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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Jean Watkins, as Personal Representative of the Estate of Mildred Watkins, Respondent,

v.

Sterling Healthcare, Inc., Country Wood Nursing Center, LLC, and Guardian Resources, LLC, Appellants.

Appellate Case No. 2023-000556

Appeal From Richland County
Frank R. Addy, Jr., Circuit Court Judge

Unpublished Opinion No. 2026-UP-442
Heard February 10, 2026 – Filed September 23, 2026

AFFIRMED IN PART AND REVERSED IN PART

Robert Lubs Eaton, of North Charleston, for Appellants.

Graham L. Newman, of Chappell, Chappell & Newman, Attorneys, LLC, and Jennifer Randolph Purdy, of Purdy Law, LLC, both of Columbia, for Respondent.

PER CURIAM: In this nursing home negligence case, Jean Watkins (Respondent), as Personal Representative of the estate of her mother, Mildred Watkins (Watkins), filed wrongful death and survival actions against Sterling Healthcare, Inc., Country Wood Nursing Center, LLC (Country Wood), and Guardian Resources, LLC (collectively, Appellants), following Watkins's death during her stay at Country Wood. After Appellants repeatedly failed to comply with discovery requests, the circuit court granted Respondent's motion for sanctions and struck Appellants' answers. The case proceeded to a damages hearing. The court set aside the statutory caps on noneconomic and punitive damages and awarded Respondent actual and punitive damages totaling $29,515,245.68. The court also ordered Appellants to produce insurance information and other financial records. Appellants appeal the punitive damages award and the order compelling the production of financial information. We affirm in part and reverse in part.

BACKGROUND

I. Facts

On March 8, 2011, Watkins was admitted to Country Wood in Hopkins, South Carolina, for rehabilitation following a fall at her home. She passed away from urosepsis less than nine months later at the age of seventy-three. Watkins had several pre-existing conditions at the time of her admission to Country Wood, but all were managed through treatment and medication. At the time she was admitted, she was listed by a Country Wood physician as having high rehabilitative potential and her family expected her to return home after she regained her strength. She weighed between one hundred to one hundred and fifteen pounds.

Watkins was hospitalized eight times while in Country Wood's care. Her first hospitalization occurred within the first twenty-four hours of admission, though doctors found nothing wrong with her and immediately released her.

On March 15, Respondent visited her mother and found her unresponsive. At Respondent's urging, Watkins was taken to the hospital where she was diagnosed with a urinary tract infection (UTI).

On August 22, Watkins was transported to her dialysis appointment where workers noticed her altered mental state and took her to the hospital. Doctors diagnosed Watkins with another UTI and admitted her for three days.

On October 8, Respondent noticed that her mother was acting strangely, had a fever, and was complaining about her thumb, which appeared swollen. Respondent testified that when she asked about the injury, Country Wood staff said that her mother banged her hand on the bedrail. Respondent demanded that her mother be taken to the hospital for an x-ray. Doctors diagnosed Watkins with a severely dislocated thumb and another UTI. Doctors also expressed concerns about her weight, which had dropped to 99.4 pounds. Respondent testified without objection that an ER doctor raised suspicions about Watkins's thumb injury. She stated that the doctor was doubtful Watkins caused the injury herself and that her thumb had to have been "twisted or turned or pulled back."[1] Watkins was unable to tell Respondent what caused the injury.

Country Wood staff called Respondent on November 7 to tell her that her mother cut her leg while getting into bed. When Respondent arrived, she discovered her mother bleeding from a large laceration on her leg. A certified nursing assistant (CNA) informed her that while staff was getting Watkins into bed, Watkins cut her leg on a piece of metal that was protruding from the bed. Respondent again demanded that Watkins be taken to the hospital. Her leg wound was five centimeters long and required ten staples to close.

Respondent filed a complaint with DHEC regarding the incident. The complaint and Country Wood's response were admitted at the damages hearing without objection. In the response, Country Wood's nurse manager reported that the staff "found a metal projection on the lower bed frame that could have caused the skin tear." Staff then performed an audit on all of the beds in the unit and found fifteen other beds with the same metal projection from the bed frame. The DHEC incident report stated, "CNA . . . was transferring resident from her wheelchair to bed. Resident scraped leg on what staff believed to be a metal projection from the bed frame where the side rail used to be attached, causing a laceration to the posterior right lower leg." Respondent would later testify without objection that Country Wood sawed off Watkins's bedrails and left behind an exposed, jagged piece

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[1] This was not reflected in her medical records and only appeared in the record through Respondent's testimony.

sticking out from the bottom of the bed. A photo of the jagged metal rail was admitted without objection.

Watkins returned to the hospital on November 17 for surgery to repair her dislocated thumb and left the hospital with a cast extending over her right hand and right forearm.

On November 20, Respondent visited her mother and learned she was not eating, had been vomiting, and had diarrhea. Respondent again insisted Watkins be taken to the hospital. Upon admission, Watkins was diagnosed with a severe UTI with possible systemic response syndrome. Due to the cast on her arm, doctors had to insert a central line in her leg for her IV. Over the ten days she was in the hospital, nurses and doctors noticed multiple bruises, skin tears, open wounds, abrasions, and decubitus ulcers on her body. These skin conditions were also noted by Country Wood upon her readmission to the facility. When Watkins returned to the Country Wood, she weighed only 89.6 pounds.

Watkins's final hospitalization occurred on December 7. Respondent visited her mother on that date and found her unresponsive and "slumped over" in her wheelchair, drooling, and wearing a saturated bib. Respondent noted that her mother's clothing was filthy. Respondent testified—again without objection—that when she asked staff to call an ambulance, one staff member asked her why they should call an ambulance when Watkins "wasn't going to get any better." Watkins was eventually transported to the hospital via ambulance and admitted to the medical intensive care unit. She was diagnosed with urosepsis and an advanced bed sore on her lower back. Doctors also noted scratches on areas of her body that she was unable to reach herself. She weighed only 79.36 pounds. Watkins passed away on December 15 from complications of urosepsis.

During her time at Country Wood, staff performed weekly "skin audits" documenting the condition of Watkins's skin. The audits detailed the patient's skin color, moisture, and temperature and noted if the patient had any skin tears or bruising. To accurately perform the audit, staff must not only visually examine the patient's skin but must touch the skin as well. At trial, Respondent testified that when she reviewed her mother's medical records, she found several skin audits that purported to document her mother's skin condition on dates when she could not have been examined by Country Wood staff because she was hospitalized.

II. Procedural History

Respondent filed suit on August 22, 2014, and served Appellants with discovery requests the same day. Appellants filed answers on September 19, denying all allegations, but did not provide complete discovery responses.

After nearly a year of Appellants refusing to meaningfully participate in discovery, Respondent filed a motion to compel on July 29, 2015. The circuit court granted the motion and ordered Appellants to produce the requested information by December 20. When Appellant's failed to produce the requested discovery by the deadline, Respondent filed a Rule to Show Cause and sought sanctions. The court granted the motion, struck Appellants' answers, and ordered a damages hearing. Appellants appealed the sanctions order, and this court affirmed in an unpublished opinion. *See Watkins v. Sterling Healthcare, Inc.*, Op. No. 2021-UP-324 (S.C. Ct. App. filed Sept. 8, 2021).

The circuit court held a damages hearing on November 10, 2022. Two witnesses testified for Respondent: Respondent Jean Watkins and her sister Kim Watkins. All of Respondent's exhibits were admitted without objection.

The court set aside the noneconomic damages cap set forth in section 15-32-220 of the South Carolina Code (Supp. 2025) because it found that Appellants "repeatedly acted in a grossly negligent, reckless, willful, wanton, and reckless manner" which resulted in Watkins's injuries and her untimely death. Further, the court pointed to the skin check audits as proof that Appellants "knowingly and willfully falsified medical records, pretending to provide treatment and services that they could not have provided, because [Watkins] was hospitalized at the time the alleged examinations were performed."

The court set aside the cap on punitive damages set forth in section 15-32-530(A) of the South Carolina Code (Supp. 2025), finding:

> [T]his is the most egregious case of elder neglect/abuse I have ever witnessed—and most of the similar cases I have seen involve the criminal side of my jurisdiction. . . . If any of the three corporations were a person, they would be jailed for the rest of their lives. . . . That [Appellants]

> wholly failed to comply with discovery only exacerbates the criminal conduct which took place in this case.

The court awarded Respondent $19,515,245.68 for the survival action and $10,000,000 for the wrongful death action (Award Order). In the survival action, the court awarded economic damages of $398,270.32, noneconomic damages of $2,389,621.92,[2] and punitive damages of $16,727,353.44. In the wrongful death action, the court award compensatory damages of $7,500,000 and punitive damages of $2,500,000.

The court also ordered Appellants to produce "any and all policies of insurance: liability, excess, umbrella, commercial, general[,] and/or otherwise, for each [Appellant] and all of their owners, members, shareholders, key employees, etc." (Production Order) and that all Appellants "and their owners . . . produce documents related to assets held by the [Appellant] companies and their owners, members, and shareholders." This included tax returns, personal financial statements, and yearly financial statements.

Appellants appeal both the Award Order and the Production Order. They argue that the court abused its discretion by (1) awarding punitive damages based on inadmissible hearsay and lay opinion testimony not supported by the evidence presented at trial; (2) setting aside the statutory cap on punitive damages; (3) applying the wrong standard for evaluating punitive damages; and (4) ordering Appellants to produce documents and information related to their insurance policies and finances.

LAW/ANALYSIS

I. Punitive Damages

The court appropriately awards punitive damages "where the plaintiff proves by clear and convincing evidence the defendant's misconduct was willful, wanton, or in reckless disregard of the plaintiff's rights." *Austin v. Specialty Transp. Servs., Inc.*, 358 S.C. 298, 313, 594 S.E.2d 867, 875 (Ct. App. 2004). In South Carolina, a punitive damages award "may not exceed the greater of three times the amount of

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[2] Appellants do not appeal the circuit court's decision to set aside the cap on noneconomic damages.

compensatory damages awarded to each claimant entitled thereto or the sum of five hundred thousand dollars." § 15-32-530(A). However, the cap can be raised to the greater of four times the amount of compensatory damages or two million dollars if the court finds that either of the following apply:

> (1) the wrongful conduct proven under this section was motivated primarily by unreasonable financial gain and . . . the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was known or approved by the managing agent, director, officer, or the person responsible for making policy decisions on behalf of the defendant; or
> (2) the defendant's actions could subject the defendant to conviction of a felony and . . . is a proximate cause of the plaintiff's damages[.]

S.C. Code Ann. § 15-32-530(B) (Supp. 2025).

There is no cap on punitive damages if the court determines that the defendant intended to harm and did harm the claimant. S.C. Code Ann. § 15-32-530(C)(1) (Supp. 2025).

The court refused to "reward [Appellants] with the protections of [section] 15-32-530[(A)] when they have obstructed [Respondent's] ability to produce further evidence of fraudulent acts, which would further render this section inapplicable, by withholding discovery and violating [c]ourt [o]rders related thereto."

The court further found that Appellants intended to harm Watkins, which removed the punitive damages cap altogether per section 15-32-530(C)(1). It found that the testimony of the witnesses, together with the evidence admitted, showed "callous indifference and intent to harm, which did in fact cause harm," specifically regarding Watkins's thumb injury, the laceration to her leg from the metal protrusion from her bed rail removal, their failure to call an ambulance and even questioning Respondent's request to do so, and their failure to prevent, monitor and treat Watkins's UTIs.

A. Reliance on Hearsay and Lay Opinion Testimony

Appellants argue the court erred in awarding punitive damages based on inadmissible hearsay and lay opinion testimony not supported by the evidence presented during the damages hearing. We find this argument is largely unpreserved, except for testimony about whether Appellants' intended to harm Watkins.

Appellants made very few objections during Respondent's testimony. Respondent testified without objection to hearsay statements made by Country Wood staff, doctors and nurses at the hospital, and Watkins herself. No objection was raised when Respondent described medical conditions Watkins suffered, the symptoms of those conditions, or the treatments Watkins received, except for a singular objection when Respondent was asked if the treatments were considered reasonable and necessary. No objection was raised when Respondent testified that the bed rails had been "sawed off" and that despite there being multiple beds with the same exposed metal piece, she only saw that her mother's had been replaced. "A contemporaneous objection is required to properly preserve an error for appellate review." *Doe v. S.B.M.*, 327 S.C. 352, 356, 488 S.E.2d 878, 880 (Ct. App. 1997). Failing to do so "constitutes a waiver of the right to object [on appeal]." *Id*. "[S]pecific grounds [for the objection] must be clearly stated." *Medlock v. One 1985 Jeep Cherokee VIN 1JCWB7828FT129001*, 322 S.C. 127, 134, 470 S.E.2d 373, 378 (1996). Because Appellants did not object to the hearsay testimony, they waived the right on appeal to challenge the admission of the evidence or the circuit court's reliance on that evidence.

Appellants did object, however, when Respondent's counsel asked her if she believed Appellants intended to harm Watkins. Over Appellants' objection, Respondent testified that her mother's physical condition could not be explained by mere negligence or accident and therefore must have been the result of intentional abuse. We find that such testimony was improperly admitted. Lay witnesses may only provide opinions on matters that "are rationally based on the perception of the witness, [] are helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and [] do not require special knowledge, skill, experience[,] or training." Rule 701, SCRE. Respondent's testimony regarding Appellants' intent was mere speculation, and any testimony about the cause of Watkins's injuries required specialized medical knowledge that Respondent did not possess. Although our appellate courts have in some cases found inadmissible

hearsay testimony harmless where otherwise corroborated by properly admitted medical records, Respondent's opinion testimony regarding intentional harm was not corroborated by Watkins's medical records. *See Roche v. Young Bros., Inc., of Florence*, 332 S.C. 75, 86, 504 S.E.2d 311, 316–17 (1998) (finding no error in admitting wife's testimony about her husband's injuries and treatment where corroborated by medical records and bills); *see also Starkey v. Bell*, 281 S.C. 308, 315, 315 S.E.2d 153, 157 (Ct. App. 1984) ("Though testimony may constitute inadmissible hearsay evidence, no prejudice is shown when it merely corroborates other evidence admitted in the case."). The court erred, therefore, in allowing Respondent to offer improper opinion testimony about whether Appellants intended to harm Watkins.

Even setting aside Respondent's testimony regarding intent to harm, we find the testimony and exhibits admitted without objection overwhelmingly support the court's finding that Appellants engaged in conduct that was grossly negligent, reckless, willful and wanton.

B. Punitive Damages Cap

Appellants argue that the trial court erred in finding there was clear and convincing evidence they intended to harm Watkins and in therefore setting aside the statutory cap on punitive damages in accordance with section 15-32-530(C)(1). We agree but find sufficient evidence to support the court's decision to raise the cap in accordance with section 15-32-530(B).[3]

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[3] Respondent argues this court should combine the damages awarded for both the survival and wrongful death causes of action for the purpose of determining whether the punitive damages award exceeds the statutory cap. Under Respondent's theory, the combined compensatory damages for both causes of action equal $10,287,892.20 and the combined punitive damages for both equal $19,227,353.44. In the aggregate, the punitive damages award is less than the statutory cap of three times the compensatory damages. We reject this argument. Each cause of action allows for distinct damages to separate and distinct entities. "[A]ctual damages in a survival action are awarded for the benefit of the decedent's estate . . . ." *Scott v. Porter*, 340 S.C. 158, 170, 530 S.E.2d 389, 395 (Ct. App. 2000). "Appropriate damages in survival actions include those for medical, surgical, and hospital bills, conscious pain, suffering, and mental distress of the

The court removed the punitive damages cap entirely per section 15-32-530(C), finding proof that Appellants intentionally harmed Watkins. Specifically, the court pointed to her thumb dislocation, the leg laceration from the sawed-off bedrails, the bruises, scratches, and wounds on her body, their failure to treat and monitor her UTIs, and their employees' refusal to call an ambulance when she was slumped over and unresponsive.

While certainly indicative of gross abuse, we do not find these incidents prove intent to harm. Each instance could reasonably be attributed to gross negligence or even accidental injury. For instance, the scratches and bruises on Watkins could have been caused by staff carelessly moving her out of her bed or changing her clothes. Her extreme bed sores could have been caused by the failure to observe proper protocols for the prevention of bed sores. There is a wealth of evidence that staff treated Watkins with callous disregard, but there is no evidence that staff acted to intentionally harm her. In addition, there was no direct testimony or expert medical testimony presented that would support a finding of intentional harm.

We recognize the difficulty in drawing the line between grossly negligent conduct and conduct that is intended to harm, particularly in a case like this alleging cruelly callous disregard for the welfare of a vulnerable person. We find, however, that the legislature clearly intended to differentiate between these two types of conduct in the statute and to allow for the cap to be set aside only when the defendant intended to harm and did harm the claimant. While the evidence here supported a finding of reckless conduct to support an award of punitive damages, no evidence

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deceased." *Id.* In a wrongful death case, the Personal Representative of the estate brings the action on behalf of the statutory beneficiaries. S.C. Code Ann. § 15-51-20 (2005). "[T]he issue of damages is not directed toward the value of the human life that was lost[] but rather the damages sustained by the beneficiaries as a result of the death." *Welch v. Epstein*, 342 S.C. 279, 304, 536 S.E.2d 408, 421 (Ct. App. 2000). Damages recoverable for wrongful death are the damages sustained by the statutory beneficiaries resulting from the death of the decedent, including "pecuniary loss; [] mental shock and suffering; [] wounded feelings; [] grief and sorrow;" and loss of society and companionship. *Id.* We hold the circuit court properly treated the damages for each cause of action separately.

beyond mere speculation was introduced to support the conclusion that staff intended to harm Watkins. At best, the evidence raised suspicion that some of her injuries were intentionally inflicted.

We do, however, find that section 15-32-530(B) applies and justifies raising the statutory cap to the greater of four times the amount of compensatory damages per claimant or two million dollars. Section (B)(1) raises the cap where:

> [T]he wrongful conduct proven . . . was motivated primarily by unreasonable financial gain and . . . the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was known or approved by the managing agent, director, officer, or the person responsible for making policy decisions on behalf of the defendant . . . .

Section (B)(2) raises the cap if "the defendant's actions could subject the defendant to a conviction of a felony and that act or course of conduct is a proximate cause of the plaintiff's damages."

Appellants argue the court did not make any specific findings with regard to subsection (B), and that this issue is therefore not preserved for review. We disagree. In its order, the court addresses subsections (B) and (C) together, sets out the statutory requirements to apply the respective sections, and then finds that Appellants operated Country Wood with "callous disregard for the health and safety of their patients and failed to provide adequate staff and services to meet their basic needs, including nutrition and proper hygiene." The court further found the removal of the bedrails from fifteen beds must have been done with management's knowledge and approval and the companies would be convicted of felonies if they were individuals.

We agree with the court's determination that the caps should be raised pursuant to section 15-32-530(B)(1). The testimony showed that Watkins suffered a severe laceration to her leg that required ten staples to close. An investigation showed that there was a jagged metal protrusion on her bed where it appeared the bed rail was sawed off, leaving an exposed metal edge. In addition, an internal audit revealed the same dangerous condition on fifteen other beds at the nursing home. We can think of few more unreasonably dangerous conditions than an exposed

jagged metal edge on a nursing home bed where vulnerable, medically fragile patients will spend the entirety of their days and nights. Moreover, the high likelihood of injury to the patient is obvious. We find the fact that the same condition was found on fifteen other beds supports the circuit court's conclusion that Appellants made a management decision and chose to save money by cutting the rails off these beds rather than replacing them. In addition, we find the record as detailed above provides overwhelming support for the court's finding that Appellants operated Country Wood with "callous disregard for the health and safety of their patients and failed to provide adequate staff and services to meet their basic needs, including nutrition and proper hygiene."

In addition, we find sufficient testimony to support the court's determination that the caps should be raised pursuant to section 15-32-530(B)(2). It is a felony to knowingly and willfully neglect a vulnerable adult causing her great bodily injury or death. S.C. Code Ann. §§ 43-35-85(E), (F) (2015). Neglect in this context is "the failure or omission of a caregiver to provide the care, goods, or services necessary to maintain the health or safety of a vulnerable adult including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services." S.C. Code Ann. § 43-35-10(6) (2015).

We find the evidence presented during the damages hearing overwhelmingly supports the court's findings. Those who operate nursing facilities should appreciate the extreme danger posed to their patients when staff are inadequately equipped to handle their needs, recognize and respond to both common and emergency medical issues, provide proper nutrition, and maintain a safe environment. We find that the actions of Country Wood staff could subject them to a felony conviction for their extreme neglect of Watkins and it is therefore appropriate to raise the punitive damages cap to four times the amount of compensatory damages per subsection (B)(2). We therefore modify the punitive damages award in the survival action to four times the compensatory award of $2,787,892.24, for punitive damages of $11,151,568.96.[4]

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[4] The punitive damages award for the wrongful death action is not affected by our decision because the court's award of $2,500,000 in punitive damages is less than the award of compensatory damages and thus not subject to the statutory cap.

C. Due Process

Appellants contend that the court's punitive damages award violated their due process rights. We find no error.

"Because punitive damages are quasi-criminal in nature, the process of assessing punitive damages is subject to the protections of the Due Process Clause of the Fourteenth Amendment of the United States Constitution." *Austin v. Stokes-Craven Holding Corp.*, 387 S.C. 22, 52, 691 S.E.2d 135, 150 (2010) (quoting *James v. Horace Mann Ins. Co.*, 371 S.C. 187, 194, 638 S.E.2d 667, 670 (2006)). Appellate courts apply a de novo standard when reviewing the constitutionality of a punitive damages award. *Mitchell, Jr. v. Fortis Ins. Co.*, 385 S.C. 570, 583, 686 S.E.2d 176, 182 (2009).

In considering whether the award violated constitutional standards, the court must consider:

> (1) the degree of reprehensibility of the defendant's misconduct; (2) the disparity between the actual and potential harm suffered by the plaintiff and the amount of the punitive damages award; and (3) the difference between the punitive damages awarded by the jury and the civil penalties authorized or imposed in comparable cases.

Austin, 387 S.C. at 52, 691 S.E.2d at 151 (citing *Mitchell*, 385 S.C at 587–88, 686 S.E.2d at 185–86; *BMW of N. Am. v. Gore*, 517 U.S. 559, 575 (1996)). The court primarily analyzed the award of punitive damages using the eight-step test outlined in *Gamble v. Stevenson*, 305 S.C. 104, 111–12, 406 S.E.2d 350, 354 (1991).[5] Courts should use the *Mitchell* test and use *Gamble* supplementally. *Mitchell*, 385 S.C. at 587, 686 S.E.2d at 185 ("We now hold that *Gamble* remains relevant to the

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[5] The court's Award Order only addresses *Mitchell* insofar as to call it "instructive in [its] consideration of the appropriateness of [the] punitive damages award." The court makes no mention of *Gore*. However, in the order denying Appellants' motion for reconsideration, the court states that it was wholly familiar with both *Gore* and *Mitchell* and that its order "clearly addressed the considerations as outlined in *Gore* and in *Gamble* . . . ."

post-judgment due process analysis[] but only insofar as it adds substance to the *Gore*[*/Mitchell*] guideposts."). Under our de novo review, utilizing the *Mitchell* factors, we find the award of punitive damages as modified above does not violate Appellants' due process rights.

(1) Reprehensibility

When considering reprehensibility, *Mitchell* directs us to consider,

> whether[] (i) the harm caused was physical as opposed to economic; (ii) the tortious conduct evinced an indifference to or a reckless disregard for the health or safety of others; (iii) the target of the conduct had financial vulnerability; (iv) the conduct involved repeated actions or was an isolated incident; and (v) the harm was the result of intentional malice, trickery, or deceit, rather than mere accident.

Id. The court found Appellants' treatment of Watkins "the most egregious case of elder neglect/abuse" the court had ever witnessed. The court's finding is well supported by the record. Watkins suffered terrible physical harm during her stay at Country Wood. Even in the face of Appellants' refusal to participate in meaningful discovery, the record supports a finding that Appellants recklessly disregarded Watkins's health and safety. Appellants repeatedly failed to seek emergency care for Watkins without urging from a third party. Respondent testified to multiple occasions where she would arrive for a visit only to find her mother left unattended while visibly ill or injured. While in Appellants' care, Watkins experienced numerous painful wounds. These wounds were established through testimony, medical records, autopsy photographs, and Appellants' own records.

The record is limited as to the financial status of the family, but Appellants' actions and inactions occurred repeatedly over the course of Watkins's nine-month stay, especially in the final three months of her life. Finally, the falsified skin assessment records from dates when Watkins was hospitalized are evidence of deceit.

We find the reprehensibility of Appellants' conduct in this case justifies the award of punitive damages.

(2) Ratio

Courts must "consider the disparity between the actual or potential harm suffered by the plaintiff and the amount of the punitive damages award." *Id.* at 587–88, 686 S.E.2d at 185. There is no bright line rule but "the measurement of punishment is both reasonable and proportionate to the amount of harm to the plaintiff and the general damages recovered." *Id*. at 588, 686 S.E.2d at 185 (quoting *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 425–26 (2003)). We may consider how likely the punitive damages award is to deter Appellants from repeating the conduct; "whether the award is reasonably related to the harm"; and Appellants' ability to pay. *Id*.

For the survival action, the court awarded $398,270.32 in economic damages and $2,389,621.92 in noneconomic damages for a total of $2,787,892.24. For the survival action, the punitive damages award as modified is four times the compensatory damages award at $11,151,568.96, or a 4:1 ratio, well within the single-digit ratio the United States Supreme Court has noted is "more likely to comport with due process." *Campbell*, 538 U.S. at 425. For the wrongful death action, the compensatory damages the court awarded were $1,500,000.00 to each of the five wrongful death claimants, totaling $7.5 million. The punitive damages were $500,000.00 for each claimant, totaling $2.5 million. This is a 1:3 ratio. These ratios are in line with previous punitive damages awards which have been upheld after a due process challenge. *See, e.g.*, *Austin*, 387 S.C. at 53–54, 691 S.E.2d at 151 (upholding an 8.21:1 ratio award); *Duncan v. Ford Motor Co.*, 385 S.C. 119, 146, 682 S.E.2d 877, 891 (Ct. App. 2009) (upholding a 5.087:1 ratio award), *overruled on other grounds by State v. Wallace*, 440 S.C. 537, 542 n.3, 892 S.E.2d 310, 312 n.3; *James*, 371 S.C. at 196–97, 638 S.E.2d at 672 (upholding a 6.82:1 ratio award).

The court found Appellants' failure to comply with discovery hampered its ability to assess their ability to pay but declined to reward their obstructive behavior, noting that Appellants were able to hire legal counsel to represent them in this protracted litigation and Appellants' decision to "actively ignore" court orders requiring them to produce financial information. We agree and find no error in the court's reasoning.

(3) Comparative Penalty Awards

Courts "should consider the difference between the punitive damages awarded . . . and the civil penalties authorized or imposed in comparable cases." *Mitchell*, 385 S.C. at 588, 686 S.E.2d at 186.

Comparing the award here to awards in similar cases throughout the country, we do not find it to be excessive. *See, e.g.*, *McLemore ex rel. McLemore v. Elizabethton Med. Invs., Ltd. P'ship*, 389 S.W.3d 764, 789 (Tenn. Ct. App. 2012) (upholding punitive damages 18.8 times higher than compensatory damages after finding a nursing home's reprehensible conduct led to a patient developing a stage IV decubitus ulcer, dehydration, and infection); *Advocat, Inc. v. Sauer*, 111 S.W.3d 346, 363 (Ark. 2003) (reducing punitive damages from $63 million to $21 million where a nursing home deliberately falsified reports in patient charts to conceal understaffing); *Christensen v. Good Shepherd, Inc.*, No. 17-0516, 2018 WL 2731626, at *9–10 (Iowa Ct. App. filed June 6, 2018) (upholding a 5:1 ratio where nursing facility's inadequate care led to continued falls, weight loss, health deterioration, and dehydration resulting in death).

Appellants' conduct in this case merits an award of punitive damages in a ratio of 4:1, and under these facts, we find such an award does not offend due process.

II. Production of Insurance and Financial Information

Appellants argue that the court abused its discretion in issuing the Production Order because Respondent had not, at the time of the court's ruling, sought to enforce judgment "as required by Rule 69 of the South Carolina Rules of Civil Procedure." Respondent contends that the court did not rely on Rule 69 in issuing the Production Order but instead issued the order due to Appellants' ongoing failure to cooperate with discovery and its disregard of prior discovery orders. We agree with Respondent that this is not a Rule 69 matter. However, we hold that the court abused its discretion in requiring the disclosure of financial information from individual LLC members who are not a party to this action.

Rule 69 states that the "[p]rocess to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise." In enforcing the judgment, the judgment creditor "may examine any person . . . in the manner

provided in these rules for obtaining discovery." Rule 69, SCRCP. Appellants are correct that parties seeking enforcement of a judgment may not seek post-judgment discovery without the issuance of a writ of execution or initiating supplementary procedures. *See Ex parte Wilson*, 367 S.C. 7, 14, 625 S.E.2d 205, 208 (2005). We do not, however, read the trial court's Production Order as compelling post-judgment discovery. Rather, it is a reiteration of Appellants' still-unfulfilled obligation to comply with the court's previous discovery orders. Respondent sought the same information in discovery, including Appellants' insurance information, corporate tax records, financial statements (including net earnings and gross earnings), information regarding ownership and assets of Appellants, and information about the relationship between Appellants. The court granted Respondent's motion to compel and ordered Appellants to provide this information. We find this information was discoverable pre-trial and is particularly relevant post-judgment. Furthermore, nothing in our Rules of Civil Procedure or jurisprudence suggests that a discovery order becomes moot after sanctions are imposed.

However, the Production Order goes beyond the scope of the court's prior discovery orders by requiring non-party LLC members to turn over their personal financial information. It was an abuse of discretion to order the production of these materials from non-parties where Respondent did not seek to pierce the corporate veil in this action.[6] *See, e.g.*, *Wilson v. Friedberg*, 323 S.C. 248, 251, 473 S.E.2d 854, 856 (Ct. App. 1996) ("[T]he party seeking to have the corporate identity disregarded has the burden of proving the doctrine should be applied.").

CONCLUSION

We affirm the award of punitive damages generally but reverse the court's finding of "intent to harm" under subsection (C) and limit the punitive damages award for the survival action to four times the amount of compensatory damages as set forth in subsection (B). Further, we affirm the Production Order insofar as it is consistent with prior discovery orders but reverse the requirement to produce the personal financial information of non-party LLC members.

For the above reasons, the decision of the circuit court is

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[6] Respondent has since filed a separate action seeking to pierce the corporate veil of the Appellants' entities.

AFFIRMED IN PART AND REVERSED IN PART.

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