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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Circuit Court Judge

Case No. 2024-CP-42-05047
Appellate Case No. 2025-001589

John G. Falcon, Respondent,

v.

ScribeAmerica, LLC, Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc., Defendants,

of which Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc., are the Appellants.

CONSENT MOTION AND AGREEMENT TO REMAND

Respondent John G. Falcon (“Respondent”) and Appellants Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc. (collectively, “Appellants”) move the Court by agreement pursuant to Rules 240 and 261(a), SCACR for entry of an order remanding this matter to the circuit court for further proceedings, including the instruction to grant Appellants’ March 13, 2025 Motion to Stay and Compel Alternative Dispute Resolution, with the matter to be stayed only as to Appellants.

Appellants filed this appeal challenging the circuit court’s June 5, 2025 Order determining that Appellants’ Motion to Stay and Compel ADR “must be stayed, held in abeyance, pending discovery to be conducted by the parties.” (Order, 1, June 5, 2025). By letter dated February 17, 2026, Respondent informed the Court of Appeals that Respondent did not intend to defend against the present appeal (February 17, 2026 Correspondence). After consultation, the Respondent and Appellants move and agree as follows:

1. This matter should be remanded to the circuit court for further proceedings, including the instruction to enter an order granting Appellants’ March 13, 2025 Motion to Stay and Compel Alternative Dispute Resolution, with the matter to be stayed only as to Appellants.
2. Said Order shall indicate that (a) Respondent’s claims against Appellants are subject to the mandatory alternative dispute resolution (“ADR”) provisions set forth in Section 9.1 of the April 1, 2020 Physician Employment Agreement (“PEA”); (b) Respondent and Appellants shall comply with the mandatory ADR provisions set forth in Section 9.6 of the PEA as to the claims set forth in this matter; and (c) the circuit court matter shall be stayed as to Appellants only, pursuant to Rule 26(c), SCRCF and Article 3 of the Federal Arbitration Act, pending outcome of the mandatory ADR process.
3. Neither Respondent nor Appellants shall seek costs on appeal pursuant to Rule 222, SCACR.

Wherefore, Respondent and Appellants respectfully move the Court by agreement pursuant to Rules 240 and 261(a), SCACR for entry of an order remanding this matter to the circuit court for further proceedings, including the instruction to enter an order granting Appellants’ March 13,

2025 Motion to Stay and Compel Alternative Dispute Resolution, with the matter to be stayed only as to Appellants, as set forth above.

A proposed Order is attached hereto as Exhibit A.

WE SO MOVE, AGREE, AND CONSENT:

s/Stephen H. Brown
Stephen H. Brown (SC Bar # 957)
STEPHEN H. BROWN, LLC
Federal ID No. 1530
330 East Coffee Street
Greenville, South Carolina 29601
(864) 272-3424
stephen@stephenbrownlawfirm.com

Attorney for the Respondent

s/Joshua T. Thompson
Perry D. Boulier (SC Bar # 9833)
Joshua T. Thompson (SC Bar # 79137)
Katheryn B. Thompson (SC Bar # 105394)
BOULIER THOMPSON & BARNES, LLC
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Counsel for Appellants

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ScribeAmerica, LLC, Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc., Defendants,

of which Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc., are the Appellants.

[PROPOSED] ORDER REMANDING CASE

This matter comes before the Court pursuant to Rules 240 and 261(a), SCACR. Respondent and Appellants, by agreement, move the Court for an Order remanding this matter to the circuit court for further proceedings, including the instruction to enter an order granting Appellants’ March 13, 2025 Motion to Stay and Compel Alternative Dispute Resolution, with the matter to be stayed only as to Appellants.

ANALYSIS

Appellants filed this appeal challenging the circuit court’s June 5, 2025 Order determining that Appellants’ Motion to Stay and Compel ADR “must be stayed, held in abeyance, pending discovery to be conducted by the parties.” (Order, 1, June 5, 2025). By letter dated February 17, 2026, Respondent informed the Court of Appeals that Respondent did not intend to defend against the present appeal (February 17, 2026 Correspondence).

After consultation, the Respondent and Appellants have agreed as provided by Rule 261(a), SCACR:

1. This matter should be remanded to the circuit court for further proceedings, including the instruction to enter an order granting Appellants' March 13, 2025 Motion to Stay and Compel Alternative Dispute Resolution, with the matter to be stayed only as to Appellants.
2. Said Order shall indicate that (a) Respondent's claims against Appellants are subject to the mandatory alternative dispute resolution ("ADR") provisions set forth in Section 9.1 of the April 1, 2020 Physician Employment Agreement ("PEA"); (b) Respondent and Appellants shall comply with the mandatory ADR provisions set forth in Section 9.6 of the PEA as to the claims set forth in this matter; and (c) the circuit court matter shall be stayed as to Appellants only, pursuant to Rule 26(c), SCRCF and Article 3 of the Federal Arbitration Act, pending outcome of the mandatory ADR process.
3. Neither Respondent nor Appellants shall seek costs on appeal pursuant to Rule 222, SCACR.

CONCLUSION

Based upon the foregoing agreement of Respondent and Appellants, we remand to the circuit court for further proceedings, consistent with this Order, specifically including the instruction to enter an order granting Appellants' March 13, 2025 Motion to Stay and Compel Alternative Dispute Resolution, with the circuit court matter to be stayed as to Appellants only, pending outcome of the ADR process, as set forth above.

REMANDED.

From: [Josh Thompson](#)
To: [Stephen Brown](#); [Kinney, Charles A.](#)
Cc: [Perry Boulier](#); [Katheryn Thompson](#); [Lori Copeland](#); [Jenna Bynum](#)
Subject: Falcon v. SRHS (Appellate Case No. 2025-001589)
Date: Friday, April 3, 2026 8:31:57 AM
Attachments: [Falcon v ScribeAmerica Consent Motion to Remand FINAL.pdf](#)
[image001.png](#)

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Counsel:

I am attaching a Consent Motion and Agreement to Remand that are being electronically filed today with the South Carolina Court of Appeals.

Pursuant to Rule 262(c)(3), SCACR and Section (d)(1) of the South Carolina Supreme Court's August 25, 2021 Order (Order No. 2021-08-25-02), please consider this email as service for both documents.

Thank you,

Josh Thompson

Joshua T. Thompson
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**BOULIER THOMPSON
& BARNES, LLC**
ATTORNEYS AT LAW

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John G. Falcon, Respondent,

v.

ScribeAmerica, LLC, Spartanburg
Regional Health Services District,
Inc., and Thomas M. Boyd, both
Personally, and in his official
Capacity as an employee of
Spartanburg Regional Health
Services District, Inc., Defendants,

Of whom Spartanburg
Regional Health Services District,
Inc., and Thomas M. Boyd, both
Personally, and in his official
Capacity as an employee of
Spartanburg Regional Health
Services District, Inc., are the Appellants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on April 3, 2026, he served Respondent’s counsel and counsel for Defendant ScribeAmerica, LLC with the **CONSENT MOTION AND AGREEMENT TO REMAND** at the email addresses listed below pursuant to Rule 262(c)(3),

SCACR and Section (d)(1) of the South Carolina's Supreme Court's August 25, 2021 order
(Order No. 2021-08-25-02):

Counsel for Respondent: stephen@stephenbrownlawfirm.com

Counsel for Defendant ScribeAmerica, LLC: cakinney@cozen.com

s/ Joshua T. Thompson

Perry D. Boulier (SC Bar # 9833)

Joshua T. Thompson (SC Bar # 79137)

Katheryn Thompson (SC Bar # 105394)

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Counsel for Appellants

April 3, 2026

Spartanburg, SC

**BOULIER THOMPSON
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April 3, 2026

(Via US Mail and E-Mail: ctappfilings@sccourts.org)
Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: John G. Falcon, Respondent, v. ScribeAmerica, LLC, Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc., Defendants, of which Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc., are the Appellants.
S.C. Appellate Case No.: 2025-001589
Our file No.: 17230

Dear Ms. Kitchings:

I represent Appellants Spartanburg Regional Health Services District, Inc., and Thomas M. Boyd, both personally, and in his official capacity as an employee of Spartanburg Regional Health Services District, Inc. in the above captioned action. Respondent's and Third-Party Defendant's counsel are copied.

I am enclosing for filing, the following:

1. Consent Motion and Agreement to Remand; and
2. Certificate of Service for the same.

I am enclosing a Boulier Thompson & Barnes, LLC check in the amount of \$50.00 representing the requisite filing fee in this matter. Please return a receipt reflecting payment. Likewise, please do not hesitate to call me if you have any questions or concerns.

Sincerely,



Josh Thompson

Enclosure

C: Stephen Brown, Esq. (via email only)
Charles A. Kinney, Esq. (via email only)
Perry D. Boulier, Esq. (via email only)
Katheryn Thompson, Esq. (via email only)