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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Opinion No. 6115 (S.C. Ct. App. filed July 9, 2025)
Appellate Case No. 2025-002144

Paul David Hess, APRN-BC, Respondent-Petitioner

v.

Morphis Pediatric Group of Lancaster, P.A.; Elizabeth J.
Morphis, M.D.; Gregory M. Alexander, CPA; and
Moore Beauston and Woodham, LLP, Defendants

Of whom Morphis Pediatric Group of Lancaster, P.A. and
Elizabeth J. Morphis, M.D. are Petitioners-Respondents

MOTION BY SOUTH CAROLINA ASSOCIATION FOR JUSTICE FOR
LEAVE TO FILE AMICUS CURIAE BRIEF

Frank L. Eppes, SC Bar No. 07839
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Amicus Committee Chair and Attorney for
Amicus Curiae, South Carolina Association for Justice

The South Carolina Association for Justice (“SCAJ”), formerly known as the South Carolina Trial Lawyers Association (“SCTLA”), hereby files this Motion for Leave to File a Brief of Amicus Curiae in the above-captioned case, pursuant to Rule 213, SCACR. The proposed amicus brief is attached hereto and is being filed conditionally with this motion.

SCAJ is a professional association of South Carolina plaintiffs’ attorneys that was founded on November 1, 1957, by a small group of trial lawyers. The Association has grown to over 1,200 members and is one of the oldest professional organizations in the state. The mission statement of SCAJ provides as follows:

Our mission is to serve our members and those they are sworn to protect. We are advocates for those who are harmed by the actions of others no matter how powerful, wealthy or well-connected. We work to uphold and defend the constitutions of our state and nation. We fight tirelessly to protect the rights of the individual; to seek justice through open and fair courtrooms; to resist unjust laws; to support policies that hold wrongdoers accountable; to strengthen the justice system through education and action; and to uphold the highest standards of ethical conduct and integrity in the legal profession.

<https://www.scaj.com/?pg=mission>).

SCAJ and its attorney members have steadfastly fought to preserve the right to a jury trial in civil cases in South Carolina and to protect the important and sacred role that juries serve in resolving factual disputes as a vital part of the trial process. SCAJ’s interest in this case is to ensure that the long-standing precedent in South Carolina circuit courts of allowing juries to make factual findings with respect to the discovery rule and other aspects of the applicable statute of limitations is continued. SCAJ believes that its brief as amicus curiae is desirable to reinforce the idea that juries are uniquely positioned to make factual findings based on the totality of the trial record, where they have observed the witnesses testifying live and can judge each witness’s credibility, demeanor,

and potential biases, and can assess the weight of the witness testimony and exhibits introduced into evidence during the trial.

For all of the foregoing reasons, SCAJ respectfully requests that the Court grant this Motion for Leave to File the Amicus Brief attached hereto.

Respectfully submitted,

April 20, 2026

s/ Frank L. Eppes
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