

# The South Carolina Court of Appeals

Dr. Cynthia Holmes, M.D., Appellant,

v.

East Cooper Community Hospital, Inc. and Tenet  
HealthSystem Medical, Inc., Respondents.

Appellate Case No. 2015-000187

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## ORDER

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On July 29, 2011, the circuit court granted summary judgment in favor of Respondents and on January 27, 2012, the circuit court sanctioned Appellant pursuant to the South Carolina Frivolous Proceedings Act. On March 26, 2014, the Supreme Court of South Carolina affirmed both of the circuit court's decisions. *See Holmes v. E. Cooper Cmty. Hosp., Inc.*, 408 S.C. 138, 758 S.E.2d 483 (2014). On June 13, 2014, the remittitur was properly sent down pursuant to Rule 221(b), SCACR. Thereafter, Appellant filed a post-remittitur motion with the circuit court seeking to withdraw a motion to dismiss counterclaims she had filed with the circuit court prior to its July 29, 2011 entry of summary judgement. On November 3, 2014, the circuit court issued an order that stated "[Appellant's] Motion to Withdraw the Motion to Dismiss, filed on 7/07/2014, is not a viable motion; No viable motions pending in this resolved case." Appellant then filed a pro se Rule 59(e), SCRCR, motion for reconsideration. The circuit court issued an order finding that motion to be improper, stating "[Appellant's] Rule 59(e) Motion, filed on 11/19/2014, is improper; [the circuit court] declines any request for reconsideration of the order entered 11/3/2014 due to the status of this case as closed and in accordance with the Supreme Court's order dated 12/2/2009."<sup>1</sup>

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<sup>1</sup> In the December 2, 2009 order, the Supreme Court of South Carolina directed "the Clerks of Court in this state to refuse to accept further filings from [Appellant] in actions related in any way to the revocation of her medical staff privileges at East Cooper Community Hospital unless they are filed by an attorney, other than petitioner, licensed to practice law in this state.

Appellant has now attempted to serve and file a notice of appeal from the circuit court's November 3, 2014 order finding her motion to withdraw her motion to dismiss "is not a viable motion" and the December 9, 2014 order finding her motion for reconsideration is not proper due to the case being closed and Appellant's pro se status. After careful consideration, this appeal is dismissed because "no actual controversy capable of specific relief exists." *See Sloan v. Greenville Cnty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) ("The court does not concern itself with moot or speculative questions. An appellate court will not pass judgment on moot and academic questions; it will not adjudicate a matter when no actual controversy capable of specific relief exists. A case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy."). Here, because summary judgment has been granted, affirmed on appeal, and the remittitur sent down, there is no longer an existing controversy. The remittitur will be sent down as provided by Rule 221(b), SCACR.

  
FOR THE COURT

Columbia, South Carolina

cc:  
Erskine Douglas Pratt-Thomas, Esquire  
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**FILED**  
5/8/15