



demonstrates that the Summons and Complaint were served on SRHS on May 8, 2024.

On June 20, 2024, SRHS filed its Motion to Dismiss with Prejudice for failure to state a cause of action for which relief may be granted pursuant to Rule 12(b)(6), SCRPC based on: (1) Plaintiff's failure to comply with the two (2) year statute of limitations provided in S. C. Code Ann. § 15-78-110; (2) an alternate ground that if the two year statute of limitations did not apply, then Plaintiff failed to serve her Summons and Complaint within one hundred and twenty (120) days of the inapplicable three (3) year statute of limitations as required by Rule 3, SCRPC; (3) an alternate ground that Plaintiff failed to comply with S.C. Code Ann. § 15-79-125's mandatory pre-suit requirements; and (4) an alternate ground that Plaintiff failed to file an expert witness affidavit contemporaneously with her Complaint as required by S.C. Code Ann. § 15-36-100.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Court finds and concludes, as outlined in the affidavit of SRHS Associate General Counsel J. Hollis Inabinet, Esq. on file with the Court, that SRHS is a public hospital corporation, government healthcare facility, and a political subdivision of the State of South Carolina. The Court also takes judicial notice of Spartanburg Reg'l Med. Ctr. v. Oncology & Hematology Assocs. of S.C., LLC, 387 S.C. 79, 82, 690 S.E.2d 783, 784, FN 1 (2010), wherein the South Carolina Supreme Court acknowledged that SRHS is a political subdivision.

Pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.*, an action against a governmental entity must be brought "within two years after the date the loss was or should have been discovered" or the action is "forever barred." S.C. Code Ann. § 15-78-110.

The Court finds and concludes that the face of Plaintiff's Complaint makes it clear that her allegations concern an incident and injury that occurred on October 3, 2020. The timestamp affixed to Plaintiff's Complaint by the Clerk of Court's Office shows that Plaintiff did not file her

Summons and Complaint until October 3, 2023, three years after the alleged incident and injury.

The Court therefore finds and concludes that Plaintiff failed to file her Summons and Complaint within the applicable two-year statute of limitations under S.C. Code § 15-78-110. Therefore, her Complaint must be dismissed with prejudice pursuant to S.C. Code Ann. § 15-78-110 and Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

SRHS raised three alternative legal grounds for dismissal set forth in the background section above. While these alternative grounds for dismissal may apply, the Court does not reach the alternative grounds for dismissal raised and briefed by SRHS because the application of Section 15-78-110 is definitive and requires dismissal of Plaintiff's Complaint with prejudice.

### **CONCLUSION**

For the reasons set forth herein, SRHS' Motion to Dismiss with Prejudice is hereby **GRANTED** and this matter is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

{The Honorable J. Mark Hayes, II's Electronic Signature to be attached.}



Spartanburg Common Pleas

**Case Caption:** Jekeithlyn Ross VS Spartanburg Regional Healthcare Systems

**Case Number:** 2023CP4203802

**Type:** Order/Dismissal

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132