

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GEORGETOWN)
)
 Nadene Holliday, Individually and)
 as Personal Representative of the Estate)
 of David Holliday,)
)
 Plaintiff,)
)
 vs.)
)
 Waccamaw Community Hospital and Kent)
 M. McGinley, M.D.,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT
 CASE NO. 2012-CP-02-01004

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FEB 19 2015

SC Court of Appeals

FILED
 GEORGETOWN COUNTY, SC
 2015 FEB -3 PM 4: 21
 ALMA Y. WHITE
 CLERK OF COURT

The above entitled case was called for trial at the regular Common Pleas term in Georgetown, South Carolina, beginning January 12, 2015.

During motion hearings on January 12, 2015, prior to the commencement of the trial, the Defendant, Waccamaw Community Hospital, made a motion to dismiss on the grounds that the Plaintiff had failed to allege facts sufficient to state a cause of action against it.

The Plaintiff alleges that the Defendant Hospital has a duty, owed directly to its patients, to appoint to its medical staff only those physicians that are competent in their respective fields, worthy in character and in matters of professional ethics, and that meet the requirements of the hospital's bylaws. Specifically, the Plaintiff, in her Second Amended Complaint, alleges that the Defendant Hospital breached this duty and was negligent in:


- a. failing to provide Mr. Holliday (the decedent) with a pathologist that was competent in the field of pathology, worthy in character and in matters of professional ethics, and that met the requirements of the hospital's bylaws;

- b. failing to independently monitor Defendant McGinley following his discipline by the Medical Board and upon his return to work at Defendant Hospital;
- c. failing to revoke Defendant McGinley's hospital privileges and appointment to the medical staff when it learned of his unethical, fraudulent, criminal actions and unfitness of character; and
- d. reappointing Defendant McGinley to the medical staff and renewing his hospital privileges after learning of his unethical, fraudulent, criminal actions and unfitness of character; and
- e. continuing its contractual relationship with Defendant McGinley and his pathology practice after learning of his unethical, fraudulent, criminal actions and unfitness of character.

After careful consideration of the briefs submitted by the parties and the arguments of counsel on January 12 and January 13, 2015, I FIND that South Carolina does not recognize a cause of action for negligent credentialing arising out of a corporate negligence theory. Now, therefore, it is

ORDERED, ADJUDGED AND DECREED that Defendant Waccamaw's Motion to Dismiss, pursuant to Rule 12(b)(6), SCRPC, is hereby granted and that Defendant Waccamaw is dismissed from this lawsuit with prejudice.

AND IT IS SO ORDERED.



Diane S. Goodstein, Presiding Judge
Fifteenth Judicial Circuit

January 20, 2015
St. George, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

IN THE COURT OF COMMON PLEAS
CASE NO.: 2012-CP-01004

Nadene Holliday, Individually and as)
Personal Representative of the Estate of)
David Holliday,)

Plaintiff,)

vs.)

Waccamaw Community Hospital and)
Kent M. McGinley, M.D.,)

Defendants.)

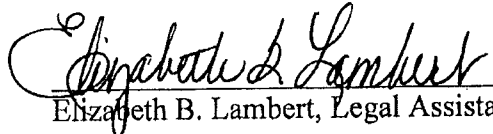
CERTIFICATE OF SERVICE

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I, Elizabeth B. Lambert, an employee of McNair Law Firm, P.A., attorneys for the Defendant, Waccamaw Community Hospital, in the above captioned matter, certify that I have today, February 4, 2015, emailed a copy of the order of The Honorable Diane S. Goodstein dated January 30, 2015, filed February 3, 2015, and deposited a copy of the order in the United States Mail, first class, postage prepaid and addressed to the following persons:

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Elizabeth B. Lambert, Legal Assistant

February 4, 2015