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S.C. SUPREME COURT

Senior Associate General Counsel
Prisma Health Legal Department
300 E. McBee Ave Suite 140
Greenville, SC 29601

March 23, 2026

Sent via Electronic Mail to Counsel of Record

Tom Vestal Evans v. Elizabeth Evans in the Greenville County Probate Court and Greenville County Court of Common Pleas

Re: Notice of Institutional Concerns, Preservation of Rights, and Preservation of Evidence

Patient: D.E.

Matter: Ongoing Health Care Decision-Making Litigation

Dear Counsel:

Prisma Health provides this notice jointly to all counsel of record in the above-referenced matter concerning events identified between March 19 and March 22, 2026, while Greenville Memorial Hospital provided care to D.E. Because the patient is the subject of ongoing litigation, and because several developments raise legal, safety, evidentiary, and institutional concerns, Prisma Health is providing prompt notice, preserving its rights, and taking steps to evaluate whether additional action is necessary.

This notice is intended to be direct and transparent. Prisma Health's present objective is to protect patient safety, preserve relevant evidence, discharge its institutional obligations, and ensure that any next steps are taken in an orderly and appropriate manner.

Based on information presently available, the Hospital has identified several matters that warrant formal notice.

First, Hospital personnel discovered a concealed electronic recording device in the patient's room. The device appeared to be capable of covert recording and was observed turning on intermittently. Prisma Health has reason to believe the device may have remained in the room for a period of at least approximately one week, and possibly longer, without the Hospital's knowledge or authorization. Under South Carolina law, interception of wire, electronic, or oral communications is authorized only as permitted by statute, and a person not acting under color of law may lawfully intercept such communication only if that person is a party to the communication or one of the parties has given prior consent. S.C. Code Ann. § 17-30-10S.C. Code Ann. § 17-30-30. These circumstances potentially implicate violations of the South Carolina Wiretapping and Electronic Surveillance Act, including S.C. Code Ann. § 17-30-20, which makes it a felony, except as otherwise

specifically authorized by law, for any person to intentionally intercept or attempt to intercept, or to procure another to intercept or attempt to intercept, any wire, oral, or electronic communication. The statute further prohibits the intentional use, attempted use, or procurement of another to use any electronic, mechanical, or other device to intercept oral communications, including where such device is affixed to or transmits a signal through a wire, cable, or similar connection, or where the device transmits communications by radio or otherwise interferes with the transmission of the communication. See S.C. Code Ann. § 17-30-20(1), (2)(a)–(b).

Second, the Hospital received inquiries from law enforcement referring to forensic toxicology results purportedly obtained on March 19, 2026. Prisma Health was not notified of, did not authorize, did not order, and did not participate in any such testing. If biological material was obtained from the patient outside authorized clinical processes, that would raise substantial concerns regarding unauthorized bodily intrusion and related interference with patient care. South Carolina's assault and battery statute addresses unlawful injury and attempted injury, with graduated degrees based on the nature of the conduct and resulting harm. S.C. Code Ann. § 16-3-600

Third, Hospital staff observed and addressed unauthorized removal of medical devices by family members. To the extent any person removed, manipulated, or interfered with medical equipment in the patient's room, those actions raise independent patient-safety concerns and may bear directly on factual issues that are already implicated in the pending dispute. Prisma Health is continuing its internal review of those events.

Fourth, Prisma Health has been informed that law enforcement is investigating allegations that Hospital personnel intentionally poisoned the patient. Prisma Health categorically rejects that allegation. At the same time, because such allegations can affect patient care, staff safety, institutional operations, and the integrity of pending proceedings, Prisma Health is treating the matter with appropriate seriousness and preserving all available rights.

These developments may also carry professional-responsibility implications depending on what any participant knew, received, directed, used, or failed to correct. Under Rule 3.3, a lawyer may not knowingly make a false statement of fact or law to a tribunal, fail to correct a prior false statement of material fact or law, or offer evidence the lawyer knows to be false, and a lawyer who knows a person has engaged in criminal or fraudulent conduct related to the proceeding must take reasonable remedial measures. Rule 3.3, Rule 407, SCACR Under Rule 4.4, a lawyer may not use means that have no substantial purpose other than to burden a third person or use methods of obtaining evidence that violate that person's legal rights. Rule 4.4, Rule 407, SCACR Rule 407 also includes Rules 3.3, 4.4, and 8.4 among South Carolina's Rules of Professional Conduct. Rule 407, SCACR

Prisma Health is therefore taking the following positions.

Prisma Health is evaluating retention of outside counsel to advise on its legal, regulatory, evidentiary, and institutional interests.

Prisma Health is preserving all rights, remedies, privileges, defenses, and positions available to it.

Prisma Health will continue to cooperate with appropriate law enforcement and regulatory authorities to the extent required or appropriate.

Prisma Health expects that all participants in this matter will act promptly to preserve relevant evidence and avoid any further interference with patient care, Hospital operations, witnesses, records, devices, communications, or other potentially relevant materials.

Accordingly, this letter also constitutes a formal preservation notice. Each recipient is requested to take immediate steps to preserve, and to direct clients and agents to preserve, all potentially relevant evidence, including:

1. Any recording device, camera, storage medium, mobile phone, tablet, laptop, smartwatch, or other device brought into or used in or near the patient's room.
2. Any audio recording, video recording, photograph, metadata, upload log, cloud storage record, text message, email, voicemail, direct message, social media message, or other communication relating to the patient, the Hospital, Hospital staff, alleged toxicology testing, alleged poisoning, or any event occurring at the Hospital.
3. Any specimen, container, tube, swab, bag, paperwork, chain-of-custody material, report, requisition, invoice, receipt, shipping information, or communication relating to any toxicology or forensic testing allegedly performed on or after March 19, 2026.
4. Any communications with law enforcement, investigators, laboratories, experts, consultants, media representatives, or third parties relating to the patient, the Hospital, or any allegation involving poisoning, tampering, recording, specimen collection, or staff conduct.
5. Any notes, diaries, calendars, timelines, memoranda, drafts, pleadings, affidavits, declarations, or witness statements relating to the matters referenced in this notice.
6. Any evidence concerning removal, adjustment, disconnection, or handling of medical equipment, tubing, lines, monitors, pumps, or other patient-care devices.

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7. Any location data, access logs, visitor logs, call logs, and message histories reflecting presence in the Hospital or communications about activities occurring there.

Please suspend any routine deletion, overwrite, autodelete, device replacement, or document-destruction practices that could affect potentially relevant information.

Nothing in this notice should be read as an accusation against counsel personally. Prisma Health is issuing this correspondence because the circumstances require a clear institutional record, preservation of evidence, and careful evaluation of next steps. Prisma Health's preference is that these issues be handled responsibly and without unnecessary escalation. If further action becomes necessary to protect the Hospital's interests, patient safety, or the integrity of the proceedings, Prisma Health will proceed accordingly.

Please direct communications on these issues to undersigned counsel and, once engaged, to outside counsel for Prisma Health.

We trust counsel will convey the gravity of these matters to their respective clients and take immediate steps to preserve all potentially relevant evidence.

Please direct any communications regarding these issues to undersigned counsel or, once retained and communicated, to Prisma Health's outside counsel.

Sincerely,



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