

RECEIVED

Apr 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jocelyn Newman
Circuit Court Judge

2019-CP-40-04185

CRYSTAL GOODWIN AND
JAMES GOODWIN.....Plaintiffs - Respondents,

v.

MIDLANDS ORTHOPEDICS AND
NEUROSURGERY AND
DR. THOMAS J. HOLBROOK, M.D.....Appellants.

NOTICE OF APPEAL

Pursuant to Rule 203, SCACR, Appellants Midlands Orthopedics and Neurosurgery and Dr. Thomas J. Holbrook, M.D., hereby timely appeal from the trial court’s March 22, 2024 Order Granting Plaintiff’s April 26, 2023 Motion for a New Trial Based on the Thirteenth Juror Doctrine following a defense verdict on April 21, 2023. The appealed order granting Respondents’ Motion for a New Trial Based on the Thirteenth Juror Doctrine is attached. Appellants received written notice of the Order granting Respondents’ Motion for a New Trial Based on the Thirteenth Juror Doctrine on March 22, 2023. Appellants believe that this Order is in error and does not comply with the Thirteenth Juror Doctrine, and is further immediately appealable. *See* S.C. Code. Ann. §§ 14-3-330(2), 14-8-200; *Bailey v. Peacock*, 318 S.C. 13, 15 n.2, 455 S.E.2d 690, 692 n.2 (1995) (the granting of a new trial affects a substantial right and is immediately appealable); *Pocisk v. Sea*

Coast Constr. of Beaufort, 380 S.C. 584, 589, 671 S.E.2d 98, 101 (Ct. App. 2008) (an order meeting the requirements of section 14-3-330(2) is immediately appealable).

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ C. Mitchell Brown

C. Mitchell Brown
S.C. Bar No. 12872
E-Mail: mitch.brown@nelsonmullins.com
A. Mattison Bogan
S.C. Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
Morgan E. Spires
S.C. Bar No. 105197
E-Mail: morgan.spires@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Appellants

April 4, 2024

Other Counsel of Record:

Robert F. Goings
Email: rgoings@goingslawfirm.com
Jessica L. Gooding
Email: jgooding@goingslawfirm.com
GOINGS LAW FIRM, LLC
1510 Calhoun Street
Columbia, SC 29201
(803) 350-9230

Francis M. "Brink" Hinson, IV
Email: brink@hhplawgroup.com
HHP LAW GROUP, LLC
924 Gervais Street
Columbia, SC 29201

(803) 400-8277

Attorneys for Respondents

RECEIVED

Apr 04 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable Jocelyn Newman
Circuit Court Judge

2019-CP-40-04185

CRYSTAL GOODWIN AND
JAMES GOODWIN.....Plaintiffs - Respondents,

v.

MIDLANDS ORTHOPEDICS AND
NEUROSURGERY AND
DR. THOMAS J. HOLBROOK, M.D.....Appellants.

PROOF OF SERVICE

I, the undersigned Associate of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Midlands Orthopedics and Neurosurgery and Dr. Thomas J. Holbrook, M.D., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified, pursuant to the Supreme Court Order 2022-05-06-04, and a copy of that electronic mail is attached to this certificate.

Pleading(s): **Notice of Appeal**

Served:

Robert F. Goings, Esquire
Jessica L. Gooding
Goings Law Firm, LLC
1510 Calhoun Street

Columbia, SC 29201
rgoings@goingslawfirm.com
jgooding@goingslawfirm.com

Francis M. "Brink" Hinson, IV
HHP Law Group, LLC
924 Gervais Street
Columbia, SC 29201
brink@hhplawgroup.com

Attorneys for Crystal Goodwin and James Goodwin

By: /s/ Morgan E. Spires

C. Mitchell Brown
S.C. Bar No. 12872
E-Mail: mitch.brown@nelsonmullins.com
A. Mattison Bogan
S.C. Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
Morgan E. Spires
S.C. Bar No. 105197
E-Mail: morgan.spire@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

April 4, 2024

Morgan Spires

From: Morgan Spires
Sent: Thursday, April 4, 2024 2:44 PM
To: rgoings@goingslawfirm.com; jgooding@goingslawfirm.com; brink@hhplawgroup.com
Cc: Mitch Brown; Matt Bogan; Roxanne Englin; Eileen Hindman
Subject: Goodwin v. Midlands Orthopedics & Neurosurgery - Case No. 2019-CP-40-04185
Attachments: Notice of Appeal (Goodwin).pdf; Proof of Service - Goodwin.pdf

Good afternoon,

Attached for service upon you in the above matter is a Notice of Appeal and Proof of Service.

Thank you,
Morgan



MORGAN E. SPIRES [ASSOCIATE](#)

morgan.spires@nelsonmullins.com

MERIDIAN | 17TH FLOOR

1320 MAIN STREET | COLUMBIA, SC 29201

T 803.255.9343 F 803.256.7500

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)
