RECEIVED
Aug 07 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

William B. McKinnon, Circuit Court Judge

Appellate Case No. 2022-000288

Angela Patton, as Next Friend of Alexia L., a minor, ... Respondent,

v.

Dr. Gregory A. Miller and Rock Hill Gynecological & Obstetrical Associates, P.A.,..... Appellants.

APPELLANTS' PETITION FOR REHEARING

C. Mitchell Brown
A. Mattison Bogan
NELSON MULLINS RILEY & SCARBOROUGH LLP
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Ashby W. Davis
Davis & Snyder, P.A.
5 Hawthorne Park Court
Greenville, SC 29615

Attorneys for Appellants Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A.

Pursuant to 221(a) and 240 of the South Carolina Appellate Court Rules, Appellants Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A. ("Appellants") respectfully request rehearing of the appeal resulting in this Court's Opinion filed on July 23, 2025, which affirmed the circuit court's Rule 15(b) and recusal rulings in favor of Respondent. *See Patton v. Miller*, Op. No. 2025-UP-253 (S.C. Ct. App. filed July 23, 2023) ("Opinion" or "Slip Op"). Respectfully, the Court overlooked or misapprehended several important controlling points of law and failed to follow the precedent of the South Carolina Supreme Court. The Court should consequently grant rehearing, vacate its Opinion, and file a new Opinion reversing the circuit court rulings based on the arguments below. Appellants further incorporate and assert, into this Petition, all prior arguments raised in their briefing and at oral argument and do not abandon such arguments.

Argument

I. This Court Overlooked Or Misapprehended Controlling South Carolina Supreme Court Rule 15(b) Jurisprudence.

In its Opinion, this Court affirmed the circuit court's order denying Appellant's Rule 15(b) motion to amend the pleadings to formally add South Carolina's emergency statute as a defense at trial. *See* S.C. Code. Ann. § 15-32-230. The Opinion concluded that the defense was not tried by implied consent because "[n]either party offered testimony targeting the issues in the statute beyond whether shoulder dystocia was an emergency, [and] interpret[ed] the relevant testimony as being targeted to the general standard of care rather than the issues related to the requested statutory defense." *Slip Op.* at p. 3.

As advocated by Respondent, this Court decided the Rule 15(b) issue on appeal under the prejudice standard set forth by *Ball v. Canadian Am. Express Co.*, 314 S.C. 272, 276, 442 S.E.2d 620, 623 (Ct. App. 1994). *Slip Op.* at p. 4; *Resp. Brief* pp. 5-6, 20. Under *Ball*, this Court concluded

that prejudice results under Rule 15(b), prohibiting the allowance of the amendment, "when the amendment states a new claim or defense which would require the opposing party to introduce additional or different evidence to prevail in the amended action." *Id.* Applying *Ball*, this Court found prejudice prohibited amendment and affirmed the circuit court because the Rule 15(b) amendment, if allowed, would have stated a new defense that would have required Respondent to introduce new or different evidence than Respondent introduced to prevail in the amended action. *See Slip Op* at p. 4 ("Therefore, the circuit court did not abuse its discretion in finding the amendment would be unfairly prejudicial to Respondent. *See Ball*, 314 S.C. at 275, 442 S.E.2d at 622 ('Prejudice occurs when the amendment states a new claim or defense which would require the opposing party to introduce additional or different evidence to prevail in the amended action.')." This Court also cited *Dunbar v. Carlson*, 341 S.C. 261, 533 S.E.2d 913 (Ct. App. 2000) to support its view that the Respondent's evidence "did not point conclusively to the statutory defense Dr. Miller claims was tried by consent," and "allowing this amendment after Respondent rested would have been manifestly prejudicial because Respondent's lawsuit would no longer be viable if the jury found there was a genuine emergency." *Slip Op.* at p. 4.

However, as pointed out by Appellants in their briefing, the South Carolina Supreme Court's opinion in *Pool v. Pool*, 329 S.C. 324, 325, 494 S.E.2d 820, 821 (1998) sets forth the proper standard for when prejudice exists precluding a Rule 15(b) amendment. *See also Lee v. Bunch*, 373 S.C. 654, 647 S.E.2d 197 (2007). Under the Supreme Court's directives, "[t]he prejudice Rule 15 envisions is *a lack of notice that the new issue is going to be tried, and a lack of opportunity to refute it*." *Id.* at 328–29, 494 S.E.2d at 823. (emphasis added). In considering potential prejudice to the opposing party, the Supreme Court has designated the touchstone of the Rule 15(b) inquiry as to "*whether the opposing party has had the opportunity to prepare for the*

issue now being raised formally." (emphasis added). Thus, under *Pool*, if the party opposing the amendment was on notice of the new issue to be litigated and had the opportunity to refute the issue at trial, *there is no prejudice* under Rule 15(b). *See Pool*, 329 S.C. at 325, 494 S.E.2d at 821 (Since the non-movant in *Pool* knew well before trial that Husband was seeking attorney's fees and costs[, she] "cannot show prejudice from the trial court's granting [the] motion to amend[.]") Likewise in *Lee*, which applied the same two-prong test, the Supreme Court held that no Rule 15(b) prejudice resulted from the amendment adding the affirmative defense of comparative negligence since plaintiff "was well aware that alcohol would be an issue in the case by virtue of the trial court's pre-trial hearing, and he undoubtedly attempted to present a case that minimized the effect his alcohol consumption might have in assigning fault." *Lee*, 373 S.C. at 661, 647 S.E.2d at 201.

Thus, rehearing is required because this Court failed to apply this controlling legal standard in assessing Rule 15(b) prejudice precluding amendment. This was error because the Supreme Court has directed "that it is incumbent upon the court of appeals to apply th[e Supreme Court of South Carolina'[s] precedent." *State v. Phillips*, 416 S.C. 184, 194 (2016); S.C. Const. art. V, § 9 ("The decisions of the Supreme Court shall bind the Court of Appeals as precedents."). As Appellants expressly cited, and relied in detail, on *Pool's* Rule 15(b) two-prong test in their filings with this Court, it is institutional error for this Court to have overlooked *Pool* in its recently filed Opinion. *See, Thomas*, 416 S.C. at 194 ("[T]he court of appeals should not have overlooked recent case law—especially where it was expressly cited.").

Application of the Supreme Court's controlling Rule 15(b) prejudice test warrants rehearing and reversal of the circuit court's ruling. The record confirms that Respondent was on

ample notice that the emergency statute was going to be litigated for ***years*** and had a sufficient opportunity to refute the defense at trial (and actually did refute it).

First, the record on appeal easily shows satisfaction of *Pool's* notice requirement. On October 8, 2018, ***Respondent*** filed a "Motion for Partial Summary Judgment, or in the Alternative, an Order Granting a Stay of Trial Until Pending Appeals in Other Cases Resolve Material Issues Likely to Arise in this Case." (Mot. for SJ or Stay, R. 1364). In that motion, Respondent asked the circuit court to grant partial summary judgment "*to preclude **the expected** statutory defense* under S.C. Code of Laws Section 15-32-230, representing a liability shield for negligently inflicted harm in the context of certain alleged obstetrical emergencies," and argued the statute did not apply to this case. (*Id.*) (emphasis added). In the alternative, Respondent requested that the circuit court stay the trial of this case "until pending appeals in other cases resolve material issues ***likely to arise in this case***." (*Id*.) (emphasis added). Specifically, Respondent argued the trial of this case should be stayed until two appeals[1] "address[ing] various novel and complex legal and medical issues arising under S. C. Code of Laws Section 15-32-230" were resolved ***to ensure the circuit court would*** "***have guidance from the appellate courts*** about statutory definitions, applicability to certain fact patterns, and related matters." (*Id*.). (emphasis added). The circuit court granted Respondent's request for a stay for just these reasons. (Or. Granting Stay, R. 40). Respondent must concede this notice point, so Respondent's counsel instead claims the formation of a belief (unexpressed) that perhaps after all of the years of waiting on the appeals regarding how the statute would operate, Appellants had just changed their mind and decided not to raise it. Respondent's subjective beliefs in this regard cannot be controlling on the issue of notice. The fact is Respondent was on notice of the defense being applicable to the case, period.

Further, and regardless, in pre-trial proceedings, Appellant's November 15, 2021 motion to recuse again alerted all to the presence of the statutory defense, and that *gross negligence would be a litigated issue at trial*. (Def. Mtn to Recuse, R. 1401) The motion expressly alerted Respondent (and the circuit court who presided at trial) that:

> Judge McKinnon should be recused from sitting as Trial Judge in this case ***which involves allegations of gross negligence by Dr. Miller*** that caused the serious and permanent injury to a child born to Angela Patton when he delivered her child during a vaginal delivery and a shoulder dystocia occurred.

Id. (emphasis added). At the June 2, 2025 oral argument before this Court, Counsel for Respondent claimed that "gross negligence, for one thing, never came up," but "*if [Appellant] had said anything about* ***gross negligence****. . . then you know, if we were smart enough,* ***that would have put us on notice***." *Patton v. Miller*, Oral Argument Archived Video, 2022-000288, June 3, 2025, media.sccourts.org/COA_Videos/2022-000288.mp4 at time stamp 19:20- 19:54. (emphasis added). But in rebuttal, Appellants indisputably confirmed that gross negligence did come up as follows:

> . . . Mr. Graham discusses gross negligence and how he had no idea that was ever going to come up in the case, but if you look at the motion to recuse in the pre-trial in this case with Judge McKinnon, in the first paragraph of the motion, Defendant says this is a case where Plaintiff is going to assert gross negligence. . . Mr. Graham responds to that motion and doesn't say a word about that, why? Because he knows that the statute is involved in this case.

Id. at time stamp 23:00-23:45; *see also Id.* at 24:30-24:50. Rule 15(b) prejudice cannot be a result of the non-movant's own creation, as this record confirms. Consequently, the statutory emergency defense and gross negligence were far from merely "potential" issues at trial as this Court's Opinion posits. (*Slip Op.* at p. 4).

The trial proceedings further lined up with the expected- and predicted- invocation of the statutory emergency defense. Appellants' opening statement did much more than point to general facts and circumstances faced during delivery- it hit the bullseye of the statutory defense's textual command and manifest purpose, as follows:

> **Let me talk to you about an emergency, <u>an obstetrical emergency</u>**
>
> . . .
>
> Was this an obstetrical emergency. ***<u>Was Alexia in immediate danger of serious bodily harm or death as a result of this shoulder dystocia.</u>***

(*Id.* R. 283) (emphasis added). This statement of Appellants' position on the issues to be tried perfectly mirrors the emergency statute. *See* S.C. Code. Ann 15-32-230(a) ("In an action involving a medical malpractice claim arising out of care rendered in a **genuine emergency** situation involving **an immediate threat of death or serious bodily injury** to the patient receiving care in an emergency department or in an obstetrical or surgical suite, no physician may be held liable unless it is proven that the physician was grossly negligent.") (emphasis added). It is difficult to imagine a scenario under which Appellants' opening statement- *<u>taken right from the statute and at the earliest stage of the trial</u>*- was insufficient to alert Respondent that the affirmative defense, which Respondent admittedly expected, was at bar for disposition. And, notably, Respondent failed to object to Appellants' opening statement, thus impliedly consenting to try the statutory defense and waiving the right to challenge it later under South Carolina Supreme Court jurisprudence, which law was avoided in this Court's Opinion. *See e.g. State v. Wilkins*, 310 S.C. 81, 89, 425 S.E.2d 68 (1911) (a failure to make a contemporaneous objection stating the specific grounds during the opening statement confirmed that "[defendant] thereby lost his right to complain later on"); *see also State v. Lynn*, 277 S.C. 222, 284 S.E.2d 786 (1981) (finding that a

failure to make the required contemporaneous objection may not be "bootstrapped" by a subsequent motion or request).

There was also plenary evidence offered at trial on whether the shoulder dystocia complicated delivery at bar, was or was not, a genuine emergency. (R. 126-27, 283, 308-09, 415, 419, 770-776, 794-95) Dr. Miller, qualified as an expert in OB/GYN, testified, again right within the bullseye of the statutory emergency defense, ***that as soon as a shoulder dystocia is determined, the fetus is in immediate threat of serious bodily harm or death and that such a condition creates instability for the fetus and constitutes a genuine medical emergency***. (R. 770-76, 794-95) (emphasis added). To that end, this Court's ruling that the evidence offered at trial must, in this Court's view, "**point conclusively**" to the statutory emergency defense to be tried by implied consent is unsupported by precedent. *Armstrong v. Collins*, 366 S.C. 204, 230 ,621 S.E.2d 368 (2005). Instead, all that is required is "***sufficient evidence*** in the record indicating that the [statutory emergency defense] was an issue at trial." *Id.* (emphasis added). That standard is easily satisfied on the present record.

The record further establishes that Respondent not only had the *opportunity* to refute the statutory emergency defense, but further tried to refute- *and did refute*- the defense at trial. First, Respondent offered evidence that the shoulder dystocia complicated delivery was no *genuine* emergency at all. (R. 126-27, 283, 308-09, 415, 419, 770-776, 794-95). That evidence alone, if believed by the fact finder, would be sufficient to avoid application of the statutory defense without resorting to any heightened culpability standard. This is a critical point which distinguishes this case from *Dunbar* relied on by this Court. In *Dunbar,* the plaintiff had concluded her case when a statute of limitation affirmative defense was raised by a Rule 15(b) motion to amend, and a directed verdict was immediately granted against plaintiff ***on that limitations defense***. *Dunbar*,

341 S.C. at 265, 533 SE.2d at 915. Not so here. No directed verdict was granted on the statutory emergency defense, nor could it have been, since ***Respondent*** offered ample evidence tending to illustrate that the shoulder dystocia complicated delivery was not a genuine emergency at all at the time of delivery, and to argue that Dr. Miller had time to engage in further maneuvers for delivery.

And even after presentation of the evidence, Respondent's counsel stated his understanding- confirmed by the Circuit Court- that no final directed verdict ruling had been granted on gross negligence or recklessness and counsel sought to re-brief the issues, and did. (R. 1135). In fact, Respondent's counsel argued that the evidence he elicited from both Drs. Gureswich and Miller was sufficient to support the submission of *recklessness* to the jury. Specifically, Respondent's counsel contended that Dr. Miller "**was aware of the danger, he consciously applied as much traction as he intended and that was a devastating amount of traction that caused a life changing injury to Alexia**." (R. 1136) (emphasis added). A showing of recklessness means that gross negligence has already been satisfied and surpassed. *See Pier View Condo. Ass'n v. Johns Manville, Inc*. 2022 U.S. Dist. LEXIS 38602 (D. S.C. 2022) ("Under South Carolina law. . . reckless conduct is necessarily negligent and grossly negligent."). Thus, if a plaintiff proves reckless conduct, it would obtain complete recovery—under its gross negligence claim. *Id.*; *see also Berberich v. Jack* 392 S.C. 278, 287 (2011) ("It is well settled that negligence may be so gross as to amount to recklessness."). Respondent thus had the opportunity to refute the emergency defense, did so, and further even attempted to prove a heightened culpability[1] standard over simple negligence at trial and sought to submit the issue to the jury. (R. 1135-39).

[1] Respondent's counsel informed the trial court that he is "not a fan of gross negligence as a target for me to try to prove because of how it is defined. But recklessness is a different matter, "and "easier to prove." (R. 1138-39). This statement further shows there was no disadvantage to Respondent's counsel's claimed (but wrong) ignorance and inability to put in evidence of "gross

To that end, the opportunity to refute a defense is just that- *an opportunity*. An open chance to refute a defense does not- and cannot- guarantee the party opposing a Rule 15(b) amendment with the right to succeed in completely refuting the defense from every available legal angle. Prejudice, then, cannot result under Rule 15(b) when, as here, a party has a plain and unmistakable opportunity to refute a defense, - and actually does so at trial- here with plenary evidence that there was no genuine emergency and further by eliciting testimony of recklessness which subsumes gross negligence.

The Circuit Court rejected Respondent's showing of recklessness and declined to allow that claim to go to the jury. However, that directed verdict ruling does not negate the fact that Respondent attempted to satisfy the gross negligence standard at trial and thus had, and took advantage of, the "opportunity to refute" the statutory emergency defense. Everyone knew for years that the statutory emergency defense was at issue. Under South Carolina's liberal amendment policy to try cases on the merits, the amendment should have been permitted. *Pool, supra*, 329 S.C. 324, 329 (1998)("Rule 15(b) [is] intended to promote the objective of deciding cases on their merits rather than in terms of the relative pleading skills of counsel.")

Consequently, by denying the motion to amend, and Appellants' request to charge the jury on section 15-32-230, the trial court failed to instruct the jury with the controlling law, which is an abuse of discretion. *See Ross v. Paddy*, 340 S.C. 428, 437, 532 S.E.2d 612, 617 (Ct. App. 2000) ("Where a request to charge is timely made and involves a controlling legal principle, a refusal by the trial judge to charge the request constitutes reversible error."). Appellants were prejudiced by the failure to properly charge the jury because if Appellants' experts had been believed by the fact

---

negligence." Counsel expressly stated he was "not a fan" and preferred to try to prove "recklessness."

finder that there was temporally a genuine emergency, the statutory requirements of 15-32-230 would have been met, and the jury could have awarded Appellants a defense verdict. *Ellison v. Simmons*, 238 S.C. 364, 372, 120 S.E.2d 209, 213 (1961) (providing an erroneous jury instruction is grounds for reversal if the appellant was prejudiced by the erroneous instruction). Had section 15-32-230 been charged, Respondent would have had the argument that the case should still be submitted to the jury despite the failure on her part to present sufficient evidence of gross negligence (although she claimed to have presented evidence of recklessness). Such would have been based on Respondent's competing evidence that there was not yet a "genuine" emergency at the time of injury. Appellants should receive a new trial, and a jury should factually determine the merits of the statutory emergency defense, which is indeed applicable, but erroneously uncharged, law in this matter.

II. This Court Overlooked Or Misapprehended The Import Of Existing Cases Which Properly Keep The Legal Standards In Rule 15(a) And 15(b) Separate.

This Court's opinion practically eviscerates Rule 15(b) by effectively rendering trial amendments unavailable if the movant was aware of the defense before trial. This Court's opinion provides that if a party making a Rule 15(b) motion at trial has prior knowledge of an affirmative defense, that ***party ought to instead file a Rule 15(a) motion by formally moving to amend the pleading, before trial***. But there is no law in this state which imposes such a prerequisite.

Appellants made a Rule 15(b) motion below, which South Carolina law specifically authorizes. *Earthscapes Unlimited, Inc. v. Ulbrich*, 390 S.C. 609, 615, 703 S.E.2d 221, 224–25 (2010). The Opinion in this cause now engrafts a new standard under Rule 15(b)- that a trial court should be inclined to deny a Rule 15(b) motion because a Rule 15(a) motion to formally amend the pleadings was not made sooner. While delay or earlier failure to plead is an appropriate consideration in the context of deciding ***a Rule 15(a) motion*** to amend the pleadings before trial,

Rule 15(b)'s analysis is distinct and for good reason. Rule 15(b) motions are- by design- made at trial in order to conform with the practical realities of the issues and evidence presented. This case now imposes- and conflates- a traditional Rule 15(a) consideration of delay in making the motion to amend with a Rule 15(b) amendment, which by design can impose no such requirement. The governing prejudice analysis under Rule 15(b) is designed to examine whether ***the non-movant*** lacks notice that the new issue was going to be tried, and lacks an opportunity to refute it, ***not whether the movant was aware of the defense before trial***. The timing of the Rule 15(b) motion to conform was made precisely as intended below- during trial and after evidence and the issue were presented. The merger of Rule 15(a) and 15(b)'s standards, and imposition of a new delay feature under Rule 15(b), are unsupported by precedent in this state and further warrants rehearing and reversal.

III. This Court Overlooked Or Misapprehended Appellant's Argument on Appeal With Respect to Recusal

This Court's opinion characterizes Appellants' recusal argument as targeting, in general terms, the circuit court's Rule 15(b) ruling as demonstrating judicial bias. But that is not the case. Instead, Appellants articulated the reasons why circumstances could lead to the judge's impartiality being reasonably questioned, and Appellants cited this Court to South Carolina Supreme Court precedent, which holds that a judge's impartiality might reasonably be questioned when ***his factual findings*** *are not supported by the record. Ellis v. Procter & Gamble Distrib. Co*., 315 S.C. 283, 285, 433 S.E.2d 856, 857 (1993). Appellants argued that the circuit court's *factual findings* – specifically those underpinning its Rule 15(b) ruling, was unsupported by the record. The circuit court expressly found that it was not until *the defense* called Dr. Miller in the *defense case-in-chief* that the statutory defense elements were ever raised. (R. 821). This appeared as the critical *factual* basis for the trial court's Rule 15(b) ruling, but this finding is unsupported

by the record, and thus this recusal issue is directly controlled by *Ellis*. *See Ellis*, 315 S.C. at 285, 433 S.E.2d at 857 (noting evidence of judicial prejudice requiring recusal when the circuit judge's factual findings are unsupported by the record). In fact, the statutory emergency defense came up much sooner in the trial. (Defendants' Opening Statement, R. 283; Testimony of Dr. Duboe, R. 308-09; Testimony of Dr. Miller, R. 415, 419, 770, 772, 774, 776); (Testimony of Dr. Gurewitsch, R. 637; June 26, 2013 Depo. of Dr. Gurewitsch, R. 1612-14 (read into evidence at trial); Testimony of Dr. Lupo, R. 706).

Lastly, the circuit court agreed he would ordinarily have recused himself based on the articulated grounds in the motion pre-trial, but stated that since there were only two circuit court judges available in the circuit, and due to his prior law firm's amount of litigation in the circuit, it would be unfair to the prior law firm for him to recuse himself, as it would set a precedent. This is respectfully not a basis for denying the recusal motion. In light of the motion grounds, there being no proper basis for the denial of the motion, and then factual findings by the circuit court unsupported by the record, *Ellis* controls and requires rehearing and reversal.

Conclusion

Appellants respectfully request that this Court grant rehearing, reverse the trial judge's denial of Appellants' Rule 15(b) motion to amend to conform to the evidence and failure to recuse, and remand this cause for a new trial before a different circuit judge.

(Signature Page Follows)

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ C. Mitchell Brown

C. Mitchell Brown
SC Bar No. 012872
E-Mail: mitch.brown@nelsonmullins.com
A. Mattison Bogan
SC Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Attorneys for Appellants Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A.

Columbia, South Carolina

August 7, 2025

RECEIVED
Aug 07 2025
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

William B. McKinnon, Circuit Court Judge

Appellate Case No. 2022-000288

Angela Patton, as Next Friend of Alexia L., a minor, ... Respondent,

v.

Dr. Gregory A. Miller and Rock Hill Gynecological & Obstetrical Associates, P.A.,..... Appellants.

PROOF OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants, certify that I have served all counsel in this action with a copy of the document(s) specified below a copy by electronic mail to each attorney listed below using their primary email address listed in the Attorney Information System.

PLEADING(s): Appellants' Petition for Rehearing

Counsel Served:

Edward L. Graham, Esquire
Graham Law Firm, P.A
120 Donald Drive
Pendleton, SC 29670
egraham@grahamlawfirm.net

D. Bradley Jordan, Esquire
Jordan Law Firm, PC
PO Box 11785 (27931)
546 E Main St
Rock Hill, SC 29730
brad@jordanlawfirmpc.com

Ashby W. Davis, Esquire
Davis & Snyder, P.A.
5 Hawthorne Park Court

Greenville, SC 29615
adavis@davissnyder.com

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: _____
Eileen Hindman
Administrative Assistant

Columbia, South Carolina
August 7, 2025

NELSON MULLINS

C. Mitchell Brown
Attorney
T: (803) 255-9595
mitch.brown@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP
ATTORNEYS AND COUNSELORS AT LAW
1320 Main Street
17th Floor
Columbia, SC 29201
T: (803) 799-2000 F: (803) 256-7500
nelsonmullins.com

August 7, 2025

Via Hand Delivery

The Honorable Catherine S. Harrison
Chief Deputy Clerk, SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: *Patton, Angela v. Gregory A. Miller, MD, et al.*
Appellate Case No.: 2022-000288
NMRS File No. 072009/01500

Dear Ms. Harrison:

Enclosed is our check in the amount of $50.00 for the filing fee for Appellants' Petition for Rehearing in the above matter, which was electronically filed with the Court on August 7, 2025.

With kind regards, I remain

Sincerely yours,

s/ C. Mitchell Brown

C. Mitchell Brown

CMB:eh
Enclosure
cc: Edward L. Graham, Esquire (via email)
D. Bradley Jordan, Esquire (via email)
Ashby W. Davis, Esquire. (via email)