

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Case No. 2011-CP-24-0147

Janice Clinkscales, Lucy Townsend, William Outz,
Tammie Holmes, William Haynes, Michelle Barksdale,
Lavonia Haynes, individuals on behalf of themselves
and all other similarly situated and Relief Plaintiffs 1-93, Respondents,



v.

Greenwood County Hospital Board, Self Regional
Memorial Board, Self Regional Memorial Hospital,
Self Regional Healthcare, Self Medical Group, The
Outpatient Surgery Center, Self Memorial Regional Health
Services, Self Regional Physician Services, Greenwood
Medical Company, Self Regional Healthcare Auxiliary,
Self Regional Healthcare Foundation, John Does 1-10, Defendants,

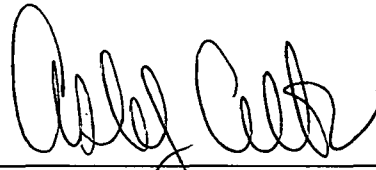
of whom Greenwood County Hospital Board, Self Regional
Memorial Board, Self Regional Memorial Hospital,
Self Regional Healthcare, are the Appellants.

NOTICE OF APPEAL

Appellants Greenwood County Hospital Board, Self Regional Memorial Board,
Self Regional Memorial Hospital, and Self Regional Healthcare (collectively “Self
Hospital”), appeal the order of the Honorable Eugene C. Griffith, Jr.’s denying
Appellant’s Motion to Dismiss and Motion to Strike filed June 26, 2012. Appellants
received written notice of entry of this order on August 22, 2012.

RECEIVED
AUG 31 2012
SC COURT OF APPEALS

August 28, 2012



Ashley P. Cuttino, Esq. (SC Bar No. 70354)
Michael M. Shetterly, Esq. (SC Bar No. 12059)
W. Kyle Dillard, Esq. (SC Bar No. 69408)
OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
300 North Main Street
PO Box 2757
Greenville, SC 29602
(864) 271-1300 (telephone)
(864) 235-8806 (facsimile)
ashley.cuttino@ogletreedeakins.com
mike.shetterly@ogletreedeakins.com
kyle.dillard@ogletreedeakins.com

Attorneys for Appellants,
Greenwood County Hospital Board, Self Regional
Memorial Board, Self Regional Memorial Hospital,
and Self Regional Healthcare

Other Counsel of Record:
Edward S. McCallum, III, Esq.
Eugene C. Covington, Jr., Esq.

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Lavonia Haynes, individuals on behalf of themselves
and all other similarly situated and Relief Plaintiffs 1-93, Respondents,

v.

Greenwood County Hospital Board, Self Regional
Memorial Board, Self Regional Memorial Hospital,
Self Regional Healthcare, Self Medical Group, The Outpatient
Surgery Center, Self Memorial Regional Health Services, Self
Regional Physician Services, Greenwood Medical Company, Self
Regional Healthcare Auxiliary, Self Regional Healthcare
Foundation, John Does 1-10, Defendants,

of whom Greenwood County Hospital Board, Self Regional
Memorial Board, Self Regional Memorial Hospital,
Self Regional Healthcare, are the..... Appellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents Janice Clinkscales, Lucy Townsend, William Outz, Tammie Holmes, William Haynes, Michelle Barksdale, Lavonia Haynes, individuals on behalf of themselves and all other similarly situated and Relief Plaintiffs 1-93, by sending to their attorney of record a copy of the same via first class mail, properly addressed, postage prepaid at the following address:

RECEIVED
AUG 31 2012
SC Court of Appeals

Edward S. McCallum, III
PO Box 148
Greenwood, SC 29649
mccallum@greenwood.net

Attorney for Respondents

Ashley P. Cuttino, Esq.
Michael M. Shetterly, Esq.
W. Kyle Dillard, Esq.
Ogletree, Deakins, Nash, Smoak
& Stewart, P.C.
PO Box 2757
Greenville, SC 29602
(864) 271-1300 (telephone)
ashley.cuttino@ogletreedeakins.com
mike.shetterly@ogletreedeakins.com
kyle.dillard@ogletreedeakins.com

*Attorneys for Self Medical Group, The
Outpatient Surgery Center, Self Memorial
Regional Health Services, Self Regional
Physician Services, Greenwood Medical
Company, Self Regional Healthcare
Auxiliary, Self Regional Healthcare
Foundation, John Does 1-10*

August 28, 2012

Eugene C. Covington, Jr.
Covington Patrick Hagins
Stern & Lewis, P.A.
211 Pettigru Street
Greenville, SC 29601
gcovington@covpatlaw.com

Attorney for Respondents



Ashley P. Cuttino (S.C. Bar No. 70354)

Ogletree Deakins

65397

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Attorneys at Law

The Ogletree Building
300 North Main Street, Suite 500 (29601)
Post Office Box 2757
Greenville, SC 29602
Telephone: 864.271.1300
Facsimile: 864.235.8806
www.ogletreedeakins.com

Ashley P. Cuttino
ashley.cuttino@ogletreedeakins.com

August 28, 2012

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
PO Box 11629
Columbia, SC 29211

RE: *Janice Clinkscales, et al. v. Greenwood County Hospital Board, et al.*
C.A. No. 2011-CV-24-0147

Dear Ms. Kitchings:

Enclosed for filing are the original and two copies of a Notice of Appeal in the above case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondents;
2. A copy of the order that is to be challenged on appeal; and
3. A filing fee of \$100.

I have notified the Clerk of Common Pleas Court of Greenwood County of our intent to appeal this case by filing a copy of our Notice of Appeal. Please do not hesitate to contact me if you have any questions regarding this appeal. Thank you for your attention to this matter.

Sincerely,



Ashley P. Cuttino

APC:tla
Enclosures

cc: Edward S. McCallum, III, Esq.
Eugene C. Covington, Jr., Esq.

REC'D
AUG 31 2012
SC Court of Appeals

**Ogletree
Deakins**

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

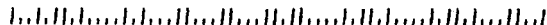
The Ogletree Building
Suite 500
300 North Main Street (29601)
P.O. Box 2757
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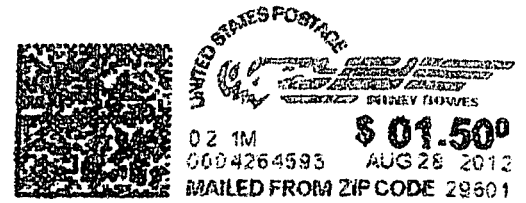


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The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
PO Box 11629
Columbia, SC 29211

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**Ogletree
Deakins**

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

The Ogletree Building
Suite 500
300 North Main Street (29601)
P.O. Box 2757
Greenville, SC 29602

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
PO Box 11629
Columbia, SC 29211

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GREENWOOD) FOR THE EIGHTH JUDICIAL CIRCUIT

Janice Clinkscales, Lucy Townsend,) CASE NO. 2011-CP-24-0147
William Outz, Tammie Holmes,)
William Haynes, Michelle Barksdale)
Lavonia Haynes, individuals on)
behalf of themselves and all other)
similarly situated and Relief)
Plaintiffs 1-93)

Plaintiffs,)

vs.)

Greenwood County Hospital Board,)
Self Regional Memorial Board, Self)
Regional Memorial Hospital, Self)
Regional Healthcare, Self Medical)
Group, The Outpatient Surgery)
Center, Self Memorial Regional)
Health Services, Self Regional)
Physician Services, Greenwood)
Medical Company, Self Regional)
Healthcare Auxiliary, Self Regional)
Healthcare Foundation, John Does)
1-10,)

Defendants.)

ORDER

FILED
8TH JUDICIAL CIRCUIT
GREENWOOD, SC
2012 AUG 20 PM 1 15

This matter came on July 25, 2012 before the Court upon Motions to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6), SCRCPP and Motion to Strike pursuant to Rule 12(f), SCRCPP filed by the Defendants, Greenwood County Hospital Board, Self Regional Memorial Board, Self Regional Memorial Hospital, and Self Regional Healthcare (collectively: Self Hospital). The Defendant, Self Hospital, submitted a Memorandum in Support of its Motions to Dismiss and Motion to Strike. An amended complaint was filed by the Plaintiffs to add additional parties and allegations. No answers have been filed prior to the hearing on the motions.

JCR 1/2

A motion to dismiss under Rule 12(b) cannot be sustained if facts alleged in the complaint and inferences reasonably deducible therefrom would entitle the Plaintiff to any relief on any theory of the case. In a motion to dismiss all allegations are deemed admitted for the purpose of considering the motion under this Rule. Applying this standard the Court finds that the Defendant's Motion to Dismiss pursuant to 12(b)(1), SCRPC is denied as to the first Eight causes of action. The Defendant's Motion to Dismiss pursuant to 12(b)(6), SCRPC is denied as to the first Eight causes of action.

This Court grants the Defendant's motion to dismiss the Ninth cause of action which is the action for violations as the HIPPA Act under S.C. Code Ann. § 44-7-325 (B)(1).

Lastly, the Defendant's Motion to Strike pursuant to 12(f), SCRPC is denied.

IT IS SO ORDERED.



Eugene C. Griffith, Jr.
Judge, Eighth Judicial Circuit

August 17th, 2012
Newberry, South Carolina