

The South Carolina Court of Appeals

William W. Huggins, Jr., Respondent,

v.

City of Mullins and South Carolina Municipal Trust,
Respondents,

Rakesh Chokshi, M.D., Appellant.

Appellate Case No. 2014-002070

ORDER

Dr. Rakesh Chokshi has appealed the South Carolina Workers' Compensation Commission's order affirming the single commissioner's order compelling Chokshi to provide his deposition pursuant to the Commission's fee schedule. Respondents City of Mullins and South Carolina Municipal Trust have filed a motion to dismiss this appeal, Chokshi has filed a return, and Respondents have filed a reply.

Because Chokshi has complied with the order compelling his deposition, he has waived his right to appeal. *See Ex parte Whetstone*, 289 S.C. 580, 580, 347 S.E.2d 881, 881-82 (1986) ("We now hold that an order directing a non-party to submit to discovery is not immediately appealable. Instead of appealing immediately, a non-party has two alternatives. *He may either comply with the discovery order and waive any right to challenge it on appeal*, or refuse to comply with the order and appeal after he is held in contempt for his failure to comply." (emphasis added)).¹

¹ Chokshi argues *Ex Parte Whetstone* is not controlling in this case because it relies on section 14-3-330 of the South Carolina Code (1976) in holding that discovery orders are not immediately appealable, and section 14-3-330 does not govern appealability in workers' compensation cases. Although Chokshi is correct that the Administrative Procedures Act governs appealability in workers' compensation

John Cannon
FOR THE COURT

C.J.

Columbia, South Carolina

cc:

Grady Larry Beard, Esquire

Carl Everette Pierce, II, Esquire

Natalie Shawn Stevens-Graziani, Esquire

FILED
4/3/15

cases, we need not address whether the underlying order was immediately appealable because Chokshi has waived his right to ever appeal.