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SC Court of Appeals

ELECTRONICALLY FILED - 2025 Aug 29 11:43 AM - CHARLESTON - COMMON PLEAS - CASE#2021CP1003379

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge
Case No.: 2021-CP-10-03379

Appellate Case No. 2025-001304

Carolina Neurosurgery & Orthopedics, Inc.,.....Appellant/Respondent

v.

Michael A. Maucher, Esq. and DeLuca & Maucher, LLP, Respondents/Appellant

**RESPONDENTS/APPELLANTS' AMENDED
NOTICE OF CROSS-APPEAL**

Respondents/Appellants Michael A. Maucher, Esq., and DeLuca & Maucher, LLP, submit this amended notice of cross appeal pursuant to Rule 203(c), SCACR, of the following orders:

1. Judge van Slambrook's Order denying Defendants' Motion to Strike, dated November 6, 2024. **See Exhibit A.**
2. Judge van Slambrook's Order denying Defendants' Motion to Reconsider the Order denying the Motion to Strike, dated January 30, 2025. **See Exhibit B.**
3. Judge Salvini's Order denying Defendants' Motion for Sanctions, dated June 18, 2025. **See Exhibit C.**
4. Judge Salvini's Order denying Defendants' Motion to Reconsider the Order denying the Motion to Strike, dated August 25, 2025. **See Exhibit D.**

Appellant filed its Notice of Appeal on June 27, 2025. Appellant's Notice of Appeal was filed prior to the 10-day time expiring for Respondents to ask for reconsideration of the June 18, 2025 Order denying sanctions. Respondents asked the circuit court to reconsider its order denying sanctions on Monday, June 30, 2025. Out of an abundance of caution and while the motion to reconsider was pending, Respondents filed their Notice of Cross-Appeal on July 2, 2025, informing this Court of the same. In response, on July 3, 2025, this Court held the appeal in abeyance pending a decision on the motion to reconsider. Judge Salvini ruled on the motion to reconsider on August 25, 2025. *See Ex. D.* Accordingly, Respondents now amend their Notice of Cross-Appeal to include Judge Salvini's August 25, 2025 order denying the motion to reconsider.

COPELAND, STAIR, VALZ & LOVELL, LLP

This 29th day of August, 2025.

s/ Skyler C. Wilson

Douglas W. MacKelcan

S.C. Bar No.: 76332

Skyler C. Wilson

S.C. Bar No.: 102865

40 Calhoun Street, Suite 400

Charleston, SC 29401

dmackelcan@csvl.law

swilson@csvl.law

Phone: (843) 727-0307

Attorneys for Respondents/Appellants

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Jessica A. Salvini, Circuit Court Judge
Case No.: 2021-CP-10-03379

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Carolina Neurosurgery & Orthopedics, Inc.,.....Appellant/Respondent

v.

Michael A. Maucher, Esq. and DeLuca & Maucher, LLP,Respondents/Appellants

PROOF OF SERVICE

I certify that I have served *Respondents/Appellants' Amended Notice of Cross-Appeal* upon the parties below by electronic mail, addressed as follows:

Bess Jones DuRant, Esq.
Sowell & DuRant, LLC
1325 Park Street, Suite 100
Columbia, SC 29201
bdurant@sowelldurant.com
Counsel for Appellant/Respondent

Thomas A. Pendarvis, Esq.
710 Boundary Street, Unit 1
Beaufort, SC 29902
thomas@pendarvislaw.com
Counsel for Appellant/Respondent

This 29th day of August, 2025.

COPELAND, STAIR, VALZ & LOVELL, LLP

40 Calhoun Street, Suite 400
Charleston, SC 29401
dmackelcan@csvl.law
swilson@csvl.law
Phone: (843) 727-0307

s/Skyler C. Wilson
Douglas W. MacKelcan
S.C. Bar No.: 76332
Skyler C. Wilson
S.C. Bar No.: 102865
Attorneys for Respondents/Appellants

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2021-CP-10-03379

CAROLINA NEUROSURGERY & ORTHOPEDICS,
INC.,

Plaintiff,

vs.

Michael A. Maucher, Esq. and DELUCA &
MAUCHER, LLP

Defendants.

**ORDER DENYING DEFENDANTS’
MOTION TO STRIKE PLAINTIFF’S
SECOND AMENDED COMPLAINT
AND
POSTPONING HEARING ON
DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT**

THIS MATTER CAME BEFORE THE COURT on November 4 2024, for a hearing on the Defendants’ Motion to Strike Plaintiff’s Second Amended Complaint and the Defendants’ Motion for Summary Judgment. Thomas A. Pendarvis, Esq. appeared as counsel for Plaintiff, and Skyler C. Wilson, Esq. appeared as counsel for Defendants.

After reviewing the Defendants’ motion to strike, supporting memoranda, and hearing arguments of counsel, the Defendants’ Motion to Strike Plaintiff’s Second Amended Complaint is DENIED, and the hearing on the Defendants’ Motion for Summary Judgment is continued until another term of court.

AND IT IS SO ORDERED!

Dale E. Van Slambrook
Presiding Circuit Court judge

November 5, 2024

Charleston, South Carolina



Charleston Common Pleas

Case Caption: Carolina Neurosurgery & Orthopedics Inc VS Michael A Maucher ,
defendant, et al
Case Number: 2021CP1003379
Type: Order/Other

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge
#2781

Electronically signed on 2024-11-06 13:11:10 page 2 of 2

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
IN THE COURT OF COMMON PLEAS**

JUDGMENT IN A CIVIL CASE

CASE NO. 2021-CP-10-03379

CAROLINA NEUROSURGERY &
ORTHOPAEDICS, INC.

MICHAEL A. MAUCHER, ESQ.

PLAINTIFF(S)

DELUCA & MAUCHER, LLP
DEFENDANT(S)

<p>Submitted by: The Court.</p>	<p>Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant</p>
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (*CHECK REASON*):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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

This matter came before the Court on Defendant’s Motion to Reconsider, filed on November 18, 2024, which asks this Court to reconsider its ruling in its November 6, 2024 Order denying Defendant’s Motion to Strike. The Court timely received a copy of the Motion for Reconsideration; a Memorandum in opposition was filed by Plaintiff.

“The purpose of Rule 59(e), SCRPC, to alter or amend the judgment is to request the trial judge to reconsider the matters properly encompassed in a decision on the merits.” *Arnold v. State*, 309 S.C. 157, 172, 420 S.E.2d 834, 842 (1992). “A party may wish to file such motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party *must* file such a motion when an issue or argument has been raised but not rule on, in order to preserve it for appellate review.” *Elam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (emphasis in original). “A party cannot use a motion to reconsider to present an issue he could have raised prior to judgment but did not.” *Anderson Memorial Hosp., Inc., v. Hagen*, 313 S.C. 389, 434 S.E.2d 268 (1993); *See also Arnold*, 309 S.C. at 172-173, 420 S.E.2d at 842.

After consideration of the record, as well as the various interests balanced by the Court at the time of the ruling, the Defendant's Motion to Reconsider is heard and is respectfully Denied. This motion is disposed of without the necessity of a hearing and decided on the record and briefs.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge	2781 Judge Code	Date
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For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT



Charleston Common Pleas

Case Caption: Carolina Neurosurgery & Orthopedics Inc VS Michael A Maucher ,
defendant, et al

Case Number: 2021CP1003379

Type: Order/Other

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge
#2781

Carolina Neurosurgery & Orthopedics Inc
PLAINTIFF(S)

Michael A Maucher et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (*CHECK REASON*):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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

This matter is before the Court by way of Defendants' Motion for Sanctions filed on May 12, 2025. After reviewing the motion and the record, the Court declines to hold a hearing. Defendants' Motion for Sanctions is denied.

IT IS SO ORDERED.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/18/2025 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Charleston Common Pleas

Case Caption: Carolina Neurosurgery & Orthopedics Inc VS Michael A Maucher ,
defendant, et al
Case Number: 2021CP1003379
Type: Order/Electronic Form 4

So Ordered

Jessica A. Salvini

Electronically signed on 2025-06-18 15:55:58 page 3 of 3

FILED FROM CALENDAR - 2025 AUG 28 11 43 AM - CHARLESTON COMMON PLEAS - CASE# 2021 CP 1003379



Charleston Common Pleas

Case Caption: Carolina Neurosurgery & Orthopedics Inc VS Michael A Maucher ,
defendant, et al
Case Number: 2021CP1003379
Type: Order/Other

So Ordered

Jessica A. Salvini

From: [Wilson, Skyler C.](#)
To: [Bess DuRant](#); [Thomas A. Pendarvis](#)
Cc: [Amy Kelly](#); [Tracy Lyn Landry](#); [Mackelcan, Douglas W.](#); [Davis, Lars](#); [Rewt, Teri J.](#)
Bcc: [062608 Carolina Neurosurgery Orthopedics Inc v Michael A Maucher Esq and DeLuca Maucher LLP E Mail](#)
Subject: Carolina Neurosurgery v. Maucher, Esq., et al, Amended Notice of Cross Appeal
Date: Friday, August 29, 2025 11:23:56 AM
Attachments: [Amended Notice of Cross Appeal \(8.29.25\) w. Exs.pdf](#)
[image001.png](#)

Good morning,

Please find attached for service Respondents/Appellants' Amended Notice of Cross Appeal with Exhibits. We are filing the attached with the Court of Appeals today.

Best regards,

Skyler



Skyler C. Wilson
Partner
d: 843.266.8221 | f: 843.727.2995
swilson@csvl.law | www.csvl.law
40 Calhoun Street, Suite 400, Charleston, SC 29401

From: Rewt, Teri J.
Sent: Wednesday, July 2, 2025 1:02 PM
To: Bess DuRant <bdurant@sowelldurant.com>; Thomas A. Pendarvis <thomas@pendarvislaw.com>
Cc: Amy Kelly <akelly@sowelldurant.com>; Tracy Lyn Landry <tracy@pendarvislaw.com>; Mackelcan, Douglas W. <dmackelcan@csvl.law>; Wilson, Skyler C. <swilson@csvl.law>; Davis, Lars <ldavis@csvl.law>
Subject: Carolina Neurosurgery & Orthopaedics, Inc. v. Michael A. Maucher, Esq. and DeLuca & Maucher, LLP; Case No.: 2021-CP-10-03379; CSVL File No.: 62608

Good afternoon Bess and Thomas,

On behalf of Respondents Michael A. Maucher, Esq. and DeLuca & Maucher, LLP, we are electronically filing the attached Notice of Cross-Appeal in this case today.

Best regards,



Teri Rewt
Legal Assistant II
d: 843.329-8346 | f: 843.727.2995
trewt@csvl.law | www.csvl.law
40 Calhoun Street, Suite 400, Charleston, SC 29401