

RECEIVED

Jul 16 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Hon. R. Ferrell Cothran, Jr.
The Hon. H. Steven DeBerry, IV

Appellate Case No. 2025-000434

Demetrice Utley, individually and as Personal
Representative of the Estate of Taylor Danielle Price,Respondent,

v.

McLeod Physician Associates II and Charles A. Trant, M.D., Appellants.

**MOTION TO TRANSFER OR CERTIFY FROM
THE COURT OF APPEALS**

Respondent Demetrice Utley moves under Rule 204(b), SCACR to certify this action for review by this Court. Respondent requests certification for purposes of judicial economy based on this Court's order in the bad faith action brought by Dr. Trant against his insurer Mag Mutual Insurance Company¹ and because this appeal involves legal principles of major importance. In Dr. Trant's bad faith action, the Court granted a temporary stay of the trial date and directed the parties to brief whether a bad faith action is ripe while the underlying case remains pending on appeal. Because the Court ostensibly views Dr. Trant's bad faith case and the present appeal as

¹ See Charles A. Trant, M.D. v. Mag Mutual Insurance Company, App. Case No.: 2026-001165.

intertwined, judicial economy is promoted by certifying this appeal so that both cases may be considered by this Court during the same term of Court.

INTRODUCTION AND PROCEDURAL BACKGROUND

This is a medical malpractice and wrongful death action arising from the death of Taylor Price, a sixteen-year-old student at Mullins High School who died on December 17, 2021 from sudden cardiac arrest due to arrhythmogenic right ventricular dysplasia/cardiomyopathy (“ARVD/ARVC”). Appellant Charles A. Trant, M.D., a pediatric cardiologist employed by Appellant McLeod Physician Associates II (“MPA II”), examined Taylor and failed to perform any cardiac tests when the standard of care required him to do so, instead diagnosing her with “hyperventilation syndrome,” instructing her to blow into a paper bag if breathing issues arose, and clearing her to return to sports.

Following a weeklong jury trial before Judge R. Ferrell Cothran, Jr., in November 2024, the jury returned a verdict of negligence against Appellant MPA II, found two occurrences, found gross negligence against Dr. Trant, and awarded actual damages of \$30,000,000. Post-trial, the court reduced the verdict against MPA II based on the statutory limitation on damages for a charitable organization² and entered judgment against Dr. Trant for \$27,470,000.

Appellants filed their Notice of Appeal on March 5, 2025. Final briefing was completed in the Court of Appeals in January 2026, and the parties are awaiting scheduling of oral argument.

On February 10, 2025, Dr. Trant filed a bad faith action against his insurer, Mag Mutual Insurance Company (“Mag Mutual”) in Marion County. Mag Mutual twice moved to stay the bad faith case until the present medical malpractice appeal is finally resolved, which the circuit court

² Specifically, the trial court entered judgment against MPA II for \$2,780,843.84, which reflected the jury’s finding of multiple occurrences and included offer of judgment interest. (R. p. 61).

denied both times. Less than a month before trial in the bad faith case, Mag Mutual filed a petition for a common law writ of certiorari seeking review of the denial of the motion to stay. On June 5, 2026, this Court granted a temporary stay of the bad faith trial and ordered the parties to brief “the issue of whether Respondent’s bad faith claim against Petitioner is ripe and may be tried while the appeal of the underlying medical malpractice judgment against Respondent is pending.” *Trant v. Mag Mutual*, S.C. Sup. Ct. Order dated June 5, 2026.³

Thus, this Court is already actively engaged with the substance of this controversy. Certification of the underlying medical malpractice appeal not only promotes judicial economy but also a better understanding of the facts of both cases, as it would allow the Court to consider both related cases at the same time.

ARGUMENT

Certification is appropriate because: (1) the Court is already considering a closely related matter arising from the same underlying controversy, and consolidation serves judicial economy and clarity of the two lawsuits; (2) the appeal presents multiple issues of significant public interest and legal principles of major importance, several of which require interpretation of this Court’s precedent; and (3) the complexity, breadth of impact, and interconnected nature of the proceedings further support certification.

The medical malpractice appeal in this case and the Court’s pending consideration of Mag Mutual’s certiorari petition in the bad faith case are closely connected. The bad faith case arises directly from Mag Mutual’s handling of the underlying medical malpractice claim. Dr. Trant’s bad faith complaint alleges breach of contract, bad faith, negligence, gross negligence, recklessness,

³ As of the filing of this motion, briefing in the bad faith case is nearly complete, as Mag Mutual’s reply brief is due on July 16, 2026.

willful and wanton conduct, and intentional infliction of emotional distress—all stemming from Mag Mutual’s conduct in defending the very medical malpractice case now on appeal.

Mag Mutual argues in its briefing in the bad faith case that permitting that case to go forward “could significantly prejudice the continued defense of Dr. Trant and MPA II in the Underlying Case’s appeal.” Pet’r Br. at 21. Further, Mag Mutual argues that permitting the bad faith case to go forward before this appeal is finally resolved “would needlessly expend substantial judicial and public resources.” *Id.* at 22. The same principle of preserving judicial resources applies here. Moreover, certifying this appeal could render a decision in the bad faith case moot if the Court affirms the trial court’s decision.

Additionally, this appeal raises multiple significant legal questions, many of which involve the interpretation of this Court’s opinions. Certification is “normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance.” Rule 204(b), SCACR.

For example, the trial court ruled that the damages cap that applies to charitable organizations under Section 33-56-180(A) of the Solicitation of Charitable Funds Act does not apply to Dr. Trant individually. Appellant Trant argues the cap should limit his individual liability to the same \$2,400,000 as MPA II, while Respondent contends the plain language of the statute caps damages only against the “charitable organization” and permits uncapped recovery against a grossly negligent employee. The Court of Appeals in *James v. Lister*, 331 S.C. 277, 500 S.E.2d 198 (Ct. App. 1998), noted recovery in excess of the cap could be sought against individual employees. This question is of enormous practical significance and therefore certification is warranted under Rule 204(b).

Appellant MPA II also argues in this appeal that the determination of the number of occurrences under the Tort Claims Act is purely a question of law for the Court to decide. This Court has considered this issue recently but dismissed the writ as improvidently granted. *Wood v. Horry Cnty Sch. Dist.*, Op. No. 2024-MO-023 (S.C. Sup. Ct. filed Oct. 9, 2024). While the trial court properly submitted the question of multiple occurrences to the jury, the parties dispute the scope and interpretation of this Court’s opinions in *Chastain v. AnMed Health Foundation*, 388 S.C. 170, 694 S.E.2d 541 (2010), and *Boiter v. S.C. DOT*, 393 S.C. 123, 712 S.E.2d 401 (2011). Moreover, Appellant Trant explicitly asks the Court of Appeals to overrule *Jeter v. South Carolina Department of Transportation*, 369 S.C. 433, 633 S.E.2d 143 (2006)—a decision by this Court—which the Court of Appeals lacks authority to do. Because the Court’s jurisprudence permeates this appeal, the Court should grant certification.

Finally, depending on the Court’s decision in the bad faith case, Dr. Trant may be forced to wait years until his case may be called for trial. Certifying this appeal allows both cases to move forward and prevents the need for this Court or a different Supreme Court to refamiliarize itself with the underlying facts when an inevitable petition for certiorari is sought in this appeal.

CONCLUSION

Based on the foregoing, Respondent respectfully requests that the Court certify this case for review pursuant to Rule 204(b).

(Signature appears on following page.)

Respectfully submitted,

s/Kaye G. Hearn

Kaye G. Hearn (S.C. Bar No. 2891)
R. Brian Critzer (S.C. Bar No. 103159)
Matthew Richardson (S.C. Bar No. 15647)
WYCHE, P.A.
807 Gervais Street, Suite 301
Columbia, SC 29201
(803) 254-6542
khearn@wyche.com
bcritzer@wyche.com
mrichardson@wyche.com

Ellis R. Lesemann (S.C. Bar No. 15315)
J. Taylor Powell (S.C. Bar No. 100211)
LESEMAN & ASSOCIATES LLC
418 King Street, Suite 301
Charleston, SC 29403
(843) 724-5155
erl@lalawsc.com
jtp@lalawsc.com

Attorneys for Respondent

July 16, 2026

RECEIVED

Jul 16 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Hon. R. Ferrell Cothran, Jr.
The Hon. H. Steven DeBerry, IV

Appellate Case No. 2025-000434

Demetrice Utley, individually and as Personal
Representative of the Estate of Taylor Danielle Price,Respondent,

v.

McLeod Physician Associates II and Charles A. Trant, M.D., Appellants.

PROOF OF SERVICE

I, the undersigned employee of Wyche, P.A., attorneys for Respondent Demetrice Utley, individually and as Personal Representative of the Estate of Taylor Danielle Price, do hereby certify that I have served all counsel of record in this action with a true and correct copy of the following, pursuant to Supreme Court Order 2022-05-06-04, and a copy of that electronic mail is attached to this certificate.

Document: Motion to Transfer or Certify from the Court of Appeals

Served:

Counsel for Appellants

Andrew F. Lindemann (S.C. Bar No. 13030)
LINDEMANN LAW FIRM P.A.
5 Calendar Court, Suite 202
Post Office Box 6923
Columbia, SC 29260
(803) 881-8920
andrew@ldlawsc.com

J. Boone Aiken, III (S.C. Bar No. 307)
Joseph P. McLean (S.C. Bar No. 11839)
AIKEN, BRIDGES, ELLIOTT, TYLER & SALEEBY, P.A.
Post Office Drawer 1931
Florence, SC 29503
(843) 669-8787
jba@aikenbridges.com
jpm@aikenbridges.com

M. Dawes Cooke, Jr. (S.C. Bar No. 1376)
John W. Fletcher, Jr. (S.C. Bar No. 69550)
BARNWELL WHALEY PATTERSON & HELMS, LLC
211 King Street, Suite 300
Post Office Drawer H
Charleston, SC 29402
mdc@barnwell-whaley.com
jfletcher@barnwell-whaley.com

Counsel for Respondents

Ellis R. Lesemann (S.C. Bar No. 15315)
J. Taylor Powell (S.C. Bar No. 100211)
LESEMAN & ASSOCIATES, LLC
418 King Street, Suite 301
Charleston, SC 29403
(843) 724-5155
erl@lalawsc.com
jtp@lalawsc.com

Brad C. Richardson (S.C. Bar No. 68305)
LAW OFFICE OF BRAD C. RICHARDSON, LLC
1200 Main Street, Suite A
Conway, SC 29526
(843) 488-4321
brad@bradrichardsonlawfirm.com



Kellie Reaves, Paralegal
WYCHE, P.A.
807 Gervais Street, Suite 301
Columbia, SC 29201
(803) 771-2437
kreaves@wyche.com

July 16, 2026

Jul 16 2026

Kellie Reaves

SC Court of Appeals

From: Kellie Reaves
Sent: Thursday, July 16, 2026 9:43 AM
To: andrew@ldlawsc.com; jba@aikenbridges.com; jpm@aikenbridges.com; mdc@barnwell-whaley.com; jfletcher@barnwell-whaley.com; erl@lalawsc.com; jtp@lalawsc.com; brad@bradrichardsonlawfirm.com
Cc: Kaye Hearn; Brian Critzer; Matthew T. Richardson
Subject: RE: Demetrice Utley v. McLeod Physician Associates II | Appellate Case No. 2025-000434
Attachments: Motion to Transfer or Certify.pdf

Counsel,

Please note that we updated the Motion to remove references to a "Joint Motion." The revised Motion reflects that it is filed on behalf of Respondents only.

Attached for service please find the updated Motion to Transfer or Certify from the Court of Appeals for your records. This revised version is the version that will be filed with the Court.

Should you have any questions, please let me know.

**Kellie Reaves | Wyche**

Litigation Paralegal

807 Gervais Street, Suite 301 | Columbia, SC 29201

Mailing Address: Post Office Box 12247 | Columbia, SC 29211

Phone: (803) 771-2437 | Fax: (803) 254-6544

kreaves@wyche.com | www.wyche.com

A [Lex Mundi](#) Member Firm