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June 17, 2021

**Via E-mail and U.S. Mail**

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
1231 Gervais St.  
Columbia, SC 29201

**RECEIVED**

**Jun 17 2021**

**S.C. SUPREME COURT**

Re: ***Jeanne Beverly, Individually and on behalf of others similarly situated v. Grand Strand Regional Medical Center, LLC***  
**Appellate Case No.: 2020-000710**

Dear Mr. Shearouse:

We write in follow-up to Oral Argument before the Court which occurred on June 15, 2021, in the above-referenced case. In particular, we write to address some of the questions by the Court and responses provided to those questions on some factual issues which were not themselves in the Record of the case.

During arguments, several members of the Court first asked Respondent's (Ms. Beverly's) counsel about whether Ms. Beverly had actually paid the hospital bills which she claimed were rendered to her by Petitioner (Grand Strand). When the members of the Court were apparently not satisfied with whether Respondent's counsel had answered their questions, I, as attorney for Petitioner, was asked the same question. I responded that I did not know (as I stood before the Court) the answer to that question. At that point, Justice Hearn reminded me that during argument in the case before the Circuit Court on April 26, 2016, I had stated to the Circuit Court that my understanding was that the evidence would show "that the Plaintiff didn't pay this bill. The third-party at fault for her automobile accident paid this bill." I then responded to Justice Hearn, that while I have no present recollection of the facts, that if I made that statement to the Circuit Court at the hearing in 2016, that reflected the truth as to the information I had at that time.

Since the oral argument before the Court, I have received correspondence and documentation from Respondent's counsel which they say indicates that my statements to the Court on the issue of whether Respondent had paid the bills sent to her from Grand Strand, as well as whether or not Respondent had complained to Grand Strand about the billing before simply filing a purported class action complaint, were incorrect. In the documentation provided to me by Respondent's counsel is a letter dated March 7, 2014, sent by the original attorney for Respondent to an individual manager with Hospital Corporation of America at a street address in

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Norcross, Georgia. The letter states that it was sent certified mail and a copy of the return receipt was attached in the documentation sent to me.

I have never seen the letter before and it is not in my file. I do not know why Respondent's counsel did not refer to the letter, or the purported information in it, about payment by Respondent to Grand Strand, or about it constituting a prior complaint to Grand Strand by Respondent, when he was asked the same questions at Oral Argument prior to me being asked. Nonetheless, while I have not yet been able to verify any of the information provided to me by Respondent's counsel, and while the documents provided to me by Respondent's counsel, including the 2014 correspondence, provide no documentation of actual payment by, or on behalf of Respondent, I do want the Court to know that Respondent's counsel has challenged the accuracy of the two statements made by me to the Court based on the 2014 correspondence. While the information sought by the Court in questions to both Respondent's counsel and myself was not in the Record of this appeal, if it is possible that answers I provided to the Court could be inaccurate, I accept that it is appropriate for the Court to know that. Thus, to the extent that Respondent indicates the 2014 correspondence now provided to me might indicate that my responses to the question from the Court were inaccurate, I hereby disclose that to the Court.

I still do not know that my response was inaccurate, and I am attempting to acquire additional or definitive information on those issues. Nonetheless, in more than 39 years of law practice, I have never knowingly provided inaccurate information to a court, and have never been accused of doing so. This case will not break that record, and so I provide this new or additional information to the Court in an attempt to achieve complete candor, in case these issues matter to the Court in this case. If you, or the Court, need anything further from me, please let me know. I assume you can provide this correspondence to the members of the Court to complete my disclosure herein.

With kindest regards,

Very truly yours,



James Lynn Werner

JLW:lap  
Enclosure

Cc: Jordan Calloway  
John Felder  
Katon Dawson