

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)
)
Win Myat,)
)
Plaintiff,)
)
vs.)
)
Tuomey Regional Medical Center,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
OF THE THIRD JUDICIAL CIRCUIT

Docket No. 2012-CP-43-2030

ORDER DENYING MOTION
FOR RELEASE OF FUNDS

RECEIVED

AUG 18 2016

SC Court of Appeals

This matter comes before the Court upon motion of the Plaintiff, pursuant to Rule 67 of the South Carolina Rules of Civil Procedure ("SCRCPP"), seeking the release of funds previously deposited with the Clerk of Court by Defendant Tuomey Regional Medical Center. This case was tried and a verdict in favor of the Plaintiff for \$2,500,000.00 was rendered against Defendant Tuomey in September of 2015. By order dated April 7, 2016, the Court entered an order on all pending post trial motions and capped the jury verdict at \$300,000.00, finding that Defendant Tuomey was entitled to the protections of the Solicitation of Charitable Funds Act. Judgment in favor of the Plaintiff against Defendant Tuomey for \$300,000.00 was entered on April 13, 2016. On April 14, 2016, Plaintiff filed a notice of appeal of the April 7, 2016 Order and is presently prosecuting his appeal seeking reversal of the trial court's order that capped the judgment at \$300,000.00. On May 3, 2016, Defendant Tuomey deposited \$300,000.00 with the Sumter Clerk of Court's Office in accordance with Rule 67 of the SCRCPP. Plaintiff now seeks release of these funds. However, this court does not have jurisdiction to hear the motion.

Rule 205 of the South Carolina Appellate Court Rules provides in pertinent part:

Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal Nothing in these rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.

Rule 205, SCACR (2016). After the filing of Plaintiff's notice of appeal the release of the funds deposited with the court is now in the exclusive jurisdiction of the appellate court. Since this court lacks jurisdiction to hear the motion, Plaintiff's motion is denied.

IT IS SO ORDERED.

Sumter, South Carolina
August _____, 2016

Presiding Judge



Sumter Common Pleas

Case Caption: Win Myat VS Tuomey Healthcare System
Case Number: 2012CP4302030
Type: Order/Other

So Ordered

s/ R. Ferrell Cothran, Jr., 2144

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