

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-558

Vicki L. Wilkinson, ... Appellant,

v.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center, Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm, M.D., ... Respondents.

RECORD ON APPEAL

John S. Nichols
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO, LLC
Post Office Box 7965
Columbia, SC 29202
(803) 779-7599

Nathan Hughey
HUGHEY LAW FIRM, LLC
Post Office Box 348
Mt. Pleasant, SC 29465
(843) 881-8644

Attorneys for Appellant

Robert H. Hood
James B. Hood
H. Cooper Wilson, III
Deborah H. Sheffield
HOOD LAW FIRM, LLC
P.O. Box 1508
Charleston, SC 29402
(843) 577-4435

*Attorneys for Carolina
Aesthetic Plastic Surgery
Institute, PA and Thomas X.
Hahm, MD*

Lindsay K. Smith-Yancey
Katie Fowler Monoc
Daniel S. McQueeney, Jr.
PRATT-THOMAS WALKER
P.O. Drawer 22247
Charleston, SC 29413
(843) 727-2200

*Attorneys for East Cooper
Community Hospital, Inc.
d/b/a East Cooper
Regional Medical Center*

RECEIVED

OCT 04 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-558

Vicki L. Wilkinson, ... Appellant,

v.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center, Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm, M.D., ... Respondents.

RECORD ON APPEAL

John S. Nichols
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO, LLC
Post Office Box 7965
Columbia, SC 29202
(803) 779-7599

Nathan Hughey
HUGHEY LAW FIRM, LLC
Post Office Box 348
Mt. Pleasant, SC 29465
(843) 881-8644

Attorneys for Appellant

Robert H. Hood
James B. Hood
H. Cooper Wilson, III
Deborah H. Sheffield
HOOD LAW FIRM, LLC
P.O. Box 1508
Charleston, SC 29402
(843) 577-4435

*Attorneys for Carolina
Aesthetic Plastic Surgery
Institute, PA and Thomas X.
Hahm, MD*

Lindsay K. Smith-Yancey
Katie Fowler Monoc
Daniel S. McQueeney, Jr.
PRATT-THOMAS WALKER
P.O. Drawer 22247
Charleston, SC 29413
(843) 727-2200

*Attorneys for East Cooper
Community Hospital, Inc.
d/b/a East Cooper
Regional Medical Center*

INDEX

Orders

Order of April 16, 2012, filed April 18, 2012	1
Order of October 2, 2012	6
Order of October 16, 2012	15

Pleadings and Motions

Notice of Intent to File Suit and exhibits	16
Notice of Intent to File Suit Proofs of Service	33
Notice of Appearance of Hospital's Counsel	38
Mediation Results Report	39
Complaint	41
Acceptance of Service of February 2, 2012	51
Answer of CAPSI and Thomas X. Hahm, M.D.	52
Motion to Dismiss of CAPSI and Thomas X. Hahm, M.D.	61
East Cooper's Answer and Motion to Dismiss	63
Acknowledgment of March 28, 2012	69
East Cooper's Memorandum in Support of Motion to Dismiss	71
Memorandum in Support of Motion to Dismiss of CAPSI and Hahm	79
Plaintiff's Memorandum in Opposition to Motion to Dismiss	85
Plaintiff's Motion for Reconsideration	91
Notice of Appeal and Proof of Service	93

Transcripts and Exhibits

Transcript of Hearing, May 14, 2013	97
Affidavit of John D. Newkirk, MD	108
Subpoenas	114
November 16, 2011	114
March 14, 2012	126
March 30, 2012	134
May 2, 2012	150
Certificate of Counsel	158

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

DOCKET NO.: 2012-CP-10-0558

Vicki L. Wilkinson,

Plaintiff,

vs.

Tenet Healthcare Corp., Tenet
Healthsystem Medical, Inc., East Cooper
Community Hospital, Inc. d/b/a East
Cooper Regional Medical Center,
Carolina Plastic Surgery Institute, PA, and
Thomas X. Hahm, M.D.

Defendants.

FILED
2012 APR 18 PM 4:37
JULIE J. ARMSTRONG
CLERK OF COURT

**CONSENT ORDER OF DISMISSAL OF DEFENDANTS TENET HEALTHCARE
CORP., AND TENET HEALTHSYSTEM MEDICAL, INC.,
WITHOUT PREJUDICE**

On January 25, 2012, the Plaintiff filed a Summons and Complaint asserting claims for medical negligence arising out of her care and treatment while a patient at East Cooper Regional Medical Center (hereinafter referred to as "Defendant Hospital"). Plaintiff's Summons and Complaint named as Defendants, inter alia, Tenet Healthcare Corp., (hereinafter referred to as "Defendant THC") and Tenet HealthSystem Medical, Inc. (hereinafter referred to as "Defendant THMI").

The parties have now reached an agreement by which Plaintiff has agreed to dismiss without prejudice Defendants THC and THMI and proceed with her claims against the remaining Defendants only. The parties wish to document their agreement in the form of a Consent Order.

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Summons and Complaint as against Defendants THC and THMI is hereby dismissed, without prejudice, and that East Cooper Community Hospital, Inc., d/b/a East Cooper Regional Medical Center, Carolina Plastic Surgery Institute, P.A., and Thomas X. Hahm, M.D., shall remain the only named Defendants. It

is further ordered that the caption of and future filings in this matter shall be amended to reflect the dismissal of Defendants THC and THMI and that the dismissal of these Defendants shall in no way affect Plaintiff's claims against the remaining Defendants.

AND IT IS SO ORDERED.

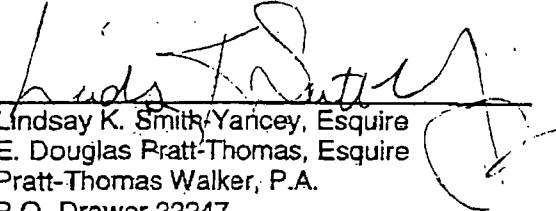
S/D. S. J. J. J.
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

Dated: 4/16/12

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., S.S. & F.C.
By *[Signature]*

WE SO MOVE:



Lindsay K. Smith-Yancey, Esquire
E. Douglas Pratt-Thomas, Esquire
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, SC 29413-2247
843-727-2211

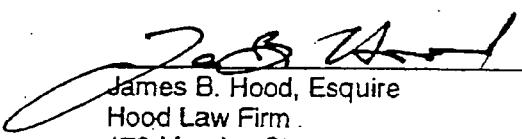
Counsel for Defendant East Cooper Community
Hospital, Inc., d/b/a East Cooper Regional Medical
Center, Tenet Healthcare Corp., and Tenet
Healthsystem Medical, Inc.

WE CONSENT:



D. Nathan Hughey, Esquire
Hughey Law Firm
Attorneys at Law
767 Coleman Boulevard, Unit 2
P.O. Box 348
Mount Pleasant, SC 29465-0348
843-881-8644
Counsel for Plaintiff

WE CONSENT: *to the dismissal without prejudice of
Tenet Healthcare Corp. and
Tenet Healthsystem Medical, Inc.*


James B. Hood, Esquire
Hood Law Firm
172 Meeting Street
P.O. Box 1508
Charleston, SC 29402
843-577-4435

Counsel for Defendants Thomas X. Hahn, M.D.,
and Carolina Plastic Surgery Institute, PA

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) DOCKET NO.: 2012-CP-10-0558

Vicki L. Wilkinson,
Plaintiff,

vs.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center, Carolina Plastic Surgery
Institute, PA, and Thomas X. Hahm,
M.D.

Defendants.

ORDER

BY
JULIE J. ARMSTRONG
CLERK OF COURT

2012 OCT -2 PM 4:15

FILED

This matter came before the Court on May 14, 2012, on Defendants' Motions to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. Present for this hearing were attorneys Lindsay K. Smith-Yancey and Katie Fowler Monoc on behalf of Defendant East Cooper Regional Medical Center, H. Cooper Wilson, III on behalf of Defendants Carolina Aesthetic Plastic Surgery Institute, PA, and Thomas X. Hahm, M.D.; and D. Nathan Hughey on behalf of the Plaintiff Vicki L. Wilkinson. Memoranda of law were submitted by the parties and incorporated into the record, and oral arguments were entertained. After having reviewed the pleadings and having considered the arguments and legal memoranda of the parties, I grant the Defendants' Motions to Dismiss on each of the grounds that (1) the Plaintiff failed to file an expert affidavit contemporaneously with her Notice of Intent to File Suit as mandated by South Carolina Code Section 15-79-125 and thus the statute of limitations was not tolled; and (2) the Plaintiff failed to file an expert affidavit contemporaneously with her

RMDJR/1

Complaint or within forty-five days thereafter in accordance with South Carolina Code Section 15-36-100 within the statute of limitations applicable to her claim.

FACTS

The Plaintiff was admitted to Defendant East Cooper Regional Medical Center on September 4, 2008, for reconstructive surgery performed by Defendant Thomas Hahm, M.D., on the same day. The Plaintiff filed a Notice of Intent on September 1, 2011, alleging that the September 4, 2008, procedure was negligently performed and that she suffered various injuries and developed various illnesses and complications as a result of this procedure. The Plaintiff's Notice was filed without an expert affidavit pursuant to South Carolina Code Section 15-79-125 and stated "[n]o expert affidavit is attached as the statute of limitations is construed to expire shortly. The Plaintiff will file an expert affidavit at a later date." The Plaintiff provided no explanation as to why the affidavit could not be filed because of time constraints or otherwise. The Plaintiff then filed an expert affidavit of John Newkirk, M.D., on October 5, 2011.

The parties then participated in a mandatory pre-suit mediation pursuant to South Carolina Code Section 15-79-125 but were unable to resolve the case. The Plaintiff then filed her Complaint on January 25, 2012, at which time a new Civil Action case number was assigned. The Plaintiff did not file an expert affidavit contemporaneously with her Complaint or within forty-five days thereafter pursuant to by South Carolina Code Section 15-36-100. The Plaintiff's Complaint contained no explanation for the lack of the required expert affidavit because of time constraints or otherwise. Defendants' Motions to Dismiss followed.

STANDARD ON DISMISSAL

"Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint." Doe v. Marion, 361 S.C. 463, 469, 605 S.E.2d 556, 559 (S.C. Ct. App. 2004) aff'd, 373 S.C. 390, 645 S.E.2d 245 (2007). "A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court." Ashley River Properties I, LLC v. Ashley River Properties II, LLC, 374 S.C. 271, 277, 648 S.E.2d 295, 298 (S.C. Ct. App. 2007). An expert affidavit filed pursuant to South Carolina Code Section 15-36-100 is a pleading for the purpose of the circuit court's evaluation of motions and the merits of the plaintiff's case. Ranucci v. Crain, 723 S.E.2d 242, 247 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012).

PROCEDURAL REQUIREMENTS TO BRING A PROFESSIONAL NEGLIGENCE ACTION

This is a medical malpractice action and therefore it is governed by the procedural requirements set forth in South Carolina Code Sections 15-79-125 and 15-36-100. These procedural statutes apply independently of one another as "each statute governs a distinct time period during the litigation process, and those time periods are consecutive." Ranucci v. Crain, 723 S.E.2d 242, 245 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012). "Section 15-79-125 controls the portion of the process that commences with the filing of a Notice of Intent to File Suit and ends with prelitigation mediation. If the parties are unable to resolve their dispute through mediation, section 15-36-100 guides them through the preparation of initial pleadings and provides

mechanisms for challenging and curing defects in the required affidavit." Id.¹ In the instant case, the Plaintiff failed to comply with the filing requirements of either of these statutes prior to the expiration of the statute of limitations applicable to her claim.

**SOUTH CAROLINA CODE SECTION 15-79-125 AND
THE STATUTE OF LIMITATIONS BAR THIS ACTION**

South Carolina Code Section 15-79-125 establishes the prelitigation requirements for medical malpractice actions. Ranucci v. Crain, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012). Section 15-79-125(A) states in pertinent part "prior to filing or initiating a civil action alleging injury or death as a result of medical malpractice, the plaintiff shall contemporaneously file a Notice of Intent to File Suit and an affidavit of an expert witness subject to the affidavit requirements in Section 15-36-100, in a county in which venue would be proper for filing or initiating the civil action." S.C. Code Ann. § 15-79-125(A). "This provision imposes two requirements on the affidavit, that it be filed at the same time as the Notice of Intent to File Suit and that it comply with the affidavit requirements of section 15-36-100."² Ranucci, 723 S.E.2d at 246. Significantly, a properly filed Notice of Intent to File Suit "tolls all applicable statutes of limitations." S.C. Code Ann. § 15-79-125(A).

¹ Contrary to the Plaintiff's arguments, the Ranucci holding does not create new law. By construing the plain language of the statute, the Ranucci holding simply reiterates the mandatory pre-suit filing requirements set forth in Section 15-79-125 and the actual-suit filing requirements set forth in Section 15-36-100.

² Therefore, an affidavit for the purposes of the pre-litigation Notice of Intent to File Suit "must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit." Ranucci, 723 S.E.2d at 245 (quoting S.C. Code Ann. § 15-36-100(A),(B)). No other aspect of section 15-36-100 applies to the prelitigation requirements set forth under section 15-79-125. Id.

In Ranucci, the plaintiff filed a Notice of Intent three years after her alleged injury without an expert affidavit and stated that time constraints prevented her from contemporaneously filing the expert affidavit. Forty-five days later she filed an expert affidavit. The defendant doctor filed a motion to dismiss the plaintiff's notice for failure to timely file the medical expert's affidavit. The plaintiff argued that the affidavit was filed within the forty-five day grace period under South Carolina Code Section 15-36-100(C)(1). The circuit court dismissed the plaintiff's action. On appeal, the South Carolina Court of Appeals affirmed the lower court's decision and held that the affidavit requirements invoked by section 15-79-125 "do not permit a potential plaintiff to file her expert witness's affidavit after she filed her Notice of Intent to File Suit" and that the forty-five day grace period under section 15-36-100(C)(1) applied to complaints only, and not notices of intent. Ranucci v. Crain, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012).

The statute of limitations governing medical malpractice claims is three years. S.C. Code Ann. § 15-3-545. The three-year statute of limitations begins to run when the facts and circumstances of the injury would put a person of common knowledge and experience on notice that some right of hers has been invaded or that some claim against a party might exist. Dunbar v. Carlson, 341 S.C. 261, 266, 533 S.E.2d 913, 916 (S.C. Ct. App. 2000). "The date on which discovery should have been made is an objective, not subjective, question. Additionally, the fact that the injured party does not comprehend the full extent of his injuries is immaterial." Knox v. Greenville Hosp. Sys., 608 S.E.2d 459, 462 (S.C. Ct. App. 2005).

The Plaintiff herein alleges negligence committed during a medical procedure performed on September 4, 2008. Therefore, her statute of limitations began on this date and expired on September 4, 2011. The Plaintiff does not contest this.

While the Plaintiff filed her Notice of Intent to File Suit on September 1, 2011, three days prior to the expiration of her statute of limitations, she did so without any expert affidavit. Therefore, her statute of limitations was not tolled. The Plaintiff's expert affidavit of John Newkirk, M.D., filed October 5, 2011, did not cure this defect as 15-79-125 does not permit a potential plaintiff to file her expert witness's affidavit after she filed her Notice of Intent to File Suit because the forty-five day grace period under section 15-36-100(C)(1) applies to complaints only, and not notices of intent. Id. The Plaintiff's statute of limitations, therefore, expired September 4, 2011, prior to her complying with the pre-suit requirements to sustain the present action.

The Court took judicial notice that the parties participated in pre-suit mediation as mandated by South Carolina Code Section 15-79-125(C) and determined this to be of no consequence to the Defendants' Motions to Dismiss. The Defendants did not waive their right to challenge the Plaintiff's defective Notice of Intent to File Suit because the plain language of the statute requires pre-suit mediation and provides no opportunity for Defendants to opt out of pre-suit mediation and contest a defect.³

³ South Carolina Code Section 15-79-125(C) states:

Within ninety days and no later than one hundred twenty days from the service of the Notice of Intent to File Suit, **the parties shall participate in a mediation conference** unless an extension for no more than sixty days is granted by the court based upon a finding of good cause. . . .

S.C. Code Ann. § 15-79-125(C). Neither the statute nor Ranucci **require** that a defendant contest pre-suit defects prior to the suit being filed. Therefore, in light of the

RMDJR/6

THE PLAINTIFF'S COMPLAINT IS BARRED FOR FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN SOUTH CAROLINA CODE SECTION 15-36-100

The Plaintiff also failed to file her expert affidavit contemporaneously with her Complaint as required by South Carolina Code Section 15-36-100. South Carolina Code Section 15-36-100 establishes the procedure for commencing suits for professional negligence, including medical malpractice. Ranucci v. Crain, 723 S.E.2d 242, 244 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012). Section 15-36-100 "requires the plaintiff to craft a viable complaint supported by the sworn testimony of a qualified expert witness. Because an affidavit filed pursuant to this section is a 'part of the complaint,' it is a pleading for the purpose of the circuit court's evaluation of motions and the merits of plaintiff's case." Id. at 247. An affidavit filed with a Notice of Intent pursuant to section 15-79-125 does not satisfy the contemporaneous filing requirements of section 15-36-100 applicable to complaints.

Nothing in either statute⁴ suggests the legislature intended an affidavit filed pursuant to section 15-79-175 to affect a plaintiff's obligation to file a similar affidavit later "as part of the complaint" pursuant to section 15-36-100. Rather, the legislature clearly intended the two statutes to operate independently of one another and in distinct time frames, with the specific exception that they share the criteria for preparing affidavits of expert witnesses.

Id. at 247 (emphasis added).

The expert affidavit is "part of" the Complaint. In this case, no expert affidavit was filed with the Plaintiff's Complaint.⁵ Without meeting this threshold requirement, on

plain language of the statute, it was proper for the Defendants to raise both the Plaintiff's pre and post-suit defects after the filing of Plaintiff's Complaint.

⁴ S.C. Code Ann. § 15-79-175 or S.C. Code Ann. § 15-36-100.

⁵ The pleadings prove contrary to the Plaintiff's assertion that the Defendants did not file any motion with its Answers claiming the Plaintiff's expert affidavit was defective. For example, Defendant East Cooper's Answer and Motion to Dismiss states that "[t]he

the face of the Complaint, the Plaintiff failed to state claims⁶ for which relief may be granted.

It should be noted that the exception to the requirement that the expert affidavit be filed contemporaneously with the complaint does not apply in this case. An exception permits that the expert affidavit be filed within forty-five days of the complaint being filed where the period of limitation will expire, or there is a good faith basis to believe it will expire on a claim stated in the complaint within ten days of filing and, due to time constraints, the plaintiff alleges that an expert affidavit could not be prepared. S.C. Code Ann. § 15-36-100(C)(1). Here, the Plaintiff did not provide any explanation whatsoever as to why the expert affidavit was not filed. Nor did the Plaintiff file the expert affidavit within forty-five days from the date of the filing of the Complaint. Accordingly, the Plaintiff is in no way excepted from the requirements of section 15-36-100.

Plaintiff has failed to comply with the statutory requirements of South Carolina Code Section 15-36-100 requiring that Plaintiff's Complaint be accompanied by an affidavit meeting the requirements set forth therein. The Plaintiff has failed to file any affidavit specifying any negligent act committed by an agent, servant, or employee of this Defendant." In addition, all Defendants raised the statute of limitations, which was not tolled pursuant to the defective Notice of Intent to File Suit, as defenses in their Answers. In any event, the statute of limitations was not tolled, the pre-suit and actual suit requirements were not met, and the case must be dismissed.

⁶ In this case, the Plaintiff alleges negligence, fraud, misrepresentation, and unfair trade practices, all of which fall under the umbrella of medical malpractice. In each cause of action alleged by Plaintiff, she alleges that Defendants failed to do that which a reasonably prudent health care provider or institution would in the same or similar circumstances. The gravamen of each claim is the standard of care. As such, each claim constitutes medical malpractice under section 15-79-100(6) – "doing that which the reasonably prudent health care provider or health care institution would not do or not doing that which the reasonably prudent health care provider or health care institution would do in the same or similar circumstances." S.C. Code Ann. § 15-79-100(6). Accordingly, each of Plaintiff's claims must be dismissed.

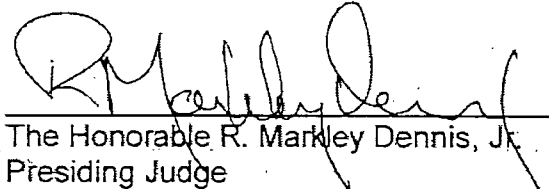
Finally, notwithstanding the Plaintiff's failure to comport with South Carolina Code Section 15-36-100, the statute of limitations expired on September 4, 2011, without having been tolled by a properly filed Notice of Intent. The Plaintiff filed her Complaint on January 25, 2012, more than four months after the expiration of her statute of limitations. Since the Complaint was filed without an expert affidavit more than four months after the statute of limitations expired, it fails to state a claim and must be dismissed.

NOW, THEREFORE, based on the foregoing it is

ORDERED, that the Defendants motions to dismiss be, and hereby are, granted;

AND IT IS SO ORDERED.

This 21 day of ^{October} August, 2012
Charleston, South Carolina


The Honorable R. Markley Dennis, Jr.
Presiding Judge

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

vs.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical Center,
Carolina Plastic Surgery Institute, PA, and
Thomas X. Hahm, M.D.

Defendants.

COURT OF COMMON PLEAS
CASE NO: 2012-CP-10-558

ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER

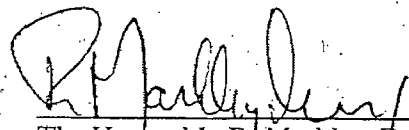
FILED
2012 OCT 16 AM 9:52
CLERK OF COURT

This matter came before the Court on May 14, 2012, on Defendants' Motions to Dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure. After having reviewed the pleadings and having considered the arguments and legal memoranda of the parties, the Court granted Plaintiff's Motion to Dismiss on October 2, 2012. Order to that effect was filed with the Clerk of Court on the same day.

Court is in receipt of Defendant's Motion to Reconsider filed on October 10, 2012. Court believes that the Order signed and filed with this case on October 2, 2012 speaks for itself.

For that reason, IT IS HEREBY ORDERED THAT Defendant's Motion to Reconsider is **DENIED**, and Court sees no further need for a hearing to be held in this matter.

AND IT IS SO ORDERED.


The Honorable R. Markley Dennis, Jr.
Ninth Circuit Presiding Judge

Moncks Corner, South Carolina
October 11, 2012

7/1

D. Nathan Hughey (SC Bar #68409)

A. Stuart Hudson (SC Bar #71691)

HUGHEY LAW FIRM, LLC

767 Coleman Boulevard, Unit 2

Post Office Box 348

Mount Pleasant, South Carolina 29465-0348

Telephone: (843) 881-8644

Facsimile: 1-888-884-8311

nhughey@hugheyfirm.com

shudson@hugheyfirm.com

Attorneys for Plaintiff

7/1

, 2011
Mount Pleasant, South Carolina

EXHIBIT A

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

) Case No. 11-CP-10-

Plaintiff,

)

Versus

)

SHORT AND PLAIN STATEMENT OF FACTS
(Jury Trial Demanded)

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

)

)

)

)

)

)

Defendants,

)

The Plaintiff, Vicki L. Wilkinson, complaining of the Defendants, Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center, Carolina Aesthetic Plastic Surgery Institute, PA, and Thomas X. Hahm, MD (collectively "Defendants"), alleges as follows:

1. The Plaintiff, Vicki L. Wilkinson, is a citizen and resident of the County of Charleston, State of South Carolina.
2. Upon information and belief, the Defendant, Tenet Healthcare Corp., is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in Charleston County, South Carolina.
3. Upon information and belief, the Defendant, Tenet Healthsystem Medical, Inc., is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in Charleston County, South Carolina.
4. Upon information and belief, the Defendant, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center, is a corporation organized and existing under the laws of the State

of South Carolina with its principal place of business in Charleston County, South Carolina.

5. Upon information and belief, the Defendant, Carolina Aesthetic Plastic Surgery Institute, PA, is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in Charleston County, South Carolina.

6. Upon information and belief, the Defendant, Thomas X. Hahm, MD, is a citizen and resident of the County of Charleston, State of South Carolina.

7. The Defendants have the right or power to direct and control the manner in which its employees and/or agents provide care and operate the business of delivering health care for a fee through its facilities.

8. The Defendants have a non-delegable duty to provide doctors and staff adequately trained and able to provide any necessary and reasonable medical care to patients at their respective facilities.

9. Upon information and belief, Defendants have doctors, nurses, radiologists and other staff who are its agents, servants, and employees, and all acts or omissions complained of, performed by said agents, servants, and employees occurred during the course and scope of such agency and/or employment and is therefore imputed to the Defendants.

10. At all times relevant to this action, doctors, nurses, patients, interns and staff health care providers caring for the Plaintiff at East Cooper were employees and/or agents of the Defendants, or were apparent agents and were acting within the course and scope of their employment and/or agency or apparent agency.

11. Vicki L. Wilkinson and members of her family justifiably and reasonably believed that certain doctors, nurses, patients, interns and the other staff health care providers at East Cooper were agents and/or employees of the Hospital.

12. The Defendants have the right or power to direct and control the manner in which their employees provide medical care and operate the business of delivering health care for a fee through the business using the trade name East Cooper. Additionally, the Defendants have a non-delegable duty to provide doctors adequately trained and able to provide any necessary and reasonable medical care to patients.

13. This Court has personal and subject matter jurisdiction over this case and venue is proper in this Court.

GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

14. The Plaintiff is informed and believes that at all times material to this Complaint the Defendants had employees and/or agents who were acting on behalf of or in place of Defendants in making decisions regarding the care of the Plaintiff. Additionally, the Plaintiff is informed and believes that at all times material to this Complaint that all of the employees of the Defendants were acting within the course and scope of their employment in regard to their care and treatment of Plaintiff.

15. Upon information and belief Defendant Thomas X. Hahm, MD was licensed under the laws of the State of South Carolina and was required to provide reasonable and prudent medical care to the Plaintiff.

16. Upon information and belief, the Defendants had an obligation to employ nurses, doctors and other staff who were qualified to render reasonable care to a patient in the condition of the Plaintiff.

17. In September of 2008 Plaintiff (51) had undergone a previous bilateral silicone breast reconstruction as a result of breast cancer.

18. On September 4, 2008, Plaintiff was admitted to East Cooper for a bilateral silicone implant explantation, a capsulotomy bilaterally and bilateral DIEP flap reconstruction performed by Defendant Hahm.

19. The Plaintiff then developed complications and on September 5, 2008 underwent an operation for drainage for a right breast hematoma.

20. Post-operatively Plaintiff was left without IV antibiotics for 12 hours and developed a significant raging erythema of the right breast significant of cellulitis.

21. The Plaintiff's complications continued and on September 6, 2008 she underwent a third operation for right breast exploration, revision of her right breast flap and revision of the right breast venous anastomosis.

22. Plaintiff continued to have complications due to infection and was discharged on September 11, 2008.

23. Plaintiff returned to East Cooper on September 26, 2008 and continued with progressive necrosis of the right breast skin and right breast flap. She then underwent a procedure to remove the right breast flap with an immediate reconstruction of a superior gluteal artery flap which was harvested from the left buttock.

24. Within forty eight hours of the procedure the Plaintiff had yet again complications due to infection and the flap had to be removed. Plaintiff was discharged on October 1, 2008.

25. On October 26, 2008, Plaintiff yet again presented to East Cooper with an infection which was believed to be caused by her PICC line.

26. Over the next months Plaintiff continued to suffer significant complications as a result of the procedures.

FOR THE FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Negligence *Per Se* and Professional Negligence)

27. The Plaintiff realleges and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

28. The Defendants, by and through their agents and/or employees, did undertake the duty

to render medical care to the Plaintiff in accordance with the prevailing and acceptable standards of care for health care facilities, nurses, doctors in the national community and, at a minimum, in accordance with the generally recognized and accepted practices and procedures that would be followed by average, competent practitioners in the Defendants' field of medicine under the same or similar circumstances.

29. While the Plaintiff was under the care of the Defendants, they departed from the prevailing professional standards of care and recognized and generally accepted standards and treatment of the Plaintiff and were thereby negligent, careless, grossly negligent, reckless, and negligent *per se* and acted in violation of the duties owed to the Plaintiff in that they committed one or more of the following acts of omission or commission, any or all of which were departures from the prevailing professional standards of care:

- a. in failing to ensure that the Plaintiff was properly and adequately monitored throughout her treatment by the Defendants;
- b. in failing to conduct the needed assessments of the Plaintiff;
- c. in failing to supervise nurses and staff;
- d. in failing to have in place proper and adequate policies, procedures and protocols for management of patients in the Plaintiff's condition, or, if such policies, procedures and protocols were in place, in failing to use due care to enforce them;
- e. in failing to timely administer orders of the attending doctors;
- f. in failing to properly train and educate their nurses or, if properly trained and educated, in failing to allow their nurses to exercise independent judgment and skill and the failure of said nurses and employees to exercise chain of command;
- g. in failing to properly monitor and respond to the Plaintiff's symptoms;
- h. in failing to have appropriate policies, procedures, and protocols to ensure that patients with conditions similar to the Plaintiff are treated in an appropriate manner, or if the Defendants had such policies, procedures, and protocols, in failing to ensure such were carried out and followed;

- i. in failing to aggressively treat the Plaintiff's condition;
- j. in failing to properly diagnose and treat the Plaintiff;
- k. in failing to provide proper, diligent and timely follow-up care;
- l. in failing to properly diagnose and treat the patient;
- m. in failing to transfer care of patient to other, more qualified, doctor or surgical personnel;
- n. in failing to refer the Plaintiff to a doctor;
- o. in failing to inform the Plaintiff that the Defendants were not qualified to perform this procedure;
- p. in failing to perform the procedure in accordance with the standard of care;
- q. in failing to recognize the dangers to the Plaintiff due to the Defendants' incompetence in performing the procedures;
- r. in failing to accept responsibility for the damages caused to the Plaintiff by the Defendants;
- s. in violating the standards, laws, and regulations of the United States and the State of South Carolina;
- t. and, in such other particulars as may be ascertained through discovery procedures undertaken pursuant to South Carolina Rules of Civil Procedure.

30. Further, to the extent that the Defendants have violated their own policies and procedures, or any state or federal laws or regulations or other standards, these standards were specifically enacted for the protection of a class of persons which includes the Plaintiff, and the Defendants' failure to comply with the same constitutes a prima facie case of negligence per se. If the Defendants had not committed the acts and omissions described above and had complied with the standard of care, the Plaintiff would not have suffered the other damages described in this Complaint.

31. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness and departure from the professional standards of care and the generally recognized

practices and procedures was the proximate cause of the Plaintiff's alleged injuries and damages by agents and employees of the Defendants and the Plaintiff suffered permanent injuries, permanent impairment, pain and suffering, death, mental and emotional distress, for which the Plaintiff is entitled to recover an amount of actual, punitive, special consequential damages to be determined by a jury at the trial of this action.

FOR A SECOND CAUSE OF ACTION

(Violation of the South Carolina Unfair Trade Practices Act)

32. The Plaintiff realleges and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

33. The Plaintiff and Defendants are "persons" within the meaning of Section 39-5-10(a), Code of Laws of South Carolina, 1976, as amended.

34. The Defendants, by conducting business in the state of South Carolina, are engaged in commerce within the meaning of Code Section 39-5-10(b).

35. The Defendants' actions described in this Complaint constitute unfair and deceptive practices within the meaning of Code Section 39-5-20(a), including but not limited to:

- a. Representing to the general public and to the Plaintiff and others: that the Defendants would comply on a continuing basis with those licensure requirements, regulations, laws and professional standards designed to assure the Plaintiff received safe and adequate care; that the Defendants could safely perform the procedure; that they would provide high quality professional care and would accurately and truthfully document the condition of the Plaintiff and the care rendered to her; and such other particulars as are set forth above in this Complaint or may be shown through discovery or trial;
- b. Further, at the time of the Plaintiff's submission to care, the Defendants promoted and disseminated the above representations and information which would lead the Plaintiff, her family, and other similarly situated consumers to believe the above representations were true. The Defendants purposefully disseminated such representations and promotions in order to induce the Plaintiff, her family, and others like them into placing themselves in the care of the Defendants, and once there, allowing such persons to remain.

- c. The Defendants fraudulently concealed their inability to care for the Plaintiff according to acceptable standards required by law and represented by the Defendants, and the representations made were false.
- d. The representations made and concealments done by the Defendants were material to the Plaintiff and others.
- e. At the time the Defendants made such representations, they knew such affirmative claims of service were false.
- f. The Plaintiff and her family were unaware of the falsity of the representations made by the Defendants.
- g. The Plaintiff and her family had a right to rely on the representations and concealments made by the Defendants.
- h. As a result of the Defendants' fraud, misrepresentations and concealments and deceptive and unfair representations, the Plaintiff subsequently suffered damages and injuries.

36. The Defendants' acts are capable of repetition, and, upon information and belief, have been repeated with other patients.

37. The Defendants' conduct adversely affects the public interest of South Carolina.

38. The Defendants knew or reasonably should have known their conduct violated the Unfair Trade Practices Act.

39. As a direct, foreseeable, and proximate result of Defendants' unfair and deceptive practices, the Plaintiff has suffered an ascertainable loss of money, physical injuries, pain and suffering as previously alleged.

40. The Plaintiff is entitled to recover her actual damages, which amount should be trebled, pursuant to South Carolina law, together with interest and attorneys' fees.

FOR A THIRD CAUSE OF ACTION
(Fraud and Misrepresentation)

41. The Plaintiff realleges and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

42. The Defendants, through deception, artifice, and circumvention, successfully defrauded Plaintiff, who trustingly submitted to care at the hands of the Defendants on the basis of explicit and implicit representations as set forth above.

43. At the time of the Plaintiff's admission to care, the Defendants promoted and disseminated the above representations and information which would lead the Plaintiff, her family, and other similarly situated consumers to believe the above representations were true.

44. The Defendants purposefully disseminated such representations and promotions in order to induce the Plaintiff, her family, and others like them into placing themselves or their relatives in the care of the Defendants.

45. The Defendants fraudulently concealed their inability to care for the Plaintiff according to acceptable standards required by law and represented by the Defendants, and the representations made were false.

46. The representations made and concealments done by the Defendants were material to the Plaintiff and her family.

47. At the time the Defendants made such representations, they knew such affirmative claims of service were false.

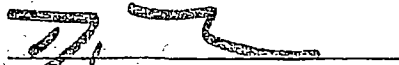
48. The Plaintiff and her family were unaware of the falsity of the representations made by the Defendants.

49. The Plaintiff and her family had a right to rely on the representations and concealments made by the Defendants.

50. As a result of the Defendants' fraud, misrepresentations and concealments, the Plaintiff subsequently suffered damages and injuries.

51. As a proximate cause of the Defendants' fraud and misrepresentation, the Plaintiff suffered physical injuries, pain and suffering as previously alleged.

WHEREFORE, the Plaintiff, Vicki L. Wilkinson, respectfully prays for judgment against the Defendants for actual damages, special damages, consequential damages, and punitive damages in an amount to be determined by the jury at the trial of this action, for the costs and disbursements of this action and for such other and further relief as this court deems just and proper.



Dr. Nathan Hughey (SC Bar #68409)

A. Stuart Hudson (SC Bar #71691)

HUGHEY LAW FIRM, LLC

767 Coleman Boulevard, Unit 2

Post Office Box 348

Mount Pleasant, South Carolina 29465-0348

Telephone: (843) 881-8644

Facsimile: 1-888-884-8311

nhughey@hugheyfirm.com

shudson@hugheyfirm.com

Attorneys for Plaintiff



_____, 2011
Mount Pleasant, South Carolina

EXHIBIT B

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

) Case No. 11-CP-10-

Plaintiff,

) RESPONSE TO INTERROGATORIES

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

RESPONSE TO INTERROGATORIES

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of this case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

RESPONSE: Vicki L. Wilkinson

Thomas X. Hahm, MD

Various employees, Tenet Healthcare Corp.

Various employees, Tenet Healthsystem Medical, Inc.

Various employees, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center

Various employees, Carolina Aesthetic Plastic Surgery Institute, PA

No statements have been taken at this time, other than those contained in the medical records.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relate to the claim or defense in the case.

RESPONSE: Medical records from East Cooper Regional Medical Center and others to be supplemented.

3. In cases involving personal injury set forth the names and addresses of all physicians who have treated the party and all hospitals to which the party has been committed in connection with said injuries and also set forth a statement of all medical costs involved.

RESPONSE: See Answer to Interrogatory No. 1. Further responding, the Plaintiff is gathering costs associated with this action and this will be supplemented accordingly.

4. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number of numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

RESPONSE: Unknown at this time.

5. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by the party.

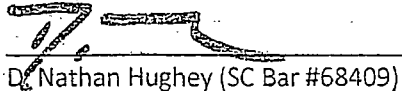
RESPONSE: As set forth above, the Plaintiff is gathering all medical bills and this will be supplemented. Without limitation, the Plaintiff claims personal injuries, permanent scarring, emotional distress, mental anguish, physical symptoms associated with stress from the matter, loss of enjoyment of life, etc.

6. List the names and addresses of any expert witnesses whom the party proposed to use as a witness at the trial of the case.

RESPONSE: Other than all treating medical personnel and any experts named by any other party, the Plaintiff will decide at a later date after litigation has been commenced what expert witnesses the Plaintiff will call at trial.

7. For each person known to the parties or counsel to be a witness concerning the facts of this case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statement taken from such witnesses.

RESPONSE: No statements have been taken at this time, other than those contained in the medical records and the Affidavit. Each fact witness is expected to testify to his or her knowledge of the facts of this case together with all information regarding liability and damages and any lay opinions he or she may have. With medical providers, each of these witnesses may be called to testify to his or her treatment of the Plaintiff, that he or she is familiar with the standard of care, that the Defendants breached the standard of care, and all opinions regarding liability or damages, together with any expert opinion appropriate for any expert in this case. Expert witnesses are expected to testify that he or she is familiar with the standard of care, that the Defendants breached the standard of care, and all opinions regarding liability or damages, together with any expert opinion appropriate for any expert in this case.



D. Nathan Hughey (SC Bar #68409)

A. Stuart Hudson (SC Bar #71691)

HUGHEY LAW FIRM, LLC

767 Coleman Boulevard, Unit 2

Post Office Box 348

Mount Pleasant, South Carolina 29465-0348

Telephone: (843) 881-8644

Facsimile: 1-888-884-8311

nhughey@hugheyfirm.com

shudson@hugheyfirm.com

Attorneys for Plaintiff.



_____, 2011
Mount Pleasant, South Carolina

AFFIDAVIT OF SERVICE

State of South Carolina

County of Charleston

Common Pleas Court

Case Number: 11-CP-10-6306

Plaintiff:

Vicki L. Wilkerson

vs.

Defendant:

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc., East
Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical
Center, Carolina Aesthetic Plastic Surgery Institute, PA, and Thomas
X. Hahm, MD

For:

Hughey Law Firm
767 Coleman Blvd
Unit 2
Mt Pleasant, SC 29465

FILED
2011 SEP 29 PM 3:44
JULIE J. ARISTIDE
CLERK OF COURT

Received by Process Servers Etc of South Carolina on the 6th day of September, 2011 at 4:03 pm to be served on
Thomas Hahm, M.D. c/o Carolina Aesthetic Plastic Surgery Institute, PA, 900 Bowman Road, Suite 101,
Mount Pleasant, SC 29464.

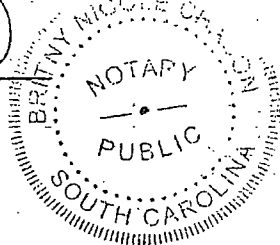
I, Devin Bowen, being duly sworn, depose and say that on the 12th day of September, 2011 at 2:42 pm, I:

served a **CORPORATION** by delivering a true copy of the **Cover Letter, Notice of Intent Cover Sheet and
Notice of Intent** with the date and hour of service endorsed thereon by me, to: **Sarah Campbell as Office
Administrator for Thomas Hahm, M.D.**, at the address of: **900 Bowman Road, Suite 101, Mount Pleasant, SC
29464**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18 and have no interest in the above action.

Subscribed and Sworn to before me on the 12th day
of September, 2011 by the affiant who is personally
known to me.

NOTARY PUBLIC




Devin Bowen
Process Server

Process Servers Etc of South Carolina
1305 N Main Street
Ste C-2
Summerville, SC 29483
(843) 400-0345
Our Job Serial Number: PSS-2011000275
Ref: 952.00

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

) Case No. 11-CP-10-6306

) Plaintiff,

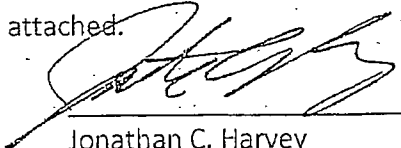
CERTIFICATE OF SERVICE

) Versus

) Tenet Healthcare Corp., Tenet Healthsystem
) Medical, Inc., East Cooper Community Hospital,
) Inc. d/b/a East Cooper Regional Medical Center,
) Carolina Aesthetic Plastic Surgery Institute, PA, and
) Thomas X. Hahm, MD,

) Defendants,

I, Jonathan C. Harvey, hereby certify that the Defendant, Tenet Healthsystem Medical, Inc., was served on September 8, 2011, through its registered agent by Certified Mail with a copy of the Notice of Intent Cover Sheet and Notice of Intent in the above captioned matter as shown by the Domestic Return Receipt attached.


Jonathan C. Harvey

9/23, 2011
Mt. Pleasant, South Carolina

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Pam Johnson ☐ Agent ☐ Addressee	
1. Article Addressed to: CT CORPORATION SYSTEM 20 OFFICE PARK COURT, STE 103 COLUMBIA, SC 29223		B. Received by (Printed Name) Pam Johnson	C. Date of Delivery 9/23/11
2. Article Number (Transfer from service label) 7009 2250 0000 9305 5533		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

) Case No. 11-CP-10-6306

) Plaintiff,

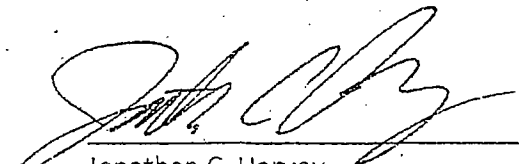
CERTIFICATE OF SERVICE

) Versus

) Tenet Healthcare Corp., Tenet Healthsystem
) Medical, Inc., East Cooper Community Hospital,
) Inc. d/b/a East Cooper Regional Medical Center,
) Carolina Aesthetic Plastic Surgery Institute, PA, and
) Thomas X. Hahn, MD,

) Defendants,

I, Jonathan C. Harvey, hereby certify that the Defendant, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center was served on September 8, 2011, through its registered agent by Certified Mail with a copy of the Notice of Intent Cover Sheet and Notice of Intent in the above captioned matter as shown by the Domestic Return Receipt attached.


Jonathan C. Harvey

9/23, 2011
Mt. Pleasant, SC

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☐ Print your name and address on the reverse so that we can return the card to you. ☐ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Pam Johnson ☐ Agent ☐ Addressee	
1. Article Addressed to: CT CORPORATION SYSTEM 2 OFFICE PARK CT, STE 103 COLUMBIA, SC 29223		B. Received by (Printed Name) ☒ Pam Johnson	C. Date of Delivery 9/23/11
2. Article Number: (Transfer from service label)		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

IN THE COURT OF COMMON PLEAS

Case No. 11-CP-10-6306

CERTIFICATE OF SERVICE

FILED
2011 SEP 26 PM 3:44
JULIE J. ARMSTRONG
CLERK OF COURT

I, Jonathan C. Harvey, hereby certify that the Defendant, Tenet Healthsystem Medical, Inc., was served on September 8, 2011, through its registered agent by Certified Mail with a copy of the Notice of Intent Cover Sheet and Notice of Intent in the above captioned matter as shown by the Domestic Return Receipt attached.

Jonathan C. Harvey

9/23, 2011
Mt. Pleasant, South Carolina

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
- Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. - Print your name and address on the reverse so that we can return the card to you. - Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Pam Johnson ☐ Agent ☐ Addressee B. Received by (Printed Name) Pam Johnson C. Date of Delivery 9/23/11 D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below.	
1. Article Addressed to: CT CORPORATION SYSTEM 20 FIFTH AVE COURT STE 103 COLUMBIA, SC 29223		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) ☐ Yes	
		7009 2250 0000 9305 5533	
PS Form 3811, February 2004 Domestic Return Receipt			

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

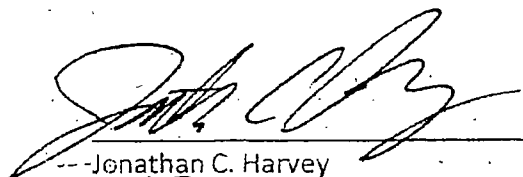
IN THE COURT OF COMMON PLEAS

Case No. 11-CP-10-6306

CERTIFICATE OF SERVICE

FILED
2011 SEP 26 PM 3:44
JULIE ARSTRONG
CLERK OF COURT

I, Jonathan C. Harvey, hereby certify that the Defendant, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center was served on September 8, 2011, through its registered agent by Certified Mail with a copy of the Notice of Intent Cover Sheet and Notice of Intent in the above captioned matter as shown by the Domestic Return Receipt attached.


Jonathan C. Harvey

9/23 2011
Mt. Pleasant, SC

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 2. Print your name and address on the reverse so that we can return the card to you. 3. Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Pam Johnson B. Received by (Printed Name) Pam Johnson C. Date of Delivery 9/8/11	
1. Article Addressed to: CT CORPORATION SYSTEM 20 OFFICE PARK CT STE 103 COLUMBIA SC 29223		D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
2. Article Number (Transfer from service label)		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No	

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON)

DOCKET NO.: 2011-CP-10-6306

Vicki L. Wilkinson,)

Plaintiff,)

vs.)

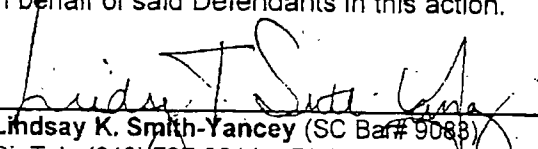
Tenet Healthcare Corp., Tenet
Healthsystem Medical, Inc., East Cooper
Community Hospital, Inc. d/b/a East
Cooper Regional Medical Center,
Carolina Plastic Surgery Institute, PA, and
Thomas X. Hahn, M.D.)

**NOTICE OF APPEARANCE
ON BEHALF OF TENET HEALTHCARE
CORP., TENET HEALTHSYSTEM
MEDICAL, INC., AND EAST COOPER
COMMUNITY HOSPITAL, INC., d/b/a
EAST COOPER REGIONAL
MEDICAL CENTER**

Defendants.

TO: The Honorable Julie J. Armstrong, Clerk of Court for Charleston County
D. Nathan Hughey, Esq., Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned counsel are in receipt of the Plaintiff's
Notice of Intent to File Suit filed 09/01/11 in the above-captioned action. The undersigned
counsel have been retained to represent the interests of Defendants Tenet Healthcare Corp.,
Tenet HealthSystem Medical, Inc., and East Cooper Community Hospital, Inc., d/b/a East
Cooper Regional Medical Center. The undersigned counsel hereby notify this Court, the parties,
and their attorneys that they are appearing on behalf of said Defendants in this action.

By: 

Lindsay K. Smith-Yancey (SC Bar# 9088)
Dir Tel: (843) 727-2211 Dir Fax: (843) 727-2231
E-mail: lsy@p-tw.com

E. Douglas Pratt-Thomas (SC Bar# 4553)
Dir Tel: (843) 727-2212 Dir Fax: (843) 727-2231
E-mail: dpt@p-tw.com

PRATT-THOMAS WALKER, P.A.

16 Charlotte Street (29403)

P.O. Drawer 22247

Charleston, S.C. 29413-2247

Attorneys for Defendants Tenet Healthcare Corp., Tenet
HealthSystem Medical, Inc., and East Cooper Community
Hospital, Inc., d/b/a East Cooper Regional Medical Center

Charleston, South Carolina

October 10, 2011

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

Vicki Wilkinson vs. ,

Plaintiff,

vs.

Tenet Healthcare

Corp. Tenet Healthsystem Medical, East

Cooper Community Hospital, Inc., d/b/a

East Cooper Regional Medical Center,

Carolina Aesthetic Plastic Surgery Institute

P.A. and Thomas X. Hahm, M.D.,

Defendants.

IN THE COURT OF COMMON PLEAS

CASE NO: 2010-CP-07-6139

MEDIATION RESULTS REPORT

1. A Mediated settlement conference was held before me on January 20, 2012 pursuant to §15-79-125 (c)

2. As a result of these conference, this case should be considered (please check one):

() Fully settled (please check one):

() by Consent Judgement to be filed by _____ or,

() by Voluntary Dismissal, to be filed by _____.

() Partially Settled, with agreement of the parties on the following issues:

() At an impasse. The mediation session was productive and there is the possibility that further discussion over settlement options could lead to an agreement.

(X) In need of further mediation. (I X am/ ___ am not willing to mediate this case further)

() Continued (Date) _____.

3. Plaintiff was not present.
Defendant was not present.

4. Other participants were:

✓ attorney for the plaintiff:

✓ attorney for defendants:

____ representatives for insurance carrier

☐ guardian ad litem

☐ experts

☐ others

5. This case was co-mediated with : n/a.

6. Choice of the mediator was by:

☒ Stipulation

☐ Court Order.

7. The total number of hours spent in mediation was 12 minutes.

8. The total mediator fees were \$179.00.

9. Further comments of the mediator:

January 24, 2012



Bonum S. Wilson, III,
Circuit Court Mediator

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

) IN THE COURT OF COMMON PLEAS

) Case No. 12-CP-10-

COMPLAINT
(Jury Trial Demanded)

FILED
2012 JAN 25 PM 4:40
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

The Plaintiff, Vicki L. Wilkinson, complaining of the Defendants, Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center, Carolina Aesthetic Plastic Surgery Institute, PA, and Thomas X. Hahm, MD (collectively "Defendants"), alleges as follows:

1. The Plaintiff, Vicki L. Wilkinson, is a citizen and resident of the County of Charleston, State of South Carolina.
2. Upon information and belief, the Defendant, Tenet Healthcare Corp., is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in Charleston County, South Carolina.
3. Upon information and belief, the Defendant, Tenet Healthsystem Medical, Inc., is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in Charleston County, South Carolina.
4. Upon information and belief, the Defendant, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center, is a corporation organized and existing under the laws of the State

of South Carolina with its principal place of business in Charleston County, South Carolina.

5. Upon information and belief, the Defendant, Carolina Aesthetic Plastic Surgery Institute, PA, is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in Charleston County, South Carolina.

6. Upon information and belief, the Defendant, Thomas X. Hahm, MD, is a citizen and resident of the County of Charleston, State of South Carolina.

7. The Defendants have the right or power to direct and control the manner in which its employees and/or agents provide care and operate the business of delivering health care for a fee through its facilities.

8. The Defendants have a non-delegable duty to provide doctors and staff adequately trained and able to provide any necessary and reasonable medical care to patients at their respective facilities.

9. Upon information and belief, Defendants have doctors, nurses, radiologists and other staff who are its agents, servants, and employees, and all acts or omissions complained of, performed by said agents, servants, and employees occurred during the course and scope of such agency and/or employment and is therefore imputed to the Defendants.

10. At all times relevant to this action, doctors, nurses, patients, interns and staff health care providers caring for the Plaintiff at East Cooper were employees and/or agents of the Defendants, or were apparent agents and were acting within the course and scope of their employment and/or agency or apparent agency.

11. Vicki L. Wilkinson and members of her family justifiably and reasonably believed that certain doctors, nurses, patients, interns and the other staff health care providers at East Cooper were agents and/or employees of the Hospital.

12. The Defendants have the right or power to direct and control the manner in which their employees provide medical care and operate the business of delivering health care for a fee through the business using the trade name East Cooper. Additionally, the Defendants have a non-delegable duty to provide doctors adequately trained and able to provide any necessary and reasonable medical care to patients.

13. This Court has personal and subject matter jurisdiction over this case and venue is proper in this Court.

GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

14. The Plaintiff is informed and believes that at all times material to this Complaint the Defendants had employees and/or agents who were acting on behalf of or in place of Defendants in making decisions regarding the care of the Plaintiff. Additionally, the Plaintiff is informed and believes that at all times material to this Complaint that all of the employees of the Defendants were acting within the course and scope of their employment in regard to their care and treatment of Plaintiff.

15. Upon information and belief Defendant Thomas X. Hahm, MD was licensed under the laws of the State of South Carolina and was required to provide reasonable and prudent medical care to the Plaintiff.

16. Upon information and belief, the Defendants had an obligation to employ nurses, doctors and other staff who were qualified to render reasonable care to a patient in the condition of the Plaintiff.

17. In September of 2008 Plaintiff (51) had undergone a previous bilateral silicone breast reconstruction as a result of breast cancer.

18. On September 4, 2008, Plaintiff was admitted to East Cooper for a bilateral silicone implant explantation, a capsulotomy bilaterally and bilateral DIEP flap reconstruction performed by Defendant Hahm.

19. The Plaintiff then developed complications and on September 5, 2008 underwent an operation for drainage for a right breast hematoma.

20. Post-operatively Plaintiff was left without IV antibiotics for 12 hours and developed a significant raging erythema of the right breast significant of cellulitis.

21. The Plaintiff's complications continued and on September 6, 2008 she underwent a third operation for right breast exploration, revision of her right breast flap and revision of the right breast venous anastomosis.

22. Plaintiff continued to have complications due to infection and was discharged on September 11, 2008.

23. Plaintiff returned to East Cooper on September 26, 2008 and continued with progressive necrosis of the right breast skin and right breast flap. She then underwent a procedure to remove the right breast flap with an immediate reconstruction of a superior gluteal artery flap which was harvested from the left buttock.

24. Within forty eight hours of the procedure the Plaintiff had yet again complications due to infection and the flap had to be removed. Plaintiff was discharged on October 1, 2008.

25. On October 26, 2008, Plaintiff yet again presented to East Cooper with an infection which was believed to be caused by her PICC line.

26. Over the next months Plaintiff continued to suffer significant complications as a result of the procedures.

FOR THE FIRST CAUSE OF ACTION

(Negligence, Gross Negligence, Negligence *Per Se* and Professional Negligence)

27. The Plaintiff realleges and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

28. The Defendants, by and through their agents and/or employees, did undertake the duty

to render medical care to the Plaintiff in accordance with the prevailing and acceptable standards of care for health care facilities, nurses, doctors in the national community and, at a minimum, in accordance with the generally recognized and accepted practices and procedures that would be followed by average, competent practitioners in the Defendants' field of medicine under the same or similar circumstances.

29. While the Plaintiff was under the care of the Defendants, they departed from the prevailing professional standards of care and recognized and generally accepted standards and treatment of the Plaintiff and were thereby negligent, careless, grossly negligent, reckless, and negligent *per se* and acted in violation of the duties owed to the Plaintiff in that they committed one or more of the following acts of omission or commission, any or all of which were departures from the prevailing professional standards of care:

- a. in failing to ensure that the Plaintiff was properly and adequately monitored throughout her treatment by the Defendants;
- b. in failing to conduct the needed assessments of the Plaintiff;
- c. in failing to supervise nurses and staff;
- d. in failing to have in place proper and adequate policies, procedures and protocols for management of patients in the Plaintiff's condition, or, if such policies, procedures and protocols were in place, in failing to use due care to enforce them;
- e. in failing to timely administer orders of the attending doctors;
- f. in failing to properly train and educate their nurses or, if properly trained and educated, in failing to allow their nurses to exercise independent judgment and skill and the failure of said nurses and employees to exercise chain of command;
- g. in failing to properly monitor and respond to the Plaintiff's symptoms;
- h. in failing to have appropriate policies, procedures, and protocols to ensure that patients with conditions similar to the Plaintiff are treated in an appropriate manner, or if the Defendants had such policies, procedures, and protocols, in failing to ensure such were carried out and followed;

- i. in failing to aggressively treat the Plaintiff's condition;
- j. in failing to properly diagnose and treat the Plaintiff;
- k. in failing to provide proper, diligent and timely follow-up care;
- l. in failing to properly diagnose and treat the patient;
- m. in failing to transfer care of patient to other, more qualified, doctor or surgical personnel;
- n. in failing to refer the Plaintiff to a doctor;
- o. in failing to inform the Plaintiff that the Defendants were not qualified to perform this procedure;
- p. in failing to perform the procedure in accordance with the standard of care;
- q. in failing to recognize the dangers to the Plaintiff due to the Defendants' incompetence in performing the procedures;
- r. in failing to accept responsibility for the damages caused to the Plaintiff by the Defendants;
- s. in violating the standards, laws, and regulations of the United States and the State of South Carolina;
- t. and, in such other particulars as may be ascertained through discovery procedures undertaken pursuant to South Carolina Rules of Civil Procedure.

30. Further, to the extent that the Defendants have violated their own policies and procedures, or any state or federal laws or regulations or other standards, these standards were specifically enacted for the protection of a class of persons which includes the Plaintiff, and the Defendants' failure to comply with the same constitutes a prima facie case of negligence per se. If the Defendants had not committed the acts and omissions described above and had complied with the standard of care, the Plaintiff would not have suffered the other damages described in this Complaint.

31. As a direct and proximate result of the negligence, carelessness, gross negligence, recklessness and departure from the professional standards of care and the generally recognized

practices and procedures was the proximate cause of the Plaintiff's alleged injuries and damages by agents and employees of the Defendants and the Plaintiff suffered permanent injuries, permanent impairment, pain and suffering, death, mental and emotional distress, for which the Plaintiff is entitled to recover an amount of actual, punitive, special consequential damages to be determined by a jury at the trial of this action.

FOR A SECOND CAUSE OF ACTION
(Violation of the South Carolina Unfair Trade Practices Act)

32. The Plaintiff realleges and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

33. The Plaintiff and Defendants are "persons" within the meaning of Section 39-5-10(a), Code of Laws of South Carolina, 1976, as amended.

34. The Defendants, by conducting business in the state of South Carolina, are engaged in commerce within the meaning of Code Section 39-5-10(b).

35. The Defendants' actions described in this Complaint constitute unfair and deceptive practices within the meaning of Code Section 39-5-20(a), including but not limited to:

- a. Representing to the general public and to the Plaintiff and others: that the Defendants would comply on a continuing basis with those licensure requirements, regulations, laws and professional standards designed to assure the Plaintiff received safe and adequate care; that the Defendants could safely perform the procedure; that they would provide high quality professional care and would accurately and truthfully document the condition of the Plaintiff and the care rendered to her; and such other particulars as are set forth above in this Complaint or may be shown through discovery or trial;
- b. Further, at the time of the Plaintiff's submission to care, the Defendants promoted and disseminated the above representations and information which would lead the Plaintiff, her family, and other similarly situated consumers to believe the above representations were true. The Defendants purposefully disseminated such representations and promotions in order to induce the Plaintiff, her family, and others like them into placing themselves in the care of the Defendants, and once there, allowing such persons to remain.

- c. The Defendants fraudulently concealed their inability to care for the Plaintiff according to acceptable standards required by law and represented by the Defendants, and the representations made were false.
- d. The representations made and concealments done by the Defendants were material to the Plaintiff and others.
- e. At the time the Defendants made such representations, they knew such affirmative claims of service were false.
- f. The Plaintiff and her family were unaware of the falsity of the representations made by the Defendants.
- g. The Plaintiff and her family had a right to rely on the representations and concealments made by the Defendants.
- h. As a result of the Defendants' fraud, misrepresentations and concealments and deceptive and unfair representations, the Plaintiff subsequently suffered damages and injuries.

36. The Defendants' acts are capable of repetition, and, upon information and belief, have been repeated with other patients.

37. The Defendants' conduct adversely affects the public interest of South Carolina.

38. The Defendants knew or reasonably should have known their conduct violated the Unfair Trade Practices Act.

39. As a direct, foreseeable, and proximate result of Defendants' unfair and deceptive practices, the Plaintiff has suffered an ascertainable loss of money, physical injuries, pain and suffering as previously alleged.

40. The Plaintiff is entitled to recover her actual damages, which amount should be trebled, pursuant to South Carolina law, together with interest and attorneys' fees.

FOR A THIRD CAUSE OF ACTION
(Fraud and Misrepresentation)

41. The Plaintiff realleges and reiterates all previous paragraphs as fully as if set forth in this paragraph in its entirety.

42. The Defendants, through deception, artifice, and circumvention, successfully defrauded Plaintiff, who trustingly submitted to care at the hands of the Defendants on the basis of explicit and implicit representations as set forth above.

43. At the time of the Plaintiff's admission to care, the Defendants promoted and disseminated the above representations and information which would lead the Plaintiff, her family, and other similarly situated consumers to believe the above representations were true.

44. The Defendants purposefully disseminated such representations and promotions in order to induce the Plaintiff, her family, and others like them into placing themselves or their relatives in the care of the Defendants.

45. The Defendants fraudulently concealed their inability to care for the Plaintiff according to acceptable standards required by law and represented by the Defendants, and the representations made were false.

46. The representations made and concealments done by the Defendants were material to the Plaintiff and her family.

47. At the time the Defendants made such representations, they knew such affirmative claims of service were false.

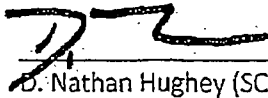
48. The Plaintiff and her family were unaware of the falsity of the representations made by the Defendants.

49. The Plaintiff and her family had a right to rely on the representations and concealments made by the Defendants.

50. As a result of the Defendants' fraud, misrepresentations and concealments, the Plaintiff subsequently suffered damages and injuries.

51. As a proximate cause of the Defendants' fraud and misrepresentation, the Plaintiff suffered physical injuries, pain and suffering as previously alleged.

WHEREFORE, the Plaintiff, Vicki L. Wilkinson, respectfully prays for judgment against the Defendants for actual damages, special damages, consequential damages, and punitive damages in an amount to be determined by the jury at the trial of this action, for the costs and disbursements of this action and for such other and further relief as this court deems just and proper.



D. Nathan Hughey (SC Bar #68409)

A. Stuart Hudson (SC Bar #71691)

HUGHEY LAW FIRM, LLC

767 Coleman Boulevard, Unit 2

Post Office Box 348

Mount Pleasant, South Carolina 29465-0348

Telephone: (843) 881-8644

Facsimile: 1-888-884-8311

nhughey@hugheylawfirm.com

shudson@hugheylawfirm.com

Attorneys for Plaintiff

1/26, 2012
Mount Pleasant, South Carolina

) IN THE COURT OF COMMON PLEAS

1

1

1

1

1

1

2

1

FILED
2012 FEB -7 PM 12:26
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

1

1

)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
Vicki L. Wilkinson,	)	C/A No. 2012-CP-10-0558
	)	
Plaintiff,	)	DEFENDANTS CAROLINA
	)	AESTHETIC PLASTIC SURGERY
Versus	)	INSTITUTE, PA AND THOMAS X.
	)	HAHM, MD'S ANSWER TO
Tenet Healthcare Corp., Tenet	)	PLAINTIFF'S COMPLAINT
Healthsystem Medical, Inc., East Cooper	)	(Jury Trial Requested)
Community Hospital, Inc. d/b/a East	)	
Cooper Regional Medical Center,	)	
Carolina Aesthetic Plastic Surgery	)	
Institute, PA, and Thomas X. Hahm,	)	
MD,	)	
	)	
<u>Defendants.</u>	)	

Comes now the Defendants, Carolina Aesthetic Plastic Surgery Institute, PA and Thomas X. Hahm, MD (hereinafter "these Defendants"), hereby answer the Plaintiff's Complaint, subject to any and all affirmative defenses, qualifications, motions and any other pleadings, as follows:

1. These Defendants deny each and every allegation of the Plaintiff's Complaint not specifically admitted herein is denied.
2. These Defendants lack sufficient information upon which to form a belief as to the allegations contained in Paragraph 1 of the Plaintiff's Complaint and therefore deny the same.
3. The allegations contained in Paragraphs 2, 3 and 4 of the Plaintiff's Complaint are not directed toward these Defendants and therefore no response is required. To the extent a response is required, these Defendants deny the allegations contained in Paragraphs 2, 3 and 4 of the Plaintiff's Complaint.

4. In response to the allegations contained in Paragraph 5 of the Plaintiff's Complaint, these Defendants admit that Carolina Aesthetic Plastic Surgery Institute, PA is a medical practice organized and existing in the state of South Carolina. All remaining and inconsistent allegations contained in paragraph 5 of the Plaintiff's Complaint are denied.

5. In response to the allegations contained in Paragraph 6 of the Plaintiff's Complaint, these Defendants admit that Thomas X. Hahm, MD is a board certified plastic surgeon and that he is a citizen and resident of Charleston County, South Carolina.

6. These Defendants deny the allegations contained in Paragraphs 7, 8, 9 and 10 of the Plaintiff's Complaint that are directed toward these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center contained in Paragraphs 7, 8, 9 and 10 are not directed toward these Defendants and thus no response is required. To the extent a response is required, these Defendants deny the remaining allegations contained in Paragraphs 7, 8, 9 and 10 of the Plaintiff's Complaint that are not directed toward these Defendants.

7. These Defendants deny the allegations contained in Paragraph 11 of the Plaintiff's Complaint.

8. These Defendants deny the allegations contained in Paragraph 12 directed towards these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center are not directed toward these Defendants therefore no response is required. To the extent a response is

required, these Defendants deny the remaining allegations contained in Paragraph 12 of the Plaintiff's Complaint.

9. The allegations contained in Paragraph 13 of the Plaintiff's Complaint contain conclusions of law to which no response is required. To the extent a response is required, these Defendants deny the allegations contained in Paragraph 13 of the Plaintiff's Complaint.

AS TO GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

10. These Defendants deny the allegations contained in Paragraph 14 of the Plaintiff's Complaint directed towards these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center are not directed toward these Defendants therefore no response is required. To the extent a response is required, these Defendants deny the remaining allegations contained in Paragraph 14 of the Plaintiff's Complaint.

11. These Defendants deny, as written, the allegations contained in Paragraph 15 of the Plaintiff's Complaint.

12. These Defendants deny the allegations contained in Paragraph 16 directed towards these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center are not directed toward these Defendants therefore no response is required. To the extent a response is required, these Defendants deny the remaining allegations contained in Paragraph 16 of the Plaintiff's Complaint.

13. These Defendants deny the allegations contained in Paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of the Plaintiff's Complaint and crave reference to the medical records of the Plaintiff for a complete and accurate description of the care provided to her by these Defendants.

AS TO THE FIRST CAUSE OF ACTION
(Negligence, Gross Negligence, Negligence *Per Se* and Professional Negligence)

14. In response to the allegations contained in Paragraph 27 of the Plaintiff's Complaint, these Defendants reassert and reallege the above paragraphs as if fully restated herein verbatim.

15. These Defendants deny the allegations contained in Paragraphs 28, 29, including subparts (a) through (t), 30 and 31 of the Plaintiff's Complaint directed towards these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center are not directed toward these Defendants therefore no response is required. To the extent a response is required, these Defendants deny the remaining allegations contained in Paragraphs 28, 29, including subparts (a) through (t), 30 and 31 of the Plaintiff's Complaint, those being the remaining allegations of the Plaintiff's First Cause of Action.

AS TO THE SECOND CAUSE OF ACTION
(Violation of the South Carolina Unfair Trade Practices Act)

16. In response to the allegations contained in Paragraph 32 of the Plaintiff's Complaint, these Defendants reassert and reallege the above paragraphs as if fully restated herein verbatim.

17. These Defendants deny the allegations contained in Paragraphs 33, 34, 35, including subparts (a) through (h), 36, 37, 38, 39 and 40 of the Plaintiff's

Complaint directed toward these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center are not directed toward these Defendants therefore no response is required. To the extent a response is required, these Defendants deny the remaining allegations contained in Paragraphs 33, 34, 35, including subparts (a) through (h), 36, 37, 38, 39 and 40 of the Plaintiff's Complaint, those being the remaining allegations of the Plaintiff's Second Cause of Action.

AS TO THE THIRD CAUSE OF ACTION
(Fraud and Misrepresentation)

18. In response to the allegations contained in Paragraph 41 of the Plaintiff's Complaint, these Defendants reassert and reallege the above paragraphs as if fully restated herein verbatim.

19. These Defendants deny the allegations contained in Paragraphs 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 of the Plaintiff's Complaint directed toward these Defendants. The remaining allegations against Tenet Healthcare Corp, Tenet Health System Medical Inc., East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center are not directed toward these Defendants therefore no response is required. To the extent a response is required, these Defendants deny the allegations against all parties contained in Paragraphs 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 of the Plaintiff's Complaint, including the WHEREFORE Paragraph of the Complaint, those being the remaining allegations of the Plaintiff's Third Cause of Action and the Plaintiff's Complaint.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGES:
(Failure to State a Claim)

20. The allegations contained in the Plaintiff's Complaint fail in their entirety to state a claim upon which relief may be granted against these Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGES:
(Statute of Limitations)

21. That the Plaintiff's causes of action against these Defendants are barred having been brought more than three years since the date of treatment or date of discovery of the alleged injury or the date the alleged injury reasonably ought to have been discovered, as a result of the alleged negligence.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGES:
(No Deviation from Standard of Care)

22. That the care and treatment administered by these Defendants conformed to and was in full compliance with the standard of care. All care and treatment administered by these Defendants was within acceptable medical standards and methods, and, at no time pertinent hereto, did these Defendants deviate from any medical standard while caring for or tending to the Plaintiff. Consequently, the Plaintiff is barred from recovery against these Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGE:
(No Proximate Cause)

23. That, even if these Defendants were negligent, as alleged in the Complaint, which is specifically denied, the negligence of these Defendants is not the direct or proximate cause of any injury alleged by the Plaintiff and therefore

these Defendants are not liable for any damages allegedly sustained by the Plaintiff.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGE:
(Natural Disease Process)

24. That these Defendants would allege, upon information and belief, that any injuries or damages sustained by this Plaintiff were due to, caused and occasioned by the natural disease process over which these Defendants had no control and as such, these Defendants plead such a natural disease process as a complete bar to this action.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGE:
(Superseding/Intervening Events)

25. Whatever injuries and damages, if any, may have been sustained by the Plaintiff, were due to a superseding and/or intervening event beyond the control of these Defendants.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGE:
(Noneconomic Damage Awards)

26. No award for noneconomic damages shall exceed the statutory limits contained in the Noneconomic Damages Awards Act of 2005, South Carolina Code Ann. §15-32-200, et. seq. These Defendants are health care providers or health care institutions as defined by S.C. Code Ann. § 15-32-210 and pursuant to §15-32-220 of the Noneconomic Damage Awards Act of 2005, any potential recovery of noneconomic damages is limited to the amounts stated therein.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGE:
(Punitive Damages Unconstitutional)

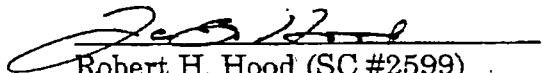
27. That any award or assessment of punitive damages as prayed for by the Plaintiff would violate these Defendants' Constitutional rights under the Fifth, Sixth and Fourteenth Amendments of the United States Constitution and comparable provisions of the South Carolina Constitution.

FURTHER ANSWERING AND AS AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS ALLEGE:
(Reservation and Non-Waiver)

28. These Defendants reserve any additional and affirmative defenses as may be revealed or become available to it during the course of their investigation and/or discovery in the case and is consistent with the South Carolina Rules of Civil Procedure.

WHEREFORE, having fully answered the Plaintiff's Complaint, and having asserted these affirmative defenses, the Defendants, Carolina Aesthetic Plastic Surgery Institute, PA, and Thomas X. Hahm, MD, pray that the Plaintiff's Complaint be dismissed with prejudice and that they be awarded the costs and reasonable fees associated with this matter, and such other relief as the Court may deem just and proper.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Phone: (843) 577-4435
Facsimile: (843) 722-1630
Email: Info@hoodlaw.com


Robert H. Hood (SC #2599)
James B. Hood (SC #70212)
H. Cooper Wilson, III (SC #74939)

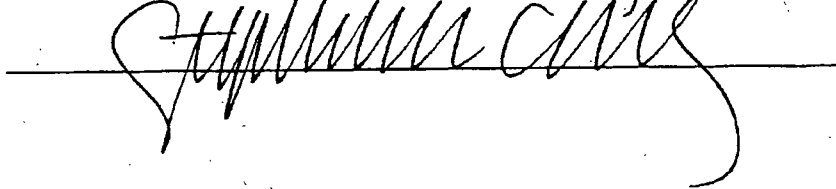
Attorneys for the Defendants
Carolina Aesthetic Plastic Surgery Institute,
PA, and Thomas X. Hahm, MD

2/27, 2012
Charleston, South Carolina
J:\docs\84.005\Answer.doc

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing was served on each party or counsel of record by ☒ mailing, ☐ e-mailing, ☐ facsimile, or ☐ hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 27 day of February, 2012.



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	
Vicki L. Wilkinson,	)	C/A No. 2012-CP-10-0558
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION
	)	TO DISMISS
Versus	)	
	)	
Tenet Healthcare Corp., Tenet	)	
Healthsystem Medical, Inc., East Cooper	)	
Community Hospital, Inc. d/b/a East	)	
Cooper Regional Medical Center,	)	
Carolina Aesthetic Plastic Surgery	)	
Institute, PA, and Thomas X. Hahm,	)	
MD,	)	
	)	
Defendants.	)	

TO: D. NATHAN HUGHEY, ATTORNEY FOR THE PLAINTIFF:

You will please take notice that the Defendants, Carolina Aesthetic Plastic Surgery Institute, PA and Thomas X. Hahm, MD (hereinafter "these Defendants"), pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, will move before the presiding judge for the Charleston County Court of Common Pleas at a time and place to be arranged with the Court and counsel involved, for an Order dismissing all causes of action in the Plaintiff's Complaint.

This Motion is made on the grounds that the causes of action in the Plaintiff's Complaint are barred by the statute of limitations, because the Plaintiff has failed to assert her causes of action within three years from the date of the alleged negligence. This Motion is supported by any memoranda and affidavits to be filed with the Court, and may be transformed to a Motion for Summary Judgment under S.C.R.Civ.P. 12(c) at the appropriate time.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Phone: (843) 577-4435
Facsimile: (843) 722-1630
Email: Info@hoodlaw.com


Robert H. Hood (SC #2599)
James B. Hood (SC #70212)
H. Cooper Wilson, III (SC #74939)

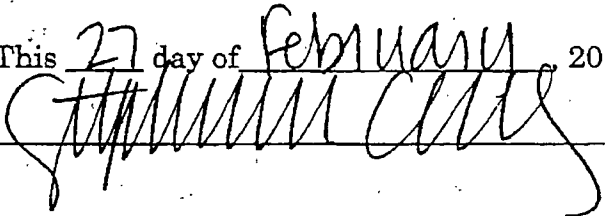
Attorneys for the Defendants
Carolina Aesthetic Plastic Surgery Institute,
PA, and Thomas X. Hahm, MD

2127, 2012
Charleston, South Carolina
J:\docs\84.005\MTD.doc

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing
was served on each party or counsel of record by ☒
mailing, ☐ e-mailing, ☐ facsimile, or ☐ hand delivery in
the manner prescribed by the applicable Rule of Civil
Procedure.

This 27 day of February, 2012.



STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON) DOCKET NO.: 2012-CP-10-0558

Vicki L. Wilkinson,

Plaintiff,

vs.

Tenet Healthcare Corp., Tenet
Healthsystem Medical, Inc., East Cooper
Community Hospital, Inc. d/b/a East
Cooper Regional Medical Center,
Carolina Plastic Surgery Institute, PA, and
Thomas X. Hahm, M.D.

Defendants.

**ANSWER ON BEHALF OF DEFENDANT
EAST COOPER COMMUNITY HOSPITAL,
INC., D/B/A EAST COOPER REGIONAL
MEDICAL CENTER**

Now comes Defendant East Cooper Community Hospital, Inc., d/b/a East Cooper Regional Medical Center (and hereinafter referred to as "the Defendant") by and through its undersigned attorneys, answering the Complaint of the Plaintiff herein, answers, pleads and moves as follows:

FOR A FIRST DEFENSE

1. That each and every allegation contained in the Plaintiff's Complaint not specifically admitted hereinafter is denied and strict proof demanded thereof.
2. That the Defendant lacks sufficient information or knowledge upon which to form a belief as to the allegations contained in Paragraph 1 of the Complaint and, therefore, denies same.
3. That the Defendant denies the allegations contained in Paragraphs 2 and 3 of the Complaint.
4. That the Defendant admits Paragraph 4 of the Complaint.
5. That the allegations contained in Paragraphs 5 and 6 of the Complaint are not directed at this Defendant and, therefore, no response is required of this Defendant. To the extent a response is required, this Defendant is informed and believes that Defendant Carolina

Aesthetic Plastic Surgery Institute, P.A., is a medical practice organized and existing in the State of South Carolina, and that Defendant Thomas X. Hahm, M.D., is a board certified plastic surgeon and a citizen and resident of Charleston County, South Carolina.

6. That the Defendant denies as stated the allegations contained in Paragraphs 7, 8, 9, 10, 11 and 12 of the Complaint.

7. The allegations contained in Paragraph 13 of the Complaint contain legal conclusions to which no response from this Defendant is required. To the extent a response is required, Defendant denies the allegations of Paragraph 13.

8. That the Defendant denies as stated the allegations contained in Paragraphs 14, 15 and 16 of the Complaint.

9. That the Defendant, answering Paragraphs 17, 18 and 19 of the Complaint, craves reference to Plaintiff's medical records as to the dates, nature and reasons for her medical treatment, as well as her complaints, presentations, conditions and results. All allegations contained in Paragraphs 17, 18 and 19 inconsistent with the above are denied.

10. That the Defendant denies as stated the allegations contained in Paragraph 20 of the Complaint.

11. That the Defendant, answering Paragraphs 21, 22, 23, 24, 25 and 26 of the Complaint, craves reference to the Plaintiff's medical records as to the dates and nature of the care and treatment rendered to the Plaintiff, as well as her respective complaints, presentations and conditions. All allegations contained in Paragraphs 21, 22, 23, 24, 25 and 26 of the Complaint inconsistent with the above are denied.

12. That the Defendant, answering Paragraph 27 of the Complaint, reasserts and alleges the above Paragraphs of this Answer as if fully repeated herein.

13. That the Defendant denies as stated the allegations contained in Paragraphs 28, 29, including subparts (a) through (t), 30 and 31 of the Complaint.

14. That the Defendant, answering Paragraph 32 of the Complaint, reasserts and alleges the above Paragraphs of this Answer as if fully repeated herein.

15. That the Defendant denies the allegations contained in Paragraphs 33, 34, 35, including subparts (a) through (h), 36, 37, 38, 39 and 40 of the Complaint.

16. That the Defendant, answering Paragraph 41 of the Complaint, reasserts and alleges the above Paragraphs of this Answer as if fully repeated herein.

17. That the Defendant denies the allegations contained in Paragraphs 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51 of the Complaint.

FOR A SECOND DEFENSE

18. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

19. The care and treatment administered by the agents, servants, and employees of the Defendant conformed to and was in full compliance with the applicable standards of care and at no time pertinent hereto did the Defendant, its agents, servants, or employees, deviate from any applicable standard while caring for or tending to the Plaintiff. Consequently, the Plaintiff is barred from recovery against this Defendant.

FOR A THIRD DEFENSE

20. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

21. Any award or assessment of punitive damages as prayed for by the Plaintiff would violate the constitutional rights of the Defendant under the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution and comparable provisions of the South Carolina Constitution.

FOR A FOURTH DEFENSE

22. The Defendant reiterates all of the allegations contained in each and every

foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

23. The Plaintiff has failed to allege facts sufficient to constitute a cause of action as against this Defendant.

FOR A FIFTH DEFENSE

24. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

25. That if the Defendant was negligent, reckless, willful, wanton, or grossly negligent in any particular, which is expressly denied, the negligence of the Defendant is not the direct or proximate cause of any injury as alleged by the Plaintiff and therefore the Defendant is not liable for injuries sustained or any damages alleged as a result thereof.

FOR A SIXTH DEFENSE

26. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

27. That the Defendant would allege, upon information and belief, that any injuries or damages allegedly sustained herein were due to, caused and occasioned by an injury process over which the Defendant had no control and, as such, the Defendant pleads such as a complete bar to this action.

FOR A SEVENTH DEFENSE

28. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

29. That if the Defendant was negligent, reckless, willful, wanton, or grossly negligent in any particular, which is expressly denied, any alleged injuries and damages were the direct and proximate result of the intervening and superseding negligence of third parties for which the Defendant is not liable.

FOR AN EIGHTH DEFENSE

30. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

31. The provisions of South Carolina Code Sections 15-79-110 *et seq* and 15-32-200 *et seq* are applicable to Plaintiff's claims and the Defendant reserves all rights, remedies, immunities and defenses available to it there under.

FOR A NINTH DEFENSE

32. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

33. That if the Defendant was negligent, reckless, willful, wanton, or grossly negligent in any particular, which is expressly denied, any injuries or damages sustained by Plaintiff, as set forth in the Complaint, were due to and caused in whole or in part by the Plaintiff's own acts of negligence and recklessness in failing to exercise due and reasonable care for her own health. The Defendant pleads the doctrine of comparative negligence which forbids recovery by the Plaintiff as the negligence of the Plaintiff is greater than that alleged of the Defendants; alternatively, if there is a judgment for the Plaintiff, that judgment shall be reduced in proportion to the amount of the Plaintiff's negligence.

FOR A TENTH DEFENSE AND BY WAY OF MOTION TO DISMISS

34. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

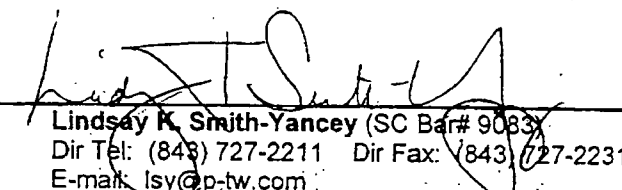
35. The Plaintiff has failed to comply with the statutory requirements of South Carolina Code Section 15-36-100 requiring that Plaintiff's Complaint be accompanied by an affidavit meeting the requirements set forth therein. The Plaintiff has failed to file any affidavit specifying any negligent act committed by an agent, servant or employee of this Defendant.

FOR AN ELEVENTH DEFENSE AND BY WAY OF MOTION TO DISMISS

36. The Defendant reiterates all of the allegations contained in each and every foregoing Paragraph of this Answer, as fully as if repeated verbatim herein.

37. The Plaintiff's causes of action against these Defendants are barred by the statute of limitations having been brought more than three years since the date of treatment or actual or constructive notice of the claimed injuries and damages.

WHEREFORE, having fully answered the Complaint herein, Defendant East Cooper Community Hospital, Inc., d/b/a East Cooper Regional Medical Center, prays that the same be dismissed with costs.

By: 

Lindsay K. Smith-Yancey (SC Bar# 9083)
Dir Tel: (843) 727-2211 Dir Fax: (843) 727-2231
E-mail: lsy@p-tw.com

E. Douglas Pratt-Thomas (SC Bar# 4553)
Dir Tel: (843) 727-2212 Dir Fax: (843) 727-2231
E-mail: dpt@p-tw.com

PRATT-THOMAS WALKER, P.A.

16 Charlotte Street (29403)
P.O. Drawer 22247
Charleston, S.C. 29413-2247

Attorneys for Defendant East Cooper Community Hospital, Inc. d/b/a
East Cooper Regional Medical Center

Charleston, South Carolina
March 2, 2012

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

IN THE COURT OF COMMON PLEAS

Case No. 11-CP-10-558

CERTIFICATE OF SERVICE

2012 APR -4 PM 4:31
JILLIE J. ARMSTRONG
CLERK OF COURT

FILED

I, Jonathan C. Harvey, hereby certify that the Defendant, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center was served on March 28, 2012, through its registered agent by Certified Mail with a copy of the Civil Cover Sheet, Summons and Complaint in the above captioned matter as shown by the Domestic Return Receipt attached.

Jonathan C. Harvey

4/3, 2012
Mt. Pleasant, South Carolina

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits.		A. Signature ☒ Pam Johnson B. Received by (Printed Name) Pam Johnson C. Date of 3/28	
1. Article Addressed to: CT CORPORATION SYSTEM 20000 PARK CT. STE 103 COLUMBIA, SC 29203		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number: (Transfer from service label)		3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
4. Restricted Delivery? (Extra Fee) ☐ Yes		7011 2970 0000 4937 2358	

PS Form 3811, February 2004 Domestic Return Receipt 102595-024

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahn, MD,

Defendants,

IN THE COURT OF COMMON PLEAS

Case No. 11-CP-10-558

CERTIFICATE OF SERVICE

FILED
2012 APR -4 PM 4:33
JULIE J. ARMSTRONG
CLERK OF COURT

I, Jonathan C. Harvey, hereby certify that the Defendant, Tenet Healthsystem Medical Inc., was served on March 28, 2012, through its registered agent by Certified Mail with a copy of the Civil Cover Sheet, Summons and Complaint in the above captioned matter as shown by the Domestic Return Receipt attached.

Jonathan C. Harvey

4/3 2012
Mt. Pleasant, South Carolina

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ☒ Print your name and address on the reverse so that we can return the card to you. ☒ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Agent ☐ Addressee	
1. Article Addressed to: CT CORPORATION SYSTEM 200 FIVE PARK COURT, STE 103 COLUMBIA, SC 29223		B. Received by: (Printed Name) Pam Johnson	C. Date of Delivery 3/28/12
2. Article Number (Transfer from service label) 117011 2970 0000 4937 2341		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below ☐ No	
3. Service Type: ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.		4. Restricted Delivery: (Extra Fee) ☐ Yes	

PS Form 3811 February 2004 Domestic Return Receipt 102595-02-M-154

STATE OF SOUTH
CAROLINA

COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS

) DOCKET NO.: 2012-CP-10-0558

Vicki L. Wilkinson,

)
)
) Plaintiff,

)
)
) vs.

)
) East Cooper Community Hospital, Inc.
) d/b/a East Cooper Regional Medical
) Center, Carolina Plastic Surgery
) Institute, PA, and Thomas X. Hahm,
) M.D.

)
) Defendants.

**MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO DISMISS
ON BEHALF OF EAST COOPER
COMMUNITY HOSPITAL, INC.,
d/b/a EAST COOPER REGIONAL
MEDICAL CENTER**

Defendant East Cooper Community Hospital, Inc., d/b/a East Cooper Regional Medical Center (hereinafter referred to as "East Cooper Hospital") respectfully submits this Memorandum of Law in Support of its Motion to Dismiss contained in its Answer to Plaintiff's Complaint.

INTRODUCTION

This medical malpractice suit was filed without regard to the procedural requirements set forth in South Carolina Code Sections 15-36-100 and 15-79-125 and without regard to the statute of limitations. The Plaintiff's procedural defects cannot now be cured because the statute of limitations expired on September 4, 2011.

The Plaintiff did not meet the pre-suit procedural requirement because she failed to file her expert affidavit contemporaneously with her Notice of Intent to File Suit as mandated by South Carolina Code Section 15-79-125. Because the Plaintiff's Notice of Intent to File Suit was defective in this regard, the statute of limitations was not tolled under South Carolina Code Section 15-79-125; therefore, the statute of limitations expired four months before the Plaintiff filed her Complaint on January 25, 2012.

Even if the statute of limitations had not expired on September 4, 2011, the Plaintiff failed to meet her obligations under South Carolina Code Section 15-36-100, the threshold requirement to sustain this action, because she failed to file an expert affidavit contemporaneous with her Complaint or within forty-five days thereafter. Because the contemporaneous expert affidavit requirement is deemed part of the complaint in a professional negligence action, and because no such expert affidavit was filed with the Plaintiff's Complaint or within forty-five days thereafter, the Plaintiff has failed to state claims for which relief can be granted.

For each of these reasons, Defendant East Cooper Hospital seeks dismissal of the present action with prejudice.

STATEMENT OF FACTS

The Plaintiff was admitted to East Cooper Hospital on September 4, 2008. (Compl. ¶ 18.) In her Complaint, the Plaintiff alleges complications arising from a bilateral silicone implant explantation, a bilateral capsulotomy, and bilateral DIEP flap reconstruction, performed by Defendant Thomas Hahm, M.D., on that day. (Compl. ¶ 18.)

The Plaintiff filed her Notice of Intent on September 1, 2011. However, the Plaintiff's Notice was filed without an expert affidavit as required pursuant to South Carolina Code Section 15-79-125. The Notice stated that "[n]o expert affidavit is attached as the statute of limitations is construed to expire shortly. The Plaintiff will file an expert affidavit at a later date." The Plaintiff provided no explanation as to why the affidavit could not be filed because of time constraints or otherwise. The Plaintiff filed the expert affidavit of John Newkirk, M.D., on October 5, 2011.

The Plaintiff then filed her Complaint on January 25, 2012. No expert affidavit was ever filed, contemporaneously or within forty-five days, with the Complaint as required by South Carolina Code Section 15-36-100, and no explanation for the lack of

expert affidavit was provided to Defendants.

Defendant East Cooper filed its Answer and Motion to Dismiss on March 15, 2012.

STANDARD OF REVIEW

"Generally, in considering a 12(b)(6) motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint." Doe v. Marion, 361 S.C. 463, 469, 605 S.E.2d 556, 559 (S.C. Ct. App. 2004) aff'd, 373 S.C. 390, 645 S.E.2d 245 (2007). "A trial judge in the civil setting may dismiss a claim when the defendant demonstrates the plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court." Ashley River Properties I, LLC v. Ashley River Properties II, LLC, 374 S.C. 271, 277, 648 S.E.2d 295, 298 (S.C. Ct. App. 2007). An expert affidavit filed pursuant to South Carolina Code Section 15-36-100 is a pleading for the purpose of the circuit court's evaluation of motions and the merits of the plaintiff's case. Ranucci v. Crain, 723 S.E.2d 242, 247 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012).

ARGUMENT

The Plaintiff's case should be dismissed in its entirety for failure to adhere to the affidavit filing requirements set forth under the two separate procedural statutes that apply to this medical malpractice action. The procedural statutes apply independently of one another as "each statute governs a distinct time period during the litigation process, and those time periods are consecutive." Ranucci v. Crain, 723 S.E.2d 242, 245 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012). "Section 15-79-125 controls the portion of the process that commences with the filing of a Notice of Intent to File Suit and ends with prelitigation mediation. If the parties are unable to resolve their dispute through mediation, section 15-36-100 guides them through the preparation of initial pleadings and provides mechanisms for challenging and curing defects in the required affidavit."

Id.

The Plaintiff failed to meet her pre-suit obligations and therefore the statute of limitations should not have been tolled on September 4, 2011. Significantly, looking past that failure, the Plaintiff failed to file an expert affidavit as part of her Complaint. Accordingly, her Complaint must be dismissed.

I. The Plaintiff's Complaint is barred because she did not properly comply with the pre-suit requirements set forth in South Carolina Code Section 15-79-125.

The Plaintiff failed to file her expert affidavit contemporaneously with the Notice of Intent pursuant to South Carolina Code Section 15-79-125, and, therefore, the statute of limitations was not tolled on September 4, 2011, the day the statute expired.

South Carolina Code Section 15-79-125 establishes the prelitigation requirements for medical malpractice actions. Ranucci v. Crain, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012). Section 15-79-125(A) states in pertinent part "prior to filing or initiating a civil action alleging injury or death as a result of medical malpractice, the plaintiff shall contemporaneously file a Notice of Intent to File Suit and an affidavit of an expert witness subject to the affidavit requirements in Section 15-36-100, in a county in which venue would be proper for filing or initiating the civil action." S.C. Code Ann. § 15-79-125(A). "This provision imposes two requirements on the affidavit, that it be filed at the same time as the Notice of Intent to File Suit and that it comply with the affidavit requirements of section 15-36-100."¹ Ranucci, 723 S.E.2d at 246. Significantly, a properly filed Notice of Intent to File Suit "tolls all applicable statutes of limitations." S.C. Code Ann. § 15-79-125(A).

¹ Therefore, an affidavit for the purposes of the pre-litigation Notice of Intent to File Suit "must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit." Ranucci, 723 S.E.2d at 245 (quoting S.C. Code Ann. § 15-36-100(A),(B)). No other aspect of section 15-36-100 applies to the prelitigation requirements set forth under section 15-79-125. Id.

In Ranucci, the plaintiff filed a Notice of Intent three years after her alleged injury without an expert affidavit and stated that time constraints prevented her from contemporaneously filing the expert affidavit. Forty-five days later she filed an expert affidavit. The defendant doctor filed a motion to dismiss the plaintiff's notice for failure to timely file the medical expert's affidavit. The plaintiff argued that the affidavit was filed within the forty-five day grace period under South Carolina Code Section 15-36-100(C)(1). The circuit court dismissed the plaintiff's action. On appeal, the South Carolina Court of Appeals affirmed the lower court's decision and held that the affidavit requirements invoked by section 15-79-125 "do not permit a potential plaintiff to file her expert witness's affidavit after she filed her Notice of Intent to File Suit" and that the forty-five day grace period under section 15-36-100(C)(1) applied to complaints only, and not notices of intent. Ranucci v. Crain, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012), reh'g denied (Mar. 15, 2012).

In the instant case, the Notice of Intent to File Suit was filed on September 1, 2011, without any expert affidavit. The Plaintiff's expert affidavit of John Newkirk, M.D. was not filed until October 5, 2011, over a month after Notice was filed. The Plaintiff therefore did not comply with the pre-suit requirements to sustain the present action.

Significantly, because the expert affidavit was not filed contemporaneously with the Notice of Intent to File Suit as required by the statute, the statute of limitations was not tolled. The statute of limitations in this action for medical malpractice is three years. S.C. Code Ann. § 15-3-545. The three-year statute of limitations begins to run when the facts and circumstances of the injury would put a person of common knowledge and experience on notice that some right of hers has been invaded or that some claim against a party might exist. Dunbar v. Carlson, 341 S.C. 261, 266, 533 S.E.2d 913, 916 (S.C. Ct. App. 2000). "The date on which discovery should have been made is an objective, not subjective, question. Additionally, the fact that the injured party does

not comprehend the full extent of his injuries is immaterial.” Knox v. Greenville Hosp. Sys., 608 S.E.2d 459, 462 (S.C. Ct. App. 2005).

The Complaint alleges that the Plaintiff’s complications began on September 4, 2008 (Compl. ¶¶ 18-19), and the statute of limitations began to run on that day. Accordingly, the statute of limitations expired on September 4, 2011. As previously discussed, the Plaintiff filed a defective Notice of Intent to File Suit on September 1, 2011. As discussed below, the Complaint, also defective, was filed on January 25, 2012, more than four months after the statute of limitations expired. Therefore, this action should be dismissed.

II. The Plaintiff’s Complaint is barred by South Carolina Code Section 15-36-100.

The Plaintiff also failed to file her expert affidavit contemporaneously with her Complaint as required by South Carolina Code Section 15-36-100. South Carolina Code Section 15-36-100 establishes the procedure for commencing suits for professional negligence, including medical malpractice. Ranucci v. Crain, 723 S.E.2d 242, 244 (S.C. Ct. App. 2012), reh’g denied (Mar. 15, 2012). Section 15-36-100 “requires the plaintiff to craft a viable complaint supported by the sworn testimony of a qualified expert witness. Because an affidavit filed pursuant to this section is a ‘part of the complaint,’ it is a pleading for the purpose of the circuit court’s evaluation of motions and the merits of plaintiff’s case.” Id. at 247. An affidavit filed with a Notice of Intent pursuant to section 15-79-125 does not satisfy the contemporaneous filing requirements of section 15-36-100 applicable to complaints.

Nothing in either statute² suggests the legislature intended an affidavit filed pursuant to section 15-79-175 to affect a plaintiff’s obligation to file a similar affidavit later “as part of the complaint” pursuant to section 15-36-100. Rather, the legislature clearly intended the two statutes to operate independently of one another and in distinct time frames, with the specific exception that they share the criteria for

² S.C. Code Ann. § 15-79-175 or S.C. Code Ann. § 15-36-100.

preparing affidavits of expert witnesses.

Id. at 247 (emphasis added).

The expert affidavit is "part of" the Complaint. In this case, no expert affidavit was filed with the Plaintiff's Complaint. Without meeting this threshold requirement, on the face of the Complaint, the Plaintiff has failed to state claims³ for which relief may be granted.

It should be noted that the exception to the requirement that the expert affidavit be filed contemporaneously with the complaint does not apply in this case. An exception permits that the expert affidavit be filed within forty-five days of the complaint being filed where the period of limitation will expire, or there is a good faith basis to believe it will expire on a claim stated in the complaint within ten days of filing and, due to time constraints, the plaintiff alleges that an expert affidavit could not be prepared. S.C. Code Ann. § 15-36-100(C)(1). Here, the Plaintiff did not provide any explanation whatsoever as to why the expert affidavit was not filed. Nor did the Plaintiff file the expert affidavit within forty-five days. Accordingly, the Plaintiff is in no way excepted from the requirements of section 15-36-100.

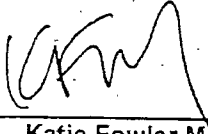
Finally, notwithstanding the Plaintiff's failure to comport with South Carolina Code Section 15-36-100, the statute of limitations expired on September 4, 2011. The Plaintiff filed her Complaint on January 25, 2012, more than four months after the expiration of

³ In this case, the Plaintiff alleges negligence, fraud, misrepresentation, and unfair trade practices. In each cause of action alleged by Plaintiff, she alleges that East Cooper Hospital failed to do that which a reasonably prudent health care institution would in the same or similar circumstances. The gravamen of each claim is the standard of care. As such, each claim constitutes medical malpractice under section 15-79-100(6) – "doing that which the reasonably prudent health care provider or health care institution would not do or not doing that which the reasonably prudent health care provider or health care institution would do in the same or similar circumstances." S.C. Code Ann. § 15-79-100(6). Therefore, even if the statute of limitations had not yet expired (which it did), the case should be dismissed in its entirety because all claims fall within the umbrella of medical malpractice and the Plaintiff failed to meet the prerequisites for bringing a medical malpractice suit.

the statute of limitations.

CONCLUSION

The Plaintiff's Complaint fails to state claims for which relief can be granted because no expert affidavit was filed with it and the statute of limitations for her claims has expired. The Plaintiff's Notice of Intent to File Suit did not toll the statute of limitations because she did not contemporaneously file her expert affidavit with the Notice so as to trigger the tolling afforded by that statute. Since the Complaint was filed, (without an expert affidavit) more than four months after the statute of limitations expired, it should be dismissed. For each of these reasons, Defendant East Cooper Hospital respectfully requests that this Honorable Court dismiss this action in its entirety with prejudice.

By: 

Katie Fowler Monoc (SC Bar# 78131)
Dir Tel: (843) 727-2244 Dir Fax: (843) 727-2231
E-mail: kfm@p-tw.com

Lindsay K. Smith-Yancey (SC Bar# 9083)
Dir Tel: (843) 727-2211 Dir Fax: (843) 727-2231
E-mail: lsy@p-tw.com

E. Douglas Pratt-Thomas (SC Bar# 4553)
Dir Tel: (843) 727-2212 Dir Fax: (843) 727-2231
E-mail: dpt@p-tw.com

PRATT-THOMAS WALKER, P.A.

16 Charlotte Street (29403)

P.O. Drawer 22247

Charleston, S.C. 29413-2247

Attorneys for Defendant East Cooper Community Hospital, Inc. d/b/a
East Cooper Regional Medical Center

Charleston, South Carolina
May 4, 2012

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet
Healthsystem Medical, Inc., East Cooper
Community Hospital, Inc. d/b/a East
Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm,
MD,

Defendants.

) IN THE COURT OF COMMON PLEAS

)

)

) C/A No. 2012-CP-10-0558

)

)

)

)

)

)

)

)

)

)

)

)

)

)

**DEFENDANTS CAROLINA
AESTHETIC PLASTIC SURGERY
INSTITUTE, PA AND THOMAS X.
HAHM, MD'S MEMORANDUM IN
SUPPORT OF THEIR MOTION TO
DISMISS**

The Defendants, Carolina Aesthetic Plastic Surgery Institute, PA and Thomas X. Hahm, MD (hereinafter "these Defendants"), by and through their undersigned counsel, respectfully submit the following Memorandum in Support of their Motion to Dismiss. These Defendants respectfully request that the Court dismiss the Plaintiff's Complaint as a matter of law as it was filed after the applicable statute of limitations.

STATEMENT OF FACTS

Vickie Williamson, a fifty-five (55) year old female and the Plaintiff in this case, underwent a bilateral subcutaneous mastectomy in 2001 as a result of breast cancer. Immediately following the mastectomy, the Plaintiff had bilateral breast reconstruction using a Becker prosthesis. The Plaintiff had a complicated postoperative course and developed implant infections and discharge.

In August of 2008, the Plaintiff presented to Dr. Thomas Hahm, a plastic surgeon in Charleston, SC and a Defendant in this case, and complained that her

breasts were irregularly shaped and hard to the touch. Dr. Hahm saw the Plaintiff and noted that she had grade IV capsular contracture and pain as a result of her bilateral breast implants. Dr. Hahm noted that the Plaintiff needed the removal of the capsular contracture and breast reconstruction with a deep inferior epigastric perforator (DIEP) flap. Dr. Hahm advised that this procedure is "extremely difficult and technically challenging" and would last approximately eight to ten hours. The Plaintiff consented to the procedure.

On September 4, 2008, Dr. Hahm took the Plaintiff to surgery and removed her breast implants. Dr. Hahm then performed an autologous breast reconstruction using a DIEP flap. The Plaintiff developed complications in her right breast following the procedure and underwent several additional procedures to address the complications. The Plaintiff filed a Notice of Intent to File Suit on September 1, 2011 and alleged, *inter alia*, that Dr. Hahm was negligent for failing to properly diagnose and treat the Plaintiff. (See Exhibit A, the Plaintiff's Notice of Intent to File Suit). Although the Plaintiff filed a Notice of Intent to File Suit as required by S.C. Code § 15-79-125(A), she failed to file an expert affidavit with her Notice of Intent because "the statute of limitations is construed to expire shortly." (See Exhibit A). The Notice of Intent advised the "Plaintiff will file an expert Affidavit at a later date." *Id.*

The Plaintiff filed their Expert Affidavit of October 5, 2011. (See Exhibit B, the Expert Affidavit of John Newkirk, MD, the Plaintiff's expert). The Plaintiff sent their Expert's Affidavit to these Defendants on October 13, 2011. (See Exhibit C, correspondence from the Plaintiff's attorneys to these Defendants' attorneys).

The parties participated in pre-suit mediation as required by S.C. Code § 15-79-125(C), but were not able to resolve the case. The Plaintiff then filed her Summons and Complaint on January 25, 2012. (See Exhibit D, the Plaintiff's Summons and Complaint).

LAW/ANALYSIS

The Plaintiff filed her Complaint after the statute of limitations expired on her medical malpractice claim and thus her Complaint should be dismissed as a matter of law. See S.C. Code Ann. § 15-3-545 (A) (2005) (The statute of limitations on a medical malpractice action is three years from the date of the treatment, omission, or operation giving rise to the cause of action or three years from date of discovery or when it reasonably ought to have been discovered.).

A motion to dismiss a claim pursuant to SCRCP 12(b)(6) is based solely on the allegations set forth on the face of the complaint. Chewing v. Ford Motor Co., 346 S.C. 28, 32-33, 550 S.E.2d 584, 586 (Ct. App. 2001); see also Brown v. Leverette, 291 S.C. 364, 353 S.E.2d 697 (1987) (noting trial court must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on face of complaint). Under Rule 12(b)(6), SCRCP, a defendant may move for dismissal based on a failure to state facts sufficient to constitute a cause of action. Flateau v. Harrelson, 355 S.C. 197, 201, 584 S.E.2d 413, 415 (Ct. App. 2003) (citing Baird v. Charleston County, 333 S.C. 519, 511 S.E.2d 69 (1999)). Viewing the evidence in the light most favorable to the plaintiff, the motion must be granted if facts alleged in the complaint and inferences reasonably deducible therefrom do not entitle the plaintiff to relief on any theory of the case. Chewing, 346 S.C. at 32-33.

Dr. Hahm performed the initial breast reconstruction procedure on September 4, 2008. The Plaintiff developed complications in her right breast and Dr. Hahm performed additional procedures to address the same. Dr. Hahm performed his final surgical procedure on the Plaintiff on September 27, 2008. The Plaintiff's last post-operative visit to see Dr. Hahm occurred on November 14, 2008. The Plaintiff filed her Notice of Intent to File Suit on September 1, 2011, but she did not contemporaneously file her expert affidavit as required by S.C. Code § 15-79-125(A) (Before a Plaintiff may file a Complaint alleging medical negligence against a physician, she "shall contemporaneously file a Notice of Intent to File Suit and an affidavit of an expert witness, subject to the affidavit requirements established in Section 15-36-100, in a county in which venue would be proper for filing or initiating the civil action.").

Because the Plaintiff's Notice of Intent was not properly filed, the statute of limitations was not tolled. Id. (A properly filed Notice of Intent with a contemporaneous expert affidavit tolls all applicable statutes of limitations.). The Plaintiff would have had to file her Complaint on September 4, 2011 – when Dr. Hahm performed his first surgical procedure – or at the latest on November 14, 2008 – when Dr. Hahm last provided care to her – in order to comply with the statute of limitations.

In Ranucci v. Crain, --- S.E.2d ----, 2012 WL 243332 (Ct. App. 2012), the court had opportunity to analyze the procedural requirements of S.C. Code § 15-79-125(A) – specifically, the court analyzed whether an expert affidavit must be filed with a Notice of Intent. (See Exhibit E). The Court reviewed S.C. Code § 15-79-125(A) and S.C. Code § 15-36-100 and held that § 15-79-125(A) "imposes two requirements on the affidavit, that it be filed at the same time as the Notice of Intent to File Suit

and that it comply with the affidavit requirements of [S.C. Code §] 15-36-100." In support of their holding, the Ranucci court opined:

Section 15-79-125 enables potential litigants to identify likely causes of action, gather information, and pursue a resolution of their medical malpractice disputes through mediation, while shielding the potential plaintiff from the fear of losing his or her right to file suit. An affidavit filed pursuant to this section serves as notice to potential defendants of the claim and qualifies potential plaintiffs and defendants to engage in pre-litigation discovery. Such an affidavit is a threshold requirement a medical malpractice claimant must satisfy in order to seek disclosure of sensitive and often highly technical information.

Id. at *6.

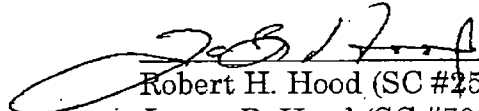
In light of the Plaintiff's failure to contemporaneously file the expert with her Notice of Intent, the Court affirmed the trial court's dismissal of the Plaintiff's Notice of Intent.

If the Plaintiff in the current case would have properly filed her Notice of Intent with an expert affidavit, the statute of limitations would have been tolled and her Complaint would have been properly filed. However, her Notice of Intent was not properly filed and thus the statute of limitations was not tolled. Since she did not file her Complaint until January 25, 2012 – more than three (3) years from the date of the medical care at issue – her Complaint is untimely and should be dismissed as a matter of law.

CONCLUSION

For the foregoing reasons, these Defendants Carolina Aesthetic Plastic Surgery Institute, PA and Thomas X. Hahm, MD respectfully request that this Honorable Court dismiss the Plaintiff's Complaint with prejudice as these Defendants are entitled to judgment as a matter of law.

HOOD LAW FIRM, LLC
172 Meeting Street
Post Office Box 1508
Charleston, SC 29402
Phone: (843) 577-4435
Facsimile: (843) 722-1630
Email: Info@hoodlaw.com

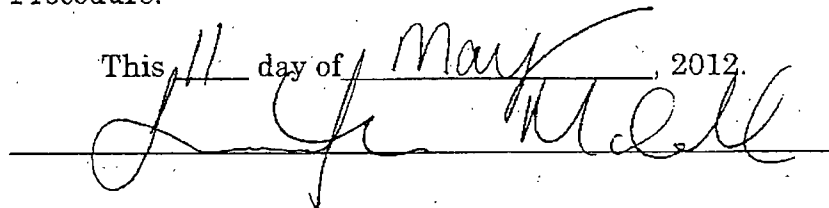

Robert H. Hood (SC #2599)
James B. Hood (SC #70212)
H. Cooper Wilson, III (SC #74939)

Attorneys for the Defendants
Carolina Aesthetic Plastic Surgery Institute,
PA, and Thomas X. Hahm, MD

5/11, 2012
Charleston, South Carolina
J:\docs\84.005\MIS-MTD.doc

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing
was served on each party or counsel of record by ☐
mailing, ☒ e-mailing, ☐ facsimile, or ☐ hand delivery in
the manner prescribed by the applicable Rule of Civil
Procedure.

This 11 day of May, 2012.


STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

) IN THE COURT OF COMMON PLEAS
)
)
)
) Case No. 12-CP-10-558
)
)

**PLAINTIFF'S MEMORANDUM OF LAW IN
OPPOSITION TO DEFENDANTS' MOTION TO
DISMISS**

Plaintiff respectfully submits this Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiff's Complaint.

RANUCCI v. CRAIN

The motions in this case revolve around the recent holding by the South Carolina Court of Appeals in *Ranucci v. Crain*, 723 S.E.2d 242 (S.C. Ct. App. 2012). The court outlined that on June 7, 2006, Dr. Crain performed a procedure which resulted in Ranucci suffering a collapsed lung. *Ranucci v. Crain*, 723 S.E.2d 242, 243 (S.C. Ct. App. 2012). On June 8, 2009, Ranucci filed and Notice of Intent to File Suit without an expert affidavit stating one would be filed within forty-five days or her allegations would be "within the ambit of common knowledge and experience." *Id.* Dr. Crain then filed an Answer to the Notice of Intent to File Suit and a Motion to Dismiss the Plaintiff's Notice of Intent to File Suit for failure to file an expert witness's affidavit contemporaneously with the Notice and that the expert witness's affidavit was defective. *Id.* On July 23, 2009 Ranucci filed an expert affidavit alleging Dr. Crain violated the applicable standard of care. *Id.*

In *Ranucci*, no pre-suit mediation was conducted, an impasse was not reached and no summons and complaint was filed. Ultimately the Court of Appeals affirmed the trial court's ruling that the Notice of Intent to File Suit was invalid for not filing the Notice with a contemporaneous expert affidavit and the Notice of Intent to

File Suit was stricken from the record. *Id. at 248.* Due to the fact the Notice was stricken from the record the statute of limitations was deemed to have not been tolled and therefore a valid civil action could not be initiated by filing a summons and complaint in accordance with the South Carolina Rules of Procedure as designated by South Carolina Code Section 15-79-125(E). *Id.*

RANUCCI DISTINGUISHED

The Ranucci decision revolved around the interplay between South Carolina Code Sections 15-79-125 and 15-36-100 in **prelitigation**. The Court stated "*section 15-36-100* establishes the procedure for **commencing suits** for professional negligence against professionals in twenty-two different areas, including medical doctors. By contrast, section 15-79-125 deals specifically with **prelitigation** requirements for medical malpractice actions." *Ranucci v. Crain*, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012)(*emphasis added*). The Court further clarified when section 15-79-125 was applicable in stating "[s]ection 15-79-125 controls the portion of the process that commences with the filing of a Notice of Intent to File Suit and **ends with prelitigation mediation**. If the parties are unable to resolve their dispute through mediation, *section 15-36-100* guides them through the preparation of initial pleadings and provides mechanisms for challenging and curing defects in the required affidavit. *Id.*(*emphasis added*). Unlike in *Ragucci*, where section 15-79-125 was the controlling statute and resulted in the court striking the Plaintiff's Notice of Intent to File Suit, in this matter, pre-litigation was conducted and completed and therefore section 15-36-100 controls. The procedural history is as follows.

The Plaintiff underwent a series of procedures between September 4, 2008 and October 2008 for breast reconstruction due to a previous bout with breast cancer. The procedures are alleged by the Plaintiff to have violated the standard of care due to the actions of the Defendants. The Plaintiff filed her Notice of Intent to File Suit on September 1, 2011 and each Defendant was served by October 1, 2011. An affidavit by board certified plastic surgeon John Newkirk, PH.D., M.D. was filed with the Circuit Court on October 5, 2011 and served on each Defendant by October 13, 2011. The Defendants raised no objection to the Notice of Intent to File Suit or subsequently filed affidavit, did not file any motions to dismiss the Notice of Intent to File Suit or claim the

affidavit was defective in pre-litigation. Pre-litigation discovery was undertaken by the Defendants by issuing multiple subpoenas for medical records and pre-litigation mediation was conducted on January 19, 2012 but declared an impasse. The Plaintiff then commenced litigation by filing a summons and complaint in accordance with the South Carolina Rules of Civil Procedure on January 25, 2012 and each Defendant was properly served. Thereafter, Carolina Aesthetic Plastic Surgery Institute, PA, Thomas X. Hahm, MD, East Cooper Community Hospital, Inc. d/b/a East Cooper Regional Medical Center ("Defendants") filed Answers with motions to dismiss on the grounds Plaintiff's claims were barred by the statute of limitations.

Argument

Unlike the facts in Ranucci, Defendants did not seek to dismiss the Plaintiff's Notice of Intent to File Suit in pre-litigation and only after litigation commenced upon being served a summons and complaint have sought to dismiss the Plaintiff's complaint on the above grounds. Further, the Defendants did not file any motion with its Answers claiming Plaintiff's expert affidavit was defective.

The Defendants waived the defense of failure to contemporaneously file an expert affidavit and South Carolina Code Section 15-79-125 is only applicable to pre-litigation matters and cannot now be raised as a defense.

Unlike in Ranucci, the Defendants did not move to dismiss Plaintiff's Notice of Intent to File Suit during pre-litigation for failure to contemporaneously file an expert affidavit. Instead, the Defendants participated in pre-suit discovery and participated in the pre-litigation mediation process. The Defendants have failed to raise this issue timely, openly accepted the Notice of Intent to File Suit and subsequent affidavit, participated in pre-trial procedures through issuing subpoenas for medical records and pre-litigation mediation and therefore have waived any such defense in this action.

South Carolina Code Section 15-79-125(E) states "[i]f the matter cannot be resolved through mediation, the plaintiff may initiate the civil action by filing a summons and complaint pursuant to the South Carolina Rules of Civil Procedure. The action must be filed:

- (1) within sixty days after the mediator determines that the mediation is not viable, that an impasse exists, or that the mediation should end; or

(2) prior to expiration of the statute of limitations, whichever is later. SC Code 15-79-125(E)

The impasse occurred in this case on January 19, 2012 and the summons and complaint was filed in accordance with the rules of civil procedure on January 25, 2012.

Unlike in this case, the *Ranucci* decision revolved around the interplay between South Carolina Code Sections 15-79-125 and 15-36-100 in **pre-litigation**. As mentioned, the court stated "[s]ection 15-79-125 controls the portion of the process that commences with the filing of a Notice of Intent to File Suit and ends with **prelitigation mediation**. If the parties are unable to resolve their dispute through mediation, *section 15-36-100* guides them through the preparation of initial pleadings and provides mechanisms for challenging and curing defects in the required affidavit. *Ranucci v. Crain*, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012)(*emphasis added*). The court in *Ranucci* further noted "section 15-79-125 clearly states its scope is limited to prelitigation matters." *Id.* at 247. Therefore, the Defendants cannot attempt to utilize the requirements of 15-79-125 as a sword once litigation has been implemented because it is inapplicable. As a result, only South Carolina Code Section 15-36-100 is applicable to the issues at hand. Therefore, the Plaintiff's Notice of Intent to File Suit cannot be stricken from the court's records as it was in *Ranucci* and the statute of limitations was properly tolled.

Plaintiff's Expert Affidavit was Filed with the Court and in possession of the Defendants four months prior to the filing of the complaint and need not be physically attached to the complaint.

South Carolina Code Section 15-36-100 states "in an action for damages alleging professional negligence ...the plaintiff must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit." SC Code 15-36-100(B). As detailed above and shown in the court records, Plaintiff had already filed an affidavit of an expert witness that met these requirements, the Defendants were in possession of this affidavit for approximately four and a half months have raised no claims that it was defective. Again, the court held in *Ranucci* "...section 15-36-100 guides them through the preparation of initial pleadings and provides mechanisms for challenging and curing defects in the required affidavit. *Ranucci v. Crain*, 723 S.E.2d 242, 246 (S.C. Ct. App. 2012). The Defendants are not challenging the affidavit in this matter which is the defense

section 15-36-100 provides.

Further, if the court believes this affidavit, although already being filed with the court, need be physically attached to the complaint 15-36-100(F) states "[i]f a plaintiff fails to file an affidavit as required by this section, and the defendant raises the failure to file an affidavit by motion to dismiss filed contemporaneously with its initial responsive pleading, the complaint is not subject to renewal after the expiration of the applicable period of limitation unless a court determines that the plaintiff had the requisite affidavit within the time required pursuant to this section and the failure to file the affidavit is the result of a mistake. SC Code 15-36-100(F). Clearly, the Plaintiff had the requisite affidavit within the time required and if the court deems it should be physically attached to the complaint the Plaintiff will certainly adhere to this request.

Even if Section 15-79-125 were to apply Plaintiff properly tolled the statute of limitations by filing a Notice of Intent to File Suit within the applicable period and therefore may initiate a civil action in accordance with the Rules of Civil Procedure.

Even if South Carolina Code Section 15-79-125 were to be applied outside of pre-litigation, the statute states the Notice of Intent to File Suit and the expert affidavit are separate documents and only filing the Notice of Intent to File Suit is necessary to toll the statute of limitations. The statute states "[p]rior to filing or initiating a civil action alleging injury or death as a result of medical malpractice, the plaintiff shall contemporaneously file a Notice of Intent to File Suit and an affidavit of an expert witness...." SC Code 15-79-125(A)(emphasis added). It then clarifies, "[f]iling the Notice of Intent to File Suit tolls all applicable statutes of limitations." *Id.* The Plaintiff filed the Notice of Intent to File Suit within the applicable period and tolled the statute of limitations in this matter. Based on the clear language of the statute, a contemporaneously filed affidavit is not necessary to toll the statute, only the Notice of Intent to File Suit. As a result, the Plaintiff has the right to initiate an action in accordance with the rules of civil procedure.

CONCLUSION

Based on the foregoing, the Plaintiff respectfully requests this court deny the Defendants' Motions to Dismiss.

HUGHEY LAW FIRM LLC

D. Nathan Hughey (SC Bar #68409)
A. Stuart Hudson (SC Bar #71691)
767 Coleman Boulevard, Unit 2
Post Office Box 348
Mt. Pleasant, SC 29465-0348
Telephone: (843) 881-8644
Facsimile: (888) 884-8311
nhughey@hugheyfirm.com

Attorneys for Plaintiff

_____, 2012
Mt. Pleasant, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

) IN THE COURT OF COMMON PLEAS

) Case No. 12-CP-10-558

) NOTICE OF MOTION AND MOTION TO
) RECONSIDER

BY

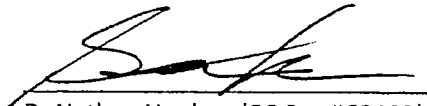
JULIE J. ARMSTRONG
CLERK OF COURT

2012 OCT 10 PM 2:34

FILED

Pursuant to the South Carolina Rules of Civil Procedure 52 and 59 and *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004), the Plaintiff respectfully requests the Court to reconsider its decision in the above captioned case Granting the Defendants' Motion to Dismiss. The Plaintiff incorporates its previously filed memorandum in this matter attached as Exhibit A as well as all arguments put before the Court at the hearing on the Defendants' Motion to Dismiss. Further, the Plaintiff requests the Court to reconsider its determination not to include language in its Order stating that all arguments put forward by Plaintiff's counsel were considered and rejected on the merits. Finally, Plaintiff requests that the Court specifically address each of the arguments Plaintiff's counsel put forward in support of Plaintiff's position.

HUGHEY LAW FIRM LLC



D. Nathan Hughey (SC Bar #68409)

A. Stuart Hudson (SC Bar #71691)

767 Coleman Boulevard, Unit 2

Post Office Box 348

Mt. Pleasant, SC 29465-0348

Telephone: (843) 881-8644

Facsimile: (888) 884-8311

nhughey@hugheyfirm.com

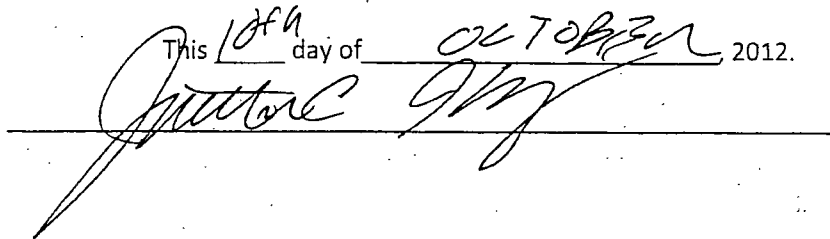
Attorneys for Plaintiff

10/9/ 2012
Mt. Pleasant, South Carolina

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing was served on each party or counsel of record by ☐ electronic filing, ☒ mailing, ☐ e-mailing, ☐ facsimile, or ☐ hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 10th day of OCTOBER, 2012.



THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-558

Vicki L. Wilkinson, ... Appellant,

v.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center; Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm, M.D., ... Respondents.

NOTICE OF APPEAL

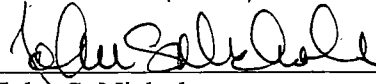
Vicki L. Wilkinson appeals the order of the Honorable R. Markley Dennis, Jr.
dated October 2, 2012, and the subsequent order denying a motion to reconsider that
order pursuant to Rule 59, SCRCP, dated October 16, 2012. Appellant received written
notice of entry of this order October 18, 2012.

/Signature page attached

RECEIVED
NOV 19 2012
SC Court of Appeals

November 19, 2012

Respectfully submitted,



John S. Nichols
SC Bar No. 004210
Bluestein, Nichols,
Thompson & Delgado, LLC
Post Office Box 7965
Columbia, South Carolina 29202
(803) 779-7599

Nathan Hughey
SC Bar No. 68409
Hughey Law Firm, LLC
Post Office Box 348
Mt. Pleasant, South Carolina 29465
(843) 881-8644

Attorneys for Appellant

Other Counsel of Record:

Lindsay K. Smith-Yancey
Katie Fowler Monoc
Pratt-Thomas Walker
16 Charlotte Street
Charleston, South Carolina 29413

James B. Hood
H. Cooper Wilson, III
Hood Law Firm, LLC
172 Meeting Street
Charleston, South Carolina 29401

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-558

Vicki L. Wilkinson, ... Appellant,

v.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center, Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm, M.D., ... Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served
counsel for the Respondents with a copy of the *Notice of Appeal* by mailing copies of the
same by United States Mail with first class postage prepaid to the following address:

Lindsay K. Smith-Yancey, Esquire
Katie Fowler Monoc, Esquire
Pratt-Thomas Walker
16 Charlotte Street
Charleston, South Carolina 29413

James B. Hood, Esquire
H. Cooper Wilson, III, Esquire
Hood Law Firm, LLC
172 Meeting Street
Charleston, SC 29401

November 19, 2012
Columbia, South Carolina

Erin Bridges
Erin Bridges
Paralegal
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	
Vickie L. Wilkerson,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 12-CP-10-0558
	)	
East Cooper Community Hospital,	)	
et al	)	
	)	
Defendants.	)	

TRANSCRIPT OF HEARING

The within Hearing was held the above-captioned action on May 14, 2012, before The Honorable R. Markley Dennis, Jr. in Courtroom 3E of the Charleston County Courthouse, 100 Broad Street, Charleston, South Carolina; attended by Counsel, as follows:

APPEARANCES:

Nathan Hughey, Esq.

Katie Monoc, Esq.

Lindsey Smith-Yancey, Esq.

Cooper Wilson, Esq.

DEBORAH GARRISON
Circuit Court Reporter - 9th Judicial Circuit
 Post Office Box 901
 Johns Island, South Carolina 29457
dGarrison@sccourts.org

1 THE COURT: The next case is
2 Wilkerson versus Tenant Health Care, Motion to
3 Dismiss -- two Motions.. Okay, be happy to hear
4 from you.

5 KATIE MONOC: Good morning, Your
6 Honor.

7 THE COURT: Good morning..

8 KATIE MONOC: My name is Katie
9 Monoc. I am with Pratt-Thomas. Lindsay Smith-
10 Yancey and I both represent the Defendant East
11 Cooper Hospital.

12 In this case the statute of limitations
13 has expired. If you would like for me to begin
14 with the facts, ---

15 THE COURT: Okay. Well, let me --
16 it's based on the pleadings?

17 KATIE MONOC: It is.

18 THE COURT: Okay, let me -- so
19 they've alleged in the pleadings the information
20 that bars -- the creates an issue for the
21 statute of limitations.

22 KATIE MONOC: Yes, Your Honor.
23 The Complaint alleges that complications arose
24 from a surgery that took place at East Cooper,
25 performed by our doctor, on September 4th, 2008.

1 THE COURT: Okay.

2 KATIE MONOC: The statute of
3 limitations began to run on that day ---

4 THE COURT: Maybe.

5 KATIE MONOC: -- and expired on
6 September 4, 2011.

7 THE COURT: Okay.

8 KATIE MONOC: Plaintiff filed a
9 notice of intent on September 1st, 2011, and
10 stated that they could not provide an expert
11 affidavit, as required by the notice of intent
12 statute, because the statute of limitations was
13 set to expire.

14 So then in October of that year, in
15 2011, they filed their expert affidavit.
16 However, under the notice of intent statute,
17 the statute of limitations is not tolled if the
18 expert affidavit is not filed with the notice of
19 intent.

20 THE COURT: Okay. So it's a hyper-
21 technical issue?

22 KATIE MONOC: It is. The major
23 defect is that the Complaint was filed in
24 January without an expert's affidavit, as
25 required by the professional negligence statute.

1 THE COURT: I understand. Let me
2 hear from you, Mr. Hughey, -- and then you (Ms.
3 Monoc) can respond, how about that? Thank you.

4 KATIE MONOC: Yes, sir.

5 NATHAN HUGHEY: Yes, sir, Your Honor
6 -- may I hand up a memo to be included in the
7 record?

8 THE COURT: Absolutely.

9 NATHAN HUGHEY: (Tendes)

10 THE COURT: All memoranda filed in
11 conjunction with this are incorporated fully for
12 purposes of review.

13 NATHAN HUGHEY: Your Honor, I know
14 that it's been a long morning. I will try to be
15 as brief ---

16 THE COURT: No, no, take your time.

17 NATHAN HUGHEY: I am obviously been
18 in front of Your Honor many times with Motions
19 to dismiss. This is slightly different because
20 it deals with a medical malpractice case and the
21 Economic Damages Act.

22 By way of background, the case -- very
23 briefly -- involves, again, a series of
24 procedures that happened in 2008. I think the
25 first was on September 4th, 2008.

1 This case came into our office by way
2 of a document on August 31st, 2011. We filed
3 notice the next day and had an affidavit by a
4 Board-certified plastic surgeon on file with the
5 court by October 5th of 2011.

6 What is significant is that at the time
7 the defendants raised no objection to anything
8 and participated in pre-suit mediation. Pre-
9 suit medication ---

10 THE COURT: The statute requires
11 that, doesn't it?

12 NATHAN HUGHEY: Right. And, well,
13 Your Honor, the reason that I bring that up is
14 because I anticipate that they are going to rely
15 on this *Renucci v Crane* case that came out in
16 2012, Court of Appeals. I was going to draw
17 the distinction, is that in the *Renucci* case
18 everything was done at the pre-suit state. They
19 said 'oh, we are dismissing this' and the
20 statute ran.

21 They said, 'okay, we will participate
22 in mediation.' Mediation took place January
23 19th, 2012. It was an impasse.

24 We did file a Summons & Complaint in
25 accordance with the Rules of Civil Procedure on

1 January 25th of 2012.

2 That method of what took place here has
3 been handled by those lawsuits as completely
4 appropriate ever since the Economic Damages Act
5 came out.

6 I worked at the Hood Law Firm and
7 taught this to other lawyers in the state, that
8 that was the proper way to take things, to
9 handle things. Since I've become a plaintiff's
10 lawyer, I've had at least five cases with the
11 Hood Law Firm where they went through the exact
12 procedure that we did here. When I got a case
13 right before the statute ran, supplemented with
14 an affidavit. They paid hundreds of thousands
15 of dollars in those case. So either I am
16 committing malpractice now or they were
17 committing malpractice then.

18 THE COURT: Let's don't argue that.

19 NATHAN HUGHEY: We're switching
20 sides.

21 THE COURT: Mr. Hughey, let's don't
22 -- that's -- listen, let me just tell you
23 something. That is precisely the kind of stuff
24 that I'm not going to tolerate, and you're going
25 to apologize right now for those statements.

1 NATHAN HUGHEY: I apologize.

2 THE COURT: That was totally un-
3 professional ---

4 NATHAN HUGHEY: I apologize, Your
5 Honor.

6 THE COURT: --- and violated the
7 Civility Oath that you and I both took. So
8 I don't want to hear any more trash like that.

9 NATHAN HUGHEY: Yes, sir, Your
10 Honor. I apologize. But ---

11 THE COURT: I don't want to hear any
12 more trash like that. No but, no if. Go on to
13 your argument.

14 NATHAN HUGHEY: The defendant's
15 argument is without merit and it is ---

16 THE COURT: No, sir, I disagree with
17 you. I don't think that it is without merit.
18 The Act speaks for itself. Whether or not --
19 how we all did, what we all do, that doesn't
20 have a thing to do with it.

21 NATHAN HUGHEY: Yes, sir, Your
22 Honor. Well, under the Act, the two key issues
23 in the case are what happened -- there are two
24 -- I mean, we know that we've got, uh, 15-36-100
25 and 15-79-125 and we did have an affidavit on

1 file with the court at the time that the Summons
2 & Complaint was filed. So they've said they
3 filed a Summons & Complaint and did not attach
4 the affidavit to the Complaint itself. It was
5 already in the courts, filed. What is
6 significant about that is that the Act says in
7 it, talks about that portion, of the Complaint.
8 If it is not attached, under 15-36-100(b), uh,
9 we had already filed it and been on file with
10 the court for four months. So 15-36-100(f) says
11 that basically if we file a Summons & Complaint
12 and do not have an affidavit, then too bad --
13 unless the court determines that the plaintiff
14 had the requisite affidavit within the time
15 required pursuant to this section and the
16 failure to file the affidavit was a mistake.

17 So here not only did we have the
18 affidavit in our possession, I think that we did
19 have it on file with the Court. So clearly
20 under that burden, under what the statute says
21 there, it was in the court's file, attaching one
22 document to the other, so we believe that we
23 have met the statute in every way, shape or
24 form.

25 This woman got cancer, was getting

1 reconstructive breast surgery. Went in with
2 an infection, she spent a month in the hospital.
3 It's a horrible case.

4 THE COURT: That's not pertinent.

5 NATHAN HUGHEY: And we've gone
6 through and done all the procedural steps that
7 we knew how to do. We've met the burden of the
8 statute.

9 So the defendants, to the extent that
10 they want to rely on *Renucci* again, that case
11 was all pre-suit and they didn't raise any of
12 that here. It wasn't until we got going, had
13 everything on file.

14 THE COURT: Okay. Response?

15 KATIE MONOC: Thank you. I would
16 like to point out that the file number for the
17 Notice of Intent and Complaint are different, so
18 they're not in the exact same file.

19 With that being said, an expert's
20 affidavit filed pursuant to the notice of intent
21 doesn't satisfy the requirements of the
22 professional negligence statute. *Renucci* did
23 make that clear, but *Renucci* also said that the
24 statutes are clear and unambiguous and that they
25 should be read for what is their clear language.

1 The clear language states that in the
2 professional negligence statute an expert
3 affidavit has to be filed as a part of the
4 Complaint, it is considered a part of the
5 pleading. If it is not, then it is subject to
6 dismissal.

7 THE COURT: Okay. Anything else?

8 COOPER WILSON: Your Honor, I am
9 Cooper Wilson here on behalf of Dr. Kahn
10 (phonetic). I would only add to that, as far as
11 the notice of intent stage and the timing of
12 the, uh, -- whenever you file your motion to
13 dismiss, it's part of 15-79-125 that requires
14 the defendant to respond. Notice of intent is
15 not a pleading to which a responsive pleading
16 is required.

17 To the extent that the argument is that
18 we've waived by participating in pre-suit
19 mediation, we have to participate in pre-suit
20 mediation.

21 That's the only thing that I want to
22 say.

23 THE COURT: Thank you, sir. All
24 right. Anything else, Mr. Hughey?

25 NATHAN HUGHEY: If I could, just

1 briefly.

2 THE COURT: Sure.

3 NATHAN HUGHEY: The last statement,
4 'we have to participant in pre-suit mediation',
5 they do not have to participate in pre-suit
6 mediation, which is the exact difference. In
7 *Renucci*, they didn't. They filed a motion to
8 dismiss rather than participate.

9 THE COURT: Thank you all. We will
10 look at everything that's filed and we will let
11 you know. Thank you.

12 (HEARING CONCLUDED)

13

14

15

16

17

18

19

20

21

22

23

24

25

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Vicki L. Wilkinson,

Plaintiff,

Versus

Tenet Healthcare Corp., Tenet Healthsystem
Medical, Inc., East Cooper Community Hospital,
Inc. d/b/a East Cooper Regional Medical Center,
Carolina Aesthetic Plastic Surgery Institute, PA, and
Thomas X. Hahm, MD,

Defendants,

) IN THE COURT OF COMMON PLEAS

) Case No. 11-CP-10-6306

) AFFIDAVIT OF JOHN D. NEWKIRK, PH.D., M.D.

2011 OCT -5 PM 1:58
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

1. My name is John D. Newkirk, Ph.D., M.D. I am over the age of eighteen, of sound mind and otherwise competent to make this Affidavit, which I make based upon my background, education, training, and experience. This affidavit is also based upon my own personal knowledge.

2. I am Board Certified in Plastic Surgery, and have actual working experience in plastic surgery, in South Carolina and am licensed in the State of South Carolina. My further qualifications and background are set forth in the attached CV (Exhibit "A"), which is incorporated by reference.

3. I have actual professional knowledge and experience in my area of practice, Plastic Surgery. In addition to the above, I have been in the active practice of the area of plastic surgery, in the profession of being a medical doctor in the State of South Carolina for at least three of the last five years preceding this opinion.

4. I am familiar with the standard of care applicable to the Defendants in their care of Vicki L. Wilkinson, and the standard of care and skill exercised by reasonably prudent nurses, physicians and medical personnel, as well as physicians' practices and surgery centers, under similar conditions as those involving Vicki L. Wilkinson.

5. I have reviewed the records relating to Vicki L. Wilkinson from the hospitals and facilities where Vicki L. Wilkinson was treated. Based on my review of these records, I find that there is at least one deviation from the standard of care on behalf of the Defendants.

6. Without limitation, my review of records from the Defendants show the following:

- Ms. Wilkinson underwent multiple procedures following removal of breast implants, capsulorraphies and bilateral deep inferior epigastric artery perforator flap (DIEP) breast reconstruction on September 4, 2008.
- Ms. Wilkinson developed a staphylococcal infection and was treated for the same. She also developed progressive necrosis on the right breast skin and flap which caused her to be readmitted to the Defendants' facility. She underwent surgery again to have the flap

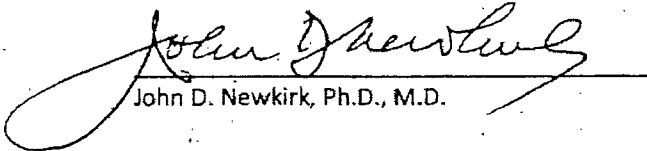
removed and it was noted that the "majority of the flap was necrosed and looked infected." Despite this, the Defendants performed a superior gluteal artery perforator flap, another microvascular procedure.

7. In my professional opinion, the Defendants deviated from the standard of care exercised by nurses, doctors, medical practices, and surgery centers under similar conditions and like surrounding circumstances as those presented by Vicki L. Wilkinson. In particular, in my opinion, they deviated from the standard of care, without limitation, in the following particulars:

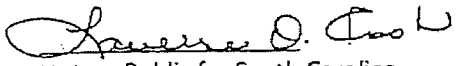
- In carrying out a complicated microvascular procedure in the presence of a wound bed that was in all probability contaminated.
- In replacing a necrotic DIEP flap with another microvascular flap in an obviously contaminated wound bed and failing initially to treat the capsulorrhaphies and implant removal correctly, which caused the patient to suffer recurrent infections.
- Failing to place interventions as necessary to prevent Vicki L. Wilkinson from undergoing unnecessary procedures.

8. This is not a complete list of all deviations from the standard of care which I have found in reviewing these records. As a result, I reserve the right to modify, change or supplement these opinions in the future.

9. As a direct and proximate result of the Defendants' deviations, it is my opinion that Ms. Wilkinson has suffered from recurrent infections and several unnecessary surgical procedures and will require future surgeries as a result.


John D. Newkirk, Ph.D., M.D.

Sworn to me this 3rd day of October, 2011.


Notary Public for South Carolina
My commission expires: 3/15/2019

CURRICULUM VITAE

NAME: John D. Newkirk, II

PLACE OF BIRTH: New Brunswick, NJ

PROFESSIONAL ADDRESS: Columbia Plastic Surgery, PC
3020 Sunset Boulevard, Suite 100
West Columbia, SC 29169

TELEPHONE \ FAX: 803 796 2770 \ 803 796 2755

E-MAIL ADDRESS: info@columbiaplasticsurgery.com
jdn@columbiaplasticsurgery.com

EDUCATION:

1961-1965 Beloit College, Beloit, WI 53511
B.S. Degree (Chemistry major)

1966-1969 Department of Biochemistry
Bowman Gray School of Medicine
Wake Forest University
Winston-Salem, NC 27103
M.S. Degree

1969-1972 Department of Biochemistry
Bowman Gray School of Medicine
Wake Forest University 27103
Ph.D. Degree (thesis in area of phospholipid
metabolism and enzymology; biological
membranes)

1972-1976 School of Medicine
Northwestern University
Chicago, IL 60611
M.D. Degree

PROFESSIONAL EXPERIENCE:

June 1976-July 1977 General Surgery Internship
University of Oregon Health Sciences Center
Portland, OR 97239

July 1977-July 1979	General Surgery Residency Loyola University of Chicago Maywood, IL 60153
July 1979-January 1981	Plastic Surgery Residency McGaw Medical Center Northwestern University Chicago, IL 60611
February 1981-July 1982	Chief Resident Foothills Hospital University of Calgary Calgary, Alberta, Canada T2N2T8
August 1982-November 1983	Private Practice, Asheville, NC
November 1983-December 1998	Private Practice, State College, PA
January 1998-March 2000	Unemployed
March 2000-September 2000	Employee of Vincent Voci, MD Charlotte, NC
May 2002-present	Private practice, Columbia, SC

HOSPITAL STAFF PRIVILEGES:

Palmetto Health Baptist
Columbia, SC 29201

Newberry County Memorial Hospital
Newberry, SC 29108

Sisters of Charity
Providence Hospitals
2435 Forest Drive
Columbia, SC 29204

Lexington Medical Center
2720 Sunset Boulevard
W. Columbia, SC 29169

BOARD CERTIFICATION:

Diplomate
The American Board of Plastic Surgery, Inc.
November 14, 1985 (Certificate no. 3091)

PROFESSIONAL SOCIETIES:
(PAST AND PRESENT)

American Medical Association
Pennsylvania Medical Society
Centre County, PA, Medical Society
Columbia Medical Society
American Society of Plastic Surgeons
American Society for Aesthetic Plastic Surgery, Inc.
American Association for Hand Surgery
Northeastern Society of Plastic Surgeons
Ohio Valley Society of Plastic and Reconstructive Surgeons
Robert Ivy Society (Board Member)
Society of the Sigma Xi
South Carolina Society of Plastic and Reconstructive Surgery
Southeastern Society of Plastic and Reconstructive Surgeons
Interspecialty Board, representing plastic surgery for the Pennsylvania Medical Society

FELLOWSHIPS:

The American College of Surgeons

PROFESSIONAL ACTIVITIES:

Facility examiner for the American Association for Accreditation of Ambulatory Surgical Facilities, Inc (AAAASF)
Head, Accreditation Committee, AAAASF
Member, Standards Committee, AAAASF
Member, Investigative Committee, AAAASF

PUBLICATIONS:

Newkirk, J. D., and F. H. Hulcher. Isolation and properties of a fluorescent pigment from *Pseudomonas mildenbergii*. *Arch. Biochem. Biophys.* 134: 395, 1969.

Newkirk, J. D., and M. Waite. Identification of a phospholipase A1 in plasma membranes of rat liver. *Biochem. Biophys. Acta.* 225: 224, 1971.

Newkirk, J. D., and M. Waite. Phospholipid hydrolysis by phospholipases A1 and A2 in plasma membranes and microsomes of rat liver. *Biochem. Biophys. Acta.* 98: 562, 1973.

Newkirk, J. D., and R. Mavis. Ca^{2+} dependent phospholipase activity in microsomes of rat lung. *Biochem. Biophys. Res. Commun.* 64: 128, 1975.

PAPERS DELIVERED:

Newkirk, J. D., C. D. Birdsell, and W. DeHaas. Northwest Plastic Surgery Society, Vancouver, B. C., October 1981. "Treatment of chronic osteomyelitis with electrical stimulation and coverage by muscle flaps."

MEDICAL LICENSES:

Illinois	1977
Alberta, Canada	1981
North Carolina	1982, 1999 to present
Pennsylvania	1983 to 2000
South Carolina	2002 to present

AWARDS:

Inspector of the Year: AAAASF, San Francisco October 2006.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2011-CP-10-6306
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
John M. Hensel, Jr., M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

November 30, 2011 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: November 16, 2011

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

SCA FORM 251 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of November 30, 2011, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before November 30, 2011. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2011-CP-10-6306
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Robert S. Eagerton, Jr., M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.

DATE AND TIME

November 30, 2011 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: November 16, 2011

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

JCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB: -----

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **November 30, 2011**, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. ***IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.***

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before November 30, 2011. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2011-CP-10-6306
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Kent J. Stock, DO

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

November 30, 2011 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: November 16, 2011

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

JCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **November 30, 2011**, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before November 30, 2011. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2011-CP-10-6306
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Intramed Plus

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.

DATE AND TIME

November 30, 2011 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: November 16, 2011

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of November 30, 2011, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before November 30, 2011. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2011-CP-10-6306
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Clarendon Home Health

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

November 30, 2011 at 5:00pm

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

DATE AND TIME

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
Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: November 16, 2011

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

JCCA FORM 254 (1/93)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of November 30, 2011, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before November 30, 2011. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2011-CP-10-6306
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
DHEC Home Health

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

November 30, 2011 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: November 16, 2011

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

SCCA FORM 254 (7/93)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of November 30, 2011, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before November 30, 2011. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
William G. Schmidt, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

March 24, 2012 at 5:00pm

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

DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 Attorney for Defendant ECRMC
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 14, 2012

SCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of March 24, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before March 24, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Paul L. Baron, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

March 24, 2012 at 5:00pm

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

DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 , Attorney for Defendant ECRMC
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 14, 2012

SCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **March 24, 2012**, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.); whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before March 24, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hakim, M.D.,

Defendants

TO: Records Custodian for
Rodney B. Young, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page:

DATE AND TIME

March 24, 2012 at 5:00pm

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

DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

Attorney for Defendant ECRMC

DATE: March 14, 2012

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

JCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of March 24, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE **ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS** by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before March 24, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
W. Sean Smith, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

March 24, 2012 at 5:00pm

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

DATE AND TIME

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.

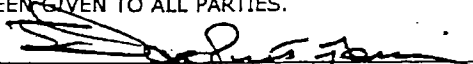
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CA FORM 254 (7/93)

 , Attorney for Defendant ECRMC

DATE: March 14, 2012

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of March 24, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before March 24, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Trident Regional Medical Center

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

COURTROOM

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.

DATE AND TIME

☒ **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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

April 10, 2012 at 5:00pm

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

DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 Attorney for Defendant ECRMC
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 30, 2012

SCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of April 10, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahn, M.D.,

Defendants

TO: Records Custodian for
H. William Stites, M.D., FACC

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

COURTROOM

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.

DATE AND TIME

☒ **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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

April 10, 2012 at 5:00pm

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

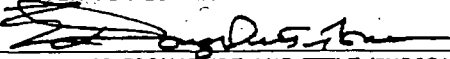
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.


ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 30, 2012

SCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of April 10, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE **ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS** by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Jack Stauffer, FNP

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.

DATE AND TIME

April 10, 2012 at 5:00pm

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

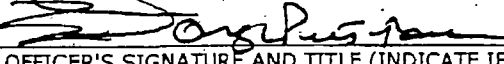
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 , Attorney for Defendant ECRMC
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 30, 2012

SCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN: .

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **April 10, 2012**, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE **ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS** by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Lowcountry Cardiology Associates, P.A.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

April 10, 2012 at 5:00pm

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

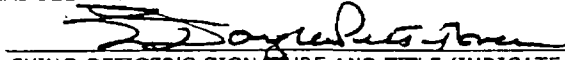
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.



Attorney for Defendant ECRMC

DATE: March 30, 2012

SUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

SCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **April 10, 2012**, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. ***IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.***

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
MUSC Heart Center

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.

DATE AND TIME

April 10, 2012 at 5:00pm

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

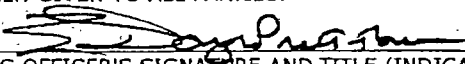
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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:

 , Attorney for Defendant ECRMC
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 30, 2012

JCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN: :

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **April 10, 2012**, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Marshall White, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.

DATE AND TIME

April 10, 2012 at 5:00pm

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

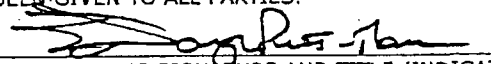
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 Attorney for Defendant ECRMC

DATE: March 30, 2012

SCCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of April 10, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahn, M.D.,

Defendants

TO: Records Custodian for
Clarendon Memorial Hospital

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

April 10, 2012 at 5:00pm

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

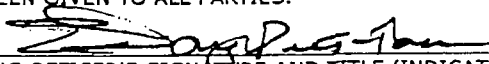
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 Attorney for Defendant ECRMC
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE: March 30, 2012

JCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of April 10, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

Tenet Healthcare Corp., Tenet Healthsystem Medical, Inc.,
East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahn, M.D.,

Defendants

TO: Records Custodian for
Bon Secours St. Francis Hospital

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

April 10, 2012 at 5:00pm

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

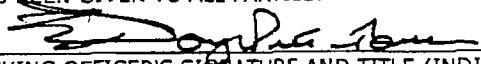
DATE AND TIME

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

E. Douglas Pratt-Thomas, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2212)

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.

 Attorney for Defendant ECRMC

DATE: March 30, 2012

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson

SSN:

DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of April 10, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal

Pratt-Thomas Walker, P.A.

P.O. Drawer 22247

Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before April 10, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff.

v.

East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Jennifer Beatty, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

May 14, 2012 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

SA FORM 254 (7/93)

Attorney for Defendant ECRMC

DATE: May 2, 2012

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of May 14, 2012, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative bills, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before May 14, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahm, M.D.,

Defendants

TO: Records Custodian for
Presley Rosier, M.D.

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

COURTROOM

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.

DATE AND TIME

☒ 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): any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.

DATE AND TIME

May 14, 2012 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CA FORM 254 (7/93)

Attorney for Defendant ECRMC

DATE: May 2, 2012

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of **May 14, 2012**, by mailing same to:

Attn: Alison Preacher, Paralegal
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**; billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before May 14, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahn, M.D.,

Defendants

TO: Records Custodian for
Manning Medicine/Palmetto Women's Health

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

May 14, 2012 at 5:00pm

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

DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.

Attorney for Defendant ECRMC

DATE: May 2, 2012

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

CCA FORM 254 (7/93)

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of May 14, 2012, by mailing same to:

Attn: **Alison Preacher, Paralegal**
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before May 14, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

STATE OF SOUTH CAROLINA

SUBPOENA IN A CIVIL CASE

ISSUED BY THE COMMON PLEAS
COURT IN THE COUNTY OF CHARLESTON

Case Number: 2012-CP-10-0558
Pending in Charleston County

Vicki L. Wilkinson,

Plaintiff

v.

East Cooper Community Hospital, Inc., d/b/a East Cooper
Regional Medical Center, Carolina Aesthetic Plastic
Surgery Institute, P.A., and Thomas X. Hahn, M.D.,

Defendants

TO: Records Custodian for
Charleston Surgical Associates, P.A.

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

COURTROOM

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.

DATE AND TIME

☒ 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): **any and all medical records related to care and treatment of Vicki Wilkinson as further described in the attached page.**

DATE AND TIME

May 14, 2012 at 5:00pm

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

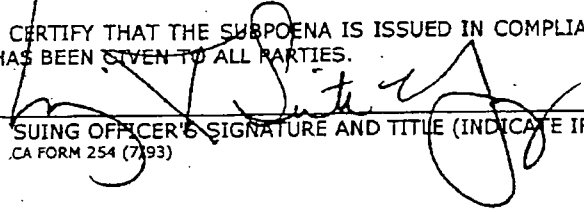
DATE AND TIME

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

Lindsay K. Smith-Yancey, Attorney for Defendant East Cooper Regional Medical Center
Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, SC 29413-2247 (843/727-2211)

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.


_____, Attorney for Defendant ECRMC
SUIING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)
CA FORM 254 (7/93)

DATE: May 2, 2012

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on Reverse)

REGARDING THE FOLLOWING:

Vicki Wilkinson
SSN:
DOB:

FOR DATES OF SERVICE:

ALL TREATMENT EVER RENDERED

Should you have any questions whatsoever regarding this Subpoena, contact Alison Preacher by phone at (843) 727-2230 or fax at (843) 727-2231.

Please produce the requested documentation on or before the deadline of May 14, 2012, by mailing same to:

Attn: **Alison Preacher, Paralegal**
Pratt-Thomas Walker, P.A.
P.O. Drawer 22247
Charleston, S.C., 29413-2247

Please produce any and all cumulative **bills**, billing inquiries, summaries, itemizations, estimates, and the like. *IF A SEPARATE SUBPOENA NEEDS TO BE SERVED UPON A DIFFERENT DEPARTMENT OR ENTITY FOR BILLING RECORDS - PLEASE SO ADVISE IMMEDIATELY.*

Produce any and all medical records, reports, office notes, test results, functional capacities evaluations, lab reports/results, blood test results of any kind, any other diagnostic reports or results, nurses' notes, correspondence, memoranda, therapy records, rehabilitation records, chiropractic records, and any other written documentation in your possession.

PLEASE MAKE SURE TO INCLUDE ALL RADIOLOGY & OTHER DIAGNOSTIC/IMAGING REPORTS AND/OR INTERPRETATIONS by any radiologist or other health care provider (including, but not limited to, CT scan results, MRI scan results, x-ray reports, myelogram results, ultrasounds, discograms, etc.), whether produced in-house or by an outside diagnostic imaging practice.

Please produce the requested documentation by mailing same to the attention of Alison Preacher, Pratt-Thomas Walker, P.A., P.O. Drawer 22247, Charleston, S.C., 29413-2247, before May 14, 2012. Should you have any questions or problems whatsoever, please call Alison Preacher at (843) 727-2230, during normal business hours.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-558

RECEIVED
OCT 04 2013
SC Court of Appeals

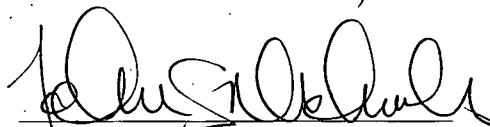
Vicki L. Wilkinson, ... Appellant,

v.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center, Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm, M.D., ... Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Record on Appeal contains all material
proposed to be included by any of the parties and not any other material.



John S. Nichols, SC Bar # 4210
BLUESTEIN, NICHOLS,
THOMPSON & DELGADO
Post Office Box 7965
Columbia, South Carolina 29202
(803) 779-7599
(803) 779-8995 (facsimile)
jsnichols@bntdlaw.com

October 2, 2013

Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-558

Vicki L. Wilkinson, ... Appellant,

v.

East Cooper Community Hospital, Inc.
d/b/a East Cooper Regional Medical
Center, Carolina Aesthetic Plastic Surgery
Institute, PA, and Thomas X. Hahm, M.D., ... Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below she served
counsel for the Respondents with a copy of the *Record on Appeal* by mailing copies of
the same by United States Mail with first class postage prepaid to the following
addresses:

Lindsay K. Smith-Yancey, Esquire
Katie Fowler Monoc, Esquire
Daniel S. McQueeney, Jr., Esquire
Pratt-Thomas Walker
P.O. Drawer 22247
Charleston, South Carolina 29413

James B. Hood, Esquire
H. Cooper Wilson, III, Esquire
Robert H. Hood, Esquire
Deborah H. Sheffield, Esquire

RECEIVED

OCT 04 2013

SC Court of Appeals

Hood Law Firm, LLC
P.O. Box 1508
Charleston, SC 29402

A handwritten signature in cursive script that reads "Erin Bridges". The signature is written in black ink and is positioned above a horizontal line.

Erin Bridges
Paralegal
BLUESTEIN, NICHOLS, THOMPSON
& DELGADO, LLC

October 4, 2013
Columbia, South Carolina