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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

The Honorable J. Durham Cole, Jr., Circuit Court Judge
The Honorable Grace Knie, Circuit Court Judge

Case No. 2020-CP-42-02169
Appellate Case No. 2025-001716

Andrea Allen, as Personal Representative
of the Estate of Albert Charles Jefferies Respondent,

v.

Chi Hun Lim, M.D., Megan Nicholas, P.A., Carolina
Orthopedic and Neursurgical Associates, PA Appellants,

**INITIAL BRIEF OF RESPONDENT TO
BRIEF OF CAROLINA ORTHOPEDIC AND
NEUROSURGICAL ASSOCIATES, ASC, LLC**

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Discussion

This Brief addresses only CONA ASC, LLC's appeal. CONA ASC, LLC ("ASC") filed a Brief to preserve all issues and defenses depending upon how this Court rules on the appeals by Dr. Lim, Ms. Nicholas and CONA, PA. (ASC Br. p. 1). ASC accordingly joined, pursuant to Rule 208(b)(6), SCACR, in each of the Briefs filed by the other Appellants. (ASC Br. p. 1). Andrea Allen, as Personal Representative of the Estate of Albert Charles Jefferies (Respondent) therefore adopts by reference all Counter-Statements of the Case, Counter-Statements of Facts, and Arguments of each Brief of Respondent she filed in response to each Brief of Appellant filed by Dr. Lim, Ms. Nicholas and CONA PA. Rule 208(b)(6).

Respondent agrees with ASC that "this appeal arises from a \$6 million verdict on medical malpractice claims related to post-operative care Chi Hun [Lim], M.D. and Megan Nicholas, P.A. provided to the late Albert Charles Jefferies." (ASC Br. p. 1). Respondent also agrees that the jury awarded "\$3 million each to Andrea Allen... and ... Michelle Hemphill, Jefferies other daughter," (ASC Br. p. 1), but points out that the jury's apportionment of the \$6,000,000 verdict was not to Ms. Allen as PR; rather, the jury apportioned the entire award on a 50-50 basis to each of Mr. Jefferies' daughters, who are claimants under S.C. Code Ann. § 15-32-220 (Supp. 2025).

Respondent also agrees with ASC's assertion that at "a post-trial hearing, *all counsel* told the circuit court another entity – Carolina Orthopaedic and Neurosurgical Associates P.A. – should be substituted for CONA ASC and held liable for the judgment." (ASC Br. p. 1) (emphasis added). This included counsel for Dr. Lim, Ms. Nicholas and CONA, PA.

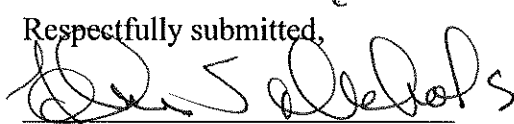
Finally, Respondent agrees ASC is not a proper defendant but only because circuit court corrected the caption to fix the misidentified, but real, defendant, CONA, P.A.

CONCLUSION

For the reasons stated in the Briefs responding to the Briefs of Appellants Dr. Lim, Ms. Nicholas, and CONA, PA, the Court should affirm the verdict and the circuit court orders in this case and remit the matter to the circuit court for further proceedings. In doing so, the Court should also affirm the ruling that ASC is not a true party against whom the judgment should apply.

August 11, 2026

Respectfully submitted,



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