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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2017-CP-42-00219
Appellate Case No. 2025-000346

Jo Ann Blackwell, Michelene Brooks, and Samuel H. Owens, Jr., individually and on behalf of all others similarly situated, Respondents,

v.

Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; Professional Account Services, Inc..... Petitioners.

JOINT STATUS REPORT

Petitioners Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; and Professional Account Services, Inc. (collectively, “Petitioners”) and Respondents Jo Ann Blackwell, Michelene Brooks, and Samuel H. Owens, Jr. (collectively, “Respondents”) respectfully submit this Joint Status Report in compliance with the Court’s Order dated November 13, 2025.

The parties have agreed to the essential and material terms of a Class Settlement Agreement, and they are committed to taking the steps necessary to obtain the required judicial approval of their agreement. The parties further believe that their agreement is fair, reasonable, adequate, and in the best interests of the settlement class members. Having reached agreement on

the fundamental terms of a settlement, the parties are currently in the process of finalizing the details of a complete Class Settlement Agreement and the various related exhibits and documents, which will be necessary to obtain final court approval.

Although the law favors class action settlements, judicial approval is required because class action settlements are binding on absent class members. *See* Rule 23(d)(2), SCRCPP; *S.C. Nat'l Bank v. Stone*, 749 F. Supp. 1419, 1423 (D.S.C. 1990). A final settlement of this class action will require notice of the parties' agreed-upon settlement to class members, a fairness hearing, and court approval. *See* Rule 23(c), SCRCPP. Given the nature and content of the circuit court's prior orders and the essential terms of the parties' proposed Class Settlement Agreement, the circuit court will need to issue several new and/or modified orders before notice of the parties' proposed settlement can be given to class members, certain exhibits to the Class Settlement Agreement can be finalized, and a fairness hearing can be conducted. In particular, the class definition must be modified from the circuit court's prior certification order and a new HIPAA qualified order providing for notice to all class members must be issued.¹ When those new orders are issued, the Class Settlement Agreement and necessary exhibits can be truly finalized, and the Agreement can be executed and submitted to the circuit court for the approval process. In order to address and accomplish those needs, the pending appeals must be held in abeyance and the action remanded to the circuit court for the limited purpose of accomplishing those steps.

To accommodate the remand to the circuit court and to facilitate the process necessary to finalize the parties' agreed-upon settlement, the parties jointly request that the Petition for Certiorari and the other appeals pending at the Court of Appeals be stayed or held in abeyance

¹ Although the class definition certified by the trial court carved out Cigna insureds, the parties have agreed to seek certification of a Settlement Class in the Action that includes all affected individuals and fully resolves all claims that have been asserted in this case.

until the matters at the circuit court are concluded. If the parties' Class Settlement Agreement is given final approval by the circuit court, all matters can then be concluded or dismissed. If, for some reason, the circuit court declines to grant final approval of the parties' Class Settlement Agreement, the matters before this Court and the court of appeals can be resumed.

The parties propose that they will continue to provide this Court and the Court of Appeals with updated status reports every sixty (60) days, or sooner if events warrant.

s/ James Lynn Werner

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December 11, 2025
Columbia, South Carolina

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