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OF COUNSEL  
O. Eugene Powell, Jr.

September 30, 2013

**VIA HAND DELIVERY**

Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, South Carolina 29211

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SEP 30 2013

S.C. Supreme Court

RE: Shatto v. McLeod Regional Medical Center  
Case Tracking No. 2011-201186

Dear Mr. Shearouse:

Per my conversation with Linda, please find enclosed six (6) copies of inserts for the Appendix in regards to the above referenced matter.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

Erin Bridges

Paralegal to Blake A. Hewitt  
BLUESTEIN, NICHOLS, THOMPSON &  
DELGADO, LLC

/emb

cc: Walter H. Barefoot, Esquire  
Carmelo B. Sammataro, Esquire

trying to keep her going with everything she did. (Hearing Tr. p.64). Claimant testified that Dr. Majors sent her to Dr. Alden Milam, a spinal specialist. *Id.*

Claimant testified that she had not had surgery on her right shoulder following this accident. (Hearing Tr. p.64). Claimant testified that in about 2002, she had a torn rotator cuff which Dr. Roy Majors surgically repaired and she had 100 percent success and no trouble with the shoulder following the 2002 surgery. (Hearing Tr. pp. 64-65). Claimant testified that she was still undergoing physical therapy for the right shoulder at Lake Wylie Chiropractic at the time of the hearing. (Hearing Tr. p. 65). Claimant confirmed that she has undergone surgery for her neck. *Id.* Claimant testified that the leg was much better but not back to normal and that her right arm was still semi-useless. (Hearing Tr. p. 66). Claimant testified that she is right hand dominant. *Id.* Claimant testified that she can not brush her teeth with her right arm as she is unable to get the arm up high enough. *Id.* Claimant testified that she could push things around her desk with her right arm, could hold the steering wheel with her right arm on the lower half of the steering wheel, but is unable to perform fine motor movements. *Id.* Claimant testified that she did not have any problems with her right arm prior to this accident at McLeod. *Id.* Claimant testified that after the surgery, her right leg had gotten better and she no longer had foot drop. *Id.* Claimant testified that her right leg was now fairly normal with about 85% improvement. *Id.* Claimant testified that her right leg was still not reliable as her knee will suddenly buckle and she has numbness in the foot. (Hearing Tr. p. 67). Claimant testified that she did not have problems with her right knee buckling prior to this accident. *Id.* Claimant testified that, prior to the accident, she had some numbness in her toes, but her current numbness goes all the way back to the arch of the foot and it is different than what she

experienced prior to the accident. *Id.* Claimant testified that she is still treating with Dr. Milam. *Id.* Claimant testified that she is only doing physical therapy for her shoulder and that Dr. Milam is providing her with muscle relaxers and pain medication. (Hearing Tr. p.68). Claimant testified that as of the time of the hearing she is down to seeing Dr. Milam once a month. *Id.* Claimant testified that she had not had any problems with her neck prior to this accident. *Id.* Claimant testified that prior to this accident she had three lumbar surgeries and a coccyxgectomy, with the last surgery around 1995 or 1996, and that she had recovered from those surgeries prior to her December 21, 2007, accident. (Hearing Tr. p. 69). Claimant testified that she did not have any problems with her lower spine after her December 21, 2007, accident. *Id.*

Claimant testified that other symptoms she is having which she believe stemmed from the accident are tears to the left rotator cuff and left biceps tendon and increasing bone spurs. (Hearing Tr. p.70). Claimant testified that she has pain in her left arm depending on movement and that her left arm is starting to get weak like the right one did. *Id.* Claimant testified that the problems on the left started approximately a month prior to the hearing. *Id.* Claimant testified that she also has numbness in the left hand for about a month and numbness in the left foot similar to what she experienced in her right foot. *Id.* Claimant testified that Dr. Majors has started treating her left side problems and his treatment consists of continuation of physical therapy for the left side as she had been doing on the right and that Dr. Majors has not ordered any testing other than the MRI. (Hearing Tr. p. 71). Claimant testified that she is walking with a cane as prescribed by physical therapy to help with her balance and to compensate for the weakness. *Id.* Claimant testified that she did not have problems with balance prior to this accident. *Id.* Claimant testified that her balance problems started about mid-February to the

beginning of March. (Hearing Tr. p.72). Claimant testified that she is not undergoing any sort of medical treatment that relates to this accident other than physical therapy and medications. *Id.* Claimant testified that the physical therapy and medications help her symptoms. *Id.* Claimant testified that she was not on pain medicines or muscle relaxers before her December 21, 2007, accident. (Hearing Tr. p.73).

**Cross-Examination of Claimant by Mr. Barefoot :**

Claimant verified her earlier testimony that she is a licensed certified registered nurse anesthetist, that she is credentialed by the American Association of Nurse Anesthetists (A.A.N.A.), that she is governed by statutes in certain states, and confirmed that "part of [her] credentialing process is [that she is] governed by law. (Hearing Tr. p.74). Claimant confirmed that South Carolina law requires that an anesthesiologist be present in the room while she treated a patient and was not a policy originated by McLeod or Staff Care . (Hearing Tr. pp. 74-75). Claimant testified that she was working in South Carolina when she was working at McLeod. (Hearing Tr. p. 75).

Claimant testified that she has done some freelancing work in the past and her longest freelance stint was three weeks. (Hearing Tr. p.76). Claimant explained that she was paid a flat rate per hour for her freelance work and the placement agency provided her with malpractice insurance. *Id.* Claimant testified that in those scenarios she did not get group health insurance or another benefits other than the flat rate pay per hour. (Hearing Tr. p.77). Claimant confirmed that the last place she worked before Staff Care was for Pain Management and Anesthesia which was in 2007. *Id.* Claimant testified that she that she left Pain Management and

Anesthesia partly due to the stress and burnout of having constant responsibility to the employer. *Id.*

Claimant testified that she previously had two surgeries on her left shoulder. Claimant explained the second surgery was a closed reduction to repair a fracture and dislocation. (Hearing Tr. p. 77). Claimant testified that she also had bone spurs in her left shoulder and she had a ruptured rotator cuff in her right shoulder. (Hearing Tr. p. 78). Claimant testified that she had sciatic pain in the right leg when she had prior problems to her lower back. *Id.*

Claimant testified that since 2002 she was diagnosed as pre-diabetic and her treatment was the same as treatment for a full-blown type 2 diabetic. (Hearing Tr. p. 78). Claimant testified that she agreed that in her deposition she did not mention anything about a pre-diabetic diagnosis but that she only testified in her deposition that she was diagnosed with diabetes in 2002. *Id.* Claimant testified that she controls the diabetes with pills and that she checks her blood sugar daily. *Id.* Claimant testified that one of the symptoms she had with the diabetes was numbness in her left toes. (Hearing Tr. p. 79). Claimant testified she did not recall saying in her deposition that she had numbness in her left foot from the toes to the ball of her foot prior to the December 21, 2007, accident but that the numbness extends to the ball of her left foot as of the time of the hearing. *Id.* Claimant testified that she did not recall having any problems with fainting or passing out as a result of diabetes (Hearing Tr. p. 80).

Claimant testified that she found the Staff Care position on the internet and she talked with someone but was then referred to Greg Burel when that person left. *Id.* Claimant testified that she had faxes and emails going back and forth to Staff Care and that she used her fax machine to transmit documents to Staff Care. *Id.* Claimant testified that she sent Staff Care a