

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

BEVERLY CALLOWAY AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HATTIE ADMORE,

Plaintiff,

vs.

OAKBROOK HEALTHCARE, LLC d/b/a OAKBROOK HEALTH AND REHABILITATION CENTER AND PATRICIA CASTLE,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO. 2023-CP-18-00722

RECEIVED

Dec 13 2024

SC Court of Appeals

DEFENDANT OAKBROOK HEALTHCARE, LLC d/b/a OAKBROOK HEALTH AND REHABILITATION CENTER'S ANSWER TO PLAINTIFF'S COMPLAINT



TO LEE D. COPE, CHELCI AVANT AND MARGIE BRIGHT MATTHEWS, ATTORNEYS FOR THE PLAINTIFF

The Defendant Oakbrook Healthcare, LLC d/b/a Oakbrook Health and Rehabilitation Center (hereinafter "Facility" or "this Defendant"), *subject to and without waiving its right to compel this matter to arbitration*, hereby responds to the allegations set forth in Plaintiff's Complaint as follows:

1. Any and all allegations set forth in Plaintiff's Complaint which are not specifically admitted, qualified, or otherwise explained or denied, are hereby expressly denied and strict proof is demanded thereof.

2. This Defendant is without knowledge or information sufficient to respond to the allegations set forth in Paragraph 1 of Plaintiff's Complaint regarding Ms. Calloway's citizenship, residency, or status as personal representative of the estate of Ms. Admore, and therefore denies the same and demands strict proof thereof. The remaining allegations in Paragraph 1 call for legal

conclusions and require no response. To the extent those allegations intend to allege liability against this Defendant, they are denied and strict proof is demanded thereof.

3. Responding to the allegations set forth in Paragraph 2 of Plaintiff's Complaint, this Defendant admits those allegations insofar as they allege that this Defendant operates the skilled nursing facility at issue in Plaintiff's Complaint located in Dorchester County, South Carolina.

4. The allegations set forth in Paragraph 3 of Plaintiff's Complaint are directed at parties other than this Defendant and therefore no response is required.

5. Responding to the allegations set forth in Paragraph 4 of Plaintiff's Complaint, this Defendant admits Ms. Admore was a resident of the Facility but would crave reference to her medical records for their contents, including Ms. Admore's admission date and medical needs. This Defendant denies any and all allegations inconsistent with those contents including those intended to allege liability or damages against this Defendant.

6. Responding to the allegations set forth in Paragraphs 5, 6, 7, 8, 9, 10 and 11 of Plaintiff's Complaint, this Defendant would crave reference to Ms. Admore's medical records for their contents. Any allegations inconsistent with those contents or which assert or imply liability and/or damages as to this Defendant are denied and strict proof is demanded thereof.

7. This Defendant is without sufficient knowledge or information to respond to the allegations set forth in Paragraphs 12 and 13 of Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.

8. This Defendant denies the allegations set forth in Paragraphs 14, 15, 16 and 17 of Plaintiff's Complaint, including all subparts, and demands strict proof thereof.

9. This Defendant denies the allegations set forth in Plaintiff's Prayer for Relief, in full.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

10. Plaintiff's claim for punitive damages and an award of punitive damages would violate those clauses of the Constitutions of the United States and South Carolina related to privileges and immunities, due process and equal protection and Defendants would further assert the protections and defenses set forth in S.C. Code Ann. § 15-32-510, et. seq., including but not limited to S.C. Code Ann. §§ 15-32-520, 15-32-530, and 15-32-540.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

11. This Court lacks jurisdiction over this matter because Plaintiff's claims as to Defendants should be submitted to arbitration pursuant to a valid arbitration agreement entered into between this Defendant and Ms. Admore, and therefore this matter should be stayed and/or dismissed pursuant to rule 12(b)(1) of the South Carolina Rules of Civil Procedure and Section 3 of the Federal Arbitration Act and compelled to arbitration.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

12. The Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action and fails to state a claim upon which relief can be granted against Defendants and should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

13. Plaintiff's recovery in the matter, if any, is limited by and subject to the provisions of the South Carolina Noneconomic Damages Awards Act of 2005 which is codified in. S.C. Code Ann. § 15-32-200, et. seq. which is pled as a limitation or partial bar to the Plaintiff's claims and alleged damages.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

14. Defendant would affirmatively assert that, to the extent it is liable to Plaintiff or Plaintiff's decedent, as alleged, which is vehemently denied, it would be entitled to any and all benefits, joint and several liability protections, emergency situations on liability, any and all monetary limitations or caps or liability and/or damages under the Uniform Contributions Among Tortfeasors Act, Noneconomic Damages Award Act, and Medical Malpractice Reform Bill, including but not limited to §15-38-15; §15-32-200 *et. seq.*; §15-36-100; and §15-79-125 and any other applicable provisions under the acts.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

15. Defendant would affirmatively assert that the Plaintiff's injuries were caused by intervening and superseding acts of third parties not a party to this action.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

16. To the extent Defendant is required to raise the affirmative defenses under applicable South Carolina law in order to avoid an argument of waiver by Plaintiff, Defendants would assert Plaintiff's damages, if any, should be proportionately barred or reduced under the doctrine of comparative fault if such evidence is found as the case proceeds.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

17. Some or all of the Plaintiff's claims are barred by the applicable statute of limitations.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

18. Defendant asserts the election of remedies as an affirmative defense in this matter.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

19. There was no negligence, gross negligence, or recklessness by this Defendant that caused or contributed to the injuries allegedly suffered by Ms. Admore.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

20. Defendant hereby gives notice that it intends to rely upon such other affirmative defenses as may become available or apparent during the course of discovery, and thus reserves the right to amend this Answer to assert any such defenses.

WHEREFORE, having fully answered the Plaintiff's Complaint, this Defendant prays the Court issue an order dismissing this case with prejudice, and that it be awarded the costs and reasonable fees associated with this matter and such other relief as this Court may deem just and proper.

CLEMENT RIVERS, LLP

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*Attorneys for the Defendant Oakbrook Healthcare,  
LLC d/b/a Oakbrook Health and Rehabilitation Center*

Dated: June 13, 2023  
Charleston, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

BEVERLY CALLOWAY AS PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
HATTIE ADMORE,

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OAKBROOK HEALTHCARE, LLC d/b/a  
OAKBROOK HEALTH AND  
REHABILITATION CENTER AND  
PATRICIA CASTLE,

Defendants.

IN THE COURT OF COMMON PLEAS

C/A NO. 2023-CP-18-00722

**DEFENDANT PATRICIA CASTLE'S  
ANSWER TO PLAINTIFF'S  
COMPLAINT**

TO LEE D. COPE, CHELCI AVANT AND MARGIE BRIGHT MATTHEWS,  
ATTORNEYS FOR THE PLAINTIFF:

The Defendant Patricia Castle (hereinafter "this Defendant"), *subject to and without waiving her right to compel this matter to arbitration*, hereby responds to the allegations set forth in Plaintiff's Complaint as follows:

1. Any and all allegations set forth in Plaintiff's Complaint which are not specifically admitted, qualified, or otherwise explained or denied, are hereby expressly denied and strict proof is demanded thereof.

2. This Defendant is without knowledge or information sufficient to respond to the allegations set forth in Paragraph 1 of Plaintiff's Complaint regarding Ms. Calloway's citizenship, residency, or status as personal representative of the estate of Ms. Admore, and therefore denies the same and demands strict proof thereof. The remaining allegations in Paragraph 1 call for legal conclusions and require no response. To the extent those allegations intend to allege liability against this Defendant, they are denied and strict proof is demanded thereof.

3. The allegations set forth in Paragraph 2 of Plaintiff's Complaint are directed at parties other than this Defendant and therefore no response is required.

4. This Defendant denies the initial allegations set forth in Paragraph 3 of Plaintiff's Complaint regarding this Defendant's residency and demands strict proof thereof. Responding to the remaining allegations, this Defendant admits that she was the administrator at Oakbrook Health and Rehabilitation Center during Ms. Admore's residency there.

5. Responding to the allegations set forth in Paragraph 4 of Plaintiff's Complaint, this Defendant admits Ms. Admore was a resident of the Facility but would crave reference to her medical records for their contents, including Ms. Admore's admission date and medical needs. This Defendant denies any and all allegations inconsistent with those contents including those intended to allege liability or damages against this Defendant.

6. Responding to the allegations set forth in Paragraphs 5, 6, 7, 8, 9, 10 and 11 of Plaintiff's Complaint, this Defendant would crave reference to Ms. Admore's medical records for their contents. Any allegations inconsistent with those contents or which assert or imply liability and/or damages as to this Defendant are denied and strict proof is demanded thereof.

7. This Defendant is without sufficient knowledge or information to respond to the allegations set forth in Paragraphs 12 and 13 of Plaintiff's Complaint and therefore denies the same and demands strict proof thereof.

8. This Defendant denies the allegations set forth in Paragraphs 14, 15, 16 and 17 of Plaintiff's Complaint, including all subparts, and demands strict proof thereof.

9. This Defendant denies the allegations set forth in Plaintiff's Prayer for Relief, in full.

**FURTHER ANSWERING AND**  
**FOR A FURTHER AFFIRMATIVE DEFENSE**

10. Plaintiff's claim for punitive damages and an award of punitive damages would violate those clauses of the Constitutions of the United States and South Carolina related to privileges and immunities, due process and equal protection and Defendants would further assert the protections and defenses set forth in S.C. Code Ann. § 15-32-510, *et. seq.*, including but not limited to S.C. Code Ann. §§ 15-32-520, 15-32-530, and 15-32-540.

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11. This Court lacks jurisdiction over this matter because Plaintiff's claims as to Defendants should be submitted to arbitration pursuant to a valid arbitration agreement entered into between parties to this lawsuit, and therefore this matter should be stayed or dismissed pursuant to rule 12(b)(1) of the South Carolina Rules of Civil Procedure and Section 3 of the Federal Arbitration Act and compelled to arbitration.

**FURTHER ANSWERING AND  
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12. The Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action and fails to state a claim upon which relief can be granted against Defendants and should be dismissed pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

13. Plaintiff's recovery in the matter, if any, is limited by and subject to the provisions of the South Carolina Noneconomic Damages Awards Act of 2005 which is codified in. S.C. Code Ann. § 15-32-200, *et. seq.* which is pled as a limitation or partial bar to the Plaintiff's claims and alleged damages.

**FURTHER ANSWERING AND  
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14. Defendant would affirmatively assert that, to the extent she is liable to Plaintiff or Plaintiff's decedent, as alleged, which is vehemently denied, she would be entitled to any and all benefits, joint and several liability protections, emergency situations on liability, any and all monetary limitations or caps or liability and/or damages under the Uniform Contributions Among Tortfeasors Act, Noneconomic Damages Award Act, and Medical Malpractice Reform Bill, including but not limited to §15-38-15; §15-32-200 *et. seq.*; §15-36-100; and §15-79-125 and any other applicable provisions under the acts.

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15. Defendant would affirmatively assert that the Plaintiff's injuries were caused by intervening and superseding acts of third parties not a party to this action.

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FOR A FURTHER AFFIRMATIVE DEFENSE**

16. To the extent Defendant is required to raise the affirmative defenses under applicable South Carolina law in order to avoid an argument of waiver by Plaintiff, Defendants would assert Plaintiff's damages, if any, should be proportionately barred or reduced under the doctrine of comparative fault if such evidence is found as the case proceeds.

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**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

18. Defendant asserts the election of remedies as an affirmative defense in this matter.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

19. There was no negligence, gross negligence, or recklessness by this Defendant that caused or contributed to the injuries allegedly suffered by Ms. Admore.

**FURTHER ANSWERING AND  
FOR A FURTHER AFFIRMATIVE DEFENSE**

20. Defendant hereby gives notice that she intends to rely upon such other affirmative defenses as may become available or apparent during the course of discovery, and thus reserves the right to amend this Answer to assert any such defenses.

WHEREFORE, having fully answered the Plaintiff's Complaint, this Defendant prays the Court issue an order dismissing this case with prejudice, and that it be awarded the costs and reasonable fees associated with this matter and such other relief as this Court may deem just and proper.

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*Attorneys for the Defendant Patricia Castle*

Dated: June 13, 2023  
Charleston, South Carolina