

Sep 29 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA) THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG) SEVENTH JUDICIAL CIRCUIT

Andrea Allen, as Personal Representative of)
the Estate of Albert Charles Jefferies,)
deceased,)

Plaintiff,)

vs.)

Chi Hun Lim, M.D., Megan Nicholas, PA,)
and Carolina Orthopaedic and)
Neurosurgical Associates, P.A.,)

Defendants.)

Civil Action No.: 2020-CP-42-2169

**ORDER ON DEFENDANT CAROLINA
ORTHOPAEDIC AND NEUROSURGICAL
ASSOCIATES, P.A.'S MOTION TO
INTERVENE AND MOTION TO SET
ASIDE ORDER**

This matter was before the Court for a hearing on Wednesday, August 27, 2025, upon Defendant Carolina Orthopaedic & Neurosurgical Associates, P.A.'s Motion to Intervene and Motion to Set Aside Order both filed on July 14, 2025. Present at the hearing for the Plaintiff were Gerald D. Jowers, Jr. and Luther J. Battiste, III. Present at the hearing for Carolina Orthopaedic & Neurosurgical Associates, PA were Gregory Brown, Louise Aponte, and Adam Bach. Present for Defendants Dr. Lim and Ms. Nicholas were Ashby Davis and Ryan Ginty. Additionally, Patrick McLaughlin was present as personal counsel for Dr. Lim. The hearing was conducted virtually and recorded by the WebEx record function with consent of all counsel.

The Court acknowledges the amount of research and preparation for the hearing by all counsel. After careful consideration of the record before me and the arguments of counsel at the hearing, for the reasons set forth below, the Court respectfully **DENIES** Carolina Orthopaedic & Neurosurgical, P.A.'s Motion to Intervene and Motion to Set Aside Order.

I. Procedural History

This medical negligence action began, as to the remaining Defendants, with a Notice of Intent to Sue filed on May 24, 2021. The Notice of Intent to Sue, on its face, asserted allegations of medical negligence against Dr. Lim, an orthopedic spine surgeon, and Megan Nicholas, a Physician Assistant, and vicarious liability, under the doctrine of *respondeat superior*, against their employer, a medical practice group. Following the mandatory pre-suit mediation, the Second Amended Complaint was filed on June 29, 2021. Defendants answered the Second Amended Complaint on August 30, 2021. Thereafter, the parties engaged in extensive discovery and trial preparation over the course of nearly four years. This action proceeded to a jury trial that began on June 2, 2025, and ended on June 6, 2025, with a jury verdict in favor of the Plaintiff.

II. Background

The medical practice that employed Dr. Lim and Ms. Nicholas during the relevant time publicly identifies itself as Carolina Orthopaedic & Neurosurgical Associates and uses the acronym “CONA.” The record before me reveals that the medical practice does not use its corporate name in its medical records, on its letterhead, on its website, or on its social media accounts. Even its CEO, Kelly Roper, does not use the corporate name in her email signature block. As a result, the practice group’s corporate name is not readily ascertainable from the information available in the public domain. This appears to be the source of the confusion regarding the correct corporate name that resulted in the issues now before the Court.

The Plaintiff, in her Notice of Intent to Sue and Second Amended Complaint, clearly asserted claims for vicarious liability against the medical practice group that employed Dr. Lim and Ms. Nicholas, identifying it as Carolina Orthopaedic & Neurological Associates, ASC, LLC.

Defendant answered the Second Amended Complaint on behalf of Dr. Lim, Ms. Nicholas, and in the name of Carolina Orthopaedic & Neurosurgical Associates, P.A. Thereafter, over the course of nearly four years, the parties, while referencing the medical practice that employed Dr. Lim and Ms. Nicholas, used the following names interchangeably: CONA, Carolina Orthopaedic & Neurosurgical Associates, P.A., and Carolina Orthopaedic & Neurosurgical Associates, ASC, LLC. Regardless of which name was used, it is evident from the record that the parties were always referring to the medical practice that employed Dr. Lim and Ms. Nicholas. It is equally clear from the record that defense counsel, Ashby Davis and Ryan Ginty, both of Davis & Synder, PA, were defending Dr. Lim's and Ms. Nicholas's employer in this action, regardless of which name was being used.

At the hearing, the Court was advised that after the jury's verdict, defense counsel was notified, for the first time, on or about June 12, 2025, that Plaintiff's Notice of Intent to Sue and Second Amended Complaint incorrectly named the medical practice group that does business as CONA. Defendants then filed their first Rule 59(e) motion on this issue on June 17, 2025. In the motion, Defendants asserted, for the first time, that Carolina Orthopaedic & Neurosurgical Associates, ASC, LLC has no employees, conducts no business, and was not involved in Mr. Jefferies' medical care. Defendants further asserted that the correct corporate name for the medical practice that employed Dr. Lim and Ms. Nicholas was Carolina Orthopaedic & Neurosurgical Associates, PA.

Plaintiff filed a written response and a hearing before this Court was held on July 2, 2025, via WebEx. At the hearing, the parties, through counsel, stipulated to substitute Carolina Orthopaedic & Neurosurgical Associates, P.A. for Carolina Orthopaedic & Neurological

Associates, ASC, LLC in the caption and with respect to the judgment entered on the jury's verdict. This Court then issued an Order to that effect on July 3, 2025.¹

Thereafter, Carolina Orthopaedic & Neurosurgical Associates, P.A. ("CONA PA") retained new counsel, Gregory Brown, Louise Aponte, and Adam Bach, and filed the motions now before the Court. In support of these motions CONA PA submitted Affidavits from its CEO, Kelly Roper, and Drs. Brown, Chittum, DiNicola, Willoughby, and Hoenig. The Affiants assert, *inter alia*, that CONA PA was never a party to this action and was not represented by Davis & Snyder, P.A. As such, Defendants argue, Davis & Snyder, PA had no authority to enter into the stipulation correcting the corporate name during the July 2nd hearing, and further, that CONA PA should be relieved entirely from the judgment on the jury's verdict. As will be discussed below, the record does not support those assertions, and the interests of justice do not support that result.

III. Carolina Orthopaedic and Neurosurgical Associates, P.A. is Already a Party

Contrary to its assertions in these motions and the supporting affidavits, CONA PA is already a party to this action. It filed an answer to the complaint on August 30, 2021. As such, there is no need for a motion to intervene—CONA PA is, and has been, a party to this action. In fact, as pointed out in Plaintiff's response to the earlier, and similar, Rule 59(e) post-trial motion, Carolina Orthopaedic and Neurosurgical Associates, ASC, LLC never answered the complaint.² Thus, CONA PA is the only business entity that answered the complaint directed to Dr. Lim, Ms. Nicholas, and their employer. In its answer, CONA PA admitted that it employed Dr. Lim and

¹ An error in this order was corrected by consent of the parties and with an Order entered on September 4, 2025.

² Carolina Orthopaedic and Neurosurgical Associates, ASC, LLC is a corporate entity that has the same address and the same registered agent as Carolina Orthopaedic and Neurosurgical Associates, P.A. The address for both is CONA's Spartanburg office, where Mr. Jefferies was seen. CONA's website does not identify the corporation that employs its healthcare providers.

Ms. Nicholas, that they were acting within the scope of their employment, and that it would be liable for their negligence.

By virtue of filing an answer to the complaint CONA PA made a general appearance and became a party defendant in this action. By filing an answer to the complaint CONA PA waived any objections it might have had to any defect in service of process and submitted itself to the jurisdiction of the court. *Strickland v. Consolidated Energy Products*, 274 S.C. 554, 265 S.E.2d 682 (1980); *H.S. Chisholm, Inc. v. Klinger*, 229 S.C. 8, 91 S.E.2d 538 (1956); *Beard-Laney, Inc. v. Darby*, 208 S.C. 313, 38 S.E.2d 1 (1946); *Payne v. Holliday Towers, Inc.*, 283 S.C. 210, 214, 321 S.E.2d 179, 181 (Ct. App. 1984).

Having filed an answer to the complaint and appeared in this action, CONA's arguments asserting a lack of adequate service of process are simply baseless. In *Cheraw Motor Sales Co. v. Rainwater*, 125 S.C. 509, 199 S.E. 237 (1923), the South Carolina Supreme Court held that the defendant waived its objection to the lack of service of process by filing its answer and proceeding to trial. Similarly, in *Beard-Laney, Inc. v. Darby*, 208 S.C. 313, 316, 38 S.E.2d 1, 3 (1946), our Supreme Court wrote that,

“[b]y making a general appearance and answering on the merits, these defendants waived not only defects and irregularities in the process, but also an entire want of process.”

The court further observed that,

“the purpose of the summons is to acquire jurisdiction of the person of the defendant and to give him notice of the action and an opportunity to defend.”

Id. at 318, 38 S.E.2d at 3.

Without question, CONA PA had notice of the action and an opportunity to defend itself. It answered the complaint. As will be discussed further below, it was represented by experienced counsel retained by its own insurance carrier. A vigorous defense was mounted on its behalf

over the course of nearly four years that culminated in a jury trial. Moreover, CONA PA's Chief Executive Officer, Kelly Roper, in her affidavit, acknowledged receiving a copy of the Notice of Intent to Sue, recognized that it was a medical malpractice action, recognized that it involved treatment of a deceased CONA PA patient by CONA PA employees, and forwarded it to CONA PA's insurance carrier. The Notice of Intent to Sue put her, and CONA PA, on actual notice that claims for vicarious liability were being asserted against Dr. Lim's and Ms. Nicholas's employer. She did, by her own admission, exactly what she would have done had CONA PA been correctly named in the caption of the Notice of Intent to Sue.

Accordingly, because CONA PA is already a party to this action, its Motion to Intervene is hereby **DENIED**.

IV. CONA PA's Motion to Set Aside Order

CONA PA's Motion to Set Aside Order is virtually the same as the Rule 59(e) motion filed on June 17, 2025, and resolved by stipulation at the hearing held on July 2, 2025. While the Court could deny the present motion based upon the prior stipulation, because of the importance of the issue to all involved, the Court will address it on the merits. In considering the issue, the Court is mindful of Rule 8, SCRCF, which requires pleadings to be construed so as to do substantial justice to all parties and our Supreme Court's instruction that, "the corporate fiction and rules surrounding it have been of inestimable service in the affairs of business, but they must be applied in a manner to promote justice, not to hinder it." *Long v. Carolina Baking Co.*, 190 S.C. 367, 3 S.E.2d 46 (1939).

As described above, the medical practice group, CONA, does not use its full corporate name on its medical records, letterhead, website, or social media. It does not publicly identify the corporate entity that employs its healthcare providers, including those involved in this action.

There are several similarly named corporate entities associated with CONA that share the same registered agent, address, owners and/or members. This is a situation that is ripe for confusion.

In this motion, CONA PA asserts that it was never a party and did not participate in the defense. These assertions are based upon the business entity named in the Plaintiff's Notice of Intent to Sue and Second Amended Complaint – Carolina Orthopaedic & Neurological Associates, ASC, LLC. CONA PA argues that this is a separate and distinct legal entity that has no employees, conducts no business, and was not involved in Mr. Jefferies' care. As such, CONA PA argues, Plaintiff named the wrong corporate entity at the outset and, therefore, CONA PA should be relieved of judgment on the jury's verdict, despite the intervening years of litigation in which this issue was never raised.

CONA PA's argument ignores several critical facts. First, CONA PA, despite any error in its proper name, filed an answer to the complaint by and through its attorneys, Davis & Snyder, PA. Second, CONA PA did not raise the issue of its corporate name at any time before the verdict and, in fact, led its own counsel and Plaintiff to believe that Carolina Orthopaedic & Neurosurgical Associates, ASC, LLC was a medical practice. Third, CONA PA's liability insurance carrier retained Davis & Snyder, PA to represent it in this action. Lastly, at trial counsel entered into a binding stipulation that any verdict against Dr. Lim and Ms. Nicholas was a verdict against CONA and should be entered as such.

As previously stated, Plaintiff named "Carolina Orthopaedic & Neurological Associates, ASC, LLC" in her Notice of Intent to sue and served it on the registered agent located at the same address as Plaintiff's decedent, Mr. Jefferies, received his medical care. CONA PA's CEO, Kelly Roper, acknowledged receiving a copy of the Notice of Intent to Sue and forwarding

it to CONA PA's liability insurance carrier, MagMutual, who also insured Dr. Lim and Ms. Nicholas.

We now know that the Notice of Intent to Sue contained a misnomer as to the correct corporate name for CONA, the medical practice. First, the use of "neurological" was incorrect. It should have been "neurosurgical" such that the name was Carolina Orthopaedic & Neurosurgical Associates. Second, the correct corporate suffix should have been "P.A." The Notice of Intent to Sue made perfectly clear, however, that the intended party was the medical practice that employed Dr. Lim and Ms. Nicholas. As such, the Notice of Intent to Sue put CONA PA's CEO, Kelly Roper, on actual notice of the allegations pertaining to Dr. Lim, Ms. Nicholas, and CONA PA, which she would have recognized to be the business entity implicated by the allegations. She forwarded the Notice of Intent to Sue to CONA PA's insurance carrier, which is the same thing she would have done had there not been a misnomer.

MagMutual retained experienced counsel, Davis & Snyder, PA to represent its insureds. On August 30, 2021, counsel filed an Answer to the Second Amended Complaint on behalf of Dr. Lim, Megan Nicholas, and Carolina Orthopaedic & Neurosurgical Associates, P.A. Despite the misnomer in the Notice of Intent to Sue and Second Amended Complaint, CONA PA answered the complaint and mounted a vigorous defense on the merits over the nearly four years that followed. By answering the complaint in the correct corporate name and defending the case on the merits, the misnomer was harmless, and any objections based upon it were waived long ago.

Misnomers regarding a corporate entity's name are not uncommon. South Carolina law on this subject is both longstanding and clear:

If it later appears that the true name of the corporation was different from the name under which it was sued, the misnomer is properly a subject of amendment.

However, failure to correct the corporate name does not invalidate the process or the judgment where the misnomer causes the corporation no prejudice.

Griffin v. Capital Cash, 310 S.C. 288, 292, 423 S.E.2d 143, 145 (Ct. App. 1992).

Indeed, the misnomer of a corporation in a notice, summons, or other step in the judicial process is immaterial if it appears that the corporation could not have been, or was not, misled. *Id.*, *Tunstall v. Lerner Shops*, 160 S.C. 557, 159 S.E. 2d. 386, 388 (1931); *McCall v. Ikon*, 363 S.C. 646, 653, 611 SE.2d 315, 318 (Ct. App. 2005). A misnomer in the corporate name can be corrected at any time, including after judgment has been entered. See *Tri-County Ice and Fuel Co. v. Palmetto Ice Co.*, 303 S.C. 237, 399 S.E.2d 779 (1990) (default judgment amended to substitute corporate name to correct misnomer).

In the present case, there was no prejudice to the corporation, nor can any prejudice be claimed now when the proper corporate entity, CONA PA, answered the complaint and defended itself on the merits. A corporate entity that answers the complaint, despite a misnomer as to its name, certainly cannot claim to have been misled. This alone is sufficient basis to deny CONA PA's motion. But there are other, equally compelling, reasons to do so.

Next, CONA PA did not raise the issue of its corporate name at any time before the verdict and, in fact, led its own counsel and Plaintiff to believe that CONA ASC, LLC was a medical practice that employed healthcare providers. The record reveals that Plaintiff served discovery on CONA ASC, LLC which, in its responses, stated that it was a medical practice, claimed that it followed the guidelines of the North American Spine Society, and produced the personnel files of Dr. Lim and Ms. Nicholas, as if it were their employer, and produced the medical records of Mr. Jefferies, as if it had a role in his medical care. Importantly, the record establishes that CONA PA's CEO, Kelly Roper, was consulted during the preparation of the

discovery responses. It was only after the verdict that Defendants asserted the opposite – that CONA ASC, LLC has no employees, conducts no business, and had no role in Mr. Jefferies’ medical care.

The record before me reveals that this is not the only case in which CONA ASC, LLC has represented that it was a medical practice that employed healthcare providers. In each of the following cases, other plaintiffs, represented by other counsel, alleged that CONA ASC, LLC was a medical practice that employed the defendant healthcare providers. In each of the following cases CONA ASC, LLC filed answers or other pleadings admitting those allegations³:

- a. See *Susan Allred v. Carolina Orthopaedic and Neurosurgical Associates, ASC, LLC and Timothy Monroe, MD.*, 2021-CP-42-03864;
Defense Counsel: Davis & Snyder, PA
- b. See *Denise Taylor and Steve Taylor v. Andrew Bruce McCraw, NP, Daniel Gerscovich, MD, and Carolina Orthopaedic and Neurosurgical Associates, ASC, LLC*, 2024-CP-42-04080;
Defense Counsel: Cassidy Coates Price, PA
- c. See *Christopher Ooley and Tiffany Ooley v. Spartanburg Regional Health Services District, Inc. d/b/a Spartanburg Medical Center and d/b/a Medical Group of the Carolinas; Carolina Orthopaedic & Neurosurgical Associates ASC, LLC, Upstate Carolina Radiology, PA, Jason Locke, MD, Amanda N. Faile, NP, Chi Hun Lim, MD, John Doe and ABC, Inc.*, 2025-CP-42-00918;
Defense Counsel: Davis & Snyder, PA
- d. See CONA ASC, LLC’s memorandum of law in support of motion to dismiss filed in the case of *Victor Elias Lee and Joyce Lee v. Andres Quios, Phillip G. Esce, MD, Physical Rehabilitation Group, LLC and Carolina Orthopaedic & Neurosurgical Associates ASC, LLC*, 2019-NI-42-00005.
Defense Counsel: Davis & Snyder, PA
- e. See also *James Campbell and Ella Campbell v. Jay B. Wheeler DO, and Medstream Anesthesia, PLLC, Spartanburg Regional Health Services District, Inc.*, both d/b/a Spartanburg Regional Hospital and Medical

³ The Court takes judicial notice of the contents of these public records.

Group of the Carolinas, Timothy O'Dell, PA and Carolina Neurosurgical Associates, ASC, LLC and Carolina Orthopaedic & Neurosurgical Associates, PA, both d/b/a Carolina Orthopaedic and Neurosurgery Associates, 2023-CP-42-01982.

Defense Counsel: Holcombe Bomar, P.A.

(In this case Plaintiffs alleged that CONA ASC, LLC and CONA PA both did business as CONA and both employed the defendant. Both entities admitted the allegations in the answer)

In each of the above cases CONA ASC, LLC admitted allegations, or asserted in a filed memorandum, that it was a medical practice that employed the defendant healthcare providers. The common denominator in all these cases is the client, not the law firm representing it. If CONA ASC, LLC truly conducts no business and has no employees, as it asserts here, then the problem is that CONA has not been giving its attorneys accurate information. That appears to be what happened here. At the hearing, Mr. Davis informed that Court that the first time he learned that CONA PA and CONA ASC, LLC were not one in the same was on June 12, 2025, after the verdict in this case. It is unclear why Dr. Lim and Kelly Roper, both of whom should have recognized this issue, said nothing about it at any time before the jury's verdict.

As such, CONA PA, whether intentionally or negligently, misled its own counsel and the Plaintiff, in this case and in others, as to identity of the business that employs its healthcare providers and as to the nature of CONA ASC, LLC. On these facts, it would be an extraordinary injustice to allow CONA PA to avoid the judgment on the jury's verdict. This Court will not permit such a result.

The present motions rely, in large part, on the Affidavits of CONA PA's CEO Kelly Roper and Drs. Brown, Chittum, DiNicola, Willoughby, and Hoenig. The Affiants assert, *inter alia*, that CONA PA was never a party to this action and was not represented by Davis & Snyder, P.A. As such, Defendants argue, Davis & Snyder, PA had no authority to enter into the

stipulation correcting the corporate name during the July 2nd hearing, and further, that CONA PA should be relieved entirely from the judgment on the jury's verdict. The evidence presented does not support these assertions and, in fact, establishes just the opposite.

In her Affidavit, CONA PA CEO Kelly Roper makes the following assertions:

- I have no affiliation with ASC (§ 5)
- CONA PA was not involved in the litigation (§ 15)
- The attorneys purporting to represent CONA PA do not represent CONA PA (§ 23).

The evidence presented, however, undermines each of these assertions. Contrary to her representation that she has no affiliation with ASC, she filed a change of registered agent form with the South Carolina Secretary of State's Office in May of 2021 on behalf of Carolina Orthopaedic & Neurosurgical Associates, ASC, LLC. In that document, she identified herself as a member of the organization. Further, Ms. Roper filed articles of organization for a limited liability company by the name of "CONA ASC, LLC" on January 5, 2018. In that filing, she identified herself as the organizer of the LLC.

Next, as to her assertions that CONA PA was not involved in the litigation and that Davis & Snyder, PA did not represent it, again, the record establishes otherwise. First, CONA PA filed an answer to the complaint. Second, in an email produced in discovery and dated July 7, 2021, Ms. Roper wrote, "please see the email below from the attorney that is representing Dr. Lim and CONA in the following claim." Similarly, following the August 27, 2025, hearing, attorney Ashby Davis submitted additional relevant email communications. In an email chain from March and April of 2022, Ms. Roper is consulted by Mr. Davis's office about CONA's discovery responses in this action. If CONA PA were not involved in this litigation, its CEO would not have been involved in answering discovery. Further, in an email dated June 11, 2021, Lisa

Hwang of MagMutual Insurance company notified CONA CEO Kelly Roper, Dr. Lim and Ms. Nicholas that Ashby Davis of Davis & Snyder, PA had been retained to represent them in this action.

For their part, the affidavits of Drs. Brown, Chittum, DiNicola, Willoughby, and Hoenig each contain the following assertions:

Dr. Brown:

- CONA PA was not involved in the litigation (§ 13)
- The attorneys purporting to speak for CONA PA do not represent CONA PA (§ 23)

Dr. Chittum:

- CONA PA was not involved in the litigation (§ 14)
- The attorneys purporting to speak for CONA PA do not represent CONA PA (§ 24)

Dr. DiNicola:

- CONA PA was not involved in the litigation (§ 11)
- The attorneys purporting to speak for CONA PA do not represent CONA PA (§ 20)

Dr. Willoughby:

- CONA PA was not involved in the litigation (§ 11)
- The attorneys purporting to speak for CONA PA do not represent CONA PA (§ 20)

Dr. Hoenig:

- CONA PA was not involved in the litigation (§ 13)
- The attorneys purporting to speak for CONA PA do not represent CONA PA (§ 23)

Each of these physicians serves on CONA PA's Board of Directors/Executive Committee.

Three of them, Drs. Hoenig, Chittum, and Brown, are also members of Carolina Orthopaedic & Neurosurgical Associates, ASC, LLC. The record before me does not support the above-cited assertions and, in fact, establishes just the opposite. The emails provided and filed in connection with this motion show that CONA PA's CEO Kelly Roper was well-aware of this action, participated in the defense, and knew that CONA was represented by Davis & Snyder, PA. The June 11, 2021, email from Lisa Hwang of MagMutual Insurance Company clearly shows that Davis & Snyder was retained to represent CONA PA in this action.

Being satisfied that Davis & Snyder, P.A. and its attorneys Ashby Davis and Ryan Ginty were retained to represent CONA PA in this action, the Court will turn to the stipulations made at trial and in the July 2nd hearing. At the trial of this case counsel for the Plaintiff and counsel for the Defendants entered into a stipulation that any verdict against Dr. Lim and Ms. Nicholas was a verdict against CONA and should be entered as such. This stipulation was reduced to writing, signed by counsel, stated in open court, and read to the jury in the Court's instructions on *respondeat superior*. The stipulation was consistent with the admissions contained within CONA PA's Answer to the Second Amended Complaint.

In the hearing on July 2, 2025, CONA PA's counsel, Ryan Ginty, agreed to stipulate to the substitution of CONA PA for CONA ASC, LLC in the caption of the case and with respect to the judgment. At the hearing counsel acknowledged that he had only recently learned of the issue relating to the corporate name. The Court is satisfied that Davis & Snyder, PA was retained to represent the medical practice group, CONA, and did, in fact, provide a vigorous defense on the merits from the inception of this action through the verdict and post-trial motions. The stipulation was appropriate and consistent with the conduct of the parties throughout the

extensive history of this case. Such a stipulation could have been entered into at any time once the issue regarding the corporate name was discovered.

Had Ms. Roper, or Dr. Lim, or anyone else at CONA PA alerted their attorneys to this issue earlier, this matter could have, and likely would have, been resolved in the same fashion. Once counsel became aware of the issue, he raised it and the parties, with the Court, worked together to resolve it by a stipulation that was consistent with the facts and applicable law. This is what our system expects from officers of the court and litigants.

“A stipulation is an agreement, admission, or concession made in judicial proceedings by the parties thereto or their attorneys.” *Kirkland v. Allcraft Steel Co.*, 329 S.C. 389, 392-93, 496 S.E.2d 624, 626, (1998). “Stipulations, of course, are binding upon those who make them.” *Id.* The court must accept stipulations as binding upon the parties. *McCrea v. City of Georgetown*, 384 S.C. 238, 332, 681 S.E.2d 918, 921 (2009). The Court finds that both stipulations, as described above, were appropriate and are binding on the parties pursuant to our caselaw and Rule 43(k), SCRCP.

In conclusion, the record before me shows that the medical practice group, CONA PA, was a proper party to this action, participated in the defense, and was well-represented by Davis & Snyder, PA throughout this litigation. Any error or misnomer as to CONA’s corporate name in the Notice of Intent to Sue and Second Amended Complaint was harmless, and any objections based upon it were waived long ago.

Accordingly, CONA PA’s Motions to Intervene and to Set Aside Order are **DENIED**.

IT IS SO ORDERED.

Grace G. Knie, Judge
Seventh Judicial Circuit

This _____ day of _____, 2025.



Spartanburg Common Pleas

Case Caption: Andrea Allen , plaintiff, et al VS Spartanburg Regional Health Services District, Inc. , defendant, et al

Case Number: 2020CP4202169

Type: Order/Intervene

IT IS SO ORDERED.

S/GRACE GILCHRIST KNIE - 2760