



The South Carolina Court of Appeals

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July 29, 2025

The Honorable Renee Elvis
PO Box 677
Conway SC 29528-0677

REMITTITUR

Re: Dr. Scott F. Duncan v. OrthoSC, LLC
Lower Court Case No. 2021CP2607488
Appellate Case No. 2023-001587

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, reading "Jay A. Kitching".

CLERK

Enclosure

cc: Daniel Francis Blanchard, III, Esquire
James Atkinson Bruorton, IV, Esquire
Mary Harriet Moore, Esquire

Charles Epps Ipock, Esquire
Jonathan David Klett, Esquire
Stafford J McQuillin, III, Esquire
Sarah P. Spruill, Esquire

The South Carolina Court of Appeals

Dr. Scott F. Duncan, M.D., Appellant,

v.

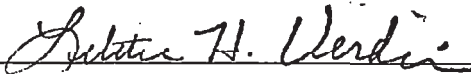
OrthoSC, LLC, a South Carolina limited liability company; Dr. Gene M. Massey, M.D.; and HCA Healthcare, Inc., a Delaware corporation, Defendants,

Of which OrthoSC, LLC, a South Carolina limited liability company, and Dr. Gene M. Massey, M.D. are the Respondents.

Appellate Case No. 2023-001587

ORDER

After careful consideration of the parties' memoranda on appealability, this appeal is dismissed. *See Huntley v. Young*, 319 S.C. 559, 560, 462 S.E.2d 860, 861 (1995) (providing the denial of a motion to dismiss under Rule 12(b)(6) is not immediately appealable); *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."); *Ex parte Whetstone*, 289 S.C. 580, 580, 347 S.E.2d 881, 881 (1986) ("[A]n order directing a non-party to submit to discovery is not immediately appealable."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Jan 02 2024

cc:

Daniel Francis Blanchard, III, Esquire

James Atkinson Bruorton, IV, Esquire

Mary Harriet Moore, Esquire

Charles Epps Ipock, Esquire

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The South Carolina Court of Appeals

Dr. Scott F. Duncan, M.D., Appellant,

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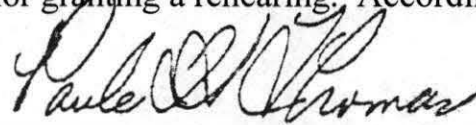
OrthoSC, LLC, a South Carolina limited liability company; Dr. Gene M. Massey, M.D.; and HCA Healthcare, Inc., a Delaware corporation, Defendants,

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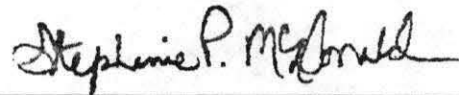
Appellate Case No. 2023-001587

ORDER

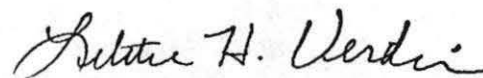
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



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Columbia, South Carolina

FILED
Apr 30 2024

cc:

Daniel Francis Blanchard, III, Esquire
James Atkinson Bruorton, IV, Esquire
Mary Harriet Moore, Esquire
Charles Epps Ipock, Esquire
Jonathan David Klett, Esquire
Stafford J McQuillin, III, Esquire
Sarah P. Spruill, Esquire

The Supreme Court of South Carolina

Dr. Scott F. Duncan, M.D., Petitioner,

v.

OrthoSC, LLC, a South Carolina limited liability company; Dr. Gene M. Massey, M.D.; and HCA Healthcare, Inc., a Delaware corporation, Defendants,

Of which OrthoSC, LLC, a South Carolina limited liability company, and Dr. Gene M. Massey, M.D. are the Respondents.

Appellate Case No. 2024-000808

RECEIVED

Feb 12 2025

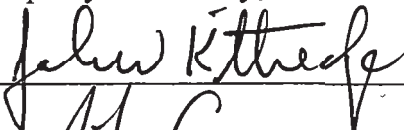
SC Court of Appeals

ORDER

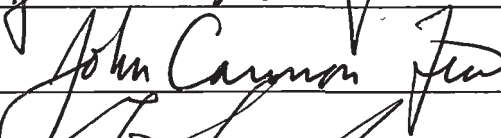
Based on the vote of the Court, the petition for a writ of certiorari is granted. The parties shall brief the question presented in this petition as well as the following questions:

(1) Whether subsection 15-48-80(a) of the South Carolina Code (2005) and other provisions of the Uniform Arbitration Act give an arbitrator the authority to enforce its own non-party discovery orders, such as a subpoena; and

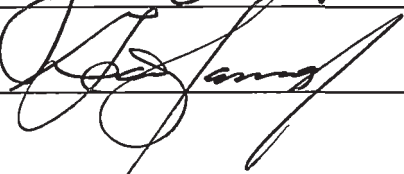
(2) Whether subsection 15-48-80(a) of the South Carolina Code (2005) and other provisions of the Uniform Arbitration Act give the circuit or family court the authority to enforce an arbitrator's non-party discovery, such as a subpoena.



C.J.



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How I'm

J.

Verdin, J., not participating

Columbia, South Carolina
February 12, 2025

cc:

Daniel Francis Blanchard, III
James Atkinson Bruorton, IV
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Jonathan David Klett
Stafford J McQuillin, III
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The Supreme Court of South Carolina

Dr. Scott F. Duncan, M.D., Petitioner,

v.

OrthoSC, LLC, a South Carolina limited liability company; Dr. Gene M. Massey, M.D.; and HCA Healthcare, Inc., a Delaware corporation, Defendants,

Of which OrthoSC, LLC, a South Carolina limited liability company, and Dr. Gene M. Massey, M.D. are the Respondents.

Appellate Case No. 2024-000808

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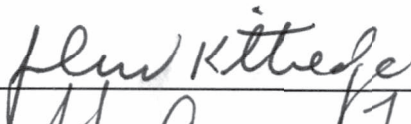
Apr 23 2025

SC Court of Appeals

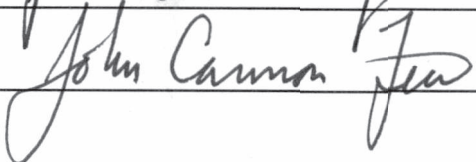
ORDER

On February 12, 2025, this Court granted the petition for a writ of certiorari and ordered the parties to brief specified questions. The following day, Petitioner informed this Court that a final arbitration hearing had been scheduled by the arbitrator and the parties ultimately resolved their claims.

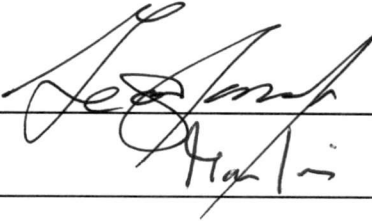
We asked the parties to address the issue of whether the settlement rendered the petition for a writ of certiorari moot. After reviewing the parties' memoranda, we vacate the order granting certiorari and deny the petition for a writ of certiorari as moot.



C.J.



J.



J.
J.

Verdin, J., not participating

Columbia, South Carolina
April 23, 2025

cc:

Daniel Francis Blanchard III
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The Honorable Jenny Abbott Kitchings