

KIMBERLY LOWERY BURGESS V. PLANNED PARENTHOOD HEALTH SYSTEMS, INC. AND HARVEY N. BROWN, M.D.

Docket No. 2015-CP-40-01476

PROOF OF ADR

- 1. Alternative Dispute Resolution (ADR) was conducted in the form of: **Mediation.**
- 2. The neutral was: **Karl A. Folkens.**
- 3. The ADR was conducted on **November 22, 2016.**
- 4. As a result of ADR, this case should be considered (please check one):

- Fully Settled by Consent Judgment or a Voluntary Dismissal to be filed by the parties.
- Partially Settled, with agreement of the parties on the following issues:
- At an impasse.
- In need of further ADR. I  am /  am not willing to mediate this case further.
- I recommend that ADR resume as of:
- Continued to (Date):

JEANETTE McGRIDDIE  
 CLERK OF COURT  
 2016 DEC 12 PM 5:37  
 RICHLAND COUNTY  
 FILED

- 5. Plaintiffs  were/  were not present.  
 Defendants  were/  were not present (through representatives).

6. Other participants were:

- Lawyers for Plaintiff: *Charles J. Hodge, Esq. & Willie H. Brunson, Esq.*
- Lawyer for Defendants: *G. Murrell Smith, Jr., Esq.*
- Representative for insurance carrier:
- Guardian ad Litem:
- Experts:
- Others: *Kodney Burgess, Plaintiff's husband; Ken Fox, J.D., Planned Parenthood Counsel*


7. Choice of the mediator was by:

- Stipulation
- Court Order

8. The total number of hours spent in ADR was: **7.5 hours, plus travel.**

9. Further comments of the neutral: *None.*

November 22, 2016

  
 \_\_\_\_\_  
 KARL A. FOLKENS, Mediator  
 P. O. Box 6139, Florence, SC 29502-6139  
 (843) 665-0100; FAX (843) 665-0500

## ANNE HENLEY

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**From:** Benjamin, DeAndrea G. Law Clerk (Jasmine Burns) <[dbenjaminlc@sccourts.org](mailto:dbenjaminlc@sccourts.org)>  
**Sent:** Monday, November 28, 2016 6:57 AM  
**To:** ANNE HENLEY  
**Subject:** FW: Kimberly Burgess v. Planned Parenthood Health Systems, et al (2015-CP-40-1476)

This case settled.

**From:** Murrell Smith [<mailto:murrell@leeandmoise.com>]  
**Sent:** Tuesday, November 22, 2016 4:34 PM  
**To:** Benjamin, DeAndrea G. Law Clerk (Jasmine Burns) <[dbenjaminlc@sccourts.org](mailto:dbenjaminlc@sccourts.org)>  
**Cc:** [hodgecharles@hotmail.com](mailto:hodgecharles@hotmail.com); Charles Hodge <[chodge@hodgelawfirm.com](mailto:chodge@hodgelawfirm.com)>; Ally Thrailkill <[ally@hodgelawfirm.com](mailto:ally@hodgelawfirm.com)>; Willie Brunson <[willbrunson@yahoo.com](mailto:willbrunson@yahoo.com)>  
**Subject:** Re: Kimberly Burgess v. Planned Parenthood Health Systems, et al (2015-CP-40-1476)

Jasmine

We just settled the above case today at mediation. Karl Folkens, the mediator, will be sending his report. We wanted to let you know so that the case can be removed from the roster for December 9th 2016. I hope you have a Happy Thanksgiving. Murrell

G. Murrell Smith Jr.  
Lee, Erter, Wilson, Holler & Smith LLC  
126 North Main Street  
P. O. Box 580(mailing address)  
Sumter S.C. 29151  
(803)778-2471 (voice)  
(803)778-1643(fax)  
[murrell@leeandmoise.com](mailto:murrell@leeandmoise.com)



Please consider whether it is absolutely necessary to print this email: save resources and paper costs.

\*\*\*\*\* CONFIDENTIALITY NOTE \*\*\*\*\*

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On Nov 8, 2016, at 12:22 PM, Benjamin, DeAndrea G. Law Clerk (Jasmine Burns) <[dbenjaminlc@sccourts.org](mailto:dbenjaminlc@sccourts.org)> wrote:

Good afternoon Counsel:

I just wanted to follow-up on this.


Jasmine Burns  
Law Clerk to the Honorable DeAndrea Gist Benjamin  
Richland County Judicial Center  
P.O. Box 192

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRD JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	CASE NO: 2015-CP-40-01476
Kimberly Lowery Burgess,	)	
	)	
Plaintiff,	)	<b>STIPULATION OF DISMISSAL AS</b>
	)	<b>TO DEFENDANT</b>
Vs.	)	<b>HARVEY N. BROWN, M.D.</b>
	)	<b>(NOT ENDING ACTION)</b>
Planned Parenthood Health Systems,	)	
Inc. and Harvey N. Brown, M.D.,	)	
	)	
Defendants.	)	

Pursuant to SCRCP Rule 41(a)(1), Plaintiff and Defendant Harvey M. Brown, MD hereby stipulate to the dismissal with prejudice and forever ending all claims in the above action against Harvey N. Brown, MD only.

**WE SO STIPULATE:**

  
 \_\_\_\_\_  
 Willie H. Brunson, Esquire  
 Attorney for the Plaintiff

  
 \_\_\_\_\_  
 G. Murrell Smith, Jr.  
 Attorney for the Defendant Harvey N. Brown, M.D.

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 COURT CLERK  
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Sumter, South Carolina  
 November 28, 2016

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015CP4001476

Kimberly Burgess

Planned Parenthood Health Systems

Harvey N Brown Md

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 : \_\_\_\_\_

**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   *HTB*  

Judge Code 2161

Date 12-1-16

**For Clerk of Court Office Use Only**

This judgment was entered on the 7 day of Dec, 2016 and a copy mailed first class or placed in the appropriate attorney's box on this 7 day of Dec, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Charles J. Hodge

David Cornwell Holler

G. Murrell Smith Jr.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court   *Janette ...*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS  
THIRD JUDICIAL CIRCUIT  
CASE NO: 2015-CP-40-01476

Kimberly Lowery Burgess, )  
 )  
Plaintiff, )  
 )  
Vs. )

**STIPULATION OF DISMISSAL**

Planned Parenthood Health Systems, )  
Inc., )  
 )  
Defendant. )

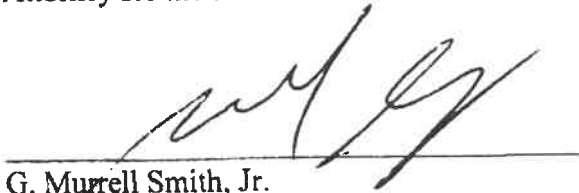
RICHLAND COURT  
FILED  
2016 DEC 21 PM 1:39  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

The Plaintiff, by and through her undersigned counsel, herein dismisses the above-entitled action in its entirety with prejudice pursuant to Rule 41(a)(1)(B) of the South Carolina Rules of Civil Procedure.

**WE SO STIPULATE:**



Willie H. Branson, Esquire  
Attorney for the Plaintiff



G. Murrell Smith, Jr.  
Attorney for the Defendant

Sumter, South Carolina

December 14, 2016