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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Eugene H. Griffith, Jr.
Circuit Court Judge

Case No. 2020-CP-02-02238
Appellate Case No. 2024-000592

Cassiopia Rhoads.....Respondent-Appellant,

v.

Aiken County Sheriff's Office.....Appellant-Respondent.

**MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF BY THE SOUTH
CAROLINA ASSOCIATION OF JUSTICE**

Pursuant to Rule 213, SCACR, the South Carolina Association of Justice (“SCAJ”) hereby moves this Honorable Court for leave to file an *amicus curiae* brief on the issues presented on appeal in this matter.

SCAJ is a professional organization comprised of many South Carolina lawyers who regularly represent individuals in personal injury, wrongful death, medical malpractice, and other claims that commonly invoke settlements with private entities and simultaneously—albeit independently—invoke provisions against governmental entities under the South Carolina Tort Claims Act. Frequently, SCAJ member attorneys represent individuals against both governmental and non-governmental tortfeasors brought in the same lawsuit in accordance with the joinder rules set forth in the South Carolina Rules of Civil Procedure and the Federal Rules of Civil Procedure. SCAJ is therefore interested in this matter because the Court’s decision on whether S.C. Code Ann. § 15-78-70(d) bars recovery against governmental entities if a settlement with any non-

governmental entity is reached first could have a dramatic effect on the rights, remedies, and damages available to many of the parties SCAJ's members routinely and currently represent.

Given the magnitude and overarching effects that the Circuit Court's ruling, if affirmed, would have on the legal system, SCAJ finds it necessary to seek to file an *amicus* brief. SCAJ makes this motion and simultaneously files its provisional brief to address the legal and policy implications of the Circuit Court's interpretation of S.C. Code Ann. § 15-78-70(d), which threatens to curtail injured citizens' rights in cases involving both governmental and non-governmental actors.

SCAJ supports Cassiopia Rhoads's Initial Brief filed on March 24, 2025, and respectfully urges this Court to reverse the Circuit Court's Order vacating the jury's verdict by finding Respondent-Appellant Rhoads's prior settlement with Southern Health Partners constituted a qualifying settlement under S.C. Code Ann. § 15-78-70(d) and therefore served to bar her claims against the Aiken County Sheriff's Department. Such a ruling is contrary to this State's public policy favoring settlements and would greatly decrease judicial efficiency, unreasonably increasing the time and cost associated with bringing any case.

An *amicus* brief will provide the Court with an outline of the above considerations that it should weigh in deciding this appeal. Consequently, we respectfully ask the Court to consider SCAJ's *amicus* brief, a copy of which it has been conditionally filed with this motion.

Respectfully submitted,

s/Frank L. Eppes
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