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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Diane S. Goodstein, Circuit Court Judge

Ronnie D. Tyson,.....Respondent,

v.

The Regional Medical Center of Orangeburg and Calhoun Counties,.....Appellant.

Final Reply Brief of Appellant

Michael C. Tanner # 12424
392 Second Street
Post Office Box 1061
Bamberg, SC 29003
(803)245-9153
michaelctannerllc@bellsouth.net
Counsel for Appellant, The Regional Medical Center of Orangeburg and Calhoun Counties

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STATEMENT OF THE CASE

This is an appeal from a medical malpractice action and settlement. The Respondent, Ronnie Tyson, filed a Complaint against the Appellant, The Regional Medical Center of Orangeburg and Calhoun Counties ("TRMC"). TRMC was a governmental hospital, and accordingly, this action against TRMC was brought pursuant to the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, et seq., at the time owned by Orangeburg and Calhoun Counties.

After the completion of discovery, this case was tried before Circuit Court Judge Diane Goodstein. The trial court submitted the case to the jury, which returned a verdict and awarded actual damages of $3 million to Ronnie Tyson and $0 to his wife for her consortium claim. The Appellant TRMC's post-trial motions were denied, except that the trial court did reduce the verdict to the statutory cap amount of $1.2 million under Sections 15-78-120(a)(3) and (4) of the Tort Claims Act, and entered judgment in the amount of $1.2 million.

The case was settled prior to an appeal. However, after the settlement, the Respondent claimed post-judgment interest and filed a motion on the same. After a hearing, Judge Goodstein found that no settlement occurred, and the Appellant TRMC filed a timely appeal to this Court.

ARGUMENTS

I. The trial court improperly found that a settlement had not occurred.

As set forth in its initial brief, appellant's discussions began with Plaintiff's attorneys about a resolution to this case after post-trial motions. Plaintiff argues that all arguments were not made, and appellant denies that and points to its return to the motion as well as the transcript of the hearing and pleadings.

Appellant asserts it did in fact comply with Rule 43(k). These settlement offers were memorialized by email on July 18, 2024. A response was provided that Plaintiff Ronnie Tyson wanted the reduced verdict of, $1.2 Million dollars, and a demand of $1.2 million was made by Mr. Culler on his client's behalf. Additional settlement discussions via phone calls and emails were conducted between the parties. Defendant's insurer decided to settle the matter for the demand. An email and required form to order the settlement check were sent to Attorney Culler on August 12, 2024. This should have met the requirements of Rule 43, SCRCP. Payment instructions were also requested and were provided to the undersigned the next day. The required form to order the settlement check was also received from Plaintiff. This form contains the signature of "Ronnie Tyson" and is dated August 12, 2024. This complied with Rule 43(k), SCRCP.

As asserted in the Initial Brief, there was never any demand orally or in writing, for any interest. [Record, Pgs 66-77] The only figure was the liability cap of $1.2 million dollars. These emails should meet the requirement of Rule 43, SCRCP. They further contain the signature of Plaintiff to the settlement check form with no qualification of interest. For Plaintiff to nineteen days later take a contrary position violates Rule 43, SCRCP and the principles of Hayne Federal Credit Union and its progeny. This settlement was relied on by Appellant to not file any additional

appeal as to the jury verdict. To then alter the settlement would prejudice Appellant and then would also be a violation of the doctrine of unclean hands. Williams v Jeffcoat The doctrine of unclean hands precludes a plaintiff from recovering in equity if he acted unfairly in a matter that is the subject of the litigation to the prejudice of the defendant. The unclean hands doctrine recognizes the

principle that one who seeks redress in a court of equity must himself not be guilty of some wrongdoing. For a party to succeed on an unclean hands defense, the conduct of the person sought to be barred from recovery under the doctrine need not necessarily have been of such a nature as to be punishable as a crime or as to justify legal proceedings of any character. Any willful act concerning the cause of action that rightfully can be said to transgress equitable standard of conduct is sufficient to establish a defense. Jeffcoat.

II. Did the trial court err in making an award of Post Judgment Interest?

Section 15-78-120 of the South Carolina Tort Claims Act establishes the monetary caps or limits on a governmental entity's liability for money damages. This argument was made at the Motion Hearing and is preserved.

Section 15-78-120(a)(3) provides that "[n]o person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved." S.C. Code Ann. § 15-78-120(a)(3). (Emphasis added). Additionally, Section 15-78-120(a)(4) establishes an aggregate cap of $1.2 million for multiple claims as follows: "The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved." S.C. Code Ann. § 15-78-120(a)(4).

Importantly, in Parker v. Spartanburg Sanitary Sewer District, 362 S.C. 276, 607 S.E.2d 711 (Ct. App. 2005), this Court, using mandatory language, states: "We conclude that the monetary

statutory cap is self-executing and the court is required to apply the monetary statutory cap to any jury verdict exceeding $300,000." 607 S.E.2d at 716. The same is true with respect to the statutory cap for torts committed by a physician pursuant to Section 15-78-120(a)(3). Notably, in Campbell v. City of North Charleston, 431 S.C. 454, 848 S.E.2d 788 (Ct. App. 2020), this Court again reaffirmed that "the plain meaning of the statute indicates this cap must be executed" and that "under the plain meaning of section 15-78-120(a), courts must apply the statutory cap to actions brought pursuant to the Act." 848 S.E.2d at 793-794. This Court also emphasized that "the application of the cap is mandatory and self-executing." 848 S.E.2d at 793.

Additionally, the General Assembly intended for the Tort Claims Act to be liberally construed to limit the liability of the state and its political subdivisions. The General Assembly did not leave such a construction to chance but included that rule explicitly in its codified legislative findings. See, S.C. Code Ann. § 15-78-20(f) ("The provisions of this chapter establishing limitations on and exemptions to the liability of the State, its political subdivisions, and employees, while acting within the scope of official duty, must be liberally construed in favor of limiting the liability of the State"). See also, Faile v. South Carolina Department of Juvenile Justice, 350 S.C. 315, 566 S.E.2d 536, 540 (2002) ("[p]rovisions establishing limitations on liability must be liberally construed in the State's favor"); Baker v. Sanders, 301 S.C. 170, 391 S.E.2d 229 (1990) (same). Thus, where there is an ambiguous or challenging term like the statutory definition of "occurrence," that provision must be liberally construed to limit the liability of the governmental entity.

Section 4 of Article V of the South Carolina Constitution requires that procedural rules must be subordinate to statutory law. That constitutional provision states: "The Supreme Court shall make rules governing the administration of all the courts of the State. Subject to the statutory law, the Supreme Court shall make rules governing the practice and procedure in all such courts." See, S.C. Const., art. V, § 4. (Emphasis added). In construing this provision, the Supreme Court in Stokes v. Denmark Emergency Medical Services, 315 S.C. 263, 433 S.E.2d 850 (1993), explained that "[t]he clause 'subject to the statutory law' establishes the intent to subordinate to the General Assembly the Court's rulemaking power in regard to practice and

procedure." 433 S.E.2d at 852. See also, Marichris v. Derrick, 384 S.C. 345, 682 S.E.2d 301, 305 (Ct. App. 2009) ("A rule of civil procedure may not limit the provisions of a statute").

Therefore, the settlement cannot be enlarged to encompass an amount over the liability cap of $1.2 Million dollars of the Tort Claims Act. As raised above, this argument was presented by the appellant. [Record p. 78-107]

CONCLUSION

Based on the foregoing discussion and analysis, the Appellant Regional Medical Center or Orangeburg and Calhoun Counties respectfully requests that the Court reverse in part the post-trial order of Circuit Court Judge Goodstein to reverse the award of post- judgment interest.

Respectfully submitted,

MICHAEL C. TANNER, LLC.

BY: *s/ Michael C. Tanner*
Michael C. Tanner # 12424
392 Second Street
Post Office Box 1061
Bamberg, SC 29003
(803)245-9153
michaelctannerllc@bellsouth.net
Counsel for Appellant, The Regional Medical Center of Orangeburg and Calhoun Counties

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CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Michael C. Tanner, LLC, Counsel for the Appellant, does hereby certify that service of the Final Reply Brief in the above-captioned matter was made upon all counsel of record by email only this 31th day of December 2025 as follows:

Glenn Walters, Esquire
1910 Russell Street
Post Office Box 1346
Orangeburg, SC 29116
Telephone: 803-531-8844
Fax: 803-531-3628
glennwalterspa@gmail.com

s/ Michael C. Tanner
Michael C. Tanner, #12424