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May 21 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

In The Original Jurisdiction

The Honorable H. Steven DeBerry, IV
Civil Action No. 2025-CP-33-00076
Appellate Case No.: 2026-001165

Charles A. Trant, M.D. Respondent,

vs.

Mag Mutual Insurance Company, Petitioner.

**RETURN TO MOTION TO EXPEDITE, OR IN THE ALTERNATIVE,
REQUEST FOR TEMPORARY STAY**

Petitioner/Defendant Mag Mutual Insurance Company (“Mag Mutual”), asks this Court to grant the extraordinary relief of common law writ of certiorari, moves the Court for an order expediting the briefing and consideration of their Petition, and in the alternative asks the Court for a temporary stay while the Court considers the Petition.

Respondent/Plaintiff, Charles A. Trant, M.D. (“Dr. Trant”) opposes each motion and incorporates, herein, his Return to the Petition for Common Law Writ of Certiorari.

This circumstance is of Mag Mutual's own making: Mag Mutual seeks further delay to avoid the consequence of their previous delay.

Mag Mutual seeks this extraordinary writ to review the trial court's denial of their *second* Motion to Stay; the *first* having been denied over a year ago on April 4, 2025. (Order, April 4, 2025, p.14).

Mag Mutual felt no urgency to seek this Court's review of that Order over a year ago; nor did they appeal that order to the Court of Appeals.

Presumably, they recognized that an appeal of a denial of a motion to stay is interlocutory. See Edwards v. SunCom, 369 S.C. 91 (2006)(order granting a stay not immediately appealable); Carolina Water Serv. v. Lexington County Joint Mun. Water and Sewer Comm'n., 373 S.C. 96 (2007)(order lifting stay not immediately appealable).

Over five months ago, on December 11, 2025, the trial court issued a scheduling order setting the case for date certain trial on June 15, 2026; which Mag Mutual opposed. Still, Mag Mutual took no appellate action.

Instead, Mag Mutual waited until March 31, 2026 to file a *second* Motion to Stay.¹ The trial court denied their motion for the second time, on April 23, 2026, nearly a month ago.

Still, Mag Mutual did not seek this urgent extraordinary writ.

¹ Mag Mutual also filed an Amended Motion to Stay on April 2, 2026.

Instead, they waited until May 4, 2026 to file a Motion to Reconsider the Court's denial of their second Motion to Stay; wherein, they attempted to raise, for the first time, new arguments which they had not raised before; and which they seek to argue to this Court (including their first, ever, reference to the Stokes-Craven Holding Corp. v. Robinson, 416 S.C. 517 (2016) decision upon which their Petition relies).²

Only now, 26 days before trial is set to begin, Mag Mutual asks this Court to grant this extraordinary writ on an expedited basis and/or grant a temporary stay of the looming date-certain jury trial. As a practical matter, Mag Mutual seeks to stay the bad faith case indefinitely, as based on their argument, the underlying case could be reversed, tried, appealed, reversed, tried, appealed, over and over again, with Dr. Trant unable to stop the ongoing prejudice he has been subjected to by Mag Mutual's bad faith handling of the claim/case.

Mag Mutual's sudden urgency stands in stark contrast to the obstinate delay that has characterized their handling of this matter and the underlying matter thus far. Even now, they only seek prompt action to obtain the Court's aid in effecting

² See Hayne Federal Credit Union v. Bailey, 327 S.C. 242, 251 (1997) ("Judicial estoppel precludes a party from adopting a position in conflict with one earlier taken in the same or related litigation."); and Johnson v. Sonoco Prods. Co., 381 S.C. 172, 177, 672 S.E.2d 567, 570 (2009) ("An issue may not be raised for the first time in a motion to reconsider.").

the very delay that the trial court, intimately familiar with the facts of the case and arguments of the parties, has repeatedly refused to allow.

In fact, Mag Mutual's constant delay lies at the heart of Dr. Trant's bad faith action. Their delay has already irreparably harmed Dr. Trant and continues to do so at an alarming rate.

On July 13, 2022, the estate of a thirteen-year-old child brought a medical malpractice action in Marion County against Dr. Trant, and his employer, McLeod Physician's Associates II ("McLeod"); alleging that his gross negligence resulted in her tragic and untimely death.

Mag Mutual insured Dr. Trant and McLeod under a \$1.2 million liability policy that gave them complete control of the litigation; including settlement decisions.

Mag Mutual delayed from the beginning: ignoring repeated pleas to settle the underlying medical malpractice action ("Price case") from their own chosen defense trial counsel, J. Boone Aiken, III; pleas from general counsels for co-Defendant McLeod, Sonny Barnes and Christie Henderson; as well as pleas from Dr. Trant himself through his personal counsel.

Mr. Aiken, Mr. Barnes, and Mrs. Henderson, all experienced trial lawyers who had tried many cases in the area, each warned Mag Mutual that the underlying

case would likely result in a plaintiff's verdict and that the likely award would exceed the policy limits.

Mag Mutual also ignored the settlement recommendations, and requests for settlement authorization, from their own internal claims' analyst, from his supervisor, the claims' team lead, and from the Mag Mutual settlement committee.

Instead, one individual at Mag Mutual, Chief Claims Officer, Peter Rogers, made the decision, on the Friday afternoon before a mandatory mediation scheduled for Monday, July 1, 2024, to cancel the mediation and take the case to trial.

After Mr. Rogers cancelled mediation, Mr. Aiken dutifully advised Dr. Trant to retain personal counsel.

Dr. Trant's personal counsel then wrote Mag Mutual and urging them to either settle the case *or* at a minimum, offer Dr. Trant protection from any excess verdict.

Mag Mutual refused; placing their own interests above their duty to their insured and failing protect Dr. Trant from the very real mental, emotional, reputational, physical, and economic injury that he has suffered and continues to suffer.

The trial, presided over by the Hon. R. Ferrell Cothran, Jr., went exactly as Mr. Aiken, Mr. Barnes and Mrs. Henderson had predicted – badly.

By the third day of trial, which Mr. Aiken described as a “train wreck” and “disastrous,” Mag Mutual belatedly offered the policy limits of \$1.2 million.

When, unsurprisingly, the Price plaintiff declined that offer, Dr. Trant offered \$1.5 million of his own money, without success.

The jury returned a verdict of \$30 million; along with a gross negligence finding against Dr. Trant. After post-trial motions were denied, the resulting judgment of \$29,870,000 was entered against Dr. Trant on February 5, 2025; accruing interest at 11.5% compounded annually; i.e. approximately \$286,254 per month. That is to say, in the fifteen months since that judgment was entered, it has already increased by approximately \$4.3 million dollars.

The trial court recognized the prejudice that Mag Mutual's delay has caused Dr. Trant in the most recent order denying a stay, noting:

This litigation, which has already, in one form or another, been going on for nearly four years, has by all accounts has taken a terrible toll on Dr. Trant. (See, e.g., Compl ¶¶60, 62)(wherein Mr. Aiken describes the emotional toll that the litigation was taking on Dr. Trant and his concern for his financial security).

Moreover, the Judgment entered against him increases at the staggering rate of \$286,254.00 per month.

The Plaintiff is entitled to a timely remedy. Our Courts have often cited the maxim that "justice delayed is justice denied." See In re: Atwater, 397 S.C. 518, 528(2012).

It should not be delayed any longer here.

For the forgoing reasons the Motion to Stay is respectfully DENIED.

(Order, April 23, 2026, p.24).

The Court should not intervene to delay this matter any further.

CONCLUSION

Petitioner/Defendant Mag Mutual seeks expedited appellate review, and/or temporary stay of an interlocutory Order denying their second Motion to Stay in an attempt to achieve the delay the trial court, thoroughly familiar with the case and controversy and acting within the scope of its powers, has refused to provide.

Respondent/Plaintiff Dr. Trant requests that this Court deny the Petition and this motion, and allow trial to proceed as scheduled on June 15, 2026.

Respectfully submitted,

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May 21, 2026