

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Case No. 2009-CP-08-3237

Finley C. Evans..... Appellant

v.

Roper Hospital, Inc. d/b/a Roper
St. Francis Healthcare and d/b/a
Roper-St. Francis Home Health..... Respondents.

RECEIVED
MAY 07 2012
SC Court of Appeals

NOTICE OF APPEAL

Appellant Finley C. Evans appeals from a directed verdict granted by the Honorable Stephanie P. McDonald on January 12, 2012 and other rulings excluding the testimony of Lauren Cauwels, RN. On January 23, 2012, Appellant filed a Motion to Reconsider, Alter and Amend Judgment. Judge McDonald denied the Appellant's Motion on March 15, 2012. Appellant received email notice of the order on March 30, 2012. Orders attached.

Respectfully Submitted,



Christy DeLuca
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
(803) 327-7800
(803) 328-5656 (fax)
cdeluca@mcgowanhood.com

Attorney for Appellant

Other attorney of record:

Joseph J. Tierney, Jr.
Young, Clement Rivers, LLP
25 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 720-5406
jtierney@ycrlaw.com

April 30, 2012

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Stephanie P. McDonald, Circuit Court Judge

Case No. 2009-CP-08-3237

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Roper Hospital, Inc. d/b/a Roper
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SC Court of Appeals

PROOF OF SERVICE

The undersigned hereby certifies that on this 30th day of April, 2012, she served counsel for the Respondents with a copy of the Notice of Appeal in this matter by mailing a copy of the same by United States Mail with first class postage prepaid to the following address:

Joseph J. Tierney, Jr.
Young, Clement Rivers, LLP
25 Calhoun Street, Suite 400
Charleston, SC 29401



Christy M. DeLuca

McGowan, Hood & Felder, LLC

Chad A. McGowan (SC, GA, NC)
S. Randall Hood
John G. Felder, Jr.
W. Jones Andrews, Jr.
Jordan C. Calloway
Susan F. Campbell
Ashley White Creech
Christy M. DeLuca
Lara Pettis Harrill



Patrick M. Killen
T. Travis Medlock
William A. McKinnon (SC, DC)
Daniel "Ernie" Peagler
Robert V. Phillips
Seth Rose
James Stephen Welch*(SC,OK)
Jay F. Wright
Joseph G. Wright, III*
Of Counsel*

Writer's Email: cdeluca@mcgowanhood.com

May 1, 2012

The Honorable Tonya Gee
Clerk of South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
MAY 07 2012
SC Court of Appeals

Re: Filing of Notice of Appeal in Evans v. Roper Hospital, Inc. d/b/a Roper St.
Francis Healthcare and d/b/a Roper-St. Francis Home (2009-CP-08-3237)

Dear Madam Clerk:

Enclosed for filing please find the original and one copy of the Notice of Appeal, Proof of Service and fee in the above-referenced matter.

Please file the original and return the file-stamp copy to me in the enclosed self-addressed stamped envelope at your earliest convenience.

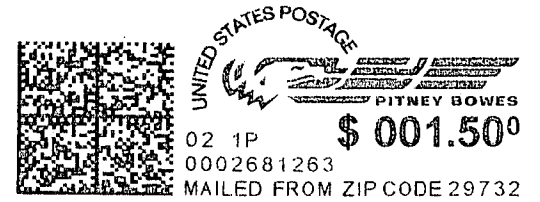
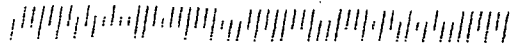
Thank you in advance for your assistance. Please call me if you have any questions.

Sincerely,

Christy M. DeLuca, Esquire

Enclosures

cc: Joseph J. Tierney, Jr.



Christy M. DeLuca
McGowan, Hood & Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732

The Honorable Tonya Gee
Clerk of South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



State of South Carolina
The Circuit Court of the Ninth Judicial Circuit

Stephanie P. McDonald
Judge

Charleston County Judicial Center
100 Broad Street, Suite 427
Charleston, SC 29401
Phone: (843) 958-5102
Fax: (843) 958-5107
smcdonaldj@sccourts.org

March 27, 2011

Ms. Valarie Butler
Berkeley County Clerk of Court
300 California Ave. #B
Moncks Corner, SC 29461-4036

Re: Evans v. Roper Hospital, Inc. D/B/A Roper St. Francis Healthcare and D/B/A Roper St. Francis Home Health

Dear Valarie,

Enclosed please find the signed Form 4 Order Denying Plaintiff's Post-Trial Motion to Reconsider, Alter and Amend in the above referenced matter. There is not a formal order associated with this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Woodard".

Sarah E. Woodard
Administrative Assistant

Enclosure

FINLEY C. EVANS

ROPER HOSPITAL, INC. D/B/A ROPER ST. FRANCIS

PLAINTIFF(S)

HEALTHCARE AND D/B/A ROPER ST. FRANCIS HOME HEALTH

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> 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.
- 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: Plaintiff's post-trial motion to reconsider, alter, and amend the judgment is denied.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk :

2012 MAR 29 AM 11:53
 CLERK OF COURT
 BERKELEY COUNTY, SC
 FILED

INFORMATION FOR THE PUBLIC 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)
N/A	N/A	N/A
		\$
		\$

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.

Finley C. Evans
 Circuit Court Judge

2163
 Judge Code

3/26/12
 Date

For Clerk of Court Office Use Only

This judgment was entered on the 29 day of May 2012 and a copy mailed first class or placed in the appropriate attorney's box on this 29 day of May 2012 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
Mary P. Brown
CLERK OF COURT

Court Reporter:

FORM 4

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2009CP080323

RECEIVED
MAY 07 2012
SOUTH CAROLINA COURT OF APPEALS

Findley C Evans	Roper Hospital Inc Roper St Francis Home Health Roper St Francis Healthcare
PLAINTIFF(S) DEFENDANT(S)	
Submitted by: The Court	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented

2012 JAN 11 PM 12:36
FILED
CLERK OF COURT
BERKELEY COUNTY SOUTH CAROLINA

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.
- 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:

The Defendant's motion for directed verdict is granted.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

INFORMATION FOR THE PUBLIC INDEX

Complete this form whenever the judgment affects title to real or personal property or if any amount is to 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.**

[Signature]
Circuit Court Judge

2163
Judge Code

[Signature]
Date

For Clerk of Court Office Use Only

This judgment was entered on 12th Day of January, 2012, and a copy mailed first class or placed in the appropriate attorney's box on 12th Day of January, 2012, to attorneys of record or to parties (when appearing pro se) as follows:

John Preston Griffith Smith & Griffith, LLP P.O. Box 2866
Anderson, SC 29622
Christy Marie DeLuca McGowan, Hood & Fekler 1539
Health Care Drive Rock Hill, SC 29732
Joseph Griffith Jr Joe Griffith Law Firm, LLC 946 Johnnie
Dodds Blvd Mount Pleasant, SC 29464

Joseph John Tierney Jr. Young Clement Rivers, LLP P.O.
Box 993 Charleston, SC 29402
Christine Kent Toporek Young Clement Rivers, LLP P.O.
Box 993 Charleston, SC 29402

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Mary P. Brown - Clerk of Court

Court Reporter

