

From: [Hall, Daniel D. Law Clerk \(Bryant Cannon\)](#)
To: [Chad McGowan](#); [Andrew Lindemann](#); jgresh@hallboothsmith.com; [Ashley Creech](#); [Matt Henrikson](#); [Jordan Calloway](#)
Cc: [Hall, Daniel D. Secretary \(Renee Graham Barker\)](#); [Strait, Lynn](#)
Subject: RE: Pending Motions re: 2016CP4603181 Rita Pratt et al v. Rock Hill Radiology Associates et al w/ attys. Chad McGowan, Matt Hendrickson & Jack Gresh
Date: Tuesday, April 28, 2020 10:43:56 AM

Counsel,

The Court agrees that the Form 4 along with the transcript and court record are sufficient for the Court of Appeals to render a decision. The Form 4 will include the set off in the amount of \$83,333.33 each on the survival claim and the loss of consortium claim.

Thank you,

Bryant Cannon
Law Clerk
To the Honorable Judge Daniel D. Hall

RECEIVED
Jun 03 2020
SC Court of Appeals

From: Chad McGowan <cmcgowan@mcgowanhood.com>
Sent: Monday, April 27, 2020 10:15 AM
To: Hall, Daniel D. Law Clerk (Bryant Cannon) <dhallc@sccourts.org>; Andrew Lindemann <Andrew@LDH-Law.com>; jgresh@hallboothsmith.com; Ashley Creech <acreech@mcgowanhood.com>; Matt Henrikson <matt@henriksonlaw.com>; Jordan Calloway <jordan@mcgowanhood.com>
Cc: Hall, Daniel D. Secretary (Renee Graham Barker) <dhallsc@sccourts.org>; Strait, Lynn <Lynn.strait@yorkcountygov.com>
Subject: Re: Pending Motions re: 2016CP4603181 Rita Pratt et al v. Rock Hill Radiology Associates et al w/ attys. Chad McGowan, Matt Hendrickson & Jack Gresh

***** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. *****

Mr. Cannon:

- 1) We believe a Form 4 order is appropriate to dispose of the motions. We believe the trial transcript and court record will provide the Court of Appeals with whatever it needs to decide any appeal.
- 2) We believe a set off of \$83,333.33 on the Survival action and \$83,333.33 on the loss of consortium action is proper. We ask that the Court enter judgment for the Plaintiff on the Survival action for \$276,666.67 and on the Loss of Consortium action for \$556,666.67 *nunc pro tunc* to February 10, 2020 (the date of the verdict). The reason for this is to have a proper calculation of the post judgment interest.

Thank you.

Chad McGowan
McGowan, Hood, and Felder, LLC
1539 Health Care Drive
Rock Hill, SC 29732
803-327-7800
cmcgowan@mcgowanhood.com
www.mcgowanhood.com

CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments or enclosures) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other applicable tax law, or (ii) promoting, marketing or recommending to another party any entity, investment, plan, transaction, arrangement, or other tax related matter.

CONFIDENTIALITY NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or legally privileged material. Any review, retransmission, dissemination or other use of this information, directly or indirectly, by persons or entities other than the intended recipient is prohibited. If you are not the intended recipient please contact me at the above number and delete the material from all computers in which it resides. Internet communications cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete, or contain viruses. Therefore, we do not accept responsibility for any errors or omissions that are present in this message, or any attachments, that have arisen as a result of e-mail transmission. If verification is required, please request a hard-copy version or contact us by phone.

From: "Hall, Daniel D. Law Clerk (Bryant Cannon)" <dhalllc@sccourts.org>
Date: Monday, April 27, 2020 at 10:06 AM
To: Andrew Lindemann <Andrew@LDH-Law.com>, Chad McGowan <cmcgowan@mcgowanhood.com>, Jack Gresh <jgresh@hallboothsmith.com>, Ashley Creech <acreech@mcgowanhood.com>, Matt Henrikson <matt@henriksonlaw.com>, Jordan Calloway <jordan@mcgowanhood.com>
Cc: "Hall, Daniel D. Secretary (Renee Graham Barker)" <dhallsc@sccourts.org>, Lynn Strait <Lynn.strait@yorkcountygov.com>
Subject: RE: Pending Motions re: 2016CP4603181 Rita Pratt et al v. Rock Hill Radiology Associates et al w/ attys. Chad McGowan, Matt Hendrickson & Jack Gresh

Mr. Henrikson,

Thank you for your email. Does Plaintiff's counsel have a position on Mr. Henrikson's requests?

Thank you,

Bryant T. Cannon, Esq.
Law Clerk
To The Honorable Judge Daniel D. Hall
Chief Administrative Judge of the Sixteenth Judicial Circuit
1675 York Hwy, York, SC 29745
T: (803) 818-6806
E: DhallLC@sccourts.org

From: Matt Henrikson <matt@henriksonlaw.com>
Sent: Thursday, April 23, 2020 5:06 PM
To: Hall, Daniel D. Law Clerk (Bryant Cannon) <dhalllc@sccourts.org>
Cc: Andrew Lindemann <Andrew@ldh-law.com>; Chad McGowan <cmcgowan@mcgowanhood.com>; jgresh@hallboothsmith.com; Hall, Daniel D. Secretary (Renee Graham Barker) <dhallsc@sccourts.org>; Ashley Creech <acreech@mcgowanhood.com>; Jordan Calloway <jordan@mcgowanhood.com>; Strait, Lynn <Lynn.strait@yorkcountygov.com>
Subject: Re: Pending Motions re: 2016CP4603181 Rita Pratt et al v. Rock Hill Radiology Associates et al w/ attys. Chad McGowan, Matt Hendrickson & Jack Gresh

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Mr. Cannon, thank you for the prompt email.

We would respectfully request a formal written order at the Court's convenience. That will be needed in order for my clients to be able to perfect their appeal and will also avoid the necessity of filing a Rule 59(e) motion. The Court of Appeals will need to understand the basis of the Court's rulings that a form order does not provide.

On the set off issue, we would respectfully ask for clarification. Is the Court rejecting just the 90% set off on the loss of consortium award or all set offs? In their memorandum, the Plaintiff did not argue that the Defendants were not entitled to a set off – just that the set off “should be based on the allocation of settlement funds stated in the order approving Ms. Pratt’s settlement with PMC.” Thus, we were wondering if the Court will be allowing the set off of \$83,333 each on the loss of consortium and survival verdicts which is the allocation from the settlement with PMC.

Thanks, Matt

On Thu, Apr 23, 2020 at 9:36 AM Hall, Daniel D. Law Clerk (Bryant Cannon) <dhalllc@sccourts.org> wrote:

Good Morning Counsel,

The Defendant's motion for Judgment notwithstanding the Verdict (JNOV), or alternatively, Defendant's motion for a New Trial Absolute, or alternatively, Defendant's motion for Reduction of Verdict and Set-Off is denied. A Form 4 reflecting this disposition will be filed and signed this week.

Thank you,

Bryant T. Cannon, Esq.

Law Clerk

To The Honorable Judge Daniel D. Hall

Chief Administrative Judge of the Sixteenth Judicial Circuit

1675 York Hwy, York, SC 29745

T: (803) 818-6806

E: DhallLC@sccourts.org

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.