

The South Carolina Court of Appeals

Win Myat, Appellant,

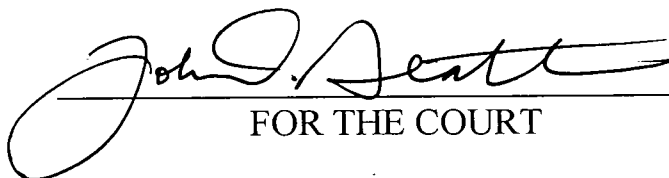
v.

Tuomey Regional Medical Center, Respondent.

Appellate Case No. 2016-000774

ORDER

Appellant has served and filed a notice of appeal from a circuit court order finding Respondent "entitled to protection under the South Carolina Solicitation of Charitable Funds Act" and reducing the jury verdict from \$2,500,000.00 to \$300,000.00. Respondent did not serve and file a notice of appeal challenging the jury verdict. Appellant has now filed a motion requesting this court to order the \$300,000.00 previously deposited by Respondent with the Sumter County Clerk's Office to be released to Appellant. This court is not aware of any impediments that would prevent the release of the \$300,000.00 to Appellant; however, because Respondent did not appeal the jury verdict award, it is not a matter affected by this appeal. Accordingly, this is a request more appropriate for the circuit court as the circuit court retains jurisdiction to proceed with the matters relating to the \$300,000.00 award. *See* Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241. Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal."); *see also Tillman v. Oakes*, 398 S.C. 245, 254-56, 728 S.E.2d 45, 50-51 (Ct. App. 2012) (addressing when a matter is affected by the appeal).


FOR THE COURT

FILED

September 21, 2016

Columbia, South Carolina

cc:

William R. Padget, Esquire

Francis M. Hinson, IV, Esquire

David Cornwell Holler, Esquire