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Oct 29 2024

SC Court of Appeals

October 29, 2024

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SENT VIA ELECTRONIC MAIL

South Carolina Court of Appeals

Attn: Clerk of Court

1220 Senate Street

Columbia, South Carolina 29201

ctappfilings@sccourts.org

RE: **Bingham v. MUSC**
Case No. 2023-000952

Dear Clerk:

By Order dated July 1, 2024, the Court of Appeals granted Respondent-Appellant Medical University of South Carolina (“MUSC”) leave to file a Rule 60(a) motion in the Circuit Court regarding a February 7, 2023 Form 4 Order relating to the above appeal. This Court’s Order requires that MUSC provide this Court with status updates every 30 days on the status of that Rule 60(a) motion. Please consider this our update.

We have filed the motion and sent a copy to the Honorable Kristi Curtis, who would have jurisdiction over that motion. On October 29, 2024, Judge Curtis entered the enclosed Order Granting Defendant’s Motion for Relief Pursuant to Rule 60(a) as to February 7, 2023 Form 4 Order.

Respectfully,

s/John W. Fletcher

John W. Fletcher

JWF

Enclosure

cc: Counsel of Record – *via email*

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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON)	CASE NO.: <u>2017-CP-10-5699</u>
KELLIE BINGHAM and KAYLA)	
BINGHAM,)	
)	[PROPOSED] ORDER GRANTING
Plaintiffs,)	DEFENDANT’S MOTION FOR
)	RELIEF PURSUANT TO RULE 60(A)
vs.)	AS TO FEBRUARY 7, 2023 FORM 4
)	ORDER
MEDICAL UNIVERSITY OF SOUTH)	
CAROLINA,)	
)	
Defendant.)	
)	

On or about July 16, 2024, Defendant Medical University of South Carolina (“MUSC”) filed a Motion for Relief Pursuant to Rule 60(a) as to February 7, 2023 Form 4 Order. MUSC previously obtained permission from the South Carolina Court of Appeals—where cross-appeals in this matter are pending—to file that Motion. A hearing was held on that Motion on September 23, 2024. Upon consideration of the arguments of counsel and all relevant filings, it is hereby ORDERED, ADJUDGED, and DECREED that MUSC’s Motion for Relief Pursuant to Rule 60(a) as to February 7, 2023 Form 4 Order be, and hereby is, GRANTED.

INTRODUCTION

This case was tried by jury from November 14-18, 2022, resulting in a verdict in favor of Plaintiffs. On November 28, 2022, Defendant MUSC filed its Post-Trial Motions, *inter alia*, asking the court to reduce the verdicts to conform to the South Carolina Tort Claims Act caps. The following day, Plaintiffs filed a Motion to Determine the Number of Occurrences, asserting that there were multiple "occurrences." On February 1, 2023, the court conducted oral argument on the parties' post-trial motions. On February 2, 2023—immediately after hearing argument on the post-trial motions but before ruling on any of them—the Court electronically signed a Form 4 order reciting the verdict:

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

The jury unanimously found in favor of Plaintiffs Kayla Bingham and Kellie Bingham for the defamation cause of action in the amount of \$750,000 for Kayla Bingham and \$750,000 for Kellie Bingham on November 18, 2022.

ORDER INFORMATION

This order ends does not end the case.

[See Page 2 for additional information.](#)

On May 5, 2023, the Court entered an Order Granting Defendant's Motion to Reduce the Verdict Per the SCTCA and Denying Plaintiff's Motion to Determine Number of Occurrences. The Court subsequently entered an Order denying Defendant's motion for a new trial or for judgment notwithstanding the verdict.

Pursuant to S.C.R. Civ. P. 60(a), "[c]lerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party." *See* S.C.R. Civ. P. 60(a). The Court erroneously checked the box stating that "[t]his order ends the case" on the February 7, 2024 Form 4 Order. This was a clerical error. The Court did not intend for the February 7, 2024 Form 4 Order to be a final order or final judgment. The Court was aware that there were pending motions that needed to be decided before it could enter final judgment on the verdict.

Therefore, the Court GRANTS Defendant's Motion for Relief Pursuant to Rule 60(a) as to February 7, 2023 Form 4 Order.

It is hereby ORDERED, ADJUDGED, and DECREED that the February 7, 2024 Form 4 Order is hereby amended and corrected so that the box stating that "[t]his order ends the case" is not checked and the box stating that "[t]his order does not end the case" is checked. The February 7, 2024 Form 4 Order is not a final order or judgment..

IT IS SO ORDERED!

BY THE COURT

Dated: October __, 2024
Charleston, South Carolina

Honorable Kristi F. Curtis



Charleston Common Pleas

Case Caption: Kellie Bingham VS Medical University of South Carolina

Case Number: 2017CP1005699

Type: Order/Relief

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762