

The Supreme Court of South Carolina

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FEB 05 2020

SC Court of Appeals

Jim Washington, Petitioner,

v.

Trident Medical Center, LLC, Respondent.

Appellate Case No. 2020-000173

Lower Court Case No. 2019-000640

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ORDER

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By order dated January 23, 2020, the South Carolina Court of Appeals dismissed the appeal in this case.<sup>1</sup> No petition for reinstatement or rehearing has been filed with the Court of Appeals regarding this dismissal order.<sup>2</sup> Petitioner has now filed a petition for a writ of certiorari seeking review in this case.

Under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals regarding the dismissal order, there is no final decision for this Court to review.

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<sup>1</sup> The Appellate Case Number before the Court of Appeal is 2019-000640.

<sup>2</sup> Petitioner did file a petition for rehearing regarding the panel's order of December 9, 2019. This order denied a petition for a stay or supersedeas, denied a motion seeking to remand and hold the appeal in abeyance, and clarified that a letter had been issued in error by the clerk's office. By order dated January 7, 2020, the Court of Appeals declined to entertain this petition for rehearing. See Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

Accordingly, the petition for a writ of certiorari is dismissed without prejudice to petitioner's ability to timely seek review in the manner specified by Rule 242, SCACR, if a petition for rehearing or reinstatement is timely made to and ruled on by the Court of Appeals regarding the dismissal order. The motion for an extension of time to serve and file the appendix is denied as moot.



C.J.

FOR THE COURT

Columbia, South Carolina  
February 5, 2020

cc: David H. Batten, Esquire  
C. Mitchell Brown, Esquire  
Blake Terence Williams, Esquire  
Mr. Jim Washington  
The Honorable Jenny Abbott Kitchings

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