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July 17, 2025

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Jul 17 2025
SC Court of Appeals

VIA E-MAIL:

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: Jo Ann Blackwell, Michelene Brooks, and Samuel H. Owens, Jr., individually and on behalf of all others similarly situated v. Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital, CHSPSC, LLC, and Professional Account Services, Inc.; Appellate Case No.: 2024-001546

Dear Mrs. Kitchings:

We are in receipt of the Court's letter, dated July 16, 2025, regarding Appellate Case No. 2024-001546 and notifying the parties that the case will no longer be held in abeyance. Because the Supreme Court granted certiorari in the appeal that serves as the basis for holding this appeal in abeyance and thus that appeal remains pending, we believe that this notification may have been issued in error. Appellants thus write seeking confirmation that the Court intended to allow this case to proceed despite its prior order holding this appeal in abeyance until a final decision in the pending appeal in the Supreme Court.

By way of background, this appeal (Appellate Case No. 2024-001546) is a second related appeal arising from the same circuit court action as the Appellate Case No. 2020-001613 (the "First Appeal"). Because issues in the First Appeal directly impact this appeal and the remainder of the underlying litigation—and to further the interests of justice, economy, and efficiency and to ensure consistent rulings in this case—Appellants requested that this Court hold this appeal in abeyance until the First Appeal is resolved.

In an order dated January 14, 2025, this Court granted Appellants' motion and ordered that this case be held in abeyance until a final decision is issued in the First Appeal. No final decision has been issued in the First Appeal. Instead, as explained in Appellants' July 3, 2025 status update (referred to in the Court's letter), the Supreme Court has granted Appellants' Petition for a Writ of Certiorari to review the Court of Appeals' decision in the First Appeal.

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It appears that the appeal in that first case was marked as “Ended” on C-Track after the issuance of the Supreme Court’s order granting certiorari. However, the First Appeal remains ongoing and the parties have begun the briefing process as ordered by the Supreme Court. Since a final decision has not been rendered in the First Appeal, the stated basis for holding this appeal in abeyance has not changed. Thus, it is unclear why the Court would no longer hold this appeal in abeyance pending the Supreme Court’s resolution of the First Appeal.

In light of these circumstances, Appellants’ respectfully request confirmation from the Court as to whether the Court intends to change course from its January 14, 2025 Order holding the Second Appeal in abeyance, or whether the letter dated July 16, 2025, was issued in error.

Thank you for your attention to this matter and your assistance.

Sincerely,

s/Katon E. Dawson, Jr.

Katon E. Dawson, Jr.

KED/tlc

cc: All Counsel of Record