

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY
Court of Common Pleas

OCT 18 2019

R. Ferrell Cothran, Jr., Circuit Court Judge

S.C. SUPREME COURT

Case No. 2012-CP-43-2030

Appellate Case No.: 2016-000774

Win Myat.....Appellant,

v.

Tuomey Healthcare System.....Respondent.

SUPPLEMENTAL RECORD ON APPEAL

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6. Paragraphs nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen are denied. Plaintiff's presence on Defendant's property was for the primary benefit of Plaintiff, a physician practicing medicine on patients in the hospital, and is therefore an invitee.

7. Paragraphs nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five are denied.

For a Second Defense

8. Defendant moves to dismiss the amended complaint. Rule 12(b)(1), *SCRPC*. Plaintiff is a employee as defined by the laws of the workers' compensation act, and thus his claim is barred by *South Carolina Code* § 42-1-540.

For a Third Defense

9. Plaintiff's damages, if any, were caused by his own negligence in failing to keep a proper lookout, in failing to take notice of open and obvious conditions, in failing to keep himself under proper control, in failing to wear appropriate protective attire, and in otherwise acting as a reasonable person under the attending circumstances.

10. Plaintiff is barred from recovery pursuant to the doctrine of comparative negligence.

11. Plaintiff's recovery, if any, shall be proportionally reduced pursuant to the doctrine of comparative negligence.

For the Fourth Defense

12. Plaintiff's damages, if any, were caused by an unavoidable accident or occurrence.

For the Fifth Defense

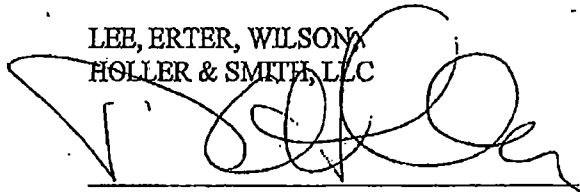
13. Defendant asserts the protections of Solicitation of Charitable Funds Act as set forth *South Carolina Code* § 33-56-180, specifically the limit on damages recoverable.

14. Defendant demands trial by jury.

WHEREFORE, Defendant, having fully answered, prays the amended complaint be dismissed, including without limitation for lack of subject matter jurisdiction, for the costs in defending this matter, and for such other and further relief as this Court deem necessary and proper.

Respectfully submitted,

LEE, ERTER, WILSON,
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August 21st 2015

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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material. I also certify that the Supplemental Record on Appeal is in compliance with the Order of May 1, 2008 Amendments to the Court Carolina appellant Court Rules.



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May 22, 2017

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