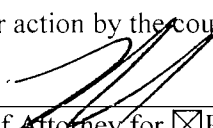


STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 Michelle S. Grant,)
 Plaintiff)
)
 v.)
)
 Hannah Deremer,)
 Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NO.
 2018-CP-10-5321

MOTION AND ORDER INFORMATION
 FORM AND COVER SHEET

Plaintiff's Attorney: Mark J. Bringardner, Esquire, Bar No. 102465 Address: 5861 Rivers Avenue North Charleston, SC 29406 phone: 843-554-3100 fax: 843-529-9180 e-mail: mbringardner@joyelawfirm.com other:	Defendant's Attorney: David S. Cobb, Esquire, Bar No. Address: Post Office Box 22129 Charleston, SC 29413 phone: 843-576-2800 fax: 843-577-3369 e-mail: DCobb@TurnerPadget.com other:
<input checked="" type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information Nature of Motion: Plaintiff's Motion to Quash Subpoenas and for Protective Order Estimated Time Needed: 20 mins Court Reporter Needed: <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type <input checked="" type="checkbox"/> Written motion attached <input type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant </div> <div style="text-align: center;"> July 10, 2019 Date submitted </div> </div>	
SECTION III: Motion Fee <input checked="" type="checkbox"/> PAID – AMOUNT: 25.00 <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE CODE: _____ Date: _____
CLERK'S VERIFICATION Date Filed: _____ Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED – AMOUNT DUE: _____	

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Michelle S. Grant,)
)
Plaintiff,)
)
vs.)
)
Hannah Deremer,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2018-CP-10-5321

**Plaintiff's Motion to Quash Subpoena to
Lowcountry Orthopaedics and Lowcountry
Orthopaedics Surgery Center and for
Protective Order; Joinder of Motion to Quash
filed by Lowcountry Orthopaedics**

FILED
2019 JUL 11 AM 11:22
JULIE J. ARMSTRONG
CLERK OF COURT

Pursuant to the South Carolina Rules of Civil Procedure, Plaintiff in the above-entitled action hereby moves this Court for an Order quashing the defendant's subpoenas served upon Lowcountry Orthopaedics and Lowcountry Orthopaedics Surgery Center (copies of the subpoenas are attached as Exhibit A and B) and for a Protective Order. The basis for the Motion is that the subpoenas seek the disclosure of private, privileged, and HIPPA protected information for patients of Lowcountry Orthopaedics and Lowcountry Orthopaedics Surgery Center, and clients of Joye Law Firm, that are not parties to this litigation. Specifically, item number two (2) of the subpoena to Lowcountry Orthopaedics seeks:

(2) a list of all patients since January 1, 2012 in which the Joye Law Firm has referred the patient to Lowcountry Orthopaedics and a list showing what amounts the Joye Law Firm paid for any medical treatment rendered by Lowcountry Orthopaedics to each patient. The patient's name may be redacted to only the first initial and the first three letters of the last name.

Item number two (2) of the subpoena to Lowcountry Orthopaedics Surgery Center seeks:

(2) ALL DOCUMENTS SHOWING PAYMENTS BY THE JOYE LAW FIRM TO THIS ENTITY FROM JANUARY 1, 2012 TO PRESENT.

The documents sought, if existing, are private, privileged, and not reasonably calculated to lead to the discovery of admissible evidence. They are clearly out of bounds for discovery in this case and outside the scope of Rule 26. The subpoenas are also improper because they seek information and documents protected from disclosure pursuant to the patient-doctor privilege,

attorney-client privilege, ABA and South Carolina Rules of Professional Conduct concerning confidentiality, including, but not limited to, Rule 1.6. This subpoena violates, and intends to subvert, these privileges and others, the exercise of which cannot create an inference prejudicial to the plaintiff or counsel and is improper. Plaintiff also seeks a protective order pursuant to Rule 26 to prevent this type of discovery from occurring in other forms in this case, including but not limited to, written discovery, depositions, and other subpoenas.

JOYE LAW FIRM, L.L.P.

By:



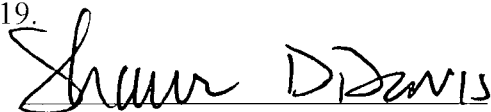
Mark J. Bringardner
Post Office Box 62888
5861 Rivers Avenue (29406)
North Charleston, SC 29419-2888
Office: (843) 554-3100
Facsimile: (843) 529-9180
mbringardner@joyelawfirm.com

Attorneys for the Plaintiff

North Charleston, South Carolina.
This 10 day of July, 2019.

CERTIFICATE OF SERVICE

I hereby certified that I have e-mailed and mailed a copy of the above and foregoing to counsel of record in said proceeding to his/her office with sufficient postage attached this 10th day of July, 2019.



Shawn D. Davis

Turner | Padget

DAVID S. COBB
Direct Dial: (843) 576-2803
Direct Fax: (843) 577-1629
dcobb@turnerpadget.com

June 21, 2019

Certified Mail

Lowcountry Orthopaedics
288 Tricom Street
North Charleston, South Carolina 29406

Re: Michelle S. Grant v. Hannah Deremer
Docket No.: 2018-CP-10-5321
TP File No.: 4000.2513

**SUBPOENA OF PROTECTED HEALTH INFORMATION
AND NOTICE TO PROVIDER OF SATISFACTORY
ASSURANCES**

Dear Sir/Madam:

We enclose our subpoena requesting you produce to us a copy of specific documents pertaining to **Michelle S. Grant (Date of birth March 16, 1980)**. We also request a letter certifying the materials produced are a complete copy of the records requested from your file. We will reimburse your reasonable cost incurred for copying the documents; however, please notify us before copying if the cost exceeds \$150.00.

Please mail the documents **before Thursday, July 11, 2019** to:

David Cobb
Turner Padget
Post Office Box 22129
Charleston, SC 29413-2129

Pursuant to 45 C.F.R. § 164.512(e) of the regulations promulgated under the Health Insurance Portability and Accountability Act ("HIPAA"), we enclose "Satisfactory Assurances" that this firm sent written notice to Patient and Patient's attorney, which provided them with notice and sufficient information to object to the production by you of this protected health information. The time for filing an objection has passed and no objection has been filed, or all objections have been resolved in favor of producing the protected health information. **Therefore, in**

accordance with HIPAA, you may release Patient's medical records and other protected health information to this law firm.

We will mail a copy of this letter to Patient's attorney to provide Patient and Patient's attorney notice of the request for these records. If you have any questions or need additional information, please contact us. With kind regards,

TURNER PADGET



David S. Cobb

DSC/hah
enclosures

cc: Mark Bringardner (with enclosures)

NOTICE TO PROVIDER OF SATISFACTORY ASSURANCES

In regard to the attached subpoena for production of documents, this law firm provided written notice of the subpoena to the individual and/or the individual's attorney whose information is requested. The notice included sufficient information to permit the individual to raise an objection to your production of the requested information; however, the time for filing a motion to quash or an objection has elapsed, and either the individual and/or the individual's attorney did not file a motion to quash or an objection, or the court has resolved all filed motions to quash or objections and the disclosures sought in the subpoena are consistent with such resolution.

THESE STATEMENTS ARE MADE FOR PURPOSES OF COMPLIANCE WITH SECTIONS 261 THROUGH 264 OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191 (KNOWN AS THE "ADMINISTRATIVE SIMPLIFICATION PROVISIONS") AND MODIFICATIONS TO 45 CFR PARTS 160 AND 164 (THE "HIPAA PRIVACY RULE").

STATE OF SOUTH CAROLINA
ISSUED BY THE CHARLESTON COUNTY COURT OF COMMON PLEAS
FOR A LAWSUIT PENDING IN CHARLESTON COUNTY

MICHELLE GRANT,)
 Plaintiff,)
 v.)
 HANNAH DEREMER,)
 Defendant.)

Docket No.: 2018-CP-10-5321

SUBPOENA

TO: Lowcountry Orthopaedics
 288 Tricom Street
 North Charleston, South Carolina 29406

____ YOU ARE COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY:	COURT ROOM:
	DATE AND TIME:

____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION:	DATE AND TIME:
----------------------	----------------

XXX YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

- (1) an itemized statement of all charges to Michelle Grant and copies of all payments made for medical treatment rendered to Michelle Grant, including each payment made by the Joye Law Firm.
- (2) a list of all patients since January 1, 2012 in which the Joye Law Firm has referred the patient to Lowcountry Orthopaedics and a list showing what amounts the Joye Law Firm paid for any medical treatment rendered by Lowcountry Orthopaedics to each patient. The patient's name may be redacted to only the first initial and the first three letters of the last name.
- (3) a copy of all contracts or agreements between Lowcountry Orthopaedics and the Joye Law Firm regarding payment of medical expenses incurred by Michelle Grant.
- (4) a copy of all documents referencing any contracts or agreements between Lowcountry Orthopaedics and Lowcountry Orthopaedic Surgery Center.
- (5) all documents generated by the Joye Law Firm requesting medical records for Michelle Grant.
- (6) all documents showing when Lowcountry Orthopaedics provided Michelle Grant's medical records to the Joye Law Firm.

PLACE: Turner, Padgett, Graham & Laney, P.A. Post Office Box 22129 Charleston, SC 29413-2129	DATE AND TIME: on or before Thursday, July 11, 2019 at 5:00 p.m.
---	---

____ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

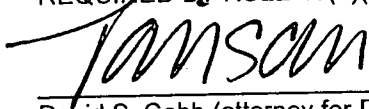
PREMISES:	DATE AND TIME:
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ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS SUIT IS HEREBY DIRECTED PURSUANT TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO

CONSENT TO TESTIFY ON ITS BEHALF, AND SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED SHALL TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION.

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER: David S. Cobb, Post Office Box 22129, Charleston, SC 29413-2129; (843) 576-2839

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.



Date: June 21, 2019

David S. Cobb (attorney for Defendant)

PROOF OF SERVICE

SERVED	DATE	PLACE Lowcountry Orthopaedics 288 Tricom Street North Charleston, South Carolina 29406
SERVED ON (Print Name) Medical Records Custodian		MANNER OF SERVICE Certified mail
SERVED BY (Print Name) Heather Hagen		TITLE Legal Assistant

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 6/21/19
DATE



SIGNATURE OF SERVER
Turner, Padgett, Graham, and Laney
40 Calhoun Street, Charleston, SC 29401

Rule 45, South Carolina Rules of Civil Procedure, Parts c and d:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS:

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or
(ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

AFFIDAVIT

Personally appeared before me, _____, who being duly sworn, deposes, and says:

1. I am the Records Custodian for _____.
(list practice/hospital name/business name)

2. I have reviewed the records in this office relative to _____.

3. The attached documents are all of the records of this office as requested by the attached subpoena.

4. All of the attached documents are copies of records that are kept in the ordinary course of business by this office.

Records Custodian

SWORN AND SUBSCRIBED)
)
before me on _____)
)
_____)
Notary Public for South Carolina)
)
My commission expires: _____)

Turner | Padget

DAVID S. COBB

Direct Dial: (843) 576-2803

Direct Fax: (843) 577-1629

dcobb@turnerpadget.com

June 21, 2019

Certified Mail

Lowcountry Orthopaedics Surgery Center
93A Springview Lane
Summerville, South Carolina 29485

Re: Michelle S. Grant v. Hannah Deremer

Docket No.: 2018-CP-10-5321

TP File No.: 4000.2513

**SUBPOENA OF PROTECTED HEALTH INFORMATION
AND NOTICE TO PROVIDER OF SATISFACTORY
ASSURANCES**

Dear Sir/Madam:

We enclose our subpoena requesting you produce to us a copy of your records and bills pertaining to **Michelle S. Grant (Date of birth March 16, 1980)**. We also request a letter certifying the materials produced are a complete copy of the records requested from your file. We will reimburse your reasonable cost incurred for copying the documents; however, please notify us before copying if the cost exceeds \$150.00.

Please mail the documents before **Thursday, July 11, 2019** to:

David Cobb
Turner Padget
Post Office Box 22129
Charleston, SC 29413-2129

Pursuant to 45 C.F.R. § 164.512(e) of the regulations promulgated under the Health Insurance Portability and Accountability Act ("HIPAA"), we enclose "Satisfactory Assurances" that this firm sent written notice to Patient and Patient's attorney, which provided them with notice and sufficient information to object to the production by you of this protected health information. The time for filing an objection has passed and no objection has been filed, or all objections have been resolved in favor of producing the protected health information. **Therefore, in**

accordance with HIPAA, you may release Patient's medical records and other protected health information to this law firm.

We will mail a copy of this letter to Patient's attorney to provide Patient and Patient's attorney notice of the request for these records. If you have any questions or need additional information, please contact us. With kind regards,

TURNER PADGET



David S. Cobb

DSC/hah
enclosures

cc: Mark Bringardner (with enclosures)

NOTICE TO PROVIDER OF SATISFACTORY ASSURANCES

In regard to the attached subpoena for production of documents, this law firm provided written notice of the subpoena to the individual and/or the individual's attorney whose information is requested. The notice included sufficient information to permit the individual to raise an objection to your production of the requested information; however, the time for filing a motion to quash or an objection has elapsed, and either the individual and/or the individual's attorney did not file a motion to quash or an objection, or the court has resolved all filed motions to quash or objections and the disclosures sought in the subpoena are consistent with such resolution.

THESE STATEMENTS ARE MADE FOR PURPOSES OF COMPLIANCE WITH SECTIONS 261 THROUGH 264 OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996, PUBLIC LAW 104-191 (KNOWN AS THE "ADMINISTRATIVE SIMPLIFICATION PROVISIONS") AND MODIFICATIONS TO 45 CFR PARTS 160 AND 164 (THE "HIPAA PRIVACY RULE").

STATE OF SOUTH CAROLINA
ISSUED BY THE CHARLESTON COUNTY COURT OF COMMON PLEAS
FOR A LAWSUIT PENDING IN CHARLESTON COUNTY

MICHELLE GRANT,)
 Plaintiff,)
v.)
HANNAH DEREMER,)
 Defendant.)

Docket No.: 2018-CP-10-5321

SUBPOENA

TO: Lowcountry Orthopaedics Surgery Center
93A Springview Lane
Summerville, South Carolina 29485

____ YOU ARE COMMANDED to appear in the above named court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY:	COURT ROOM:
	DATE AND TIME:

____ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION:	DATE AND TIME:
----------------------	----------------

XXX YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents or objects):

(1) ANY AND ALL RECORDS, DOCUMENTS, CHARTS, NOTES, REPORTS, PATIENT INTAKE AND DISCHARGE FORMS, RADIOLOGY REPORTS, LABORATORY REPORTS, X-RAY AND MRI TESTING, AND BILLING STATEMENTS INCLUDING COPIES OF ANY PAYMENTS MADE FOR THE MEDICAL CHARGES INCURRED BY MICHELLE GRANT PERTAINING TO MICHELLE S. GRANT (DATE OF BIRTH: 3/16/80).

(2) ALL DOCUMENTS SHOWING PAYMENTS BY THE JOYE LAW FIRM TO THIS ENTITY FROM JANUARY 1, 2012 TO PRESENT.

PLACE: Turner, Padgett, Graham & Laney, P.A. Post Office Box 22129 Charleston, SC 29413-2129	DATE AND TIME: on or before Thursday, July 11, 2019 at 5:00 p.m..
---	--

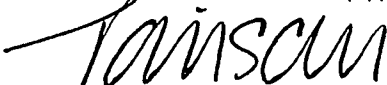
____ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES:	DATE AND TIME:
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ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER: David S. Cobb, Post Office Box 22129, Charleston, SC 29413-2129; (843) 576-2839

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1) AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.



David S. Cobb (attorney for Defendant)

Date: June 21, 2019

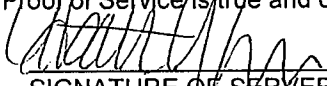
PROOF OF SERVICE

SERVED	DATE	PLACE Lowcountry Orthopaedics Surgery Center 93A Springview Lane Summerville, South Carolina 29485
SERVED ON (Print Name) Medical Records Custodian		MANNER OF SERVICE Certified mail
SERVED BY (Print Name) Heather Hagen		TITLE Legal Assistant

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 6/21/19
DATE


SIGNATURE OF SERVER
Turner, Padgett, Graham, and Laney
40 Calhoun Street, Charleston, SC 29401

Rule 45, South Carolina Rules of Civil Procedure, Parts c and d:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS:

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance; or
- (ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from

the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 - (iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person,
- the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

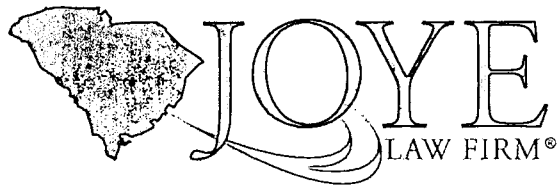
AFFIDAVIT

Personally appeared before me, _____, who being duly sworn, deposes, and says:

1. I am the Records Custodian for _____.
(list practice/hospital name/business name)
2. I have reviewed the records in this office relative to _____.
3. The attached documents are all of the records of this office as requested by the attached subpoena.
4. All of the attached documents are copies of records that are kept in the ordinary course of business by this office.

Records Custodian

SWORN AND SUBSCRIBED)
)
before me on _____)
)
_____)
Notary Public for South Carolina)
)
My commission expires: _____)



Charleston Myrtle Beach Clinton Columbia

Please Reply To:
Joye Law Firm, L.L.P.
5861 Rivers Avenue (29406)
P.O. Box 62888
North Charleston, SC 29419-2888

TEL: 843-554-3100
FAX: (843) 529-9180
TOLL FREE: 888-324-3100
WEB: www.joyelawfirm.com

Mark Bringardner
Email: mbringardner@joyelawfirm.com

July 10, 2019

The Honorable Julie Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: Michelle S. Grant v. Hannah Deremer
Case Number: 2018-CP-10-5321

Dear Mrs. Armstrong:

Enclosed for filing please find the original and one (1) additional copy of the Motion Slip along with Plaintiff's Motion to Quash Subpoena to Lowcountry Orthopaedics and Lowcountry Orthopaedics Surgery Center and for Protective Order; Joinder of Motion to Quash filed by Lowcountry Orthopaedics regarding the above-referenced matter. I have also enclosed our firm's check in the amount of \$25.00 for the filing fee of same. I would appreciate your filing the original with your office and returning the additional filed copy via courier.

By copy of this letter to opposing counsel, I am hereby serving him with the same.

Thank you for your attention to this matter and if you should have any questions, please do not hesitate to contact me.

Very truly yours,

JOYE LAW FIRM, L.L.P.

Mark Bringardner

MB/sdd
Enclosures

cc: David S. Cobb, Esq. (Via E-Mail and U.S. Mail; w/enclosures)