

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4002877

Pamela Crawford

Medical University Of South Carolina

John Mark Crawford

South Carolina Dept of Social Services

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Non-suit);
 Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case. Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge _____ Judge Code 2061 Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 27 day of July, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

Kenneth M. Suggs

J. Ben Alexander
Barbara Wynne Showers
Kenneth Norman Shaw
A. Walker Barnes

William H. Davidson II
Richard G. Hepfer
Christina M. Dickinson

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Pamela and John Mark Crawford, as)
Parents of M.C. Crawford, a minor,)
)
)
Plaintiffs,)
)
v.)
)
Medical University of South Carolina,)
South Carolina Department of Social)
Services and Greenville Hospital System,)
)
Defendants.)
)
)
_____)

IN THE COURT OF COMMON PLEAS
C.A. No.: 13-CP-40-02877

**ORDER APPROVING
SETTLEMENT ON BEHALF
OF A MINOR**

2017 JUL 24 AM 10:14
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

This matter is before the Court upon the Petition of M.C., a minor, through Petitioner's Parent(s) and Guardians Ad Litem Pamela Crawford and John Mark Crawford, for approval of a settlement involving a minor. In support of this Petition, Petitioner would show that:

I.

This Court finds that Plaintiffs Pamela Crawford and John Mark Crawford are the adoptive parents and Guardians Ad Litem of Petitioner M.C., a minor. The Court further finds that this action arises out of an alleged medical malpractice claim concerning the care and treatment of M.C. in 2005 and 2006, including, but not limited to, the discussion of and consent to all medical treatment provided prior to and including an April 18, 2006 surgery



performed at the Medical University of South Carolina, while M.C. was in the care of the South Carolina Department of Social Services. Thereafter, the Petitioner, through Petitioner's Parents and Guardians Ad Litem Pamela and John Mark Crawford aforesaid, commenced a claim for negligence in the Court of Common Pleas for Charleston County against Medical University of South Carolina and South Carolina Department of Social Services (hereinafter "the Defendants"). The Defendants denied all claims of negligence and any liability for the alleged claims but agreed to this compromise of a vigorously disputed claim to avoid the costs of litigation. Other Defendants originally named in the case have settled and been dismissed. Petitioner brings this Petition pursuant to Section 62-5-433 of the 1976 Code of Laws of South Carolina, seeking approval from this Court of the settlement proposed in this Petition.

II.

Plaintiffs in this case allege that Petitioner M.C. has incurred medical bills, pain and suffering, psychological damages, and permanent impairment. Plaintiffs agree that any medical liens as a result of M.C.'s treatment and care are the responsibility of Plaintiffs and will be paid out of the proceeds of this settlement.

III.

Petitioner has sought and obtained an offer of peaceful settlement of this matter, whereby the Petitioner, in consideration of the sum of Two Hundred and Seventy Thousand and NO/100 (\$270,000.00) Dollars, will execute through Petitioner's Parents and Guardians Ad Litem a Release of the Defendants and their employees and agents for alleged damages incurred by M.C., including all claims arising under the facts alleged in the complaint. Of this amount,

A handwritten signature in black ink, appearing to be "C.M.", is written over the page number 2.

Two Hundred Sixty Nine Thousand Nine Hundred Ninety Nine Dollars and No/100 (\$269,999.00) is allocated to the minor's claim. The remainder, One Dollar and No/100 (\$1.00), is allocated to Pamela and John Mark Crawford, parents of M.C. and plaintiffs in this case, for their individual claims.

By way of settlement, the Defendants have agreed to pay \$270,000 to BHG Structured Settlements Inc. to purchase an annuity policy that will pay the following sums to Plaintiff:

Periodic payments to [REDACTED] aka [REDACTED] Settlement Trust ("Payee") made according to the Schedule of Payments as follows:

- \$440,000.00 guaranteed lump sum payable on 08/01/2033

Commutation: Following [REDACTED] a/k/a [REDACTED]'s death, the remaining and unpaid certain payments listed below as Commutable Payments will be commuted in exchange for a lump sum equal to 95% of the present value of the unpaid Commutable Payments, as calculated by the Annuity Issuer. The present value will be computed using a discount rate equal to the annual effective yield on the date of death of [REDACTED] [REDACTED] a/k/a [REDACTED] of the highest yielding U.S. treasury strip available as reported in the Wall Street Journal (or an equivalent source of such information), plus 200 basis points (2 percentage points). If the date of death is not a business day, the yield on the next business day will be used. The commutation payment will be determined within 30 days after the Annuity Issuer is notified in writing of the death of [REDACTED] [REDACTED] a/k/a [REDACTED].

The commutation payment will be paid to the person, persons, or entity named as the Contingent Payee under the Annuity Contract.

3
HAB

The payee designation for a specific payment may be irrevocable, and nothing herein shall imply that any Commutable Payment is eligible for transfer to any other person. However, if [REDACTED] a/k/a [REDACTED] has transferred any amount of a specific payment to any other person pursuant to an order of a court under applicable state law, the amount so transferred will not be considered to be a Commutable Payment. The amount so transferred will first be deducted from that portion of the specific payment which is not listed below as a Commutable Payment. If the amount transferred cannot be fully satisfied exclusive of the that portion listed below as a Commutable Payment, any remaining amount necessary to satisfy said transfer shall be deemed to have been removed from the Commutable Payments hereunder.

Commutable Payments:

- \$440,000.00 guaranteed lump sum payable on 08/01/2033

Beneficiary: [REDACTED] a/k/a [REDACTED] Settlement Trust.

This beneficiary designation may only be changed with a court order.

Assignment: The obligation to make the periodic payments described herein may be assigned to BHG Structured Settlements, Inc. and funded by an annuity contract issued by Berkshire Hathaway Life Insurance Company of Nebraska. To fund the periodic payments, Defendants or their Insurers will issue a check in the amount of \$270,000.00 payable to BHG Structured Settlements, Inc.

4 

IV.

The Petitioner requests specific approval to execute through Petitioner's Parents and Guardians Ad Litem all appropriate papers to consummate this settlement, including any releases, stipulations of dismissal, and/or other documents in consummation of this settlement.

V.

Petitioner has further requested the approval of the court to pay for legal costs incurred by their attorneys in the amount of \$15,000, to be paid from proceeds currently held in escrow from the prior settlement with the Greenville Hospital System, with the remaining \$5,000 of those settlement proceeds to be paid to the [REDACTED] a/k/a [REDACTED] [REDACTED] Settlement Trust.

VI.

After conducting a hearing on Petitioner's Petition on July 24, 2017, this Court finds: (1) this settlement offer, as well as the proposed distribution of all settlement proceeds, by Petitioner, are reasonable and appropriate under the circumstances; (2) Petitioner and Petitioner's attorney have complied with Section 15-51-41 et. seq., S.C. Code of Laws, 1976, as amended, and (3) that the attorney has appropriately filed the required attorney's certification. After having given careful consideration to this Petition, and after having fully considered the argument provided at the settlement hearing in this matter as to the facts and circumstances surrounding the injuries suffered by Petitioner M.C., the Court is satisfied that the proposal on behalf of the Defendants to settle all claims that may have arisen against it as a result of the Defendants' actions and omissions and the injuries alleged by M.C. in this action is fair and reasonable and is in the best interest of M.C.

A handwritten signature in black ink, appearing to be "SMB", is located at the bottom right of the page.

VII.

WHEREFORE, this Court approves the proposed settlement and authorizes Petitioner M.C., through Petitioner's Parents and Guardians Ad Litem, to enter and exchange for the consideration outlined in this Petition a Release running to and releasing the Defendants, their employees and agents and their heirs, administrators, executors, personal representatives, predecessors, successors, assignees, employees, agents, affiliates, servants, subsidiaries, officers, directors, parents, and stockholders from all claims and demands of whatsoever nature or kind for damages arising out of the injuries suffered by M.C. allegedly as a result of the care and treatment provided by the Defendants, and as described in this Order, and further authorizes Petitioner to distribute the proceeds of the earlier settlement with the Greenville Hospital System to pay legal costs, with the balance to be paid to the [REDACTED] a/k/a [REDACTED] Settlement Trust, as described in this order.

AND IT IS SO ORDERED.

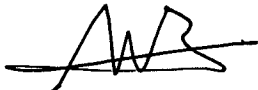


The Honorable DeAndrea Gist Benjamin
Presiding Judge

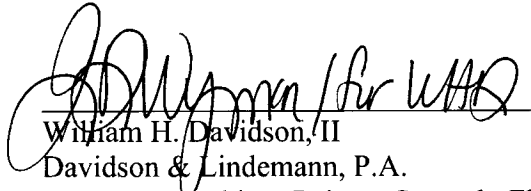
Columbia, South Carolina

7-24, 2017

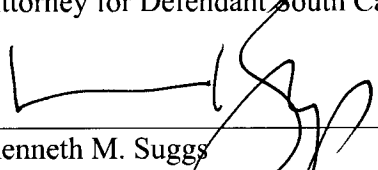
We Consent:


for A. Walker Barnes

Barbara Showers
Hood Law Firm, LLC
172 Meeting Street
Charleston, SC 29401
Attorney for Defendant Medical University of South Carolina


William H. Davidson, II

Davidson & Lindemann, P.A.
1611 Devonshire Drive, Second Floor (29204)
Post Office Box 8568
Columbia, South Carolina 2901-8568
Attorney for Defendant South Carolina Department of Social Services


Kenneth M. Suggs

Janet Jenner & Suggs, LLC
500 Taylor Street, Suite 301
Columbia, SC 29201
Attorney for Plaintiffs Pamela and John Mark Crawford, as parents and guardians of the minor M.C.