

RECEIVED

Feb 09 2024

SC Court of Appeals

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-08-1232

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Appellant Case No. 2023-001703

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

v.

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

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**RESPONSE IN OPPOSITION TO RESPONDENTS’ MOTION TO DISMISS**

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Appellant, Mia Anderson, on behalf of the Estate of Jessie Heyward a/k/a Jessie Bell Anderson responds in opposition to Respondents’ Motion to Dismiss Appellant’s Appeal. Appellant’s post-trial motions for a new trial were made within ten (10) days of the discharge of the jury, and within seven (7) days of the entry of the Court’s electronic order entering the judgment and ending the case. Respondents were served electronically of all filings utilizing the S.C. E-filing system. Appellant filed the Notice of Appeal within thirty-five (35) days of the Court’s electronic order denying the post-trial motions. Appellant’s Notice of Appeal stems from the questions of law raised in the post-trial motions as referenced in the Notice of Appeal.

Respondents aver that Appellant asked this Court to review the jury verdict and omits three words from the sentence quoted. “This appeal covers the jury verdict *and the order* referenced

above.” (Exhibit H, Respondents’ Motion to Dismiss) The notice speaks for itself and this Court has jurisdiction over the questions of law raised in Appellant’s post-trial motions.

Appellants respectfully request Respondents Motion to Dismiss be denied.

This response is based upon Rule 203(b), SCACR; Rules 59 (b) and (e) and 203(b), SCRCF, Const.Art. V §5; Respondent’s Exhibits B, D, H; Appellant’s Exhibits 1-4; and the following discussion.

### **Procedural/Factual Background**

Appellant’s Notice of Appeal stems from a medical malpractice case in which the jury returned a defense verdict the afternoon of Friday September 15, 2023 after a week-long trial. The trial court entered the judgment electronically on Monday, September 18, 2023 ending the case. (Ex. B, Respondents’ Motion to Dismiss.)

Within ten (10) days of the return of the verdict and within seven (7) days of receipt of the written order entering the judgment, Appellant filed its post-trial motions -- September 25, 2023. Respondents received electronic notice of that filing that same day. (Exhibit 1, page 2).<sup>1</sup>

On Tuesday, September 26, 2023, Appellant received a rejection notice due to a formatting error with an exhibit and resubmitted the filing that day with the redacted exhibit. (Exhibit 2) Appellant included the NEF from September 25, 2023 and rejection notice as an exhibit to the filing on September 25, 2023. (Exhibit D, Respondents’ Motion to Dismiss)

Respondent did not oppose Appellant’s post-trial motions, nor did Respondent raise the issues complained of in this Motion to Dismiss the Appeal to the trial court, but raised these issues for the first-time days before their December 18, 2023 filing of the Motion to Dismiss.

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<sup>1</sup>Counsel for Respondent, Robert Wood had not entered an appearance in the case at this time, but Chilton Simmons and Elizabeth Ballentine Mason received the filing notice on September 25, 2023.

The trial judge did not find the post-trial motions untimely, denied the motions without oral argument and electronically filed an order on October 2, 2023. Appellant filed the Notice of Appeal within thirty-five (35) days of that order on October 31, 2023.

### **Discussion/Argument**

Appellant's post-trial motions were made within ten (10) days of the return of the jury verdict and within seven (7) days of entry of the order ending the case.

Rule 59(b) states in pertinent part:

**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(e) states in pertinent part:

**Motion to Alter or Amend a Judgment:** 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.

(SCRCP 59)

Respondents rely upon *Overland, Inc. v. Nance*, 423 S.C. 253, 815 S.E. 2d 431 (2018) which states that Rule 59(e) motions must be served not later than ten (10) days ***after receipt of written notice of the entry of the order***. And, as pointed out by Respondents, the ECF guidelines allow five additional days when the order is filed electronically. If *Overland* is strictly construed and controlling, then Appellants had until October 3, 2023 – 15 days from the date of the September 18, 2023 order -- to file the post-trial motions and the Motion to Dismiss should be denied.

It should be noted that *Overland* and all of the cases cited by *Overland*, involved motions for summary judgment or cases that were decided by the trial court, not a jury. None of these cases involved motions for new trials or judgments notwithstanding the verdict. And none of these cases dealt with any issues or problems encountered with electronic filing.

There are two issues presenting in this case – whether Appellant’s post-trial motions needed to be made within ten days of the jury verdict or within ten days of the trial court’s electronic order. And, if Appellant’s post-trial motions needed to be made within ten days of the jury verdict, whether the filing on September 25, 2023 should have been rejected by the Clerk for a formatting error in an exhibit.

The error which generated the rejection notice was a formatting error requiring redaction from an exhibit. The motion and exhibits are filed separately. ECF Guideline #8 (Exhibit 3) Instead of rejecting the exhibit, the clerk rejected the entire filing. ECF Guideline 4 provides that “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.” Relief was not sought because the issue was not raised while the trial court was considering the post-trial motions, and the trial court did not reject the post-trial motions as untimely. Appellants request that relief from this Court.

The guidelines are clear that E-filed documents have the same force and effect as documents filed by traditional means. All attorneys utilizing the E-filing system agree that access to the system constitutes their agreement to accept electronic service. Within the electronic filing system, there is no requirement to separately serve this type of pleading via E-Mail, or U.S. Mail. ECF Guideline #4 (Exhibit 4)

If Appellant filed the post-trial motions traditionally, Appellant would have handed three copies of the motion and exhibits to the clerk, who would have clocked them in and stamped them and kept one set for the Court, providing Appellant with the other two sets. The clerk would not have the option of rejecting the filing outside of a lack of a wet signature. If the

redaction issue was recognized at the time of filing, the clerk would have requested Appellant substitute or redact the exhibit right then and there or the Motion could have been filed without the Exhibits. In the federal electronic filing system, if a filed document needs redaction or a formatting error exists, the clerk emails the submitting attorney and requests the substitute which is filed by the clerk.

The redaction error in the exhibit causing the rejection by the clerk is akin to an administrative and clerical error. In *Misty A. Morris v. BB&T Corporation, et al v. S.C. Workers Compensation Commission*, 483 S.C. 582, 885 S.E. 2d 294 (2023) the Court reviewed the record to see if good cause existed for a late filed brief where the attorney incorrectly calendared the due date. The Court found good cause existed in that case and allowed the appeal to go forward.

A strict reading of Rule 59 requires the post-trial motions to be made within ten (10) days of the verdict and served within ten (10) days of the electronic order. Appellant made its post-trial motions within ten (10) days of the verdict which was rejected by the clerk due to a formatting issue with an exhibit. The formatting error was corrected and the pleadings refiled the same day of the notice by the clerk. In accordance with the ECF Guidelines and *Misty A. Morris*, the Court can find good cause existed and find the post-trial motions timely filed. The appeal should not be dismissed due to a formatting issue with an exhibit.

Respondents aver that Appellant asked this Court to review the jury verdict and omits three words from the sentence quoted. “This appeal covers the jury verdict **and the order** referenced above.” (Exhibit H, Respondents’ Motion to Dismiss) The notice speaks for itself and this Court has jurisdiction over the questions of law raised in Appellant’s post-trial motions.

### **Conclusion**

Appellant’s post-trial motions for a new trial were made within ten (10) days of the discharge of the jury, within seven (7) days of the entry of the Court’s electronic order entering

the judgment and ending the case. Respondents were served electronically of all filings utilizing the S.C. E-filing system. Appellant filed the Notice of Appeal within thirty-five (35) days of the Court's electronic order denying the post-trial motions. Appellant's Notice of Appeal stems from the questions of law raised in the post-trial motions as referenced in the Notice of Appeal. Appellants respectfully request Respondents Motion to Dismiss be denied.

February 9, 2014

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



Lynn Seithel <lynn@seithellaw.com>

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

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

1 message

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

Mon, Sep 25, 2023 at 7:55 PM

**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 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

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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

**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

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**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**

|                                  |                       |
|----------------------------------|-----------------------|
| Date of Death:                   | 4/13/2016 11:24:00 AM |
| Morgue Conveyance                |                       |
| Burial Removal Transit Permit #: | 190060 Roper/Berk.    |
| Cremation Permit #:              |                       |
| Investigation                    |                       |
| 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       |
| Demographics - Basic             |                       |
| 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           |

*Outdated. Please use the Original Report*  
*William B. Salisbury, Coroner*  
*Berkeley County, SC*

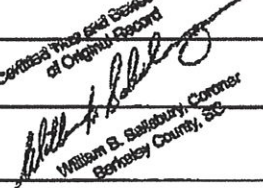


ELECTRONICALLY FILED - 2023 Sep 26 12:51 PM - BERKELEY - COMMON PLEAS - CASE#2020CP0801232

|                             |                       |
|-----------------------------|-----------------------|
| Drivers License:            |                       |
| Address:                    |                       |
| City:                       |                       |
| State:                      |                       |
| Zip Code:                   |                       |
| Marital Status:             | Divorced              |
| Employer:                   | Barony House          |
| Identified By:              | Son                   |
| 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                |

*Robert Anderson*  
 Robert Anderson  
 William E. Baskin, Attorney  
 Berkeley County, SC

|                                    |  |
|------------------------------------|--|
| Medical History:                   |  |
| Certifying?                        |  |
| <b>Hospice</b>                     |  |
| Hospice:                           |  |
| Address:                           |  |
| City:                              |  |
| State:                             |  |
| Zip Code:                          |  |
| Phone Number:                      | (-)                                      |
| 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. Saltabury, 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. |

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

BERKELEY COUNTY CORCORNER  
WILLIAM B. SALISBURY

PLAINTIFF EXH. 4

16-281

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

TELEPHONE (843) 719-4566

L EFFECTS: None Returned Locker

SSN: 5893

Attending Physician: DR ROBERT ANDERSON

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

Address: 218 VALDOSTA HWY City: MOONSVILLE State: SC Zip: 29468

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: ROAD 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 ANDERSON 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: \_\_\_\_\_

*William B. Salisbury, Coroner  
Berkeley County, SC*

(5)

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- BERKLEY, 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

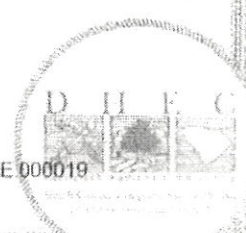
SC05090031

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.



## 8. Attachments and Exhibits

**(a) Attachments to be Filed Electronically.** Documents that are E-Filed as attachments to pleadings or as exhibits must be scanned to PDF for E-Filing unless the document may not be comprehensively viewed in an electronic format, the document is sealed or submitted for *in camera* review, or as otherwise ordered by the court.

**(b) Filed Separately.** Each attachment or exhibit to an E-Filed pleading must be E-Filed as a separate document within the same submission as the E-Filed pleading.

**(c) Proposed Orders.** Proposed orders must be prepared in Microsoft Word (\*.doc or \*.docx) format, unless the proposed order is a consent order signed by a person who is not authorized to use an Electronic Signature under Rule 614, SCACR, in which case the signed proposed order should be scanned to PDF. Proposed orders should be submitted in one of two ways:

(1) Proposed orders prepared by a party upon a judge's instructions may not be E-Filed, but should instead be submitted by email to the requesting judge.

(2) Proposed orders prepared as part of a motion or as proposed consent orders should be E-Filed as attachments to the motion or other submitting document, such as a motion/order cover sheet.

**(d) Bookmarks and Hyperlinks.** E-Filed documents may contain bookmarks to locations within the same document. Hyperlinks to other documents or external sites are not permitted.

**(e) Other Exhibits.** Exhibits or other evidentiary items that cannot be filed electronically because the exhibit cannot be scanned and converted to PDF (i.e. large maps or plats, etc.) or because an original version must be filed may be Traditionally filed. Detailed instructions are contained within the Filer Interface User Guide.

Amended by Order dated May 27, 2022.



#### 4. E-Filing and E-Service

**(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.

**(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. Documents filed by Traditional means may be converted to electronic format and made part of the electronic record by the Clerk of Court. Once converted, the electronic version constitutes the official court record. While the Clerk of Court is not required to retain paper copies of documents properly converted to electronic format and made part of the electronic record in accordance with the Clerk of Court Manual, the Clerk of Court may not destroy original wills, original deeds, original contracts, court exhibits, or any other documents required by law or ordered by the court to be maintained in original form.

**(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.

**(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. If the filing initiates a case, the Clerk shall assign a case number.

**(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.

**(e) Electronic Service.**



**(1) Electronic Service of Process not Authorized.** Service of process or service of any pleadings initiating cases cannot be accomplished through the E-Filing System. The E-Filing System may not be used for service of process of a summons and complaint, subpoena, or any other pleading or document required to be personally served under Rule 4, SCRCP.

**(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 SCRCP, the E-Filing of that pleading, motion, or other paper, together with the transmission of an NEF, constitutes proper service under Rule 5, SCRCP, 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.

**(A)** No NEF will be created at case initiation; however, the E-Filing System will transmit confirmations of receipt and acceptance of the filing.

**(B)** NEFs are only transmitted via email to Authorized E-Filers who are counsel of record. E-Filers should follow the instructions in the E-Filer User Guide and other training materials for entering an electronic notice of appearance when making an initial responsive filing in a case that was initiated via the E-Filing System and for accessing NEFs in the E-Filing System.

**(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), SCRCP. The NEF constitutes proof of service under Rule 5(b), SCRCP, 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.

**(4) Time to Respond Following Electronic Service.** Computation of the time for a response after service by NEF is governed by Rule 6, SCRCP. In accordance with Rule 6(e), SCRCP, service by electronic means via an NEF is treated the same as service by U.S. Mail for purposes of determining the time to respond; therefore, five days shall be added to the prescribed period to respond from the date set forth in the Official File Stamp on the NEF.

**(5) Service By or Upon a Party Who is Not an E-Filer in a Case.**

**(A)** E-Filed motions, pleadings, or other papers that must be served upon a party who is not represented by an Authorized E-Filer in the case or who is a Traditional Filer must be served by a Traditional Service method in accordance with Rule 5, SCRCP, or any order of the Supreme Court issued under Rule 613, SCACR. An Authorized E-Filer who has E-Filed a motion, pleading, or other paper prior to service of the pleading, motion, or other paper shall serve a copy of the corresponding NEF on the Traditional Filer(s). The Authorized E-Filer must also file proof of Traditional Service as to all other parties who are Traditional Filers.

**(B)** Traditional Filers must continue to serve all parties with a copy of the pleading, motion, or other paper by a Traditional Service method in accordance with Rule 5, SCRCP, or any order of the Supreme Court issued under Rule 613, SCACR, and file a copy of the pleading, motion, or other paper with the Clerk of Court, together with proof of service, as required by Rule 5(d), SCRCP, or any order of the Supreme Court issued under Rule 613, SCACR.

**(6) Failed Transmission of NEF.** If an Authorized E-Filer becomes aware that the NEF was not transmitted successfully to other Authorized E-Filers in the case, or that the NEF is deficient, the Authorized E-Filer shall, upon learning of the failure or deficiency, serve the E-Filed document by email, hand delivery, facsimile, or first class mail. Proof of such service shall be E-Filed within one business day of service.

Last amended by Order dated May 27, 2022.

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

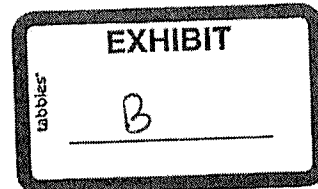
This order  ends  does not end the case.

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), SCRPC.

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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](mailto:efiledonotreply@sccourts.org) <[efiledonotreply@sccourts.org](mailto:efiledonotreply@sccourts.org)>

Tue, Sep 26, 2023 at 9:16 AM

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

Cc: [tami@seithellaw.com](mailto:tami@seithellaw.com)

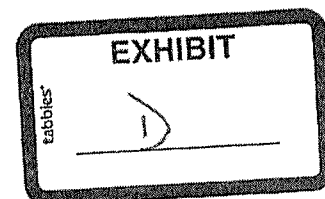
**To:** Lynn Seithel [lynn@seithellaw.com](mailto:lynn@seithellaw.com)  
**From:** [efiledonotreply@sccourts.org](mailto:efiledonotreply@sccourts.org)  
**Date:** 2023-09-25 19:54:00.7  
**Subject:** Your electronic filing, Re: Anderson.Jessie - (220) Medical Malpractice - Motion/New Trial, was rejected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

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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.

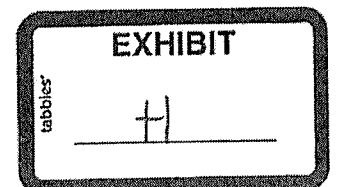
Richard Miles Thompson, M.D., and  
ACS Primary Care Physicians – Southeast, P.C. .... Respondents.

**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, SCRPC, 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



**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

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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