

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUL 02 2014

Ruth Sturkie LeClair, as Next of Kin to and Personal
Representative of the Estate of Raymond Conrad
LeClair, Respondent,

SC Court of Appeals

v.

Palmetto Health, Petitioner.

Appellate Case No. 2013-001061
Lower Court Case No. 2008-CP-40-4832

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Richland County
The Honorable Alison Renee Lee, Circuit Court Judge

Memorandum Opinion No. 2014-MO-026
Submitted June 24, 2014 – Filed July 2, 2014

REMANDED

James E. Parham, Jr., of James E. Parham, Jr., P.A., of
Irmo, and Andrew F. Lindemann, of Davidson &
Lindemann, PA, of Columbia, for Petitioner.

Stephen R. Soltis, Jr., of Soltis Law Firm, of Lexington,
for Respondent.

PER CURIAM: This matter is before the Court by way of a petition for a writ of certiorari to review the Court of Appeals' decision in *LeClair v. Palmetto Health*, 2013-UP-081 (S.C. Ct. App. filed Feb. 20, 2013). We deny the petition as to petitioner's questions I and III. We grant the petition as to petitioner's question II, dispense with further briefing, and remand to the Court of Appeals to clarify whether the survival claim was remanded to the trial court.

Respondent's complaint asserts damages recoverable under wrongful death and survival causes of action, and the trial judge recognized both causes of action. Respondent did not challenge the finding that two separate causes of action exist. The Court of Appeals' decision is unclear because it does not distinguish between the two causes of action or state whether the reversal and remand apply to the survival cause of action, but instead uses language such as "wrongful death claims" and "wrongful death and other claims." We therefore remand to the Court of Appeals to clarify whether its decision to reverse and remand to the lower court applies to the survival cause of action.

REMANDED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**