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**Mar 11 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

William B. McKinnon, Circuit Court Judge

Civil Action No. 2009-CP-46-05195

Angela Patton, as Next Friend of  
Alexia Lumpkin, a minor Respondent,

v.

Gregory A. Miller M.D. and  
Rock Hill Gynecological &  
Obstetrical Associates P.A. Appellants.

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**NOTICE OF APPEAL**

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Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A. (together, “Appellants”) appeal (1) the trial court’s March 3, 2022 Post-Trial Order and Judgment, including the Form 4 judgment attached to the order; (2) the jury verdict and related judgment and the evidentiary and other rulings adverse to Appellants during trial, including—but not exclusive of—the trial court’s denial of Appellants’ Rule 15(b), SCRCP, motion to conform to the evidence to allow the issue of statutory emergency (codified at S.C. Code Ann. § 15-32-230(A)) to be a defense at trial, and the subsequent denial of Appellants’ request at the charge conference to charge the jury with appropriate corresponding instructions pursuant to the statutory emergency defense; and (3) the trial court’s December 2, 2021 Form 4 order denying Appellants’ motion for recusal. Copies of the Post-Trial Order and Judgment, including the Form 4 judgment,

and the verdict form are attached hereto as Exhibit A. Appellants received written notice of the Post-Trial Order and Judgment on March 3, 2022.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:  \_\_\_\_\_

C. Mitchell Brown  
SC Bar No. 012872  
E-Mail: mitch.brown@nelsonmullins.com  
Nicholas A. Charles  
SC Bar No. 101693  
E-Mail: nick.charles@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Attorneys for Gregory A. Miller, M.D. and Rock Hill  
Gynecological & Obstetrical Associates P.A.

Columbia, South Carolina

March 11, 2022

**Other Counsel of Record:**

*Attorneys for Appellants Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A.*

DAVIS & SNYDER, P.A.  
Ashby W. Davis  
5 Hawthorne Park Court  
Greenville, SC 29615  
(864) 335-3500

*Attorneys for Respondent Angela Patton, as Next Friend of Alexia Lumpkin, a minor*

GRAHAM LAW FIRM, P.A.  
Edward L. Graham  
122 Donald Drive  
Pendleton, SC 29670  
(864) 527-0483

JORDAN LAW FIRM, PC

D. Bradley Jordan  
546 East Main Street  
Rock Hill, SC 29730  
(803) 817-7999

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**PROOF OF SERVICE**

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough, L.L.P., Attorneys for Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A., do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow by Regular U.S. Mail and by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System.

Pleading(s): Notice of Appeal

Parties Served:

[adavis@davissnyder.com](mailto:adavis@davissnyder.com)  
Ashby W. Davis, Esquire  
Davis & Snyder, P.A.  
5 Hawthorne Park Court  
Greenville, SC 29615

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**SC Court of Appeals**

[egraham@grahamlawfirm.net](mailto:egraham@grahamlawfirm.net)

Edward L. Graham  
Graham Law Firm, P.A.  
122 Donald Drive  
Pendleton, SC 29670

[bradjordan@comporium.net](mailto:bradjordan@comporium.net)

D. Bradley Jordan, Esquire  
Jordan Law Firm, P.C.  
546 East Main Street  
Rock Hill, SC 29730



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Jessica Trautman  
Administrative Assistant

Columbia, South Carolina  
March 11, 2022

## Jessica Trautman

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**From:** Jessica Trautman  
**Sent:** Friday, March 11, 2022 1:06 PM  
**To:** egraham@grahamlawfirm.net; bradjordan@comporium.net; adavis@davisnyder.com  
**Cc:** Nick Charles; Mitch Brown  
**Subject:** Angela Patton, et al. v. Gregory A. Miller M.D., et al--Civil Action No. 2009-CP-05195  
**Attachments:** 2022.03.11 Notice of Appeal.pdf

Counsel,

Attached for service upon you in the above matter please find a Notice of Appeal. Service is made via email pursuant to the Supreme Court Order 2021-08-25-02.

Thank you,



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JESSICA TRAUTMAN SENIOR ADMINISTRATIVE ASSISTANT  
jessica.trautman@nelsonmullins.com

MERIDIAN | 17TH FLOOR  
1320 MAIN STREET | COLUMBIA, SC 29201  
T 803.255.5535 F 803.256.7500  
NELSONMULLINS.COM

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Nicholas A. Charles  
T: 803.255.9663  
nick.charles@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

1320 Main Street, 17th Floor  
Columbia, SC 29201  
T: 803.799.2000 F: 803.256.7500  
nelsonmullins.com

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SC Court of Appeals

March 11, 2022

Via Email: [egraham@grahamlawfirm.net](mailto:egraham@grahamlawfirm.net)  
and U.S. Mail

Edward L. Graham, Esquire  
Graham Law Firm, P.A.  
122 Donald Drive  
Pendleton, SC 29670

Via Email: [bradjordan@comporium.net](mailto:bradjordan@comporium.net)  
and U.S. Mail

D. Bradley Jordan, Esquire  
Jordan Law Firm, P.C.  
546 East Main Street  
Rock Hill, SC 29730

RE: Patton, Angela v. Gregory A. Miller, MD, et al.  
Civil Action No.: 2009-CP-46-05195  
Our File No.: 072009/01500

Dear Counsel:

Please find enclosed for service upon you Gregory A. Miller, M.D. and Rock Hill Gynecological & Obstetrical Associates P.A.'s Notice of Appeal in the above matter.

Please let us know if you have any questions.

Very truly yours,

Nicholas A. Charles

NC;jlt  
Enclosures

cc: C. Mitchell Brown, Esquire [mitch.brown@nelsonmullins.com](mailto:mitch.brown@nelsonmullins.com)  
Ashby W. Davis, Esquire [adavis@davissnyder.com](mailto:adavis@davissnyder.com)