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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

Grace Gilchrist Knie, Circuit Court Judge

Appellate Case No. 2025-001716

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

v.

Chi Hun Lim, M.D., Megan Nicholas, P.A., Carolina Orthopedic and Neurosurgical Associates
P.A., and Carolina Orthopedic and Neurosurgical Associates, ASC, LLC Appellants.

**FINAL BRIEF OF APPELLANT CAROLINA ORTHOPEDIC
AND NEUROSURGICAL ASSOCIATES, ASC, LLC**

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STATEMENT OF FACTS

This appeal arises from a \$6 million verdict on medical malpractice claims related to post-operative care Chi Hun Kim, M.D. and Megan Nicholas, P.A. provided to the late Albert Charles Jefferies. A Spartanburg County jury awarded \$3 million each to Andrea Allen, as Personal Representative of the Estate of Albert Charles Jefferies, deceased (the Estate) and nonparty Michelle Hemphill, Jefferies' other daughter.

Although the Estate named Carolina Orthopedic and Neurosurgical Associates, ASC, LLC (CONA ASC) as a defendant in its second amended complaint, CONA ASC did not employ Dr. Kim or Nicholas and was not involved in Mr. Jefferies' medical care. At a post-trial hearing, all counsel told the circuit court another entity—Carolina Orthopedic and Neurosurgical Associates P.A.—should be substituted for CONA ASC and held liable for the judgment. The circuit court found CONA ASC is not a proper defendant and entered an order amending the caption.

ARGUMENT

As the circuit court correctly ruled, CONA ASC is not a proper defendant and cannot be held liable for the judgment in this case. Because other issues remain outstanding, CONA ASC files this brief out of abundance of caution to preserve all issues and defenses applicable to it should the Court determine further consideration is necessary. To that end, pursuant to Rule 208(b)(6), SCACR, CONA ASC adopts the Statement of the Issues, Statement of the Case, Facts, Standard, and Argument sections of Dr. Lim's and Nicholas's briefs to the extent not inconsistent with its position that it is not a proper party and not liable for any judgment in this case.

CONCLUSION

The Court should affirm that CONA ASC is not a proper defendant—and the judgment is not enforceable as to it—and grant such further relief as is consistent with that determination.

Respectfully submitted,

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