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Mar 18 2026

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; and Professional Account Services, Inc., ..... Appellants.

**Joint Motion for Partial Remand**

Pursuant to Rules 220(a), 240, and 241 of the South Carolina Appellate Court Rules, Appellants Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; and Professional Account Services, Inc. (collectively, “Appellants” or “Defendants”) and Respondents Jo Ann Blackwell, Michelene Brooks, and Samuel H. Owens, Jr. (collectively, “Respondents” or “Plaintiffs”) respectfully join and move the Court to issue an order continuing to hold this appeal in abeyance and remanding the case to the circuit court for the limited purpose of facilitating the approval of the Class Action Settlement agreed-upon by the parties, including: (1) modifying the definition of the certified class for settlement purposes; (2) appointing class counsel for the new or additional members of the settlement class; (3) issuing a HIPAA Qualified

Protective Order; (4) considering and deciding preliminary approval of the proposed Class Settlement; (5) holding the Fairness Hearing; and (6) entering any such final or related orders necessary to approve and effectuate approval of the settlement pursuant to Rule 23, SCRCP.

The underlying action is a putative class action filed by Plaintiffs in the Spartanburg County Court of Common Pleas. Plaintiffs allege that Defendants are liable to them on causes of action for tortious interference with contractual relationship, unjust enrichment, and injunctive relief. On September 16, 2024, Defendants filed a Notice of Appeal, appealing fourteen (14) interlocutory orders issued by the circuit court and initiating this appeal. However, Defendants moved to hold this appeal in abeyance until a final decision is issued in a related appeal, Appellate Case No. 2020-001613<sup>1</sup> (the “First Appeal”). On January 14, 2025, this Court issued an order holding this appeal in abeyance.

On January 27, 2025, this 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 completed the briefing process before the Supreme Court; however, prior to the Supreme Court holding oral argument, the parties participated in a lengthy mediation. 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 this appeal. Thus, the parties moved the Supreme Court to hold the First Appeal in Abeyance while they finalized the

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<sup>1</sup> Appellate Case No. 2025-000346 in the Supreme Court.

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 in thirty (30) days. On December 11, 2025, the parties filed a Joint Status Report in compliance with the Supreme Court's order. On December 17, 2025, the Supreme Court issued an order remanding the case to the circuit court for consideration of the parties' settlement agreement. A copy of the Supreme Court's order remanding the First Appeal is attached hereto as **Exhibit A**.

Rule 23(c), SCRCF, requires court approval for class settlements and, therefore, the parties' Class Action Settlement Agreement in this case must be reviewed and approved by the circuit court. To effectuate and obtain the requisite judicial approvals, and to ensure the circuit court has complete jurisdiction over these matters,<sup>2</sup> the parties seek a partial remand of this appeal to the circuit court as described above. Rule 220(a), SCACR, authorizes such a remand, which is necessary and appropriate to permit the circuit court to fulfill its Rule 23, SCRCF, obligations in relation to approval of the parties' proposed Class Action Settlement Agreement.

For the foregoing reasons, the Parties jointly and respectfully request that this Court grant their motion and enter an order holding this appeal in abeyance and remanding the case to the circuit court for the limited purpose of facilitating the approval of the parties' agreed-upon settlement of this class action, including: (1) modifying the definition of the certified class for settlement purposes; (2) appointing class counsel for the new or additional members of the settlement class; (3) issuing a HIPAA Qualified Protective Order; (4) considering and deciding

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<sup>2</sup> See, e.g., Rule 205, SCACR.

preliminary approval of the proposed Class Settlement; (5) holding the Fairness Hearing; and (6) entering any such final or related orders necessary to approve and effectuate approval of the settlement pursuant to Rule 23, SCRCP.

*s/Katon E. Dawson Jr.*

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James Lynn Werner, (SC Bar No. 6029)  
Katon E. Dawson, Jr. (SC Bar No. 101167)  
Parker Poe Adams & Bernstein LLP  
1221 Main Street, Suite 1100  
Columbia, SC 29201  
(803) 255-8000  
jimwerner@parkerpoe.com  
katondawson@parkerpoe.com

*Attorneys for Appellants Mary Black Health System, LLC,  
d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; and  
Professional Account Services, Inc.*

*s/Marghretta H. Shisko*

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John B. White, Jr. (S.C. Bar No. 5996)  
Marghretta H. Shisko (S.C. Bar No. 100106)  
Griffin L. Lynch (S.C. Bar No. 72518)  
John B. White, Jr. P.A.  
291 S. Pine Street  
P.O. Box 2465 (29304)  
Spartanburg, SC 29302  
jwhite@johnbwhitelaw.com  
mshisko@johnbwhitelaw.com  
glynch@johnbwhitelaw.com

John S. Simmons (S.C. Bar No. 10260)  
Rachel G. Peavy (S.C. Bar No. 69397)  
Simmons Law Firm, LLC  
1711 Pickens Street  
Columbia, SC 29201  
(803) 779-4600  
jsimmons@simmonsfirm.com  
rpeavy@simmonsfirm.com

*Attorneys for Respondents Jo Ann Blackwell, Michelene  
Brooks, and Samuel H. Owens, Jr.*

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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; and Professional Account Services, Inc.,

Appellants,

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on March 18, 2026, a copy of **Joint Motion for Partial Remand** was served on all counsel of record via email containing the above referenced document to counsels' individual AIS email addresses as follows:

John B. White, Jr. (S.C. Bar No. 5996)  
Marghretta H. Shisko (S.C. Bar No. 100106)  
Griffin L. Lynch (S.C. Bar No. 72518)  
John B. White, Jr. P.A.  
291 S. Pine Street  
P.O. Box 2465 (29304)  
Spartanburg, SC 29302  
[jwhite@johnbwhitelaw.com](mailto:jwhite@johnbwhitelaw.com)  
[mshisko@johnbwhitelaw.com](mailto:mshisko@johnbwhitelaw.com)  
[glynch@johnbwhitelaw.com](mailto:glynch@johnbwhitelaw.com)

John S. Simmons (S.C. Bar No. 10260)  
Rachel G. Peavy (S.C. Bar No. 69397)  
Simmons Law Firm, LLC  
1711 Pickens Street  
Columbia, SC 29201  
(803) 779-4600  
[jsimmons@simmonsfirm.com](mailto:jsimmons@simmonsfirm.com)  
[rpeavy@simmonsfirm.com](mailto:rpeavy@simmonsfirm.com)

*Attorneys for Respondents Jo Ann  
Blackwell, Michelene Brooks, and Samuel  
H. Owens, Jr.*

PARKER POE ADAMS & BERNSTEIN LLP

*s/Katon E. Dawson Jr.*

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James Lynn Werner, (SC Bar No. 6029)  
Katon E. Dawson, Jr. (SC Bar No. 101167)  
Parker Poe Adams & Bernstein LLP  
1221 Main Street, Suite 1100  
Columbia, SC 29201  
(803) 255-8000  
[jimwerner@parkerpoe.com](mailto:jimwerner@parkerpoe.com)  
[katondawson@parkerpoe.com](mailto:katondawson@parkerpoe.com)

*Attorneys for Appellants Mary Black Health System, LLC,  
d/b/a Mary Black Memorial Hospital; CHSPSC, LLC; and  
Professional Account Services, Inc.*

March 18, 2026  
Columbia, South Carolina



**Katon E. Dawson, Jr.**  
t: 803.253.6854  
f: 803.255.8017  
katondawson@parkerpoe.com

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March 18, 2026

**VIA HAND-DELIVERY AND E-MAIL:**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201  
ctappfilings@sccourts.org

**Re: Jo Ann Blackwell, Michelene Brooks, and Samuel H. Owens, Jr., individually and on behalf of all others similarly situated, v. Mary Black Health System, LLC, d/b/a Mary Black Memorial Hospital, CHSPSC, LLC, and Professional Account Services, Inc.; Appellate Case No.: 2024-001546**

Dear Mrs. Kitchings:

Enclosed for filing in the *Jo Ann Blackwell, et al v. Mary Black Health System, LLC, et al*, Appellate Case No.: 2024-001546, matter please find one copy of parties' Joint Motion for Partial Remand. Copies of same are being provided to all counsel of record via e-mail.

Additionally, Check No. 527411 in the amount of \$50.00 which covers our filing fee, is being hand-delivered to your office.

Should you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,

*s/Katon E. Dawson, Jr.*

Katon E. Dawson, Jr.

KED/aeb  
Enclosures  
cc: All Counsel of Record on Proof of Service