

20599.66008

FORM 4

JUDGMENT IN A CIVIL CASE

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

CASE NUMBER: 2014CP4006147

S C Patients Compensation Fund

Modus21 LLC

South Carolina Procurement Review Panel

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. Nonsuit);
 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 _____
- 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 : _____

RICHLAND COUNTY
CLERK OF COURT
JEANETTE W. MCBRIDE
2016 MAY 3 AM 9:31
S.C.P.C.

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 2126 Date _____

For Clerk of Court Office Use Only

This judgment was entered on the 4 day of May, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 4 day of May, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Helen Faith Hiser

William Dixon Robertson III
Christian M. Emanuel

Robert D. Fogel

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) Civil Action No. 2014-CP-40-6147

South Carolina Patients' Compensation Fund,

Appellant,

v.

South Carolina Procurement and Review Panel; South Carolina Budget & Control Board Procurement Services Division; and Modus21, LLC,

Respondents.

ORDER GRANTING IN PART AND DENYING IN PART SOUTH CAROLINA PATIENTS' COMPENSATION FUND'S MOTION FOR APPEAL

RICHLAND COUNTY FILED
2016 MAY -2 PM 3:08
JANETTE W. McBRIDE
C.C.P. & G.S.

This matter came before the Court on January 15, 2015, by way of an appeal filed by the South Carolina Patients' Compensation Fund ("PCF") from the Order issued by the South Carolina Procurement Review Panel ("The Panel") dated September 9, 2014.

After carefully considering the record in this case and the arguments of counsel, this Court finds insufficient grounds to reverse the Panel's Order. Accordingly, the decision of the Procurement Review Panel dated September 9, 2014 is affirmed in part and reversed in part. This Court affirms the Panel's factual findings and legal conclusions, but reverses the Panel's legal conclusion that Modus21 must return all monies paid to it on authority of *Service Management, Inc. v. State Health and Hum. Svcs. Fin. Comm'n*, 298 S.C. 234, 238, 379 S.E.2d 442, 444 (1989). For contracts awarded under the Consolidated Procurement Code, the rule in *Service Management* has been abrogated by S.C. Code Ann. Reg. 19-445.2015. However, the result reached by the Panel is the same as it would have been had it applied the regulation. Therefore, the decision is **AFFIRMED IN PART AND REVERSED IN PART**.

AND IT IS SO ORDERED.


The Honorable G. Thomas Cooper, Jr.
Fifth Judicial Circuit

May 2, 2016
Columbia, South Carolina

SCANNED