



The South Carolina Court of Appeals

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May 22, 2024

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Michelle Holliman v. We Are Sharing Hope SC
Lower Court Case No. 2020CP1002902
Appellate Case No. 2021-000487

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Mary Agnes Hood Craig, Esquire
Jean Marie Jennings, Esquire
Deborah Harrison Sheffield, Esquire

John Carroll Moylan, III, Esquire
Mary Lucille Dinkins, Esquire
James Hunter May, Esquire
Rachael Lewis Anna, Esquire
Christine Kent Toporek, Esquire
Christina Woodward Strong, Esquire
Kelly McPherson Jolley, Esquire
Ariail Burnside Kirk, Esquire
Robert L. Widener, Esquire
Alan Ross Belcher, Jr., Esquire
Lindsay Amber Nishan, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Michelle Cha Holliman, individually and as personal
representative of the Estate of Allen B. Holliman,
Respondent,

v.

We Are Sharing Hope SC, Medical University of South
Carolina, United Network for Organ Sharing, Jacqueline
Honig, M.D., and Darla Welker, Defendants,

of which We Are Sharing Hope SC and United Network
for Organ Sharing are the Appellants.

Appellate Case No. 2021-000487

Appeal From Charleston County
Debra R. McCaslin, Circuit Court Judge

Unpublished Opinion No. 2023-UP-205
Submitted May 17, 2023 – Filed May 24, 2023

APPEAL DISMISSED

Mary Agnes Hood Craig, of Hood Law Firm, LLC, of
Charleston; Jean Marie Jennings, of Charleston; and
Deborah Harrison Sheffield, of Columbia, all for
Appellant We Are Sharing Hope SC.

Jack G Gresh, of Dodds Hennessy & Stith, LLP, of Mount Pleasant; Lauren Spears Gresh, of Hall Booth Smith, PC, of Mount Pleasant; and Robert L. Widener of Burr and Forman, LLP, of Columbia, all for Appellant United Network for Organ Sharing.

John Carroll Moylan, III, Mary Lucille Dinkins, and James Hunter May, all of Wyche, PA, of Columbia; and Rachael Lewis Anna, of Wyche, PA, of Greenville, all for Respondent.

PER CURIAM: We Are Sharing Hope SC (WASH) and United Network for Organ Sharing appeal the circuit court's order denying their collective motions for a protective order and granting Michelle Cha Holliman's motion to compel WASH to produce documents withheld on a claim of peer review privilege. This order is not immediately appealable under section 44-7-394 of the South Carolina Code (2018) because WASH is not "a hospital or affected person." Accordingly, the appeal is dismissed pursuant to Rule 220(b), SCACR, and the following authorities: *Grosshuesch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122 (2008) ("[D]iscovery orders, in general, are interlocutory and are not immediately appealable because they do not, within the meaning of the appealability statute, involve the merits of the action or affect a substantial right."); § 44-7-394(C) ("If the court orders a hospital or affected person to produce documents to a third party under this section, the hospital or affected person shall have the right to immediately appeal that order"); § 44-7-394(B) ("For purposes of this section an 'affected person' means a *person*" (emphasis added)).

APPEAL DISMISSED.¹

WILLIAMS, C.J., and VINSON and VERDIN, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

The South Carolina Court of Appeals

Michelle Cha Holliman, individually and as personal representative of the Estate of Allen B. Holliman, Respondent,

v.

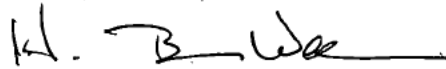
We Are Sharing Hope SC, Medical University of South Carolina, United Network for Organ Sharing, Jacqueline Honig, M.D., and Darla Welker, Defendants,

of which We Are Sharing Hope SC and United Network for Organ Sharing are the Appellants.

Appellate Case No. 2021-000487

ORDER

After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



C.J.



J.



J.

Columbia, South Carolina

FILED
Sep 21 2023

cc:

Mary Agnes Hood Craig, Esquire

Jean Marie Jennings, Esquire

Deborah Harrison Sheffield, Esquire

John Carroll Moylan, III, Esquire

Mary Lucille Dinkins, Esquire

James Hunter May, Esquire

Rachael Lewis Anna, Esquire

Christine Kent Toporek, Esquire

Christina Woodward Strong, Esquire

Kelly McPherson Jolley, Esquire

Ariail Burnside Kirk, Esquire

Robert L. Widener, Esquire

Alan Ross Belcher, Jr., Esquire

Lindsay Amber Nishan, Esquire

The Supreme Court of South Carolina

Michelle Cha Holliman, individually and as personal representative of the Estate of Allen B. Holliman, Respondent,

RECEIVED

May 21 2024

SC Court of Appeals

v.

We Are Sharing Hope SC, Medical University of South Carolina, United Network for Organ Sharing, Jacqueline Honig, M.D., and Darla Welker, Defendants,

of which We Are Sharing Hope SC and United Network for Organ Sharing are the Appellants.,

And of which We Are Sharing Hope SC is, Petitioner.

Appellate Case No. 2023-001653

ORDER

Petitioner's consent motion to dismiss this matter is granted pursuant to Rule 260, SCACR.

FOR THE COURT

BY Patricia A. Howard
CLERK

Columbia, South Carolina
May 21, 2024

cc: John Carroll Moylan, III
Mary Lucille Dinkins
James Hunter May
Rachael Lewis Anna
Kelly McPherson Jolley
Ariail Burnside Kirk
Christine Kent Toporek
Christina Woodward Strong
Robert L. Widener
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The Honorable Jenny A. Kitchings