



# The South Carolina Court of Appeals

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July 10, 2026

The Honorable Winnifa Brown-Clark  
PO Box 9000  
Orangeburg SC 29115-9000

## REMITTITUR

Re: Michelle Frazier v. Halcyon Rehab, LLC  
Lower Court Case No. 2022NI3800006  
Appellate Case No. 2023-000479

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*Catherine Harrison, deputy*  
CLERK

Enclosure

cc: Ayesha Tonette Washington, Esquire  
Kelli Lister Sullivan, Esquire  
R. Hawthorne Barrett, Esquire





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June 24, 2026

Mrs. Ayesha Tonette Washington, Esquire  
PO Box 30026  
Charleston SC 29417

Ms. Kelli Lister Sullivan, Esquire  
525 Buckview Lane  
Elgin SC 29045

Mr. R. Hawthorne Barrett, Esquire  
PO Box 1473  
Columbia SC 29202

Re: Michelle Frazier v. Halcyon Rehab, LLC  
Appellate Case No. 2023-000479

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*Jasmine D. Smith, Deputy*  
CLERK

cc: The Honorable Maite Murphy

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Michelle Frazier, Individually and as Personal  
Representative of Estate of Barbara Frazier, Appellant,

v.

Orangeburg Post-Acute, LLC dba Edisto Post-Acute fka  
Riverside Rehabilitation and Health Center LLC,  
Providence Group, Inc., Providence Administrative  
Consulting Services, Inc., Halcyon Rehab, LLC, HMS  
Purchasing LLC, Apricity Resources, LLC, OHI Asset  
(SC) Orangeburg, LLC, Defendants,

Of which Halcyon Rehab, LLC, is the Respondent.

Appellate Case No. 2023-000479

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Appeal from Orangeburg County  
Maite Murphy, Circuit Court Judge

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Unpublished Opinion No. 2026-UP-304  
Heard June 10, 2026 – Filed June 24, 2026

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**AFFIRMED**

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Ayesha Tonette Washington, of The Washington Law  
Firm, LLC, of Charleston, for Appellant.

R. Hawthorne Barrett, of Turner Padget Graham & Laney,  
PA, of Columbia, and Kelli Lister Sullivan, of Medical  
Protective, of Elgin, for Respondent.

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**PER CURIAM:** Appellant Michelle Frazier filed a notice of intent to file suit pursuant to section 15-79-125(A) of the Medical Malpractice Act (Supp. 2025). Attached to Appellant's notice of intent to file suit was an expert affidavit detailing the alleged negligent behavior of an entity other than Respondent Halcyon Rehab, LLC. Halcyon Rehab filed a motion to dismiss the notice of intent to file suit on the ground that Appellant failed to comply with the expert affidavit requirement under the Medical Malpractice Act. The circuit court granted the motion and dismissed the notice of intent to file suit, reasoning that Appellant failed to follow presuit procedures with regard to Halcyon Rehab—i.e., submitting an expert affidavit alleging at least one act of negligence by Halcyon Rehab and engaging in presuit mediation. This appeal followed.

The Medical Malpractice Act requires that a party seeking to bring a civil action alleging injury or death as a result of medical malpractice first file a notice of intent to file suit and an affidavit of an expert witness specifying the negligent act or omission that exists and that "[w]ithin ninety days and no later than one hundred twenty days from the service of the [n]otice of [i]ntent to [f]ile [s]uit, the parties shall participate in a mediation conference." S.C. Code Ann. § 15-79-125(A), (C) (Supp. 2025).

Appellant argues that its claim against Halcyon Rehab does not sound in medical malpractice and, as a consequence, no presuit affidavit against Halcyon Rehab is required. However, Appellant brought the notice of intent to file suit under the Medical Malpractice Act; thus, in order for the notice of intent to file suit to survive dismissal, the notice must meet the presuit requirements set forth in the Medical Malpractice Act.

Regardless of whether Appellant's claims sound in medical malpractice or ordinary negligence, the notice of intent to file suit did not comply with the presuit requirements. Appellant's expert affidavit did not describe any negligent act by Halcyon Rehab and Appellant did not engage in presuit mediation. Appellant has not identified why, under these circumstances, it was error for the circuit court to dismiss the presuit notice as to Halcyon Rehab. Accordingly, the circuit court's order dismissing the notice of intent to file suit is

**AFFIRMED.**

**GEATHERS, HEWITT, and CURTIS, JJ., concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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v.

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(SC) Orangeburg, LLC, Defendants,

Of which Halcyon Rehab, LLC, is the Respondent.

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R. Hawthorne Barrett, of Turner Padget Graham & Laney,  
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Regardless of whether Appellant's claims sound in medical malpractice or ordinary negligence, the notice of intent to file suit did not comply with the presuit requirements. Appellant's expert affidavit did not describe any negligent act by Halcyon Rehab and Appellant did not engage in presuit mediation. Appellant has not identified why, under these circumstances, it was error for the circuit court to dismiss the presuit notice as to Halcyon Rehab. Accordingly, the circuit court's order dismissing the notice of intent to file suit is

**AFFIRMED.**

**GEATHERS, HEWITT, and CURTIS, JJ., concur.**