

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF ANDERSON
 IN THE COURT OF COMMON PLEAS

FILED-CLERK'S OFFICE
 ANDERSON SC

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2012CP0400290

Gina Wilbanks

Roger Wilbanks

Ernest C Martin

2014 FEB -3 P 3:27

A TRUE COPY

FEB - 5 2014

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 43(k), SCRPC (Settled);
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: settlement approved

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2132
 Judge Code

2/3/2014
 Date

For Clerk of Court Office Use Only

This judgment was entered on _____, and a copy mailed first class or placed in the appropriate attorney's box on _____, to attorneys of record or to parties (when appearing pro se) as follows:

Jennifer Spragins Burnett PO Box 35 Anderson, SC 29622

James Edward Bradley PO Box 5709 West Columbia, SC 29171

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Richard A. Shirley - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS

FILED-CLERK'S OFFICE
ANDERSON SC

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP0400288

A TRUE COPY

Gina Wilbanks

Roger Wilbanks

Ernest C Martin

FEB - 5 2014

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
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- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

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Circuit Court Judge

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Judge Code

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James Edward Bradley PO Box 5709 West Columbia, SC
29171

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Richard A. Shirley - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

FILED-CLERK'S OFFICE
ANDERSON

IN THE COURT OF COMMON PLEAS

Gina Wilbanks individually, and as the Personal
Representative of the Estate of Roger Wilbanks,

Plaintiff,

vs.

Ernest C. Martin, M.D.,

Defendants.

2014 FEB - 3 3: 26

ORDER APPROVING SETTLEMENT WITH
DEFENDANTS

TRUE COPY
FEB - 5 2014
C.A. No.: 2012-CP-04-00288
C.A. No.: 2012-CP-04-0290

This matter comes before me pursuant to the Petition of Gina Wilbanks, as Personal Representative of the Estate of Roger Wilbanks, Deceased. The matter was heard by me on February 3, 2014; the Petitioner was represented by Jennifer Spragins Burnett of the firm of Standeffer & Harbin, LLP, of Anderson, South Carolina, and Petitioner has had the benefit of her counsel and advice in this matter. The Petitioner has had her rights, as well as the rights of the beneficiaries of the Estate, fully explained to her and she appears to understand the same.

Upon the evidence presented to this Court and statements made by counsel, it would appear that this is a case of contested liability. The causes of action for Wrongful Death and Survival arise out of a hospitalization beginning October 21, 2009 and the subsequent death by suicide of Roger Wilbanks on October 25, 2009. The Plaintiff claims Mr. Wilbanks's death was the result of negligence on the part of the Defendants Anmed Health and Ernest C. Martin, MD. Defendants Anmed Health and Ernest C. Martin, MD have denied any and all liability.

Petitioner brought her claims in the Court of Common Pleas for Anderson County, South Carolina, seeking damages for Wrongful Death and Survival against the above named Defendants. The matter with Anmed Health was settled prior to the filing of the Summons and Complaint.

The Petitioner and Defendant Martin, have been able to reach a compromise as to resolution

of the claims made by the Petitioner, as Personal Representative of the Estate of Roger Wilbanks, Deceased, against said Defendant Martin, which might arise under the Wrongful Death Statute and Survival Statute of the South Carolina Code of Laws.

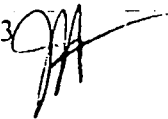
Defendant Martin, through his insurer, has agreed to reimburse costs of the Petitioner in the sum of THIRTY TWO THOUSAND (\$32,000.00) Dollars in exchange for a complete dismissal against Dr. Martin with prejudice. Allocation of the reimbursement between the two causes of action will be as follows: \$10,000.00 to the Wrongful Death claim; and \$22,000.00 to the Survival claim.

This Court carefully considered the defenses raised by the Defendant in this matter and the nature of the Decedent's passing. After considering the foregoing, this Court finds the allocation between Wrongful Death and Survival to be supported by the facts of this case. This Court also finds that given the uncertainties of trial, a reimbursement of costs in this matter is appropriate.

It has been explained to the Petitioner that accepting a reimbursement of costs in this matter includes the dismissal of any and all claims against Defendant Martin for all damages arising out of the injury and death of Roger Wilbanks. It appears from the facts and circumstances of this case, including the denial of liability by the settling Defendant, that the settlement is fair, just, and equitable, and should be approved.

IT IS FURTHER ORDERED that Defendant Martin and his insurance carrier, are relieved and discharged from further liability and shall have no obligation or legal duty to the Petitioner or to the Estate of Roger Wilbanks, and shall have no obligation or duty to see to the appropriate or proper distribution of the settlement proceeds among the beneficiaries or those entitled to the proceeds of the settlement of the Wrongful Death and Survival action, and shall have no obligation to satisfy any outstanding medical bills, liens, or debts owed to any third party by the Estate of Roger Wilbanks, Deceased.

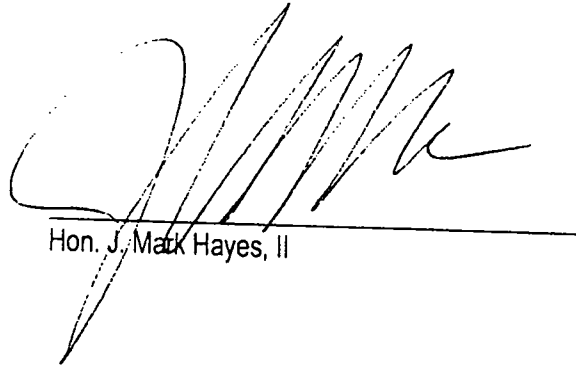
IT IS FURTHER ORDERED that the costs as outlined in the Petition are fair and reasonable

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and shall be approved by this Court, and that said amounts shall be paid directly from the settlement funds upon the approval of this settlement by the Court. Upon reimbursement of costs, any remaining funds shall be disbursed among the statutory heirs in accordance with the laws of the State of South Carolina.

IT IS FURTHER ORDERED that the Petitioner, as Personal Representative of the Estate of Roger Wilbanks, be forever barred from asserting any or further claim against any party on account of care and treatment rendered to Roger Wilbanks, including Defendant Martin and the previously dismissed Defendant Anmed Health.

IT IS SO ORDERED.



Hon. J. Mark Hayes, II

February 2, 2014

Anderson, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS

Gina Wilbanks, Individually, and,)
as Personal Representative of the Estate)
of Roger Wilbanks,)
)
)
Plaintiff,)

C/A No. 201~~2~~³-CP-04-00288
C/A No. 2012-CP-04-00290

vs.)

**STIPULATION OF DISMISSAL
WITH PREJUDICE OF PLAINTIFF'S
CLAIMS AGAINST DEFENDANT
ERNEST C. MARTIN, MD**

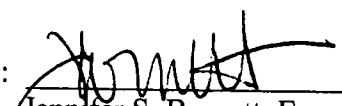
Anmed Health and Ernest C. Martin, MD)
)
Defendants.)
_____)


Undersigned counsel for all parties, pursuant to Rule 41(a)(1)(b) of the South Carolina Rules of Civil Procedure, stipulate to the dismissal with prejudice of any and all of Plaintiff's claims against Defendant Ernest C. Martin, MD, in the above-titled actions. These matters are now ended.

WE SO STIPULATE:

STANDEFFER & HARBIN, LLP

MOORE TAYLOR LAW FIRM, PA

By: 
Jennifer S. Burnett, Esquire
P.O. Box 35
Anderson, South Carolina 29622-0035
jennifer@shglawyers.com
Attorney for Plaintiff

By: 
James Edward Bradley, Esquire
John C. Bradley, Jr., Esquire
P. O. Box 5709
West Columbia, South Carolina 29169
ward@mttlaw.com
john@mttlaw.com
Attorneys for Defendant Edward C.
Martin, MD

RECEIVED
FEB 24 2014
SC Court of Appeals

A TRUE COPY
FEB - 6 2014
CLERK OF COURT
Alamy K...

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS

Gina Wilbanks, Individually, and)
as Personal Representative of the Estate)
of Roger Wilbanks,)
)
Plaintiff,)

C/A No. 2012-CP-04-00290
C/A No. 2010-CP-04-00288

vs.)

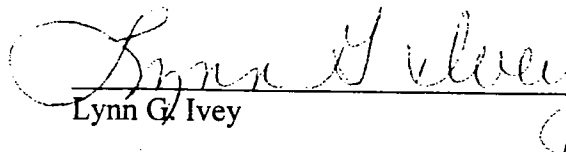
CERTIFICATE OF SERVICE

Ernest C. Martin, MD)
)
Defendant.)

I, Lynn G. Ivey, an employee of Moore Taylor Law Firm, P.A., certify that I have on this day effected service of the below listed documents upon counsel for the Plaintiff in this action by placing a copy of same in the United States mail in an envelope with sufficient postage affixed thereto addressed as follows:

Jennifer S. Burnett, Esquire
Standeffor & Harbin, LLP
P. O. Box 35
Anderson, South Carolina 29622-0035

DOCUMENT(S): 1. Stipulation of Dismissal with Prejudice of Plaintiff's Claims Against Defendant Ernest C. Martin, MD


Lynn G. Ivey

West Columbia, South Carolina

February 4, 2014

RECEIVED

FEB 24 2014

SC Court of Appeals

ATRUE COPY
FEB - 6 2014
Lynn G. Ivey
CLERK OF BENCH