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Dec 15 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2017-CP-42-00219
Appellate Case No. 2024-001546

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.,

Appellants,

APPELLANTS' STATUS REPORT

Appellants Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; and Professional Account Services, Inc. (collectively, "Appellants") submit this status update in compliance with the Court's Order (filed January 14, 2025) granting Appellants' motion to hold this appeal in abeyance until a final decision is issued in the related appeal, Appellate Case No. 2020-001613 (the "First Appeal") and the Court's Letter, dated July 18, 2025, confirming the stay of the case and requesting status updates every sixty (60) days.

On January 27, 2025, the Court denied Appellants' Petition for Rehearing in the First Appeal. Appellants timely filed a Petition for a Writ of Certiorari with the South Carolina Supreme Court. The Supreme Court issued an order granting Appellants' Petition for Writ of Certiorari on June 25, 2025.

The parties have completed the briefing process before the Supreme Court, and oral argument was originally scheduled to be held on November 18, 2025. However, prior to the Supreme Court holding oral argument, the parties participated in a lengthy mediation with Mr. Thomas W. Traxler serving as the mediator. At the conclusion of the mediation the parties reached an agreement in principle to settle the case, including the alleged class claims. This settlement includes all pending matters related to the underlying litigation, encompassing not only the First Appeal but also in this appeal. Thus, the parties moved the Supreme Court to hold the First Appeal in Abeyance while they finalize the terms of a complete and detailed class settlement agreement in accordance with the agreement reached at mediation.

On November 13, 2025, the Supreme Court issued an order holding the First Appeal in abeyance and instructing the parties to provide it with an update on the status of their settlement negotiations by December 12, 2025. A copy of the Supreme Court's order is attached hereto as **Exhibit A**. On December 11, 2025, the parties filed a Joint Status Report in compliance with the Supreme Court's order. A copy of the parties' Joint Status Report is attached hereto as **Exhibit B**. As stated in the Joint Status Report, 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. After the parties have finalized the Class Settlement Agreement, they intend to move to have the pending appeals partially remanded to the circuit court so that it may facilitate the process necessary to review and, if appropriate, approve the parties' agreed-upon class settlement.

As the First Appeal remains pending and the parties are finalizing a proposed class settlement agreement, Appellants will provide the Court with another status update within the next sixty (60) days in compliance with the Court's January 14, 2025, Order holding this appeal in abeyance.

s/Katon E. Dawson Jr.

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December 15, 2025
Columbia, South Carolina

The Supreme Court of South Carolina

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; and Professional Account Services, Inc., Petitioners.

Appellate Case No. 2025-000346

ORDER

The parties have filed a consent motion requesting that this Court cancel the oral argument scheduled on November 18, 2025, and hold this case in abeyance for sixty days to allow the parties to finalize their settlement agreement. The motion is granted, and this case shall be held in abeyance until January 12, 2026.

The parties shall file an update on the status of their settlement negotiations by December 12, 2025. If the parties have not reached a final agreement by that date, this case will tentatively be scheduled for argument during this Court's January term.¹



FOR THE COURT C.J.

¹ To the extent that the parties agree to a final settlement, any motion to dismiss or remand for approval of the settlement agreement should address whether the parties' agreement includes a request for vacation of the Court of Appeals' published opinion under Rule 261, SCACR.

Columbia, South Carolina
November 13, 2025

cc: Griffin Littlejohn Lynch
Rachel Gottlieb Peavy
Marghretta Hagood Shisko
John S. Simmons
John Belton White, Jr.
Katon Edwards Dawson, Jr.
James Lynn Werner

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S.C. SUPREME COURT

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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

s/ Marghretta H. Shisko

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and Professional Account Services, Inc.,

Appellants,

PROOF OF SERVICE

The undersigned hereby certifies that on December 15, 2025, a copy of **Appellants' Status Report** was served on all counsel of record via email containing the above referenced document to counsels' individual AIS email addresses as follows:

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Columbia, South Carolina