Limine	Motion		09/08/2023-16:11	09/11/2023-16:11	
Thompson, Richard Miles Md	Motion/In Limine	Motion		09/08/2023-16:11	09/11/2023-16:11	
Thompson, Richard Miles Md	NEF(09-06-2023 02:41:58 PM) Motion/Dismiss	Filing		09/06/2023-14:51	09/11/2023-14:51	
Thompson, Richard Miles Md	Motion/Dismiss	Motion		09/06/2023-14:41	09/11/2023-14:41	

Thompson, Richard Miles Md	NEF(09-06-2023 02:39:03 PM) Letter/Letter	Filing		09/06/2023-14:41	09/11/2023-14:41	
Thompson, Richard Miles Md	Letter/Letter/ Correct names of motions	Filing		09/06/2023-14:39	09/11/2023-14:39	
Anderson, Individually, Mia	NEF(09-05-2023 09:31:30 PM) Motion/In Limine	Filing		09/06/2023-10:04	09/11/2023-10:04	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-06-2023 09:12:12 AM) Memo/Memo in Support	Filing		09/06/2023-10:03	09/11/2023-10:03	
Acs Primary Care Physicians-Southeast P.C.	Memo/Memo in Support	Filing		09/06/2023-09:12	09/11/2023-09:12	
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Motion/In Limine	Motion		09/05/2023-21:31	09/11/2023-21:31	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-05-2023 12:30:16 PM) Motion/Quash	Filing		09/05/2023-12:37	09/11/2023-12:37	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-05-2023 12:14:32 PM) Motion/Quash	Filing		09/05/2023-12:37	09/11/2023-12:37	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-05-2023 11:59:24 AM) Motion/Quash	Filing		09/05/2023-12:35	09/11/2023-12:35	
Thompson, Richard Miles Md	Motion/Quash	Motion		09/05/2023-12:30	09/11/2023-12:30	
Thompson, Richard Miles Md	Motion to Dismiss	Motion		09/05/2023-12:30	09/11/2023-12:30	
Thompson, Richard Miles Md	Motion to Dismiss	Motion		09/05/2023-12:30	09/11/2023-12:30	
Thompson, Richard Miles Md	Motion to Dismiss	Motion		09/05/2023-12:14	09/11/2023-12:14	
Thompson, Richard Miles Md	Motion/Quash	Motion		09/05/2023-11:59	09/11/2023-11:59	
Acs Primary Care Physicians-Southeast P.C.	NEF(08-31-2023 06:02:56 PM) Motion/Quash	Filing		09/01/2023-09:33	09/11/2023-09:33	
Thompson, Richard Miles Md	Motion/Quash	Motion		08/31/2023-18:02	09/11/2023-18:02	
Acs Primary Care Physicians-Southeast P.C.	NEF(08-30-2023 01:36:50 PM) Motion/Quash	Filing		08/30/2023-13:56	09/11/2023-13:56	
Thompson, Richard Miles Md	Motion/Quash	Motion		08/30/2023-13:36	09/11/2023-13:36	
Anderson, Individually, Mia	NEF(08-16-2023 11:24:45 AM) ADR/Proof of ADR	Filing		08/16/2023-11:24	09/11/2023-11:24	
Anderson, Individually, Mia	ADR/Proof of ADR	Action		08/16/2023-11:24	09/11/2023-11:24	

Seithel, Lynn	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:15	09/11/2023-13:15	
Batten, David H.	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:15	09/11/2023-13:15	
Jekel, Frederick John	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:15	09/11/2023-13:15	
Simmons, Chilton Grace	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:15	09/11/2023-13:15	
Mason, Elizabeth Ballentine	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:15	09/11/2023-13:15	
Mason, Elizabeth Ballentine	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:00	09/11/2023-13:00	
Jekel, Frederick John	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:00	09/11/2023-13:00	
Batten, David H.	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:00	09/11/2023-13:00	
Simmons, Chilton Grace	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:00	09/11/2023-13:00	
Seithel, Lynn	9/11/2023_JT_Roster/Notice of Case Roster Publication Sent	Action		08/11/2023-13:00	09/11/2023-13:00	
Anderson, Individually, Mia	NEF(08-10-2023 07:22:46 PM) Offer Of Judgment	Filing		08/11/2023-09:14	09/11/2023-09:14	
Anderson, Individually, Mia	NEF(08-11-2023 09:09:19 AM) Notice/Notice of Appearance	Filing		08/11/2023-09:09	09/11/2023-09:09	
Anderson, Individually, Mia	Notice/Notice of Appearance	Filing		08/11/2023-09:09	09/11/2023-09:09	
Anderson, Individually, Mia	Offer Of Judgment	Filing		08/10/2023-19:22	09/11/2023-19:22	
Anderson, Individually, Mia	NEF(05-25-2023 03:58:52 PM) Order/Electronic Form 4	Filing		05/25/2023-15:59	09/11/2023-15:59	
Anderson, Individually, Mia	Order/Electronic Form 4/Date Certain Trial	Order		05/25/2023-15:58	09/11/2023-15:58	
Moncks Corner Medical Center	NEF(02-01-2023 02:31:17 PM) Notice/Other	Filing		02/01/2023-14:38	09/11/2023-14:38	
Moncks Corner Medical Center	Notice/Other	Filing		02/01/2023-14:31	09/11/2023-14:31	
Acs Primary Care Physicians-Southeast P.C.	NEF(11-29-2022 10:13:04 AM) Order/Scheduling Order	Filing		11/29/2022-10:18	09/11/2023-10:18	
Acs Primary Care Physicians-Southeast P.C.	Order/1st Amended Consent Scheduling Order	Order		11/29/2022-10:13	09/11/2023-10:13	
Acs Primary Care Physicians-Southeast P.C.	NEF(11-18-2022 01:18:29 PM) Order/Order Cover Sheet \$25....	Filing		11/18/2022-13:39	09/11/2023-13:39	
Acs Primary Care Physicians-Southeast P.C.	Order/Order Cover Sheet \$25.00	Filing		11/18/2022-13:18	09/11/2023-13:18	
Seithel, Lynn	12/5/2022_JT_Roster/Notice of Case Roster Publication Sent	Action		11/04/2022-14:18	09/11/2023-14:18	
Simmons, Chilton Grace	12/5/2022_JT_Roster/Notice of Case Roster Publication Sent	Action		11/04/2022-14:18	09/11/2023-14:18	
Lee, Randolph L.	12/5/2022_JT_Roster/Notice of Case Roster Publication Sent	Action		11/04/2022-14:18	09/11/2023-14:18	
Batten, David H.	12/5/2022_JT_Roster/Notice of Case Roster Publication Sent	Action		11/04/2022-14:18	09/11/2023-14:18	

Mason, Elizabeth Ballentine	12/5/2022_JT_Roster/Notice of Case Roster Publication Sent	Action		11/04/2022-14:18	09/11/2023-14:18	
Mason, Elizabeth Ballentine	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:42	09/11/2023-10:42	
Lee, Randolph L.	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:42	09/11/2023-10:42	
Simmons, Chilton Grace	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:42	09/11/2023-10:42	
Batten, David H.	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:42	09/11/2023-10:42	
Seithel, Lynn	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:42	09/11/2023-10:42	
Seithel, Lynn	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:14	09/11/2023-10:14	
Simmons, Chilton Grace	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:14	09/11/2023-10:14	
Batten, David H.	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:14	09/11/2023-10:14	
Lee, Randolph L.	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:14	09/11/2023-10:14	
Mason, Elizabeth Ballentine	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/26/2021-10:14	09/11/2023-10:14	
Anderson, Individually, Mia	NEF(10-11-2021 03:04:11 PM) Order/Protection from Court ...	Filing		10/11/2021-15:04	09/11/2023-15:04	
Anderson, Individually, Mia	Order/Protection from Court Appearance	Order		10/11/2021-15:04	09/11/2023-15:04	
Anderson, Individually, Mia	NEF(10-11-2021 10:32:08 AM) Order/Order Cover Sheet \$25....	Filing		10/11/2021-12:15	09/11/2023-12:15	
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Order/Order Cover Sheet \$25.00	Filing		10/11/2021-10:32	09/11/2023-10:32	
Acs Primary Care Physicians-Southeast P.C.	NEF(10-07-2021 02:48:45 PM) Order/Scheduling Order	Filing		10/07/2021-14:49	09/11/2023-14:49	
Acs Primary Care Physicians-Southeast P.C.	Order/Consent Scheduling Order	Order		10/07/2021-14:48	09/11/2023-14:48	
Acs Primary Care Physicians-Southeast P.C.	NEF(10-07-2021 09:59:16 AM) Order/Order Cover Sheet \$25....	Filing		10/07/2021-11:50	09/11/2023-11:50	
Acs Primary Care Physicians-Southeast P.C.	Order/Order Cover Sheet \$25.00	Filing		10/07/2021-09:59	09/11/2023-09:59	
Seithel, Lynn	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/01/2021-16:25	09/11/2023-16:25	
Lee, Randolph L.	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/01/2021-16:25	09/11/2023-16:25	
Simmons, Chilton Grace	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/01/2021-16:25	09/11/2023-16:25	
Batten, David H.	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/01/2021-16:25	09/11/2023-16:25	
Mason, Elizabeth Ballentine	11/8/2021_JT_Roster/Notice of Case Roster Publication Sent	Action		10/01/2021-16:25	09/11/2023-16:25	
Acs Primary Care	NEF(06-02-2021 11:56:56 AM) Order/Protection from Court ...	Filing		06/02/2021-11:57	09/11/2023-11:57	

Physicians-Southeast P.C.						
Acs Primary Care Physicians-Southeast P.C.	Order/Protection from Court Appearance	Order		06/02/2021-11:56	09/11/2023-11:56	
Acs Primary Care Physicians-Southeast P.C.	NEF(06-01-2021 03:15:58 PM) Order/Order Cover Sheet \$25....	Filing		06/01/2021-15:30	09/11/2023-15:30	
Acs Primary Care Physicians-Southeast P.C.	Order/Order Cover Sheet \$25.00	Filing		06/01/2021-15:15	09/11/2023-15:15	
Acs Primary Care Physicians-Southeast P.C.	NEF(04-28-2021 09:08:57 AM) Order/Protection from Court ...	Filing		04/28/2021-09:09	09/11/2023-09:09	
Acs Primary Care Physicians-Southeast P.C.	Order/Protection from Court Appearance	Order		04/28/2021-09:08	09/11/2023-09:08	
Acs Primary Care Physicians-Southeast P.C.	NEF(04-27-2021 03:42:12 PM) Proposed Order/Protection fr...	Filing		04/27/2021-15:52	09/11/2023-15:52	
Acs Primary Care Physicians-Southeast P.C.	Order/Order Cover Sheet \$25.00	Filing		04/27/2021-15:42	09/11/2023-15:42	
Acs Primary Care Physicians-Southeast P.C.	NEF(03-23-2021 11:44:41 AM) Order/Protection from Court ...	Filing		03/23/2021-11:46	09/11/2023-11:46	
Acs Primary Care Physicians-Southeast P.C.	Order/Protection from Court Appearance	Order		03/23/2021-11:44	09/11/2023-11:44	
Acs Primary Care Physicians-Southeast P.C.	NEF(03-23-2021 08:49:02 AM) Order/Order Cover Sheet \$25....	Filing		03/23/2021-09:20	09/11/2023-09:20	
Acs Primary Care Physicians-Southeast P.C.	Order/Order Cover Sheet \$25.00	Filing		03/23/2021-08:49	09/11/2023-08:49	
Moncks Corner Medical Center	Answer/Answer To Amended Complaint	Filing		01/29/2021-09:49	09/11/2023-09:49	
Moncks Corner Medical Center	NEF(01-28-2021 05:32:20 PM) Answer/Answer To Amended Complai	Filing		01/29/2021-09:28	09/11/2023-09:28	
Moncks Corner Medical Center	Service/Certificate Of Service	Filing		01/28/2021-17:32	09/11/2023-17:32	
Trident Medical Center, Llc	NEF(01-28-2021 01:26:07 PM) Notice/Notice of Appearance	Filing		01/28/2021-13:26	09/11/2023-13:26	
Trident Medical Center, Llc	Notice/Notice of Appearance	Filing		01/28/2021-13:26	09/11/2023-13:26	
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	ADR/Alternative Dispute Resolution (Workflow)	Action		01/05/2021-13:27	09/11/2023-13:27	
Acs Primary Care Physicians-Southeast P.C.	NEF(10-12-2020 04:46:28 PM) Notice/Other	Filing		10/12/2020-16:59	09/11/2023-16:59	
Acs Primary Care	Notice/Other/ Motion Resolved	Filing		10/12/2020-16:46	09/11/2023-16:46	

Physicians-Southeast P.C.						
Acs Primary Care Physicians-Southeast P.C.	NEF(10-12-2020 12:16:43 PM) Answer/Answer To Amended Com...	Filing		10/12/2020-15:01	09/11/2023-15:01	
Acs Primary Care Physicians-Southeast P.C.	Answer/Answer To Amended Complaint	Filing		10/12/2020-12:16	09/11/2023-12:16	
Seithel, Lynn	10/19/2020_MOTHEA_Roster/Notice of Motions Roster Publicatio	Action		10/08/2020-13:27	09/11/2023-13:27	
Mason, Elizabeth Ballentine	10/19/2020_MOTHEA_Roster/Notice of Motions Roster Publicatio	Action		10/08/2020-13:27	09/11/2023-13:27	
Simmons, Chilton Grace	10/19/2020_MOTHEA_Roster/Notice of Motions Roster Publicatio	Action		10/08/2020-13:27	09/11/2023-13:27	
Acs Primary Care Physicians-Southeast P.C.	NEF(09-16-2020 07:13:19 PM) Notice/Notice of Appearance	Filing		09/17/2020-09:17	09/11/2023-09:17	
Acs Primary Care Physicians-Southeast P.C.	Notice of Appearance	Filing		09/16/2020-19:13	09/11/2023-19:13	
Acs Primary Care Physicians-Southeast P.C.	Answer	Filing		09/16/2020-19:13	09/11/2023-19:13	
Acs Primary Care Physicians-Southeast P.C.	Motion to Dismiss	Motion		09/16/2020-19:13	10/12/2020-19:13	
Anderson, Individually, Mia	NEF(08-11-2020 01:08:33 PM) Amended/Amended Summons And ...	Filing		08/11/2020-14:13	09/11/2023-14:13	
Anderson, Individually, Mia	Amended Summons And Complaint	Filing		08/11/2020-13:08	09/11/2023-13:08	
As Personal Representative Of The Estate Of Jessie Anderson, Mia Anderson,	Summons & Complaint	Filing		06/09/2020-13:27	09/11/2023-13:27	

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2020CP0801232

Mia Anderson, Individually et al  
PLAINTIFF(S)

Trident Medical Center, Llc et al  
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 on trial for the week September 11, 2023. The Jurors found in favor of the Defendants.

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 09/18/2023 .

Jane Doe 1-5  
John Doe 1-5



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.

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**Berkeley Common Pleas**

**Case Caption:** Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc , defendant, et al  
**Case Number:** 2020CP0801232  
**Type:** Order/Electronic Form 4

So Ordered

s/T.L.HUGHSTON, JR. 2008

## Certificate of Electronic Notification

### Recipients

**David Batten** - Notification transmitted on 09-18-2023 04:14:27 PM.

**Chilton Simmons** - Notification transmitted on 09-18-2023 04:14:28 PM.

**Frederick Jekel** - Notification transmitted on 09-18-2023 04:14:29 PM.

**Elizabeth Mason** - Notification transmitted on 09-18-2023 04:14:27 PM.

**Jack Gresh** - Notification transmitted on 09-18-2023 04:14:29 PM.

**Lynn Seithel** - Notification transmitted on 09-18-2023 04:14:28 PM.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP0801232

Official File Stamp: 09-18-2023 04:14:18 PM  
Court: CIRCUIT COURT  
Common Pleas  
Berkeley  
Case Caption: Mia Anderson, Individually , plaintiff, et al VS  
Trident Medical Center, Llc , defendant, et al  
Document(s) Submitted: Order/Electronic Form 4/In Favor of Defendants  
Order/Electronic Form 4/In Favor of Defendants  
Filed by or on behalf of: Thomas L. Hughston, Jr.

This notice was automatically generated by the Court's auto-notification system.

**The following people were served electronically:**

Jack G Gresh  
Frederick John Jekel for Mia Anderson,  
Individually et al  
David H. Batten for Moncks Corner Medical  
Center, Trident Medical Center, Llc  
Chilton Grace Simmons for Acs Primary Care  
Physicians-Southeast P.C., Richard Miles  
Thompson, Md  
Lynn Seithel for Mia Anderson, Individually et al  
Elizabeth Ballentine Mason for Acs Primary Care  
Physicians-Southeast P.C., Richard Miles  
Thompson, Md

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Jane Doe 1-5

John Doe 1-5



Lynn Seithel <lynn@seithellaw.com>

**Courtesy NEF RE: 2020CP0801232**

1 message

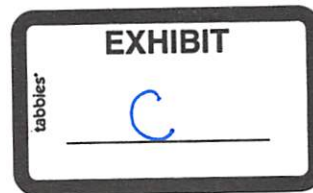
efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>  
To: lynn@seithellaw.com  
Cc: tami@seithellaw.com

Mon, Sep 25, 2023 at 7:55 PM

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]**

A filing has been submitted to the court RE: 2020CP0801232

**Official File Stamp:** 09-25-2023 07:54:00 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Berkeley  
**Case Caption:** Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc ,  
defendant, et al  
**Document(s) Submitted:** Motion/New Trial  
Memo/Memo in Support  
- Exhibit/Filing of Exhibits  
- Exhibit/Filing of Exhibits  
**Filed by or on behalf of:** Lynn Seithel



This notice was automatically generated by the Court's auto-notification system.

**The following people were served electronically:**

- Jack G Gresh
- Frederick John Jekel for Mia Anderson, Individually et al
- David H. Batten for Moncks Corner Medical Center, Trident Medical Center, Llc
- Chilton Grace Simmons for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md
- Lynn Seithel for Mia Anderson, Individually et al
- Elizabeth Ballentine Mason for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

- Jane Doe 1-5
- John Doe 1-5

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232



Lynn Seithel <lynn@seithellaw.com>

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#20220CP0801232

# Rejection Notice: Your filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was rejected

1 message

**efiledonotreply@sccourts.org** <efiledonotreply@sccourts.org>  
To: lynn@seithellaw.com  
Cc: tami@seithellaw.com

Tue, Sep 26, 2023 at 9:16 AM

**To:** Lynn Seithel [lynn@seithellaw.com](mailto:lynn@seithellaw.com)  
**From:** [efiledonotreply@sccourts.org](mailto:efiledonotreply@sccourts.org)  
**Date:** 2023-09-25 19:54:00.7  
**Subject:** Your electronic filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was rejected by CIRCUIT COURT.

Case Number: 2020CP0801232  
Case Type: (220) Medical Malpractice  
Document Type: Motion/New Trial  
Document Type: Memo/Memo in Support  
Document Type: Exhibit/Filing of Exhibits  
Document Type: Exhibit/Filing of Exhibits

Reason(s) rejected: Dear Filer, Please redact personal information on Exhibit. Thank you,  
~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.





Lynn Seithel <lynn@seithellaw.com>

**Retraction: Courtesy NEF RE: 2020CP0801232**

1 message

efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>  
To: lynn@seithellaw.com  
Cc: tami@seithellaw.com

Tue, Sep 26, 2023 at 9:16 AM

**The Notice below is RESCINDED  
The filing was not filed.**

**\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]**

A filing has been submitted to the court RE: 2020CP0801232

|                                  |  |
|----------------------------------|--|
| <b>Official File Stamp:</b>      | 09-25-2023 07:54:00 PM   |
| <b>Court:</b>                    | CIRCUIT COURT<br>Common Pleas<br>Berkeley  |
| <b>Case Caption:</b>             | Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc , defendant, et al          |
| <b>Document(s) Submitted:</b>    | Motion/New Trial<br>Memo/Memo in Support<br>- Exhibit/Filing of Exhibits<br>- Exhibit/Filing of Exhibits |
| <b>Filed by or on behalf of:</b> | Lynn Seithel   |

This notice was automatically generated by the Court's auto-notification system.

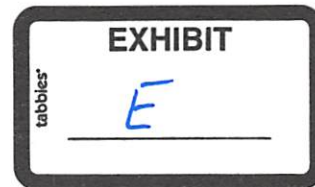
**The following people were served electronically:**

Jack G Gresh  
 Frederick John Jekel for Mia Anderson, Individually et al  
 David H. Batten for Moncks Corner Medical Center, Trident Medical Center, Llc  
 Chilton Grace Simmons for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md  
 Lynn Seithel for Mia Anderson, Individually et al  
 Elizabeth Ballentine Mason for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

Jane Doe 1-5  
 John Doe 1-5

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ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )  
 )  
 MIA ANDERSON, on behalf of the Estate )  
 of Jessie Heyward Anderson a/k/a Jessie )  
 Bell Anderson, )  
 )  
 Plaintiff, )  
 )  
 vs )  
 )  
 Richard Miles Thompson, M.D. and )  
 ACS Primary Care Physicians– Southeast )  
 P.C. )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO: 2020-CP-08-01232

**MOTION FOR NEW TRIAL**

TO: CHILTON SIMMONS, ESQUIRE AND ELIZABETH BALLENTINE ESQUIRE,  
 ATTORNEYS FOR RICHARD MILES THOMPSON, M.D. AND ACS PRIMARY CARE  
 PHYSICIANS-SOUTHEAST P.C.

YOU WILL HEREBY TAKE NOTICE, the Plaintiff, by and through her undersigned attorneys, will and hereby does move before the Court for a new trial in this action pursuant to South Carolina Rules of Civil Procedure, Rule 59. This motion is based upon the following grounds:

- a.) The Court erred in excluding the Coroner’s Investigative Report on the ground that it was hearsay and it was not;
- b.) The Court erred in failing in excluding the Death Certificate of Jessie Heyward Anderson on the ground that it was hearsay and it was not;
- c.) The Court erred in denying Plaintiff’s motion for a mistrial when it was clear the jury had been engaged in deliberations prior to the close of the evidence;



- d.) The Court erred in allowing the foreperson to remain on the jury when that Juror used the words “F\*\*\* You” prior to a sidebar conference when the jury was excused;
- e.) The Court erred in failing to take Judicial Notice of S.C. Ann. §17-5-530 which requires the Coroner’s investigation and report and autopsy.
- f.) The verdict rendered for the Defendant was contrary to the fair preponderance of the evidence;
- g.) The verdict was contrary to the law applicable to the case;
- h.) The failure to charge the jury at the beginning of the trial to not to deliberate prior to the conclusion of the case;

Respectfully Submitted,

**SEITHEL LAW, LLC**

By: s/ Lynn Seithel  
Lynn Seithel, SC Bar No.: 69728  
Post Office Box 1929  
Charleston, SC 29457  
843-557-1699  
[lynn@seithellaw.com](mailto:lynn@seithellaw.com)

And

**LEVENTIS & RANSOM**

Robert B. Ransom, SC Bar No.: 11901  
Frederick J. Jekel, SC Bar No.: 66491  
P.O. Box 11067  
Columbia, SC 29211  
(803) 765-2383

*Attorneys for Plaintiff*

September 25, 2023  
Charleston, SC

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BERKELEY )  
 )  
 MIA ANDERSON, on behalf of the Estate )  
 of Jessie Heyward Anderson a/k/a Jessie )  
 Bell Anderson, )  
 )  
 Plaintiff, )  
 )  
 )  
 )  
 vs )  
 )  
 Richard Miles Thompson, M.D. and )  
 ACS Primary Care Physicians– Southeast )  
 P.C. )  
 )  
 Defendants. )  
 )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CIVIL ACTION NO: 2020-CP-08-01232

**MEMORANDUM IN SUPPORT  
 OF MOTION FOR NEW TRIAL**

**Plaintiff’s Brief in Support of Motion for New Trial**

Pursuant to Rule 59 of the South Carolina Rules of Civil Procedure, Mia Anderson as Personal Representative of the Estate of Jessie Heyward Anderson moves the Court in regard to post-trial motions following a defense verdict in this case. Plaintiff moves for a new trial and/or judgment notwithstanding the verdict due to the following factual and legal arguments.

**Preliminary Statement**

This wrongful death and survival action is a medical malpractice case that arose out of the care and treatment rendered by Defendants on April 12, 2016 and the death of the Decedent on April 13, 2016. On April 12, 2016, Decedent Jessie Heyward Anderson, age 54, presented to the Defendants with tachycardia and leg pain. In addition to her age, she had risk factors including a prior medical history of hypertension and smoking. Despite the differential diagnosis generated by the computer at Moncks Corner Medical Center calling for an evaluation of the Decedent for venous thromboembolism, Dr. Thompson discharged Ms. Anderson in just a little

over an hour without any diagnostic testing or orders to evaluate the life-threatening disease state of venous thrombo-embolism and a diagnosis of “leg pain.” Decedent was found the next morning on the floor gasping for air. Heroic measures were taken by the EMTs and physician at the Roper Berkley emergency room but Ms. Anderson did not survive.

Pursuant to S.C. Code Ann. §17-5-530 (A) 8 and (B), Coroner William Salisbury was notified of Ms. Anderson’s death and made an immediate inquiry into the cause and manner of death. Coroner Salisbury reduced his findings to writing in his investigative report as required by statute.

The case narrative of the report stated:

“This officer was call to Roper Berkeley ER to a death of a 54 year old identified as Jessie Anderson. Ms. Anderson lived with her son who stated she had complaint of leg pains and was seen at MCMC the day before. Her son spoke with her today and he called EMS. EMS arrived she was in full arrest and they transported to Roper Berkley and was pronounced dead on arrival. I spoke with ER Dr., MCMC ER (who saw her the day before) and EMS and we all agree she died of a PE. No autopsy was ordered.”

The cause of death in the Coroner’s investigative report was “cardiac arrest due to Pulmonary Embolism.” (Ex. 1)

Pursuant to S.C. Ann. §17-5-560, Coroner Salisbury finished his investigation and then completed and signed the medical certification portion of the death certificate as to the cause of death. The cause of death listed in the death certificate was “cardiac arrest due to probable pulmonary embolism.” (Ex. 2) As a result of Coroner Salisbury’s investigation and report, Plaintiff Mia Anderson withdrew her request for an autopsy of the Decedent Jessie Anderson.

The Court refused to admit the coroner’s investigative report and Jessie Anderson’s death certificate into evidence or to allow any testimony regarding these documents, ruling the evidence was inadmissible hearsay. Plaintiff attempted to proffer and move the evidence in

through the Plaintiff, the Coroner, Nurse Jones and the Plaintiff's experts. The hearsay objections were sustained, despite at least one ruling after the Coroner's proffer that the Court would admit the investigative report and allow the testimony.

Prior to the Coroner's testimony, the Plaintiff requested the Court take judicial notice of S.C. Code Ann. §17-5-530 (A) 8 and (B) and the Court declined.

The case was tried before a jury in the Court of Common Pleas in Berkeley County from September 11, 2023 until September 15, 2023. During the first three days of trial, due to the necessity to excuse the jury for proffers surrounding the evidence and witness testimony, the jury was sent to the jury room on multiple occasions each day. Prior to the Plaintiff's conclusion of her case in chief, on September 13, 2023, the Clerk of Court was called in to testify outside of the presence of the jury by the Trial Court. The Clerk testified that the forelady of the jury had stated "Fuck You" on the way out of the courtroom during one of the side bars and that the security personnel had overheard the jury engaging in premature jury deliberations and reported that to the Clerk. The Clerk seemed to believe that the forelady's expletive commentary was directed at your Honor, but no voir dire was had of the forelady to inquire further. The Plaintiff and Defendant moved to remove the forelady from the jury and the Court declined. The Plaintiff moved for a mistrial based upon the premature jury deliberations and the Court also refused that motion and again did not conduct any voir dire or investigation into the extent of the premature deliberations. Instead, the Court strongly reprimanded the jury for engaging in premature jury deliberations and instructed them to stop. By the time of the curative instruction, the jury had been engaging in premature deliberations for three days out of the four-and-a-half-day trial and the jury was soured by the harsh admonitions and/or the forelady's bad attitude. The jury returned a verdict in favor of the Defendants in approximately one hour.

**1. The Court Erred in Excluding the Coroner’s Investigative Report**

Defendants moved in limine to exclude the Coroner’s investigative report and the death certificate. The trial court declined to rule during pre-trial and instructed Plaintiff not to mention the Coroner’s report or death certificate in openings and to only do so in trial after proffered testimony. Plaintiff Mia Anderson proffered testimony that her actions regarding the autopsy of her mother were due to the report she received from the Coroner regarding his investigation and the facts recited in the report. The Court refused to allow the testimony and the report to come into evidence. Plaintiff then asked expert Fred Mushkat, M.D. about the materials he relied upon in establishing his opinions and the Court similarly refused to allow the testimony on the basis of the hearsay objection. Plaintiff attempted to use the Coroner’s investigative report to refresh Nurse Jones memory of her conversation with Coroner Salisbury and the hearsay objection was sustained by the Court. Finally, Coroner Salisbury proffered that the investigative report was signed by him and provided by him in the ordinary course of business. The Coroner further stated that, as a result of the facts learned during his statutorily- required investigation, he decided not to order an autopsy because both the treating health care providers agreed the Decedent died of a pulmonary embolism. The Coroner proffered that had there been any disagreement between the treating health care providers, he would have ordered an autopsy and that the law required him to do so. Likewise, Plaintiff proffered that she wanted to know why her mother died and, due to the Coroner’s report and agreement of the treating health care providers, Plaintiff then acted upon that information and withdrew her request for autopsy.

Evidence is not hearsay unless it is offered to show the truth of the matter asserted. Rule 801(c), SCRE. If an out of court statement is not offered to prove the truth of the matter asserted and is otherwise competent, it is admissible. Proof of a statement introduced for purpose of

showing a party relied and acted upon it is not objectionable on grounds of hearsay. Fields v. Regional Medical Center Orangeburg, 363 S.C. 19, 609 S.E.2d 506 (2005); State v. Green, 318 S.C. 426, 458 S.E.2d 559 (1992). “Testimony is not hearsay where it relates to what the witness himself did in reliance on, or in response to, a statement, facts upon which action was taken, personal observations, explanation of conduct, the effect of statements on the listener, the fact that something was said, or identifying what was said.” Webb v. Elrod, 308 S.C. 445, 449, 418 S.E.2d 559, 562 (Ct.App. 1992); 31A C.J.S. Evidence §259 (1996). Both the Plaintiff and the Coroner’s testimony and report are classic examples showing actions taken based upon information that is not offered for the truth of the matter asserted. The statement was not offered to prove Jessie Anderson died of a pulmonary embolism but that the Coroner and the Plaintiff Mia Anderson decided not to order an autopsy of Jessie Anderson because the pronouncing physician at Berkeley Roper Emergency Room, the Moncks Corner Medical Center Emergency physician that treated her the day before and the EMS personnel all agreed she died of pulmonary embolism. Because of the agreement on the cause of death, no autopsy was ordered.

Plaintiff was prejudiced. This was not cumulative evidence. The trial court declined to allow any testimony or evidence regarding the reasoning behind not ordering an autopsy by all witnesses proffered. The trial court improperly refused to allow the Plaintiff’s experts from testifying about their reliance upon the investigative report and death certificate in establishing their opinions, and the trial court refused to allow Plaintiff to question Defendant in front of the jury about whether or not he spoke with the Coroner on the phone, disagreed with the Coroner’s report or ever asked the Coroner for an autopsy. A Moncks Corner Medical Center Nurse, Kelly Jones, testified that the Coroner came to Moncks Corner Medical Center on April 13, 2016 and that she was present. She could not recall the exact substance of the conversation or whether she

had called the Defendant. The Court improperly excluded the Coroner's investigative report to be used to refresh Nurse Jones' recollection. Rule 803(5), SCRE.

"An abuse of discretion occurs when the trial court's ruling is based on an error of law..." Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000). The Court committed an error of law when it refused to admit the coroner's report, death certificate and testimony of the Plaintiff, Coroner Salisbury, Nurse Jones and Dr. Mushkat since the evidence should have come in as a recognized exception to the hearsay rule and/or Rule 703, SCRE. The excluded evidence constituted non-cumulative support for Plaintiff's and Coroner's claim that an autopsy was not ordered and performed as there was no discrepancy in the cause of death because treating physicians and medical personnel all agreed Jessie Anderson died of a pulmonary embolism.

This exclusion was prejudicial error, and that there is a reasonable probability that the verdict was influenced by the lack of an autopsy being performed and the reasons why the Plaintiff and the Coroner decided not to order the autopsy were not allowed into evidence at trial. The factual determinations arrived at the time of Jessie Anderson's death are far superior than hindsight determinations made seven years later. There is a reasonable probability the jury's verdict was influenced by the excluded evidence because the jury was not permitted to hear and consider all relevant evidence related to the death, lack of autopsy and the statutorily required investigation of the death of Jessie Anderson.

In addition, the Coroner's investigative report was a business record and an exception to the hearsay rule. Rule 803(8), SCRE excepts records, reports, statements or data compilations in any form of public offices or agencies setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to

report. In Crawford v. Washington, 541 U.S. 36, 54, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004), the United States Supreme Court noted the hearsay exception for business records and observed that business records are not "testimonial" and therefore do not implicate the Confrontation Clause. A public record, very much like a business record, is not testimonial and its admission similarly does not violate the defendant's confrontation rights.

**2. The Court erred in excluding an unredacted copy of the Decedent's death certificate**

Rule 803(9), SCRE provides that records of vital statistics, including records of death, if the report was made to a public office pursuant to the requirements of law, is an exception of the hearsay rule. The death certificate of the Decedent was offered into evidence as an exhibit to the application made by the Plaintiff to the Probate Court for appointment as personal representative of the Estate of Jessie Heyward Anderson. The report was made by the Coroner pursuant to S.C. Code Ann. § 17-5-560, which states in relevant part that the Coroner "must, in any case investigated, complete and sign the medical certification portion of the death certificate within twenty-four hours after being notified of the death or prior to releasing the body to a funeral director." (emphasis added) The death certificate of the decedent was an exception to the hearsay rule and should have been admitted as evidence for the jury. The Court's exclusion of the death certificate evidence and testimony related to the investigation, lack of autopsy and cause of death of the decedent Jessie Anderson was clear error that prejudiced the Plaintiff.

**3. The Court erred in not granting a mistrial or conducting extensive voir dire to investigate a report from the Clerk of Court that the Jury was engaged in premature deliberations on the third day of trial.**

On day three of trial, the Clerk of Court was put on the stand to proffer testimony about juror irregularities. The Clerk proffered that the forelady had said "Fuck You" while coming out of

the juror box during one of their breaks for motions practice and that the security personnel had come to her because they overheard the jurors deliberating on the facts of the case. Both the Plaintiff and the Defendant moved to remove the forelady from the jury and without voir dire of the forelady, the Court declined. The Plaintiff immediately moved for mistrial due to premature deliberations and fundamental fairness and the Court declined. The question here is whether the misconduct in this case, i.e., premature jury deliberations, involves a matter of fundamental fairness.

South Carolina has routinely held instructions which invite jurors to engage in premature deliberations constitute reversible error. See State v. Thomas, 307 S.C. 278, 414 S.E.2d 783 (1992); Gallman v. State, 307 S.C. 273, 414 S.E.2d 780 (1992) State v. Pierce, 289 S.C. 430, 346 S.E.2d 707 (1986); State v. Joyner, 289 S.C. 436, 346 S.E.2d 711 (1986); State v. McGuire, 272 S.C. 547, 253 S.E.2d 103 (1979); State v. Gill, 273 S.C. 190, 192, 255 S.E.2d 455, 457 (1979). The rationale for prohibiting premature jury deliberations was set forth in McGuire, supra, in which the Court stated:

[A] jury should not begin discussing a case, nor deciding the issues, until all of the evidence, the argument of counsel, and the charge of the law is completed.... The reason for the rule is apparent. The human mind is constituted such that when a juror declares himself, touching any controversy, he is apt to stand by his utterances to the other jurors in defiance of evidence. A fair trial is more likely if each juror keeps his own counsel until the appropriate time for deliberation.

Similarly, other courts have recognized premature deliberations may affect the fundamental fairness of a trial. See United States v. Resko, 3 F.3d 684 (3d Cir.1993), cert. denied, 510 U.S. 1205, 114 S.Ct. 1326, 127 L.Ed.2d 674 (1994)(prohibition against premature

deliberations protects defendant's right to a fair trial as well as his or her due process right to place burden on the government to prove its case).

Rather than inquire into the fundamental fairness considerations, the Court harshly admonished the jury for their premature deliberations. By the close of Wednesday afternoon, none of the jury members appeared to want to be in the court room. Whether the appearance of juror displeasure was due to the strong admonitions or the forelady contaminated the jury deliberations through her hostile and prejudicial comments during the Plaintiff's case, we cannot be certain because no voir dire was conducted of the jury. Because of these unusual and prejudicial defects, there is no certainty that the Plaintiff received a fair trial and the Plaintiff should be granted a new trial.

### **Conclusion**

Based upon the arguments stated above, the Plaintiff respectfully requests the Court grant the Plaintiff's Post-Trial Motions and grant the Plaintiff's Motion for a New Trial.

Respectfully Submitted,

**SEITHEL LAW, LLC**

By: s/ Lynn Seithel  
Lynn Seithel, SC Bar No.: 69728  
Post Office Box 1929  
Charleston, SC 29457  
843-557-1699  
[lynn@seithellaw.com](mailto:lynn@seithellaw.com)

And

**LEVENTIS & RANSOM**

Robert B. Ransom, SC Bar No.: 11901

Frederick J. Jekel, SC Bar No.: 66491  
P.O. Box 11067  
Columbia, SC 29211  
(803) 765-2383

September 25, 2023  
Charleston, SC

*Attorneys for Plaintiff*



OFFICE OF  
**BERKELEY COUNTY CORONER**  
WILLIAM B. SALISBURY, CORONER  
BERKELEY COUNTY COURT HOUSE  
300-B CALIFORNIA AVENUE  
MONCK'S CORNER, SOUTH CAROLINA 29461

July 22, 2015

Lynn Seithel  
Seithel Law, LLC  
P.O. Box 1929  
Johns Island, SC 29457

Re: Jessie Heyward Anderson  
DOD: 04-13-2016

Dear Ms. Seithel:

Please find enclosed, a copy of the Coroner's Report in the case of Jessie Heyward Anderson.

There was no autopsy or toxicology testing ordered in this case.

There is a charge of twenty (\$20.00) dollars for the report. You may make your check payable to the Berkeley County Coroner. Payment is required within ten days.

If you should have further questions regarding this case matter, please do not hesitate to contact our office.

Sincerely yours,

William B. Salisbury  
Berkeley County Coroner

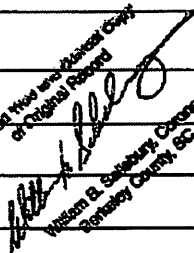
WBS:cl

Enclosure

**BERKELEY SC Coroner's Office**  
 WILLIAM B. SALISBURY  
 300B CALIFORNIA AVENUE  
 (843) 719-4566 william.salisbury@berkeleycountysc.gov  
 MONCKS CORNER, SC 29461  
**CORONER'S DEATH INVESTIGATION REPORT**

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232

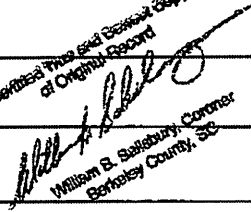
|                                  |                       |
|----------------------------------|-----------------------|
| Date of Death:                   | 4/13/2016 11:24:00 AM |
| <b>Morgue Conveyance</b>         |                       |
| Burial Removal Transit Permit #: | 190060 Roper/Berk.    |
| Cremation Permit #:              |                       |
| <b>Investigation</b>             |                       |
| Investigator:                    | Salisbury             |
| Date Notified and Time Received: | 4/13/2016 11:45:01 AM |
| Day:                             | Wednesday             |
| Coroner Arrival Time:            | 4/13/2016 11:55:01 AM |
| Agency Reported To:              | Central               |
| Person Reporting death:          | Robert Anderson       |
| <b>Demographics - Basic</b>      |                       |
| Case Number:                     | 16-281                |
| Case Type:                       | Coroner Case          |
| Case Status:                     | Closed                |
| Other Agency #:                  |                       |
| Body Bag #:                      |                       |
| Decedent Name:                   | Jessie Anderson       |
| Race:                            | Black                 |
| Sex:                             | Female                |
| Date of Birth:                   | ██████1961            |
| Age:                             | 486 Years 54          |
| Social Security #:               | 000 00 5893           |

*Correct This and Attach Copy of Original Report*  
  
 William B. Salisbury, Coroner  
 Berkeley County, SC

|                             |                       |
|-----------------------------|-----------------------|
| Drivers License:            |                       |
| Address:                    |                       |
| City:                       |                       |
| State:                      |                       |
| Zip Code:                   |                       |
| Marital Status:             | Divorced              |
| Employer:                   | Barony House          |
| Identified By:              | Scn                   |
| How Identified:             | Family                |
| Next of Kin                 |                       |
| Next of Kin:                | Robert Anderson       |
| Relationship:               | Son                   |
| Address:                    | 218 Valdosta Lane     |
| City:                       | Moncks Corner         |
| State:                      | South Carolina        |
| Zip Code:                   | 29461                 |
| Phone Number:               | (843) [REDACTED]-7612 |
| Email Address:              |                       |
| Notified:                   | <del>NO</del> YES     |
| Demographics - Professional |                       |
| Family Doctor               |                       |
| Doctor Name:                | Adebola Rojgbokan     |
| Address:                    |                       |
| City:                       |                       |
| State:                      | SC                    |
| Zip Code:                   |                       |
| Phone Number:               | (0)0-0                |

*Scanned True and Correct Copy of Original Document*  
  
 William B. Gaskins, Clerk  
 Berkeley County, SC

|                                    |                                          |
|------------------------------------|------------------------------------------|
| Medical History:                   |                                          |
| Certifying?                        |                                          |
| <b>Hospice</b>                     |                                          |
| Hospice:                           |                                          |
| Address:                           |                                          |
| City:                              |                                          |
| State:                             |                                          |
| Zip Code:                          |                                          |
| Phone Number:                      | (0)-                                     |
| Hospice Date of Admission:         | Unknown                                  |
| Hospice Admission Diagnosis:       |                                          |
| <b>Funeral Home</b>                |                                          |
| Funeral:                           | Scott's Mortuary, Inc                    |
| Phone Number:                      | (843)761-8444                            |
| Fax Number:                        | (0)0-0                                   |
| Email Address:                     |                                          |
| Address:                           | 1366 Hwy 52                              |
| City:                              | Moncks Corner                            |
| State:                             | SC                                       |
| Zip Code:                          | 29461                                    |
| <b>Cause/Manner</b>                |                                          |
| Location of Death:                 | Roper Berkeley ER                        |
| Pronouncement of Death- Date/Time: | 4/13/2016 11:45:00 AM                    |
| Manner of Death:                   | Natural                                  |
| Cause Of Death:                    | cardiac arrest due to Pulmonary Embolism |
| <b>Occurrence</b>                  |                                          |

*Certified True and Correct Copy  
of Original Record*  
  
William B. Salisbury, Coroner  
Berkeley County, SC

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Injury - Date/Time:         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Address:                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| City:                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| State:                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Zip Code:                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Last Seen Alive by Whom:    | Son                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Autopsy                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Autopsy Ordered?            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Autopsy Type:               | Choose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Autopsy Performed At:       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Pathologist:                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Autopsy #:                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Decedent Ready for Release: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Decedent Location:          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Narrative</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Case Narrative:             | This officer was call to Roper Berkeley ER to a death of a 54 year old identified as Jessie Anderson. Ms. Anderson lived with her son who stated she had complaint of leg pains and was seen at MCMC the day before. Her son spoke with her today and he called EMS. EMS arrived she was in full arrest and they transported to Roper Berkeley and was pronounced dead on arrival. I spoke with ER Dr., MCMC ER (who saw her the day before) and EMS and we all agree she died of a PE. No autopsy was ordered. |

*William B. Salisbury*  
 Certified True and Correct Copy  
 of Original Record  
 William B. Salisbury, Coroner  
 Berkeley County, SC

BERKELEY COUNTY CORONER  
WILLIAM B. SALISBURY

PLAINTIFF EXH. 4

16-281

ELECTRONICALLY FILED - 2023 Sep 12:51 PM - BERKELEY COUNTY COMMON PLEAS - CASE#2020CP081232

TELEPHONE (843) 719-4566

EFFECTS: None Returned Locker

SSN: 5893

Attending Physician: DR ROBERT ANDERS

Name of Deceased: JESSIE B ANDERSON Race: B Sex: F DOB: [REDACTED] 61 (54)

Address: 218 VALDOSTA HWY City: ANDERS State: SC Zip: 29406

Date of Incident: 4-13-16 Date of Death: 4-13-16

Time of Incident: 10:11 AM Time of Death: 11:24 AM

Location of Incident: Home Location of Death: ROPER BERKELEY

Type of Death: NATURAL Cause of Death: PROBABLE PE ←  
CARDIAC ARREST due to

Autopsy: Y  Drug or Alcohol Related: Drug Alcohol Medical Examiner: \_\_\_\_\_

Pronounced by: ER DR ANDERS At: 11:24 AM

Investigating Police Agency: \_\_\_\_\_ Officer(s): \_\_\_\_\_

Hospice: \_\_\_\_\_ Nurse: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Transporting Carrier: FUN Length of Illness: SEC.

Funeral Home: SCOTT'S Address: \_\_\_\_\_

Next of Kin: ROBERT ANDERSON Relationship: SON

Address: SAME City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (W): \_\_\_\_\_ (H): 843- [REDACTED] 7612

Witness: \_\_\_\_\_ Witness: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Time Call Received: 11:45 AM Time Arrived: 11:55 AM

Time Completed: \_\_\_\_\_ Miles Traveled: \_\_\_\_\_

Comments: \_\_\_\_\_

Certified True and Correct Copy  
of Original Record

*[Signature]*  
William B. Salisbury, Coroner  
Berkeley County, SC

STATE OF SOUTH CAROLINA  
CERTIFICATION OF VITAL RECORD

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232

DEATH CERTIFICATION

STATE FILE NUMBER : 139-16-014435

DECEDENT'S NAME: \*JESSIE HEYWARD ANDERSON\*

SEX: FEMALE

AKA's: NA

SOCIAL SECURITY NUMBER: [REDACTED]

ARMED FORCES: NO

DATE OF BIRTH: [REDACTED] 1961

AGE: 54 YEARS

TYPE OF PLACE OF DEATH: HOSPITAL- EMERGENCY ROOM/OUTPATIENT

COUNTY OF DEATH: BERKELEY

NAME AND ADDRESS OF PLACE OF DEATH: ROPER HOSPITAL ER- BERKELEY, MONCK'S CORNER, SC 29461

PLACE OF DISPOSITION: OLD NAZERETH CEMETERY

DISPOSITION LOCATION: PINOPOLIS, SOUTH CAROLINA

METHOD OF DISPOSITION: BURIAL

DECEDENT'S RESIDENCE: [REDACTED] MONCK'S CORNER, BERKELEY COUNTY, SC, 29461

MARITAL STATUS: DIVORCED (AND NOT REMARRIED)

PLACE OF BIRTH: SOUTH CAROLINA

SURVIVING SPOUSE'S NAME: NA

FATHER'S NAME: WILLIAM HEYWARD

MOTHER'S NAME PRIOR TO FIRST MARRIAGE: HARRIETT BETTY BLANDING

INFORMANT'S NAME: MIA C ANDERSON

RELATIONSHIP: DAUGHTER

MAILING ADDRESS: [REDACTED] SUMMERVILLE, SC, 29483

FUNERAL HOME: SCOTT'S MORTUARY, 1366 HWY 52, MONCK'S CORNER, SC, 29461

FUNERAL DIRECTOR: MILTON E. SCOTT

LICENSE NUMBER: 1860

EMBALMER'S NAME: ARTHUR D CALDWELL

LICENSE NUMBER: 1788

ACTUAL OR PRESUMED DATE OF DEATH: APRIL 13, 2016

MANNER OF DEATH: NATURAL

ACTUAL OR PRESUMED TIME OF DEATH: 1124

CAUSE OF DEATH - PART I

CARDIAC ARREST DUE TO PROBABLE PULMONARY EMBOLISM

OTHER SIGNIFICANT CONDITIONS - PART II:

NA

CORONER CONTACTED? YES

AUTOPSY PERFORMED? NO

AUTOPSY AVAILABLE? NA

DATE OF INJURY: NA

TIME OF INJURY: NA

INJURY AT WORK? NA

PLACE OF INJURY: NA

LOCATION OF INJURY: NA

HOW THE INJURY OCCURRED?

NA

CERTIFIER NAME AND TITLE: CORONER WILLIAM B. SALISBURY LICENSE NUMBER: NA

CERTIFIER'S ADDRESS: 300 B CALIFORNIA AVE, MONCK'S CORNER, SC, 29461

DATE FILED: APRIL 18, 2016

DATE OF ISSUANCE: APRIL 19, 2016

SPECIAL INSTRUCTIONS :

NA

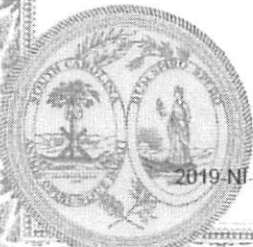
SC05090031

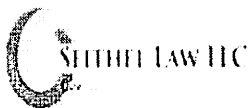
This is a true certification of the facts on file in the Division of Vital Records, SC Department of Health and Environmental Control.

*Catherine E. Heigel*  
Catherine E. Heigel  
Director and State Registrar

*Shae R. Sutton*  
Shae R. Sutton  
Assistant State Registrar

This is watermarked paper. Do not accept without noting watermark. Hold to light to verify watermark.





Lynn Seithel <lynn@seithellaw.com>

**Received Notice: Your filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was received**

1 message

**efiledonotreply@sccourts.org** <efiledonotreply@sccourts.org>

Mon, Sep 25, 2023 at 7:55 PM

To: lynn@seithellaw.com

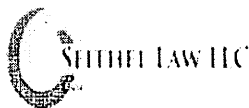
Cc: tami@seithellaw.com

**To:** Lynn Seithel [lynn@seithellaw.com](mailto:lynn@seithellaw.com)  
**From:** efiledonotreply@sccourts.org  
**Date:** 2023-09-25 19:54:00.7  
**Subject:** Your electronic filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was received by CIRCUIT COURT.

Case Number: 2020CP0801232  
Case Type: (220) Medical Malpractice  
Document Type: Motion/New Trial  
Document Type: Memo/Memo in Support  
Document Type: Exhibit/Filing of Exhibits  
Document Type: Exhibit/Filing of Exhibits

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232



Lynn Seithel <lynn@seithellaw.com>

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232

**Courtesy NEF RE: 2020CP0801232**

1 message

efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>

Mon, Sep 25, 2023 at 7:55 PM

To: lynn@seithellaw.com

Cc: tami@seithellaw.com

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*

**NOTICE OF ELECTRONIC FILING [NEF]**

A filing has been submitted to the court RE: 2020CP0801232

|                                  |  |
|----------------------------------|--|
| <b>Official File Stamp:</b>      | 09-25-2023 07:54:00 PM   |
| <b>Court:</b>                    | CIRCUIT COURT<br>Common Pleas<br>Berkeley  |
| <b>Case Caption:</b>             | Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc ,<br>defendant, et al       |
| <b>Document(s) Submitted:</b>    | Motion/New Trial<br>Memo/Memo in Support<br>- Exhibit/Filing of Exhibits<br>- Exhibit/Filing of Exhibits |
| <b>Filed by or on behalf of:</b> | Lynn Seithel   |

This notice was automatically generated by the Court's auto-notification system.

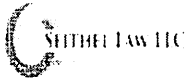
**The following people were served electronically:**

- Jack G Gresh
- Frederick John Jekel for Mia Anderson, Individually et al
- David H. Batten for Moncks Corner Medical Center, Trident Medical Center, Llc
- Chilton Grace Simmons for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md
- Lynn Seithel for Mia Anderson, Individually et al
- Elizabeth Ballentine Mason for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

- Jane Doe 1-5
- John Doe 1-5

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



Lynn Seithel <lynn@seithellaw.com>

**Retraction: Courtesy NEF RE: 2020CP0801232**

1 message

efiledonotreply@sccourts.org <efiledonotreply@sccourts.org>  
To: lynn@seithellaw.com  
Cc: tami@seithellaw.com

Tue, Sep 26, 2023 at 9:16 AM

The Notice below is **RESCINDED**  
The filing was not filed.

\*\*\*\*\* IMPORTANT NOTICE - READ THIS INFORMATION \*\*\*\*\*  
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2020CP0801232

|                                  |                                                                                                          |
|----------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Official File Stamp:</b>      | 09-25-2023 07:54:00 PM                                                                                   |
| <b>Court:</b>                    | CIRCUIT COURT<br>Common Pleas<br>Berkeley                                                                |
| <b>Case Caption:</b>             | Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc , defendant, et al          |
| <b>Document(s) Submitted:</b>    | Motion/New Trial<br>Memo/Memo in Support<br>- Exhibit/Filing of Exhibits<br>- Exhibit/Filing of Exhibits |
| <b>Filed by or on behalf of:</b> | Lynn Seithel                                                                                             |

This notice was automatically generated by the Court's auto-notification system.

**The following people were served electronically:**

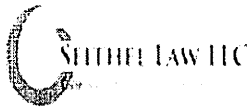
- Jack G Gresh
- Frederick John Jekel for Mia Anderson, Individually et al
- David H. Batten for Moncks Comer Medical Center, Trident Medical Center, Llc
- Chilton Grace Simmons for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md
- Lynn Seithel for Mia Anderson, Individually et al
- Elizabeth Ballentine Mason for Acs Primary Care Physicians-Southeast P.C., Richard Miles Thompson, Md

**The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:**

- Jane Doe 1-5
- John Doe 1-5

--- CONFIDENTIALITY NOTICE --- This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232



Lynn Seithel <lynn@seithellaw.com>

**Rejection Notice: Your filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was rejected**

1 message

**efiledonotreply@sccourts.org** <efiledonotreply@sccourts.org>

Tue, Sep 26, 2023 at 9:16 AM

To: lynn@seithellaw.com

Cc: tami@seithellaw.com

**To:** Lynn Seithel lynn@seithellaw.com  
**From:** efiledonotreply@sccourts.org  
**Date:** 2023-09-25 19:54:00.7  
**Subject:** Your electronic filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was rejected by CIRCUIT COURT.

Case Number: 2020CP0801232  
Case Type: (220) Medical Malpractice  
Document Type: Motion/New Trial  
Document Type: Memo/Memo in Support  
Document Type: Exhibit/Filing of Exhibits  
Document Type: Exhibit/Filing of Exhibits

Reason(s) rejected: Dear Filer, Please redact personal information on Exhibit. Thank you,  
--- CONFIDENTIALITY NOTICE --- This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )

IN THE COURT OF COMMON PLEAS  
  
CASE NO. 2020-CP-08-1232

MIA ANDERSON, on behalf of )  
the Estate of Jessie Heyward a/k/a )  
Jessie Bell Anderson )

Plaintiff, )

vs. )

RICHARD MILES THOMPSON, )  
M.D. and ACS PRIMARY CARE )  
PHYSICIANS—SOUTHEAST, P.C.)

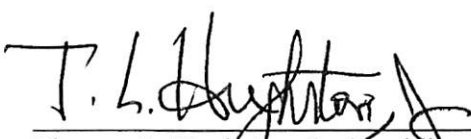
Defendants. )

**ORDER**

This case is before me on Plaintiff's Motion for a New Trial following a jury trial and a verdict for the Defendants. This was a well tried case in which the attorneys did an excellent job of presenting their side. I have carefully considered the motion of the Plaintiff and respectfully decline to grant it.

IT IS SO ORDERED.

October 2, 2023  
Charleston, South Carolina

  
\_\_\_\_\_  
Thomas L. Hughston, Jr., Presiding Judge





**Berkeley Common Pleas**

**Case Caption:** Mia Anderson, Individually , plaintiff, et al VS Trident Medical Center, Llc , defendant, et al  
**Case Number:** 2020CP0801232  
**Type:** Order/Other

So Ordered

s/T.L.HUGHSTON, JR. 2008

Electronically signed on 2023-10-02 14:22:33 page 2 of 2

RECEIVED

Oct 31 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge

Case No. 2020-CP-08-01232

The Estate of Jessie Anderson, ..... Appellant,

v.

Richard Miles Thompson, M.D., and  
ACS Primary Care Physicians – Southeast, P.C. .... Respondents.

NOTICE OF APPEAL

Appellant Mia Anderson, Personal Representative of the Estate of Jessie Anderson, appeals from a jury verdict entered in favor of Respondents Richard Miles Thompson, M.D. and ACS Primary Care Physicians – Southeast, P.C. on September 15, 2023. Pursuant to Rules 50 and 59, SCRCP, Appellant filed post-trial motions on September 25, 2023, which the Honorable Thomas L. Hughston, Jr. denied in a Form 4 order on October 2, 2023. This appeal covers the jury verdict and the order referenced above.

Respectfully submitted,

**SEITHEL LAW, LLC**

By: s/ Lynn Seithel

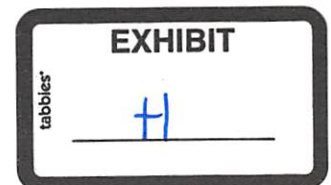
Lynn Seithel, SC Bar No.: 69728

Post Office Box 1929

Charleston, SC 29457

843-557-1699

[lynn@seithellaw.com](mailto:lynn@seithellaw.com)



**LEVENTIS & RANSOM**

Frederick J. Jekel, SC Bar No.: 66491  
P.O. Box 110671  
Columbia, SC 29211  
(803) 765-2383

Attorneys for Appellant

Other attorneys of record:

Chilton Simmons  
Elizabeth Ballentine Mason  
Robert Wood  
Rogers Townsend, LLC  
205 King Street  
Charleston, South Carolina 29401  
[Chilton.Simmons@rogerstownsend.com](mailto:Chilton.Simmons@rogerstownsend.com)  
[Elizabeth.Mason@rogerstownsend.com](mailto:Elizabeth.Mason@rogerstownsend.com)  
[Robert.Wood@rogerstownsend.com](mailto:Robert.Wood@rogerstownsend.com)

Attorneys for Respondent

October 31, 2023  
Charleston, SC

**RECEIVED**

**Oct 31 2023**

**SC Court of Appeals**

**CERTIFICATE OF SERVICE**

I affirm that on October 31, 2023, I served counsel of record electronically, pursuant to Rule 262(c)(3), SCACR and Section (d)(1) of the South Carolina Supreme Court's August 25, 2021, order (Order No. 2021-08-25-02).

s/Lynn Seithel

RECEIVED

Dec 18 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Common Pleas

Thomas L. Hughston, Jr., Circuit Court Judge  
Trial Court Case No. 2020-CP-08-01232

Appellant Case No. 2023-001703

Mia Anderson, on Behalf of the Estate of Jessie Heyward  
a/k/a Jessie Bell Anderson .....Appellant,

v.


Richard Miles Thompson, M.D. and ACS Primary Care  
Physicians – Southeast, P.C., ..... Respondents.

PROOF OF SERVICE

I hereby certify that I have served the *Motion to Dismiss* on Appellant’s counsel via  
email on December 18, 2023, as reflected on the sent email attached hereto, on the following:

Lynn Seithel, Esq.  
Seithel Law, LLC  
Post Office Box 1929  
Charleston, South Carolina 29457  
lynn@seithellaw.com

Frederick J. Jekel, Esq.  
Leventis & Ransom  
Post Office Box 110671  
Columbia, South Carolina 29211  
fritz@j-dlaw.com

  
\_\_\_\_\_  
Jennifer L. Tucker  
Paralegal to Robert P. wood

## Jennifer L. Tucker

---

**From:** Jennifer L. Tucker  
**Sent:** Monday, December 18, 2023 9:26 AM  
**To:** Lynn Seithel; fritz@j-dlaw.com  
**Cc:** Robert P. Wood; Chilton Grace Simmons; Elizabeth Ballentine Mason; Tish Solomon; Jennifer L. Tucker  
**Subject:** Mia Anderson / Estate of Jessie Heyward v. Richard Miles Thompson; Appellant Case No. 2023-001703  
**Attachments:** Ex C Courtesy NEF.pdf; Ex B Form 4 in favor of Defendants.pdf; Ex A Affidavit of Chilton.pdf; Motion to Dismiss with Certificate of Service.pdf; Ex H Notice of Appeal.pdf; Ex G Order (denying motion for new trial).pdf; Ex F Motion for New Trial.pdf; Ex E Retraction.pdf; Ex D Rejection.pdf

Good morning,

Please see attached the Motion to Dismiss, Exhibits A – H, and the Proof of Service for the attached. I will be sending this for filing shortly.

Please let us know if you have any questions.

Thank you so much,



**Jennifer L. Tucker**  
**Litigation Paralegal**

Rogers Townsend, LLC  
1221 Main Street 14th Floor  
Columbia, SC 29201

**Direct** 803.744.1323  
**Fax** 803.346.7017

**Main** 803.771.7900  
**Visit** [rogerstownsend.com](http://rogerstownsend.com)

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