

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas
Dale E. Van Slambrook, Circuit Judge

Appellate Case No. 2025-001683

Kanisha Nash, Respondent,

v.

Montgomery Construction, LLC, Patrick Montgomery, and Sabrina
Montgomery, individually, and as owner/registered agent for
Montgomery Construction, LLC, Defendants,

of which Patrick Montgomery and Sabrina Montgomery are, Appellants.

AMENDED RECORD ON APPEAL – VOLUME III

McANGUS, GOUDELOCK & COURIE, LLC
Jeffrey Kuykendal
Post Office Box 30307
6302 Fairview Road, Suite 700
Charlotte, North Carolina 28226
(704) 643-6303
jeffrey.kuykendal@mgclaw.com

Attorneys for Appellant Patrick Montgomery

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STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2025-CP-08-_____

Andrew Shepherd, Esq. as Special
Administrator of the Estate of
G.N., a Minor,

Plaintiff,

v.

Montgomery Construction, LLC,
Patrick Montgomery, and Sabrina
Montgomery, individually, and as
owner/registered agent for
Montgomery Construction, LLC,

Defendants.

SUMMONS

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to appear and defend the action(s) set forth in the Complaint herein, a copy of which is served upon you, and to serve a copy of your Answer or Motion to the said Complaint on the Bringardner Injury Law Firm at 41 Broad Street, Charleston, SC 29401, within thirty (30) days after service hereof, exclusive of the day of service, and if you fail to appear and defend within the time aforesaid, judgment by default will be entered against you for the relief demanded in the Complaint.

BRINGARDNER INJURY LAW FIRM, LLC

By: s/Mark Bringardner
Mark Bringardner (SC Bar No.: 102465)
mark@bringardner.com
Mary K. Linton (SC Bar No.: 102815)
mlinton@bringardner.com
41 Broad Street, Charleston, SC 29401
Office: 843-400-0550
Facsimile: 843-350-8290
Attorneys for the Plaintiff

Charleston, South Carolina
May 14, 2025

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

Andrew Shepherd, Esq. as Special Administrator of the Estate of G.N., a Minor,

Plaintiff,

v.

Montgomery Construction, LLC, Patrick Montgomery, and Sabrina Montgomery, individually, and as owner/registered agent for Montgomery Construction, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS FOR THE NINTH JUDICIAL CIRCUIT CASE NO. 2025-CP-08-_____

COMPLAINT

(Automobile Collision/Negligence)
(Negligent Entrustment)
(Negligent Hiring, Retention, Supervision and Training)
(Piercing the Corporate Veil, Alter Ego)
(Jury Trial Requested)

The Plaintiff, complaining of the Defendants, above-named, hereby alleges and pleads as follows:

1. Andrew Shepherd, Esq. is the Special Administrator of the Estate of G.N., ("Decedent" or "G.N."), a deceased minor three years of age at the time of his death, and was duly appointed by the Spartanburg County Probate Court on November 6, 2024 (Case No. 2023ES4201297).
2. As the Special Administrator of the Estate of G.N., Andrew Shepherd, Esq., has authority to bring this action on behalf of Decedent's beneficiaries under the South Carolina Wrongful Death Act, S.C. Code §15-51-10 *et seq.*, and to bring this survival action on behalf of the Estate of G.N. pursuant to S.C. Code §15-5-90.
3. Decedent G.N. was a resident of Spartanburg County at the time of the subject incident that gives rise to this civil action.

4. Upon information and belief, Defendant Patrick Montgomery resides at 408 N. Tee Line Drive, Ridgeville, South Carolina, in Berkeley County.
5. Upon information and belief, Defendant Sabrina Montgomery resides at 408 N. Tee Line Drive, Ridgeville, South Carolina, in Berkeley County.
6. Upon information and belief, Defendant Montgomery Construction has its principal office and principal address at 408 N. Tee Line Drive, Ridgeville, South Carolina, in Berkeley County.
7. Upon information and belief, Defendant Montgomery Construction, LLC ("Montgomery Construction") is a for-profit company organized under the laws of the State of South Carolina.
8. Upon information and belief, Defendant Sabrina Montgomery is the owner of Defendant Montgomery Construction, LLC.
9. Upon information and belief, Defendant Sabrina Montgomery is registered agent of Defendant Montgomery Construction, LLC, through the South Carolina Secretary of State.
10. At all times relevant, Defendant Sabrina Montgomery was the president, partner, chief executive officer, officer, director, agent, and/or employee of Defendant Montgomery Construction at the time of the subject incident described herein.
11. Upon information and belief, Defendant Montgomery Construction does business in Berkeley County, South Carolina.
12. Defendant Montgomery Construction, LLC, is a motor vehicle carrier registered with the United States Department of Transportation, bearing USDOT number 3065016.
13. On or about April 14, 2023, and at all times relevant, Defendant Patrick Montgomery was impaired under the influence of alcohol and/or other intoxicating substances while driving a certain 2014 GMC vehicle (South Carolina License plate KTF628, hereinafter the "subject vehicle").

14. Below is a picture of the subject vehicle that depicts damage incurred as a result of the subject incident:



15. At all times relevant, the subject vehicle was owned by Defendant Sabrina Montgomery.

16. At the time of the subject incident, the subject vehicle was hauling a trailer (VIN 4YMBU1222YHG043830) (the "Trailer").

17. Below is a picture of the Trailer taken after the subject incident:



18. At all times relevant, the Trailer was owned by Defendant Sabrina Montgomery and/or Defendant Montgomery Construction.

19. Before the subject incident, and at all times relevant, person(s) acting on behalf of Defendant Montgomery Construction attached the Trailer to the subject vehicle.

20. Before the subject incident, and at all times relevant, person(s) acting on behalf of Defendant Montgomery Construction placed equipment and/or materials in the Trailer that was attached to the subject vehicle.

21. Before the subject incident, and at all times relevant, person(s) acting on behalf of Defendant Montgomery Construction used the trailer to haul equipment and/or materials in the furtherance of Defendant Montgomery Construction's work and/or business interests.

22. Before the subject incident, a large blue barrel, (hereinafter the "Blue Barrel"), was placed into the Trailer attached to the subject vehicle.

23. At the time of the subject incident, the Blue Barrel, was in the Trailer.

24. At the time of the incident, the Blue Barrel contained "DEF", "off road diesel", and/or some other type of fuel.

25. As a result of the subject incident, the Blue Barrel came out of the Trailer and went onto the roadway.

26. Defendant Patrick Montgomery admitted to law enforcement that his wife, Defendant Sabrina Montgomery, drives a dump truck.

27. The dump truck Defendant Patrick Montgomery referenced to law enforcement is a commercial motor vehicle owned by Defendant Montgomery Construction.

28. Defendant Montgomery Construction purchases fuel for vehicles it uses in its work and/or in furtherance of its business, including the contents of the Blue Barrel at the time of the subject incident.

29. Upon information and belief, and at all times relevant, the contents of the Blue Barrel were purchased, owned, and/or intended for use by Defendant Montgomery Construction or in furtherance of its work and business interests.

30. Below are pictures of the blue barrel in the back of the subject vehicle which, prior to the subject incident, was being hauled in the Trailer:



Left rear view of Unit #2 (Digital Pictures – Conley IMG_2377)



31. Upon information and belief, and at all times relevant, the Blue Barrel was owned, leased, rented, and/or intended for use by Defendant Montgomery Construction or in furtherance of its work and business interests.

32. Before the subject incident, Defendant Sabrina Montgomery intended to fuel the dump truck or other motor vehicles owned or operated by Defendant Montgomery Construction with the contents of the Blue Barrel.

33. Before the subject incident, Defendant Montgomery Construction intended to fuel the dump truck or other motor vehicles owned or operated by Defendant Montgomery Construction with the contents of the Blue Barrel.

34. At the time of the subject incident, Defendant Patrick Montgomery was driving the subject vehicle and hauling the Trailer with fuel to the registered business address and principal office of Defendant Montgomery Construction.

35. After the subject incident, Defendant Patrick Montgomery told law enforcement that the Blue Barrel that was on the Trailer was "for one of our big trucks".

36. After the subject incident, Defendant Patrick Montgomery told law enforcement that the contents of the Blue Barrell cleans the engine of Defendant Montgomery Construction's "big truck".

37. Defendant Patrick Montgomery told law enforcement that he was driving home at the time the subject incident occurred.

38. Defendant Patrick Montgomery's home is the same address as the registered business address and principal office of Defendant Montgomery Construction.

39. Defendant Montgomery Construction regularly stores its property, equipment, and/or materials at the home address of Defendants Patrick and Sabrina Montgomery.

40. Defendant Patrick Montgomery knew that Defendant Montgomery Construction intended to use the contents of the Blue Barrel.

41. On or about April 14, 2023, at approximately 9:50 pm, Defendant Patrick Montgomery was driving the subject vehicle and hauling the Trailer westbound on Highway 176/State Road.

42. At the same time, Kanisha Nash was driving her vehicle eastbound on Highway 176/State Road, with her son, G.N., riding as a passenger.

43. Upon information and belief, Defendant Patrick Montgomery, while impaired under the influence of alcohol, failed to maintain his lane, drove into the eastbound lane, and violently crashed into Kanisha Nash's vehicle head-on (hereinafter referred to as the "subject incident").

44. Kanisha Nash was severely injured and suffered damages as a direct and proximate result of the subject incident.

45. G.N. sustained fatal injuries as a direct and proximate result of the subject incident.

46. Upon information and belief, on or about April 14, 2023, and at all times relevant before the subject incident, Defendant Patrick Montgomery consumed intoxicating and/or mind-altering substances in a volume and or manner that caused him to become grossly impaired and unfit to operate the subject vehicle an inherently dangerous instrumentality.

47. Plaintiff is informed and believes that at the time of the subject incident, Defendant Patrick Montgomery was unfit to operate a motor vehicle.

48. Plaintiff is informed and believes that Defendants Montgomery Construction and/or Sabrina Montgomery entrusted the subject vehicle, the Trailer, and/or the equipment and materials on the Trailer to Defendant Patrick Montgomery.

49. Defendants Montgomery Construction and/or Sabrina Montgomery knew or should have known at the time of the entrustment that Defendant Patrick Montgomery was unfit to drive and was planning to, and did in fact, drive the entrusted subject vehicle with the Trailer and the items on the Trailer.

50. Before the subject incident, Defendant Sabrina Montgomery used the Trailer in furtherance of Defendant Montgomery Construction's business.

51. After the subject incident, Defendant Sabrina Montgomery used the Trailer in furtherance of Defendant Montgomery Construction's business.

52. Before the subject incident, Defendant Sabrina Montgomery used or intended to use the equipment and materials that were in the Trailer at the time of the subject incident, in furtherance of Defendant Montgomery Construction's business.

53. After the subject incident, Defendant Sabrina Montgomery used or wrote-off the equipment and materials that were in the Trailer at the time of the subject incident, in furtherance of Defendant Montgomery Construction's business.

54. At all times relevant, Defendant Montgomery Construction purchased, leased, and/or owned the materials and equipment that were in the Trailer at the time of the subject incident.

55. At all times relevant, upon information and belief, the materials and equipment in the Trailer were used, being used, or were intended to be used later, in furtherance of the business and financial interests of Defendant Montgomery Construction.

56. Upon information and belief, and at all times relevant, Defendant Sabrina Montgomery used the subject vehicle, the Trailer, and the equipment and materials on the Trailer, in furtherance of her work with Defendant Montgomery Construction.

57. Upon information and belief, Defendant Sabrina Montgomery used Defendant Montgomery Construction's money and financial accounts to pay for the registration, title, taxes, insurance, repairs, maintenance, gas, loans, and/or other financial obligations for the subject vehicle.

58. Upon information and belief, Defendant Sabrina Montgomery used Defendant Montgomery Construction's money and financial accounts to pay for the registration, title, taxes, insurance, repairs, maintenance, gas, loans, and/or other financial obligations for the Trailer.

59. Upon information and belief, Defendant Sabrina Montgomery used Defendant Montgomery Construction's money and financial accounts to pay for the equipment and materials that were on the Trailer at the time of the subject incident.

60. Upon information and belief, Defendant Sabrina Montgomery through Defendant Montgomery Construction, paid for expenses related to the subject vehicle, the Trailer, and the equipment and materials on the trailer and received tax deductions and other benefits for the same through the books, record-keeping, and financial accounting of Defendant Montgomery Construction.

61. At all times relevant, Defendant Sabrina Montgomery used the subject vehicle in connection with her work and/or ownership interest in Defendant Montgomery Construction.

62. At all times relevant, Defendant Montgomery Construction used the subject vehicle in furtherance of its business interests and work.

63. At all times relevant, Defendant Patrick Montgomery was an owner, officer, partner, director, agent, and/or employee of Defendant Montgomery Construction.

64. At all times relevant, Defendant Patrick Montgomery was acting on behalf of, or within the course and scope of his employment, agency, and/or work with, Defendant Montgomery Construction at the time of the subject incident described herein.

65. Before the subject incident, Defendant Sabrina Montgomery used the subject vehicle in connection with her work and/or ownership interest in Defendant Montgomery Construction.

66. At the time of the subject incident, Defendant Montgomery Construction used the subject vehicle in furtherance of its business and work.

67. At all times relevant before and at the time of the subject incident, Defendant Sabrina Montgomery allowed the subject vehicle to be used for purposes related to her ownership and management of Montgomery Construction.

68. Before the subject incident, Defendant Sabrina Montgomery used the subject vehicle in furtherance of Defendant Montgomery Construction's business.

69. After the subject incident, Defendant Sabrina Montgomery used the subject vehicle in furtherance of Defendant Montgomery Construction's business.

70. Before the subject incident, and at all times relevant Defendant Sabrina Montgomery and/or someone acting on behalf of Defendant Montgomery Construction entrusted the subject vehicle with the Trailer attached to Defendant Patrick Montgomery to drive.

71. At all times relevant, Defendants Montgomery Construction and Sabrina Montgomery were the employers and/or principals of Defendant Patrick Montgomery and exercised control over the conduct of Defendant Patrick Montgomery and had the right to control the time, manner,

method and performance of Defendant Patrick Montgomery's employment and/or work and use of the subject vehicle he was driving at the time of the subject incident described herein, including the Trailer and the equipment and materials that were on the Trailer.

72. At all times relevant, Defendants Montgomery Construction and Sabrina Montgomery had the right to control the time, manner, method and use of the vehicle Defendant Patrick Montgomery was driving at the time of the subject incident described herein, including the Trailer and the equipment and materials that were on the Trailer at the time of the subject incident.

73. At all times relevant, Defendants Montgomery Construction and Sabrina Montgomery had the right to control the time, manner, method and use of the Trailer and the equipment and materials that were on the Trailer.

74. At all times relevant, all Defendants were agents, employees, principals, partners, joint ventures, masters and/or servants of one another, and acted on behalf of and for the benefit of one another.

75. At all times relevant, all Defendants acted in concert as agents, employees, principals, partners, joint ventures, masters and/or servants of one another for a common business purpose and interest in pursuit of financial gain.

76. At all times relevant, and by virtue of Defendant Patrick Montgomery's marriage to Defendant Sabrina Montgomery, they both maintained financial interests, directly or indirectly, jointly and individually, related to the business of Defendant Montgomery Construction.

77. Upon information and belief, Defendants Montgomery Construction and Sabrina Montgomery had a non-delegable duty to use, hire, and/or employ drivers that were adequately trained and able to provide for the safe and proper driving of commercial motor vehicles while on the roads of any state in the United States, including South Carolina.

78. Upon information and belief, a reasonable and prudent company should have policies, procedures, rules, and regulations and should comply with federal and state guidelines before employees are hired, trained, and supervised to be allowed to drive a motor vehicle.

79. The negligent, grossly negligent, and/or reckless acts, omissions, and liability of all Defendants include that of their agents, principals, employees, and/or servants, both directly and vicariously, pursuant to the principles of non-delegable duty, corporate liability, apparent authority, agency of Defendant Montgomery Construction and Defendant Sabrina Montgomery ostensible agency, and/or *respondeat superior*.

80. All acts and omissions complained herein, regarding all Defendants and any of their agents, owners, and/or employees occurred during the course and scope of any such employment, ownership, and/or agency.

81. The above-named Defendants are jointly and severally liable for all damages alleged herein since their negligent, grossly negligent, and/or reckless acts and omissions, singularly or in combination, are the contributing proximate cause(s) of all Plaintiff's damages.

82. At all relevant times hereto, the most substantial part of the acts and omissions committed by the Defendants giving rise to this action occurred in Berkeley County, South Carolina.

83. This Court has jurisdiction pursuant to S.C. Code Ann. 15-7-20 and venue is proper.

FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANT PATRICK MONTGOMERY
(Negligence/Recklessness)

84. That Plaintiff realleges and reincorporates the paragraphs above as if fully set forth verbatim herein.

85. Defendant Patrick Montgomery owed a duty to the Plaintiff to operate the subject vehicle safely, with reasonable care, and in accordance with all laws concerning the operation of a motor vehicle.

86. Defendant Patrick Montgomery was negligent, careless, grossly negligent, willful, wanton, and/or reckless and breached the duties owed to the Plaintiff in one or more of the following ways:

- a. In operating the subject vehicle in a negligent, grossly negligent, and/or reckless manner;
- b. In driving under the influence of alcohol in violation of S.C. Code Ann § 56-5-2930;
- c. In driving while impaired and under the influence of alcohol, which specifically compromised his ability to operate a motor vehicle;
- d. In driving a motor vehicle in such a manner as to indicate a willful, wanton, reckless, grossly negligent, and negligent disregard for the safety of others, in violation of S.C. Code Ann. § 56-5-2920;
- e. In failing to use due care;
- f. In driving too fast for the conditions;
- g. In failing to maintain his proper lane of travel;
- h. In failing to keep the subject vehicle and Trailer under proper control;
- i. In failing to keep a proper lookout;
- j. In failing to appreciate the conditions that existed at the relevant time;
- k. In failing to have the subject vehicle equipped and maintained with proper brakes and other safety devices and, if so equipped, in failing to timely apply the brakes and/or properly use the other safety devices;
- l. In failing to use the degree of care and caution that a reasonably prudent driver would have used under the circumstances then and there prevailing;

- m. In failing to operate a commercial vehicle in the manner required by the Federal Motor Carrier Safety Regulations;
- n. In failing to comply with the South Carolina laws and regulations related to the operation of a commercial motor vehicle;
- o. In violating various laws, statues, codes, and ordinances designed to protect the public, including the plaintiff, from the type of harm that was caused by the Defendant's conduct and constituting negligence *per se*, recklessness, and subjecting Defendant to punitive damages; and
- p. Otherwise operating a vehicle without exercising reasonable care and in a negligent, careless, grossly negligent, willful, wanton, and/or reckless manner.

All of which were direct and proximate causes of the Plaintiff's sustained fatal injuries and damages.

87. As a direct and proximate result of the negligent, careless, grossly negligent, reckless acts and omissions of Defendants, Decedent's beneficiaries have suffered injuries and damages, which have caused, and in the future will cause, said beneficiaries to suffer one or more of the following elements of damage as to the wrongful death claim:

- a. Pecuniary loss;
- b. Mental shock and suffering;
- c. Wounded feelings;
- d. Grief and sorrow including but not limited to the knowledge that the Decedent suffered a horrific death and was alive for some time after the crash;
- e. Loss of companionship; and
- f. Deprivation of use and comfort of the Decedent's society, including loss of decedent's experience, knowledge, protection, and judgment in managing the affairs of Decedent's beneficiaries.

88. In addition, as a direct and proximate cause of Defendants' negligent, careless, grossly negligent, willful, wanton, and reckless acts and omissions as set out above, Plaintiff suffered injuries and damages in the form of one or more of the following:

- a. Conscious pain and suffering;
- b. Disfigurement;
- c. Suffering;
- d. Mental anguish;
- e. Emotional distress;
- f. Shock and injury to Decedent's nerves and nervous system;
- g. Loss of enjoyment of life;
- h. Wrongful death;
- i. Property damage;
- j. Other costs and expenses associated with the negligence of the Defendant; and
- k. In other such particulars as will be ascertained in the discovery process.

89. Plaintiff is entitled to judgment against Defendant Patrick Montgomery and all Defendants, jointly and severally, for the above-described injuries and damages and for actual, compensatory, and punitive damages in an amount to be determined by the jury.

FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANTS MONTGOMERY CONSTRUCTION
AND SABRINA MONTGOMERY
(Doctrines of *Respondeat Superior* and Agency)

90. Plaintiff re-alleges and reiterates the allegations contained in the paragraphs set forth above as if set forth herein verbatim.

91. Defendants Montgomery Construction and/or Sabrina Montgomery are vicariously liable to the Plaintiff, under the doctrine of *respondeat superior* and agency, for the negligent, careless,

grossly negligent, willful, wanton, and/or reckless conduct of their employee and/or agent, Defendant Patrick, such conduct consisting of one or more of the particulars described herein.

FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANTS MONTGOMERY CONSTRUCTION
AND SABRINA MONTGOMERY
(Direct Negligence/Recklessness)

92. Plaintiff re-alleges and reiterates the allegations contained in the paragraphs set forth above as if set forth herein verbatim.

93. That at all times relevant hereto, Defendant Patrick Montgomery was an employee, agent and/or legal representative of Defendants Montgomery Construction and Sabrina Montgomery and was acting in the course and scope of his employment, agency, or representation.

94. That at all times relevant hereto, Defendant Patrick Montgomery was an employee, agent and/or legal representative of Defendants Montgomery Construction and Sabrina Montgomery and was driving the subject vehicle provided to him by Defendants Montgomery Construction and Sabrina Montgomery with permission from Defendants Montgomery Construction and Sabrina Montgomery.

95. Defendants Montgomery Construction and Sabrina Montgomery permitted Defendant Patrick Montgomery to use the subject vehicle as his own for any and all purposes.

96. Defendants Montgomery Construction and Sabrina Montgomery permitted Defendant Patrick Montgomery to haul the Trailer and use the materials and equipment on the Trailer as his own for any and all purposes.

97. That at all times relevant hereto Defendants Montgomery Construction and Sabrina Montgomery exercised control over the conduct of Defendant Patrick Montgomery and had the right to control the time, manner and method of Defendant Patrick Montgomery's work and/or use

of the subject vehicle, Trailer, and equipment and materials on the Trailer, provided to Defendant Patrick Montgomery.

98. That Defendants Montgomery Construction and Sabrina Montgomery are responsible for Defendant Patrick Montgomery's acts and omissions, and the consequences of the same as described herein, including but not limited to direct negligence/recklessness, and the doctrines of *respondeat superior* and agency.

99. Defendants Montgomery Construction and Sabrina Montgomery owed a duty to Plaintiff to ensure the safe operation of the subject vehicle, with reasonable care, and in accordance with all laws concerning the operation of a motor vehicle.

100. Defendants Montgomery Construction and Sabrina Montgomery owed a duty to Plaintiff to ensure the safe operation of the subject vehicle, with reasonable care, by implementing safety policies and procedures, monitoring, and other internal safety controls to protect the motoring public, including the Plaintiff, from negligent, grossly negligent, and/or reckless conduct, including the acts and omission of Defendant Patrick Montgomery.

101. Defendants Montgomery Construction and Sabrina Montgomery were negligent, careless, grossly negligent, willful, wanton, and/or reckless and breached the duties it owed to Plaintiff in one or more of the following ways:

- a. In permitting, facilitating, and/or allowing for the operation of the subject vehicle in a negligent, grossly negligent, and/or reckless manner;
- b. In failing to use due care;
- c. In failing to implement and enforce safety policies and procedures, monitoring, and other internal controls to protect the motoring public, including the plaintiff, from negligent, grossly negligent, and/or reckless conduct, including the acts of Defendant Patrick Montgomery;

- d. In permitting Defendant Patrick Montgomery to drive while impaired and under the influence of alcohol, drugs, or other psychoactive substances which specifically compromised his ability to operate a motor vehicle;
- e. Violating various laws, statutes, codes, regulations, and ordinances designed to protect the public, including the Plaintiff, from the type of harm that was caused by the Defendants' conduct and constituting negligence *per se*, recklessness, and subjecting Defendants to punitive damages; and
- f. In the training, hiring, retention, and supervision of their employees and agents, including Defendant Patrick Montgomery;
- g. In failing to operate a commercial vehicle in the manner required by the Federal Motor Carrier Safety Regulations;
- h. In negligently entrusting the subject vehicle to Defendant Patrick Montgomery;
- i. In failing to train their agents and employees, including Defendant Patrick Montgomery, on the proper operation of a motor vehicle, including the subject vehicle;
- j. In failing to adopt procedures for the safe operation of the subject vehicle;
- k. In failing to follow their own rules, regulations, and policies regarding hiring, training and supervision of their employees, agents and representatives;
- l. In failing to conduct reasonable and/or proper background check(s) and driving record check(s) on Patrick Montgomery;
- m. In failing to act as a reasonable and prudent person and/or entity would act under the same or similar circumstances;
- n. In failing to maintain the subject vehicle properly, including, but not limited to, the brakes (or proper application of the brakes), lights, safety devices, and/or other components as may be further determined in discovery; and
- o. Otherwise operating a vehicle without exercising reasonable care and in a negligent, careless, grossly negligent, willful, wanton, and/or reckless manner.

All of which were direct and proximate causes of the Plaintiff's sustained fatal injuries and damages described herein.

102. As a direct and proximate result of the negligent, careless, grossly negligent, reckless acts and omissions of Defendants, Decedent's beneficiaries have suffered injuries and damages, which have caused, and in the future will cause, said beneficiaries to suffer one or more of the following elements of damage as to the wrongful death claim:

- a. Pecuniary loss;
- b. Mental shock and suffering;
- c. Wounded feelings;
- d. Grief and sorrow including but not limited to the knowledge that the Decedent suffered a horrific death and was alive for some time after the crash;
- e. Loss of companionship; and
- f. Deprivation of use and comfort of the Decedent's society, including loss of decedent's experience, knowledge, protection, and judgment in managing the affairs of Decedent's beneficiaries.

103. In addition, as a direct and proximate cause of Defendants' negligent, careless, grossly negligent, willful, wanton, and reckless acts and omissions as set out above, Plaintiff suffered injuries and damages in the form of one or more of the following:

- a. Conscious pain and suffering;
- b. Disfigurement;
- c. Suffering;
- d. Mental anguish;
- e. Emotional distress;
- f. Shock and injury to Decedent's nerves and nervous system;
- g. Loss of enjoyment of life;
- h. Wrongful death;
- i. Property damage;

- j. Other costs and expenses associated with the negligence of the Defendant; and
- k. In other such particulars as will be ascertained in the discovery process.

104. That Plaintiff is entitled to a judgment against all Defendants, jointly and severally, for the above-described injuries and damages and for actual, compensatory, and punitive damages as determined by a jury.

FOR A FOURTH CAUSE OF ACTION AGAINST
DEFENDANTS MONTGOMERY CONSTRUCTION
AND SABRINA MONTGOMERY
(Negligent/Reckless Entrustment)

105. That Plaintiff realleges and reincorporates the paragraphs above as if fully set forth verbatim herein.

106. Defendants Montgomery Construction and Sabrina Montgomery knew or should have known that Defendant Patrick Montgomery was untrained, inexperienced, unfit, and incapable of operating a vehicle in the manner required by South Carolina law.

107. Defendants Montgomery Construction and Sabrina Montgomery knew or should have known that at the time they entrusted a vehicle to Defendant Patrick Montgomery that Defendant Patrick Montgomery was likely to operate the subject vehicle in a negligent and/or reckless manner.

108. Defendants Montgomery Construction and Sabrina Montgomery knew or should have known that at the time the subject vehicle was entrusted to Defendant Patrick Montgomery that he was likely to operate the vehicle under the influence of alcohol and/or other intoxicating substances and be or become, a negligent and/or reckless driver.

109. Defendants Montgomery Construction and Sabrina Montgomery negligently and/or recklessly entrusted a vehicle to Defendant Patrick Montgomery because Defendants Montgomery

Construction and Sabrina Montgomery had actual or constructive notice of Defendant Patrick Montgomery's plans or intentions to operate the vehicle when he was unfit to drive.

110. As a direct and proximate result of the negligent, careless, grossly negligent, reckless acts and omissions of Defendants, Decedent's beneficiaries have suffered injuries and damages, which have caused, and in the future will cause, said beneficiaries to suffer one or more of the following elements of damage as to the wrongful death claim:

- a. Pecuniary loss;
- b. Mental shock and suffering;
- c. Wounded feelings;
- d. Grief and sorrow including but not limited to the knowledge that the Decedent suffered a horrific death and was alive for some time after the crash;
- e. Loss of companionship; and
- f. Deprivation of use and comfort of the Decedent's society, including loss of decedent's experience, knowledge, protection, and judgment in managing the affairs of Decedent's beneficiaries.

111. In addition, as a direct and proximate cause of Defendants' negligent, careless, grossly negligent, willful, wanton, and reckless acts and omissions as set out above, Plaintiff suffered injuries and damages in the form of one or more of the following:

- a. Conscious pain and suffering;
- b. Disfigurement;
- c. Suffering;
- d. Mental anguish;
- e. Emotional distress;
- f. Shock and injury to Decedent's nerves and nervous system;

- g. Loss of enjoyment of life;
- h. Wrongful death;
- i. Property damage;
- j. Other costs and expenses associated with the negligence of the Defendant; and
- k. In other such particulars as will be ascertained in the discovery process.

112. That Plaintiff is entitled to a judgment against all Defendants, jointly and severally, for the above-described injuries and damages and for actual, compensatory, and punitive damages as determined by a jury.

FOR A FIFTH CAUSE OF ACTION AGAINST
DEFENDANTS MONTGOMERY CONSTRUCTION
AND SABRINA MONTGOMERY
(Negligent/Reckless Hiring, Training, Retention, and Supervision)

113. That Plaintiff realleges and reincorporates the paragraphs above as if fully set forth verbatim herein.

114. Defendants Montgomery Construction and Sabrina Montgomery owed a duty to Plaintiff to exercise reasonable care in conducting their business activities, including the implementation and following of appropriate operating standards and procedures, the hiring, retention and supervision of their employees, drivers, and agents, including Defendant Patrick Montgomery, and the proper maintenance of the subject vehicle.

115. Defendants Montgomery Construction and Sabrina Montgomery owed statutory and common law duties to Plaintiff not to negligently and/or recklessly hire, train, supervise and retain employees and to use safe and fit equipment.

116. Defendants Montgomery Construction and Sabrina Montgomery knew or should have known that Defendant Patrick Montgomery had a poor driving record and lacked ability,

experience, and training such that he was unable and/or unlikely to comply with the state and local laws and therefore was a negligent and/or reckless driver.

117. Defendants Montgomery Construction and Sabrina Montgomery failed to properly supervise and train Defendant Patrick Montgomery and allowed Defendant Patrick Montgomery to operate the subject vehicle without the most basic training in violation of the applicable laws.

118. Defendants Montgomery Construction and Sabrina Montgomery failed to properly supervise and monitor Defendant Patrick Montgomery despite their knowledge that Defendant Patrick Montgomery did not have the required ability, training and/or experience to legally and safely operate a motor vehicle, in violation of state and local laws.

119. As a direct and proximate result of the negligent, careless, grossly negligent, reckless acts and omissions of Defendants, Decedent's beneficiaries have suffered injuries and damages, which have caused, and in the future will cause, said beneficiaries to suffer one or more of the following elements of damage as to the wrongful death claim:

- a. Pecuniary loss;
- b. Mental shock and suffering;
- c. Wounded feelings;
- d. Grief and sorrow including but not limited to the knowledge that the Decedent suffered a horrific death and was alive for some time after the crash;
- e. Loss of companionship; and
- f. Deprivation of use and comfort of the Decedent's society, including loss of decedent's experience, knowledge, protection, and judgment in managing the affairs of Decedent's beneficiaries.

120. In addition, as a direct and proximate cause of Defendants' negligent, careless, grossly negligent, willful, wanton, and reckless acts and omissions as set out above, Plaintiff suffered injuries and damages in the form of one or more of the following:

- a. Conscious pain and suffering;
- b. Disfigurement;
- c. Suffering;
- d. Mental anguish;
- e. Emotional distress;
- f. Shock and injury to Decedent's nerves and nervous system;
- g. Loss of enjoyment of life;
- h. Wrongful death;
- i. Property damage;
- j. Other costs and expenses associated with the negligence of the Defendant; and
- k. In other such particulars as will be ascertained in the discovery process.

121. Plaintiff is entitled to a judgment against all Defendants, jointly and severally, for the above-described injuries and damages and for actual, compensatory, and punitive damages as determined by a jury.

FOR A SIXTH CAUSE OF ACTION
AGAINST DEFENDANT MONTGOMERY CONSTRUCTION, LLC, AND
DEFENDANT SABRINA MONTGOMERY
(Piercing the Corporate Veil, Alter Ego, And Amalgamation of Interests)

122. That Plaintiff realleges and reincorporates the paragraphs above as if fully set forth verbatim herein.

123. Plaintiff is informed and believes that Defendant Sabrina Montgomery owns Defendant Montgomery Construction and exercises total dominion and control over its operations, assets, cash flow and business practices.

124. Plaintiff is informed and believes that Defendant Sabrina Montgomery owns Defendant Montgomery Construction and exercises total dominion and control over Defendant Montgomery Construction either directly or indirectly through other subsidiaries, affiliates, and/or intermediaries which Defendant Sabrina Montgomery also controls.

125. Plaintiff is informed and believes the corporate entity, Defendant Montgomery Construction, LLC, was created by Defendant Sabrina Montgomery for her sole benefit, pecuniary gain and to further Defendant Sabrina Montgomery sole personal interests. However, those benefits and interests extend to Defendant Patrick Montgomery by virtue of his marriage to Defendant Sabrina Montgomery, and their shared assets, bank accounts, and other financial interests and instruments.

126. Plaintiff is informed and believes that Defendant Montgomery Construction is a mere agent and alter ego of Defendants Sabrina and Patrick Montgomery and manifests no separate interest of its own, but rather functions solely to achieve the goals of Defendants Sabrina and Patrick Montgomery and in doing so, Defendants Sabrina and Patrick Montgomery have placed their own financial self-interests ahead of Defendant Montgomery Construction's interests in one or more of the following:

- a. In causing Montgomery Construction to be grossly undercapitalized;
- b. In failing to observe the corporate formalities;
- c. In co-mingling of funds between Montgomery Construction and the personal interests and/or accounts of Defendants Sabrina and Patrick Montgomery;

- d. In using Montgomery Construction property, equipment, and materials for their own personal use while claiming certain benefits, tax and otherwise, through Montgomery Construction;
- e. In non-payment of dividends;
- f. In siphoning of corporate funds for personal use or gain directly and/or indirectly;
- g. In disallowing other officers or directors aside from Defendant Sabrina Montgomery;
- h. In failing to keep corporate records; and
- i. In operating the corporate entity as a mere façade for Defendant Sabrina Montgomery.

127. Plaintiff is informed and believes that the foregoing has resulted in, and will continue to cause, injustice and fundamental unfairness.

128. Plaintiff is informed and believes that LLCs like Defendant Montgomery Construction who derive profit through public roads via interstate and/or intrastate commerce have responsibilities to ensure their operations are safe and do not pose a danger to the motoring public, including the Plaintiff.

129. Plaintiff is informed and believes that Defendant Sabrina Montgomery set up, owns, operates, and otherwise participates in (including but not limited to, as corporate officers, board members, principals, partners, employees, independent contractors, or otherwise) multiple business and/or enterprises all inter-related and engaged in Defendant Montgomery Construction's business.

130. Upon information and belief, Defendant Patrick Montgomery receives a financial benefit from Defendant Montgomery Construction paid into accounts that are in his name individually, and/or held jointly between himself and Defendant Sabrina Montgomery.

131. Upon information and belief, Defendant Sabrina Montgomery and her subsidiaries, affiliates, and/or intermediaries, including Defendant Montgomery Construction and Defendant

Patrick Montgomery, are all inter-related businesses or alter egos of one another because of one or more of the following: they share common owners/operators; they share common corporate officers; they share common partners; they share common members of boards of directors; they share or have common employees/owners/agents; they share common offices; they share common property, equipment, facilities; they share common phone numbers; they share common bank accounts, employees/agents of one defendant conduct the business of other defendant; and they share management and control among and between each other.

132. Upon information and belief, there are no separate financial statements for Defendant Montgomery Construction, a discrete business entity, and Defendants Sabrina Montgomery and Patrick Montgomery, and they have financial ties and connections which demonstrate that they are alter egos of one another.

133. Upon information and belief, Defendant Sabrina Montgomery controls the actions and business decisions of Defendant Montgomery Construction, and actively participates in, and exercises control over the operations of Montgomery Construction.

134. Upon information and belief, Defendant Patrick Montgomery actively participates in, works for, and exercises control over the operations of Montgomery Construction.

135. Upon information and belief, Defendant Montgomery Construction functions solely to achieve the purposes of Defendant Sabrina Montgomery, and directly or indirectly, the purposes of Defendant Patrick Montgomery.

136. Upon information and belief, Defendant Montgomery Construction is not its own discreet entity, but a façade for the operations of Defendants Sabrina Montgomery and Patrick Montgomery, personally.

137. Upon information and belief, Defendant Sabrina Montgomery controls and has blurred the identity between Defendant Montgomery Construction and its purported subsidiaries, affiliates, and/or intermediaries which Defendant Sabrina Montgomery also controls.

138. Upon information and belief, Defendant Sabrina Montgomery set and managed Defendant Montgomery Construction's policy for the operation of motor vehicles and the use of the Trailer, equipment, and materials.

139. Upon information and belief, Defendant Sabrina Montgomery allows, permits, controls, and ratifies Defendant Patrick Montgomery's use of Defendant Montgomery Construction's property, vehicles, trailers, equipment, materials, assets, and other resources for both personal use and for uses in furtherance of Defendant Montgomery Construction's business interests.

140. Upon information and belief, Defendant Sabrina Montgomery controls and siphons Defendant Montgomery Construction's money in a show of dominance over Defendant Montgomery Construction.

141. Upon information and belief, Defendant Sabrina Montgomery set the policy for Defendant Montgomery Construction's hiring, training, retention, and supervision of drivers, employees, contractors, agents, and representatives.

142. In light of the above circumstances and more to be discovered during the course of this litigation, the retention of separate corporate personalities would promote fraud, contravene public policy, and fundamental unfairness would result in failing to hold the true responsible entity accountable for its acts and omissions.

143. And further, in light of the above circumstances and more to be discovered during the course of this litigation, Defendant Sabrina Montgomery should be held directly liable for the acts and

failures to act committed by Defendant Montgomery Construction and Defendant Patrick Montgomery.

144. As a result of the foregoing as well as other matters which may be proven at trial the mere corporate formality of Defendant Montgomery Construction should be disregarded and Defendant Sabrina Montgomery should be held jointly and severally liable of the incident, injuries, and damages caused to the Plaintiff.

145. All Defendants are liable, jointly and severally, to Plaintiff for all damages allowed by law for the injuries, damages, and losses sustained by Plaintiff, in an amount deemed appropriate by the jury.

146. Due to the negligent, grossly negligent, and/or reckless acts and omissions of all Defendants as set forth herein, all Plaintiff is entitled to judgment against all Defendants for the above-described injuries and damages and to recover actual, compensatory, and punitive damages, jointly and severally, in an amount to be determined by the jury.

147. A jury trial is demanded.

WHEREFORE, Plaintiff prays for judgment against Defendants for actual and compensatory damages, together with punitive damages in appropriate amounts and as applicable, and for the costs of this action and such other and further relief as the Court may deem just and proper.

BRINGARDNER INJURY LAW FIRM, LLC

By: s/Mark Bringardner
Mark Bringardner (SC Bar No.: 102465)
mark@bringardner.com
Mary K. Linton (SC Bar No.: 102815)
mlinton@bringardner.com
41 Broad Street, Charleston, SC 29401
Office: 843-400-0550
Facsimile: 843-350-8290
Attorneys for the Plaintiff

Charleston, South Carolina
May 14, 2025

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

Kanisha Nash,

Plaintiff,

v.

Patrick Montgomery, Sabrina Montgomery,
and Montgomery Construction, LLC,

Defendants,

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2023-CP-08-01652

**UPDATED AFFIDAVIT OF
MARY K. LINTON
FOR ATTORNEY'S FEES
RE: RULE TO SHOW CAUSE**

I, Mary K. Linton, state that I am competent to testify on the matters set forth below, and that the following statements are made on the basis of my personal knowledge and to the best of my knowledge and belief under the penalty of perjury.

1. I am an attorney at the Bringardner Injury Law Firm, LLC, and am licensed to practice law in the State of South Carolina.

2. I, alongside Mark Bringardner, represent the Plaintiff, Kanisha Nash, in this action that arose from a motor vehicle collision that occurred on April 14, 2023, and which serves as the basis for the present lawsuit.

3. This Affidavit is being submitted in support of Plaintiff's request for an award of attorney's fees and costs, which was granted by the Court, arising from Plaintiff's Rule to Show Cause against Defendants.

4. By way of background, I graduated from College of Charleston in 2012, and received a Bachelor of Science in Sociology, *cum laude*. I received my Juris Doctor from the University of South Carolina in 2016 and was admitted to the South Carolina bar in November of 2016. I have been a member in good standing, engaged in the practice of law since then.

5. Since my admission to the bar, my practice area has focused on civil litigation, both on behalf of plaintiffs and defendants. To that end, I have litigated hundreds of cases to resolution.

6. Based upon my time records, I have spent, at a minimum, approximately thirty-two hours (32) working on the issues directly related to the discovery matter before the Court and concerning the Court's ruling as it relates to Plaintiff's Rule to Show Cause.

7. My usual and customary fee for hourly litigation is \$400.00 per hour. Additionally, my usual and customary practice is to bill in 0.25 increments.

8. An itemized bill outlining the time regarding attorney's fees ordered by the Court is set forth below. I truthfully state that the time expended thus far is accurately represented below and was necessary for the proper presentation of the issues outlined in Plaintiff's Rule to Show Cause:

DATE	DESCRIPTION	TIME
12/29/2024	Strategy meeting with Attorney Bringardner to review the Order and identify issues of non-compliance re Patrick Montgomery	0.50
12/29/2024	Begin analysis and compilation of outstanding discovery responses owed by Defendant Patrick Montgomery.	0.50
12/29/2024	Review and analyze electronic communication from Attorney Bearden discussing Rule to Show Cause Motion.	0.25
12/30/2024	Prepare and analyze electronic communication to Attorney Bearden discussing Rule to Show Cause Motion and corresponding discovery deficiencies.	0.25
12/30/2024	Begin preparation of Memorandum in Support of Rule to Show Cause.	2.00
12/30/2024	Perform legal research on case law support to factors used to support the finding of sanctions arising from discovery abuse.	0.75
01/03/2025	Continued preparation of Memorandum in Support of Rule to Show Cause.	2.50
01/03/2025	Strategy conference with Attorney Bringardner to discuss upcoming hearing and Memorandum in Support.	0.25
01/05/2025	Continued preparation of Memorandum in Support of Rule to Show Cause, telephone conference with Attorney Bringardner	1.25
01/06/2025	Continued preparation of Memorandum in Support of Rule to Show Cause.	2.50
01/06/2025	Preparation of oral argument in support of Rule to Show Cause.	2.00
01/06/2025	Multiple communications with counsel for Defendant Patrick Montgomery discussing Rule to Show Cause hearing.	0.50
01/06/2025	Travel to and attend oral argument on Plaintiff's Rule to Show Cause.	2.50
02/11/2025	Begin preparation of Plaintiff's Proposed Order on Rule to Show Cause.	1.00
02/12/2025	Continued preparation of Plaintiff's Proposed Order on Rule to Show Cause.	1.00
03/11/2025	Continued preparation of Plaintiff's Proposed Order on Rule to Show Cause.	.75

03/12/2025	Continued preparation of Plaintiff's Proposed Order on Rule to Show Cause.	1.00
03/13/2025	Continued preparation of Plaintiff's Proposed Order on Rule to Show Cause.	3.00
04/28/2025	Begin preparation of Plaintiff's Supplemental Memorandum for Rule to Show Cause.	0.50
04/29/2025	Continued preparation of Plaintiff's Supplemental Memorandum for Rule to Show Cause.	1.50
05/01/2025	Prepare correspondence to Court requesting to reconvene Plaintiff's Rule to Show Cause hearing.	0.50
05/01/2025	Continued preparation of Plaintiff's Supplemental Memorandum for Rule to Show Cause.	1.75
05/23/2025	Prepare communication to Court requesting hearing on Plaintiff's Rule to Show Cause.	0.25
06/12/2025	Multiple communications with the Court regarding hearing on Plaintiff's Rule to Show Cause.	0.25
06/18/2025	Communicate with Court confirming attendance for June 18 th hearing on Plaintiff's Rule to Show Cause.	0.25
06/18/2025	Prepare for upcoming hearing on Plaintiff's Rule to Show Cause.	1.00
06/18/2025	Attend hearing on Plaintiff's Rule to Show Cause.	0.75
06/24/2025	Begin preparation of proposed Supplemental Order on Plaintiff's Rule to Show Cause.	0.50
06/25/2025	Continued preparation of proposed Supplemental Order on Plaintiff's Rule to Show Cause.	0.75
06/26/2025	Continued preparation of proposed Supplemental Order on Plaintiff's Rule to Show Cause.	1.75
	TOTAL	32.25

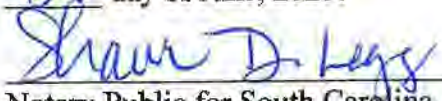
9. The total monetary amount for my time spent in furtherance of the Rule to Show Cause discovery dispute totals \$12,900.00.

10. I swear under the penalty of perjury that all of the foregoing is truthful and accurate and based on my own personal knowledge.



 Mary K. Linton

SWORN to before me this
27th day of June, 2025.

 (SEAL)
 Notary Public for South Carolina
 My Commission Expires: 12/11/25

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF BERKELEY	)	Docket No.: 2025-CP-08-1662
)	
ANDREW SHEPHERD, ESQ. AS)	
SPECIAL ADMINISTRATOR OF)	
THE ESTATE OF G.N., A MINOR,)	
)	
Plaintiff,)	
)	
v.	)	DEFENDANT SABRINA
	)	MONTGOMERY'S ANSWER
MONTGOMERY CONSTRUCTION,)	
LLC, PATRICK MONTGOMERY,	)	(Jury Trial Demanded)
AND SABRINA MONTGOMERY,)	
INDIVIDUALLY AND AS)	
OWNER/REGISTERD AGENT FOR)	
MONTGOMERY CONSTRUCTION,)	
LLC)	
)	
Defendants.)	

Defendant Sabrina Montgomery answers the Complaint and respectfully shows unto the Court:

FOR A FIRST DEFENSE

1. Except as specifically admitted, qualified, or explained, Defendant denies the allegations and demands strict proof of each allegation.
2. Upon information and belief, Defendant admits the allegations of Paragraphs 1-3.
3. Defendant admits the allegations of Paragraphs 4-9.
4. Defendant admits the allegations of Paragraph 10 that she is the owner and President of Montgomery Construction.
5. Defendant admits the allegations of Paragraph 11.
6. Paragraph 12 does not require a response.

7. Defendant admits only so much of the allegations of Paragraph 13 as allege an automobile accident occurred on October 14, 2023 involving a truck driven by Patrick Montgomery. She lacks knowledge about the remaining allegations.

8. Paragraph 14 does not require a response.

9. Defendant admits the allegations of Paragraphs 15-16 as allege she owned the truck and that Patrick Montgomery and she owned the trailer.

10. Paragraph 17 does not require a response.

11. Defendant admits the allegation of Paragraphs 18-19 that Patrick Montgomery and she owned the trailer and she attached the trailer to the truck several days before the accident to move a family member's motorcycle.

12. Defendant denies the allegations of Paragraphs 20-21 that the trailer was used in the business.

13. Defendant admits only so much of the allegations of Paragraphs 22-24 as allege she used "DEF" (contained in the "Blue Barrel") as a fertilizer for her yard.

14. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations of Paragraphs 25-26.

15. Defendant admits only so much of Paragraph 27 as alleges she drives a dump truck for her business.

16. Defendant admits only so much of the allegations of Paragraphs 28-33 as allege Montgomery Construction fuels the dump truck and purchases fuel for the dump truck. Defendant denies the remaining allegations.

17. Defendant lacks sufficient knowledge or information to form a belief about the truth of Patrick Montgomery's specific route at the time of the accident as alleged in Paragraph 34 other than he was headed home.

18. Defendant lacks sufficient knowledge or information to form a belief about the allegations of Paragraphs 35-37.

19. Defendant admits the allegations of Paragraph 38.

20. Defendant admits the allegations of Paragraph 39 as allege she would occasionally park the dump truck at her house if she was washing or cleaning it, but otherwise she parked it away from her home to save on gas costs.

21. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations of Paragraphs 40-41 other than the accident location is apparent.

22. Defendant admits the allegations of Paragraph 42 that Plaintiff and her son were involved in the accident.

23. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations of Paragraph 43.

24. Defendant admits the allegations of Paragraphs 44-45 as allege Plaintiff suffered injury and the minor sustained fatal injuries as a result of this incident.

25. Defendant lacks sufficient knowledge or information to form a belief about the truth of the allegations of Paragraphs 46-47.

26. Defendant admits only so much of the allegations of Paragraphs 48-49 as allege Patrick Montgomery drove the vehicle with the trailer attached to it at the time of the accident but he was not driving it as an employee of the business.

27. Defendant admits the allegations of Paragraphs 50-60 as allege she used income generated from the dump truck to pay for her household expenses and expenses associated with the business. Defendant denies that the trailer was used in the business and states that the dump truck does not have a hitch.

28. Defendant denies the allegations of Paragraphs 61-62 other than she occasionally drove the truck to and from her home to where the dump truck was parked.

29. Defendant denies the allegations of Paragraph 63-64.

30. Defendant denies the allegations of Paragraphs 65-69 other than she occasionally drove the truck to and from her home to where the dump truck was parked.

31. Defendant admits only so much of the allegations of Paragraph 70 as allege Patrick Montgomery drove the vehicle with trailer attached before the incident alleged in the Complaint.

32. Defendant denies the allegations of Paragraphs 71-75.

33. Defendant admits only so much of the allegations of Paragraph 76 as allege she is married to Patrick Montgomery and that she used income earned from Montgomery Construction for household expenses.

34. Paragraphs 77-78 are statements of law, to which no response is required.

35. Defendant denies the allegations of Paragraphs 79-81.

36. Defendant admits only so much of the allegations of Paragraphs 82-83 as allege the automobile accident occurred in Berkeley County and that a lawsuit may be filed with the Berkeley County Court of Common Pleas.

37. Paragraphs 84-87 do not require a response.

38. Defendant denies the allegations of Paragraph 88-89.

39. Paragraph 90 does not require a response.

40. Defendant denies the allegations of Paragraph 91.

41. Paragraph 92 does not require a response.

42. Defendant denies the allegations of Paragraphs 93-104.

43. Paragraph 105 does not require a response.

44. Defendant denies the allegations of Paragraphs 106-112.

45. Paragraph 113 does not require a response.

46. Paragraphs 114-115 are statements of law, to which no response is required.

47. Defendant denies the allegations of Paragraphs 116-121.

48. Paragraph 122 does not require a response.

49. Defendant admits only so much of the allegations of Paragraphs 123-146 as allege Sabrina Montgomery owns a dump truck which she uses for the business of Montgomery Construction, which is essentially the dump truck. Defendant admits that she earns income from the use of the dump truck which provides for her financial needs and for the needs of her family. Defendant denies the remaining allegations.

56. Paragraph 147 does not require a response.

AS AN ADDITIONAL DEFENSE
(Reservation of Rights)

57. FURTHER ANSWERING, Defendant has not had an opportunity to conduct a sufficient investigation or engage in adequate discovery about the allegations of this lawsuit. Defendant gives notice of the intent to assert any further affirmative defenses that any investigation supports, including, but not limited to, defenses that the action is barred in whole or in part by any applicable statute, contract, release, covenant, or the doctrine of laches. Thus, Defendant reserves the right to amend this pleading to assert any such defenses.

AS AN ADDITIONAL DEFENSE
(Punitive Damages)

58. FURTHER ANSWERING, any award of punitive damages would violate the constitutional safeguards provided by the Due Process Clause of the Fourteenth Amendment of the United States Constitution and under the Due Process Clause of Article I, Section 3 of the South Carolina Constitution because the determination of punitive damages does not bear any reasonable relationship to the amount of actual damages, if any, suffered by or awarded. Further, this party pleads the recovery limits of S.C. Code Ann. §15-32-530 and any other limitation on punitive damages allowed by Federal or State law.

AS AN ADDITIONAL DEFENSE
(Failure to State a Claim)

59. FURTHER ANSWERING, the allegations of the Complaint do not state facts sufficient to constitute a cause of action, and this Court should dismiss the lawsuit.

WHEREFORE, having answered, Defendant asks this Court to dismiss the Complaint and to grant such other and further relief as this Court deems just and proper.

TURNER PADGET

s/David S. Cobb

David S. Cobb (Bar Number 66569)

Post Office Box 22129

Charleston, South Carolina 29413-2129

Direct: (843) 576-2803

Fax: (843) 577-1629

dcobb@turnerpadget.com

Charleston, South Carolina

July 2, 2025

ATTORNEYS FOR DEFENDANT SABRINA
MONTGOMERY

TURNER PADGET

s/David S. Cobb

David S. Cobb (Bar Number 66569)

Post Office Box 22129

Charleston, South Carolina 29413-2129

Direct: (843) 576-2803

Fax: (843) 577-1629

dcobb@turnerpadget.com

Charleston, South Carolina

July 11, 2025

ATTORNEY FOR DEFENDANT
SABRINA MONTGOMERY

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

KANISHA NASH,
Plaintiff,

Civil Action No. 2023-CP-08-01652

v.

**DEFENDANT PATRICK
MONTGOMERY'S MOTION TO
RECONSIDER**

MONTGOMERY CONSTRUCTION,
LLC, PATRICK MONTGOMERY, AND
SABRINA MONTGOMERY,
INDIVIDUALLY, AND AS
OWNER/REGISTERED AGENT FOR
MONTGOMERY CONSTRUCTION,
LLC,
Defendants.

TO ALL PARTIES:

Defendant Patrick Montgomery respectfully moves pursuant to Rule 59(e) of the *South Carolina Rules of Civil Procedure* for an order altering or amending the Order of the Honorable Dale Van Slambrook granting Plaintiff's Rule to Show Cause and awarding sanctions which was filed on July 1, 2025. Defendant Patrick Montgomery respectfully requests that the Court consider his limited financial circumstances due to his termination following the subject accident and his mental health limitations with regards to the monetary penalties ordered against him.

FACTUAL BACKGROUND

This case arises out of a motor vehicle accident that occurred on April 14, 2023 in Berkeley County between vehicles driven by Kanisha Nash, Patrick Montgomery and Levelton Delawrence Givens. Ms. Nash's minor son was a passenger in her vehicle at the time of the collision and received fatal injuries as a result of the collision. Mr. Montgomery was driving a

truck owned by his wife, Sabrina Montgomery, and insured under their personal Allstate Insurance policy (968905683). The truck Mr. Montgomery was driving had a trailer attached to it that is registered to Montgomery Construction. Montgomery Construction consists of a dump truck owned by the company which hauls debris from construction sites. Defendant Patrick Montgomery was on his way home from a family member's house at the time when the collision occurred. He was not employed by Montgomery Construction at the time of the subject accident and has never been employed by Montgomery Construction and was not in the course and scope of any employment at the time of the subject accident.

Defendants Sabrina Montgomery and Patrick Montgomery and the truck Patrick was driving at the time of the subject accident were covered under an Allstate Insurance Policy that carried \$100,000 per person coverage and \$300,000 per occurrence. This coverage was tendered by Allstate on behalf of Patrick Montgomery and Sabrina Montgomery pre-suit. The commercial insurance policy issued to Montgomery Construction has denied coverage as a result of the subject accident based on the fact that Patrick Montgomery was not employed by Montgomery Construction and that he was thus not in the course and scope of any employment for Montgomery Construction at the time of the subject accident.

During the course of discovery, Plaintiff has served subpoenas on the following entities:

- a. T-Mobile for Patrick Montgomery's Cell Phone Records
- b. Berkeley County Detention Center
- c. Berkeley County Sheriff's Office
- d. Office of General Counsel for Highway Patrol
- e. South Carolina Law Enforcement Division
- f. Berkeley County 911 Communications

- g. South Carolina Secretary of State for records regarding Montgomery Construction
- h. South Carolina Department of Revenue for records regarding Montgomery Construction
- i. American Millennium Insurance for claim file
- j. Blue Ridge Specialty for any applications for insurance coverage or coverage for Sabrina Montgomery or Montgomery Construction
- k. T-Mobile for Sabrina Montgomery Cell Phone Records
- l. North Charleston Sewer District for Patrick Montgomery's employment records
- m. Foot Loose Bail Bonding
- n. Verizon for Defendants Cell Phone Records
- o. Trident Medical Center for Patrick Montgomery's medical records
- p. Roper St. Francis Berkeley Hospital for medical records
- q. Princess Towing
- r. Wells Fargo for Sabrina Montgomery's banking records and the records for Montgomery Construction
- s. First Citizen Bank & Trust Company for Sabrina Montgomery's banking records and the records for Montgomery Construction
- t. REV Federal Credit Union for Patrick Montgomery's banking records
- u. Schirmer Insurance Group for any records regarding Montgomery Construction, Sabrina Montgomery and Patrick Montgomery
- v. Schirmer Insurance Group for any records regarding Montgomery Construction, Sabrina Montgomery and Patrick Montgomery

Defendant Patrick Montgomery has raised no objection to any of these subpoenas and have instructed any of these entities that asked to provide the documentation requested. During

the course of the ongoing discovery disputes, counsel for Defendant Patrick Montgomery has met with him on multiple occasions and has attempted to work with him and with his criminal defense counsel in an effort to respond to discovery without violating Mr. Montgomery's 5th Amendment rights which are enshrined in the United States Constitution. During the pendency of the action, civil defense counsel and criminal defense counsel have become increasingly concerned about Mr. Montgomery's capacity to comprehend the litigation that is ongoing as well as the potential consequences that may arise out of the criminal action. This has been addressed through a request that a guardian be appointed to protect Patrick Montgomery's interests in the pending litigation. Counsel for Patrick Montgomery appreciates the Court's intervention in this issue and has retained a guardian and is working with Mr. Montgomery's treating physicians for the evaluation for competency.

STANDARD OF REVIEW

Rule 59(c) authorizes a party to bring before the court a motion for reconsideration. 59(e), *SCRPC*. A "great number of . . . cases in South Carolina . . . have emphasized the importance and absolute necessity of ensuring all issues and arguments are presented to the lower court for its consideration." *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 23, 602 S.E.2d 772, 780 (2004). Therefore, it is proper for a party to request the court to reconsider issues already ruled upon to ensure the court does not innocently fail to consider the issue in its entirety. *Elam*, 361 S.C. at 24.

LEGAL ARGUMENT

The Court determined that the appropriate sanctions were the award of attorney's fees as well as the striking of the Answer of Patrick Montgomery. As discussed below, the award of attorney's fees in the amount claimed by Plaintiff's counsel is excessive and the indication that the

sanctions shall be paid by Defendant “and/or” counsel does not consider the evidence produced and uncovered thus far in discovery. Although discovery is broad, a party must show that there is a reasonable expectation that the sought after information will aid in the resolution of the dispute. *Oncology*, 387 S.C. at 388 (quoting *In re CSX Corp.*, 124 S.W.3d 149 (2003)). Thus far, Plaintiff has engaged in an extensive investigation into the facts surrounding the accident (subpoenas to SLED, South Carolina Highway Patrol, Berkeley County Detention Center, etc.), Patrick Montgomery’s employment status (REV Federal Credit for banking statements and deposits of paychecks) and the Montgomery’s ability to pay any excess judgment (subpoenas to the Montgomery’s banks, their accountant, their cell phone providers, and insurance providers). Plaintiff has received an offer of the policy limits from the applicable insurance provider, Allstate, and a denial from those insurance policies which do not apply to the subject accident. Plaintiff at this point has a thorough grasp of the financial status of Defendants and had as much long before the hearing on June 18, 2025.

I. Attorney’s Fees

Plaintiff’s affidavit of attorney’s fees provides no documentation of their Retainer Agreement with Plaintiff or any indication that the Plaintiff has retained them on an hourly basis or based on a contingency fee. The affidavits indicate that Mark Brimgardner and Mary Linton are billing at \$600.00 and \$400.00 per hour, respectively. Defendant would respectfully argue that a retainer agreement would clearly document whether or not Ms. Nash retained him on an hourly basis and at that rate. Defendant Patrick Montgomery would respectfully argue that the affidavits presented by Plaintiff’s counsel to support their claims for attorney’s fees lack evidence of their fee agreement with the Plaintiff and are therefore unsubstantiated. There have also been no affidavits or statements by any other attorneys of like practice substantiating this

rate as a typical price for these services.

Further, Plaintiff's counsel's claims of efforts to avoid judicial intervention do not acknowledge the repeated attempts by Defense counsel to ask for clarification on what was deficient in the January 2025 document production prior to the issuance of this order. In the 10 days following the January 2025 hearing, Defendant Patrick Montgomery supplemented discovery responses. The court's initial order held any award of attorney's fees in abeyance pending the supplementation of discovery by Defendant. When Plaintiff's counsel renewed their motion, it was following Sabrina Montgomery's phone download became an issue.

The court ordered the production of the claim file as well which has now been produced twice by both defendants, despite being a part of the same claim file for the same insurance policy. Finally, Mr. Montgomery signed an affidavit authenticating the supplemental responses in February 2024. Following defense counsel's meeting with Mr. Montgomery in 2025, counsel for the defendant became concerned regarding his competency and started working with his criminal defense counsel to seek an evaluation by the State as a part of the criminal proceedings. Due to delays in the criminal justice evaluation system, counsel for the Defendant moved before this court to have a guardian appointed as a part of the subject action.

II. Striking of Patrick Montgomery's Answer

As to the striking of Defendant Patrick Montgomery's Answer, Defendant Patrick Montgomery would respectfully request that the court hold this extreme remedy in abeyance pending the appointment of a guardian as ordered by this court and his evaluation for competency by his current mental health providers. The sanction of striking a Defendant's answer is an extreme remedy and should be cautiously asked for by the Plaintiff and awarded by the Court. As this same Court has instructed counsel for defendant to proceed with a competency

evaluation and guardianship proceedings based on Patrick Montgomery's ongoing mental health issues, he would respectfully request that the court reconsider this sanction.

CONCLUSION

Therefore, based on the aforementioned arguments, this Court should alter or amend its Order and reduce the award of sanctions placed against Patrick Montgomery and either withdraw or hold in abeyance the decision to strike his answer pending the results of the competency evaluation.

MCANGUS GOUDELOCK & COURIE, LLC

s/ Riley A. Bearden

RILEY A. BEARDEN (SC Bar No. 104332)

riley.bearden@mgclaw.com

BRETT JI. BAYNE (SC Bar No. 100018)

brett.bayne@mgclaw.com

1320 Main Street, 10th Floor

Columbia, South Carolina 29201

Telephone: (803) 779-2300

Facsimile: (803) 748-0526

ATTORNEYS FOR PATRICK MONTGOMERY

July 11, 2025
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 KANISHA NASH,)
)
 Plaintiff,)
)
 vs.)
)
 MONTGOMERY CONSTRUCTION,)
 LLC, PATRICK MONTGOMERY, AND)
 SABRINA MONTGOMERY,)
 INDIVIDUALLY, AND AS)
 OWNER/REGISTERED AGENT FOR)
 MONTGOMERY CONSTRUCTION,)
 LLC,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS

Civil Action No. 2023-CP-08-01652

**NOTICE OF MOTION AND
MOTION TO COMPEL SUBPOENA
RESPONSES**

TO: BERKELEY COMMUNITY MENTAL HEALTH:

YOU WILL PLEASE TAKE NOTICE that the Defendant, Patrick Montgomery, by and through the undersigned attorneys, will move before the Presiding Judge, ten (10) days after the service of this Notice, or at such time as counsel is scheduled to be heard, for an Order pursuant to Rule 37 of the South Carolina Rules of Civil Procedure compelling Berkeley Community Mental Health to respond to a properly served Subpoena Duces Tecum served on them by Defendant, Patrick Montgomery, on May 30, 2025, to which Berkeley Community Mental Health has not responded. A copy of Defendant's Subpoena Duces Tecum is attached hereto and incorporated herein by reference as Exhibit A.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

s/ Riley A. Bearden

RILEY A. BEARDEN (SC Bar No. 104332)

riley.bearden@mgclaw.com

BRETT H. BAYNE (SC Bar No. 100018)

brett.bayne@mgclaw.com

1320 Main Street, 10th Floor

Columbia, South Carolina 29201

Telephone: (803) 779-2300

Facsimile: (803) 748-0526

ATTORNEYS FOR PATRICK MONTGOMERY

July 15, 2025

Columbia, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

KANISHA NASH,
Plaintiff,

Civil Action No. 2023-CP-08-01652

vs.

**DEFENDANT PATRICK
MONTGOMERY'S MOTION FOR
ADDITIONAL TIME TO INSTITUTE
GUARDIANSHIP PROCEEDINGS**

MONTGOMERY CONSTRUCTION,
LLC, PATRICK MONTGOMERY, AND
SABRINA MONTGOMERY,
INDIVIDUALLY, AND AS
OWNER/REGISTERED AGENT FOR
MONTGOMERY CONSTRUCTION,
LLC,

Defendants.

COMES NOW, DEFENDANT, Patrick Montgomery, by and through his undersigned attorney, to move for additional time to institute guardianship proceedings for Patrick Montgomery. The issue of Patrick Montgomery's competency has plagued this case throughout the discovery process and this court graciously granted Defendant's Motion to Protect the Defendant's Interests on June 23, 2025 and granted counsel for Defendant Montgomery thirty (30) days to institute guardianship proceedings.

Following the filing of the Motion to Protect Defendant's Interests and prior to the June 23, 2025 Order, counsel for Patrick Montgomery reached out to several psychiatric experts regarding a potential evaluation of Mr. Montgomery for competency to participate in the defense of the case. Counsel for Defendant also served a subpoena on Mr. Montgomery's only current medical provider, the South Carolina Department of Mental Health at the Berkeley Community Mental Health Center so that any evaluating expert could review his current medical records.

Exhibit A. Immediately following the issuance of the order, Counsel for Defendant obtained the required paperwork for the competency evaluation for the appointment of a guardian from Probate Court as well as a list of court approved guardians in the Berkeley County community in order to retain an independent guardian for Mr. Montgomery because his closest family member, Sabrina Montgomery, is a co-defendant in the subject action and would not be a suitable guardian for his interests within the action. The competency evaluation form requires that a medical provider have seen the individual within 90 days of the evaluation and Mr. Montgomery had an appointment scheduled with Berkeley Community Mental Health Center on July 16, 2025. Counsel for Defendant called Berkeley Community Mental Health Center on July 11, 2025 and was assured that the medical provider could fill out the competency form. Counsel for Defendant sent the form for the competency evaluation to Berkeley Community Mental Health Center's office manager and was assured that it would be given to the medical provider to be filled out during the appointment. **Exhibit B.** On July 15, 2025 at 4:00pm, upon follow up by counsel for Defendant to confirm the appointment, counsel was informed by Berkeley Community Mental Health Center that they do not fill out competency forms for any of their patients. **Exhibit C.**

At this point, counsel for defendant filed a Motion to Compel the release of the Berkeley Community Mental Health Center records and served a copy on the records custodian via fax so that another medical provider could evaluate his treatment previously and complete the form. **Exhibit D.** Patrick Montgomery requested his medical records be released on July 16, 2025 at his appointment and they were sent to counsel for Defendant. **Exhibit E** (Counsel for Defendant submits these for in camera review but has produced them in full to all counsel of record as supplemental document production). Counsel for Defendant notes that the records reflect a

steady decline since the inception of the subject action consistent with counsel's decreasing ability to achieve discovery cooperation. Following receipt of Mr. Montgomery's medical records, counsel for defendant immediately returned to seeking another medical provider who could evaluate and review Mr. Montgomery's case as ordered by this court in the June 23, 2025 Order and has returned to reaching out to psychiatric experts.

However, on July 17, 2025 Counsel for Defendant was contacted by Mr. Montgomery's criminal defense counsel, Peter McCoy, informing counsel that the new State solicitor assigned to the case has requested that there be a competency evaluation in the criminal case by the State's selected medical professional. The State has objected to an independent evaluation as sought by counsel for the Defendant as a part of this pending civil action and is concerned that it will cause undue complications. The State is requesting a competency evaluation in the criminal action and the competency evaluation is a required pre-cursor to the appointment of a Guardian within the Probate Court in Berkeley County. Mr. Montgomery's evaluation is currently at the mercy of the State and counsel for Defendant would request that the Court consider the State's request for a competency evaluation in granting an additional 30 days for the institution of guardianship filings to allow the State to conduct the competency evaluation that will be admissible and applicable for use in the Probate Court Guardianship proceedings and informative in the subject action.

[SIGNATURE BLOCK ON NEXT PAGE]

MCANGUS GOUDELOCK & COURIE, LLC

s/ Riley A. Bearden

RILEY A. BEARDEN (SC Bar No. 104332)

riley.bearden@mgclaw.com

BRETT H. BAYNE (SC Bar No. 100018)

brett.bayne@mgclaw.com

1320 Main Street, 10th Floor

Columbia, South Carolina 29201

Telephone: (803) 779-2300

Facsimile: (803) 748-0526

ATTORNEYS FOR PATRICK MONTGOMERY

July 18, 2025

Columbia, South Carolina



Reply To

JESSI M. FULLER
Direct Dial: (803) 227-2287
jessi.fuller@mgclaw.com

May 30, 2025

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Berkeley Community Mental Health
403 Stoney Landing Road
Moncks Corner, South Carolina 29461-3967

RE: Kanisha Nash vs. Montgomery Construction, LLC, Patrick Montgomery, and Sabrina Montgomery, individually, and as owner/registered agent for Montgomery Construction, LLC
Civil Action No.: 2023-CP-08-01652 (Berkeley)
Date of Incident: April 14, 2023
Carrier Claim No.: 0710622036.1
MGC File No.: 20554.23242

Dear Sir or Madam:

Riley A. Bearden, Esquire represents Mr. Patrick Montgomery in the above-referenced matter with is currently pending in Berkeley County. Enclosed please find a Subpoena Duces Tecum for a complete copy of any his medical records (front and back pages), to include copies of any bills, that you have for Patrick Montgomery. Please note that this is a Subpoena for your records only and not for you personally.

You may email, fax, or mail these records to me in lieu of appearing on June 10, 2025. I will, of course, reimburse the reasonable expenses you incur in providing me with these records pursuant to S.C. Code § 44-7-325. While MGC is willing and hereby authorizing you to charge our firm for the cost of record retrieval in accordance with S.C. Code § 44-7-325, we are not agreeing to pay more than this amount. MGC will not be responsible for charges above and beyond that which is statutorily permitted. If you have questions regarding what costs MGC is willing to reimburse, please contact my paralegal prior to the production of the records to avoid any confusion on the copy and retrieval costs. To that end, if these records prove to be voluminous and the copying costs will exceed \$50.00, do not copy these without calling my paralegal, Jessi M. Fuller, to discuss exactly which records we are interested in obtaining. Should you have any questions, please do not hesitate to contact my paralegal or me.

By copy of this letter, I am advising counsel of record that this information has been requested from your company. This letter will serve to notify the parties that once the subject documents have been received, they will be available for review and copying at our office, upon appointment. Also, we request that all parties take notice that our client reserves the

McANGUS GOUDELICK & COURIE LLC

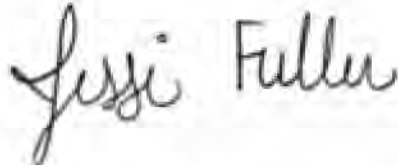
1120 MAIN STREET, 10TH FLOOR
POST OFFICE BOX 12519 (29211)
COLUMBIA, SC 29201

803.779.2300 PHONE
803.748.0526 FAX
WWW.MGCLAW.COM

right to utilize the subject documents in the trial of this action.

Thank you in advance for your cooperation in this matter, and with kind regards,
I am

Very truly yours,



Jessi M. Fuller
Paralegal to Riley A. Bearden

RAB/jf

Enclosures

cc: David S. Cobb, Turner, Padgett
Michael Tood Loftis, Resnick & Louis, P.C.
Mark Bringardner, Bringardner Injury Law Firm, LLC
Mary K. Linton, Bringardner Injury Law Firm, LLC
Amanda L. Perry, Resnick & Louis, P.C.
Christopher L. Murphy, Resnick & Louis, P.C.

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS

KANISHA NASH,
Plaintiff,

Civil Action No. 2023-CP-08-01652

v.

**AFFIDAVIT OF RECORDS
CUSTODIAN**

MONTGOMERY CONSTRUCTION,
LLC, PATRICK MONTGOMERY, AND
SABRINA MONTGOMERY,
INDIVIDUALLY, AND AS
OWNER/REGISTERED AGENT FOR
MONTGOMERY CONSTRUCTION,
LLC,
Defendants.

PERSONALLY appeared before me, _____, who being duly
(printed name of Records Custodian)
sworn, deposes and says:

I am the records custodian for

Berkeley Community Mental Health
403 Stoney Landing Road
Moncks Corner, South Carolina 29461-3967

CERTIFICATION OF RECORDS

I have reviewed the records in this office and I certify that the documents produced on the
_____ day of _____, 2025, consisting of _____ pages, are all of the records of
this office meeting the following description:

Any and all medical records, reports, documents, interdepartmental notes or records pertaining to
the treatment of **PATRICK MONTGOMERY, SSN: XXX-XX-6661, D/O/B: 12/18/1974**,
including but not limited to any and all medical records, emergency room records, admission
records, discharge summaries, test results, x-ray films, x-ray reports, progress notes,
consultation notes, office notes, nurses' notes, health care questionnaires, correspondence, bills
for services rendered, evaluations, interviews, charts, diagrams, treatment plans, medical flow

charts, telephone call reports, medical logs, disability determination information, and any other written or printed information in your medical file concerning treatment of PATRICK MONTGOMERY.

All of the documents produced are true and correct copies of the records kept in the course of regularly conducted business activities, were made at or near the time of the occurrence of the matters set forth within such documents by a person with knowledge of those matters, and it is the regular practice of this business to make such documents in the course of business.

CERTIFICATION OF NO RECORDS

A thorough search of our files carried out under my direction and control revealed that this business or facility does not have the records described above.

Further affiant sayeth not.

This _____ day of _____, 2025.

(Signature of Records Custodian)

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

SWORN TO AND SUBSCRIBED before me in my presence, voluntarily for the purposes stated therein, in the county and state indicated above, this the _____ day of _____, 2025. That the undersigned has personal knowledge of the identity of the principal or satisfactory evidence of the principal's identity by having inspected a picture identification.

(Signature of Notary Public) (SEAL)

(Printed Name of Notary Public)
Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA
ISSUED BY THE COURT OF COMMON PLEAS IN THE COUNTY OF BERKELEY

Kanisha Nash,

Plaintiff

SUBPOENA IN A CIVIL CASE

v.

Case Number: 2023-CP-08-01652

Montgomery Construction, LLC, Patrick Montgomery, and Sabrina
 Montgomery, individually, and as owner/registered agent for Montgomery
 Construction, LLC,

Pending in Berkeley County

Defendants

TO: Berkeley Community Mental Health
 403 Stoney Landing Road
 Moncks Corner, South Carolina 29461-3967

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

PLACE OF TESTIMONY	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.

PLACE OF DEPOSITION	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): **Medical Records for Patrick Montgomery, SEE EXHIBIT "A" ATTACHED**

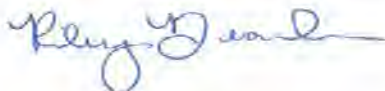
PLACE McAngus, Goudslock & Courie, LLC Post Office Box 12519, Columbia, SC 29211 Attn: Riley A. Bearden	DATE AND TIME June 10, 2025 at 10:00 a.m.
--	--

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

PREMISES	DATE AND TIME
----------	---------------

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED 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. SMALL FEE 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.

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



Riley A. Bearden

Attorney/Issuing Officer's Signature

5/30/2025

Date

Print Name

Attorney for DEFENDANT, PATRICK MONTGOMERY
 Post Office Box 12519, Columbia, SC 29211
 Attn: Riley A. Bearden, (803) 995-8011

Clerk of Court/Issuing Officer's Signature

Date

Print Name

Pro Se Litigant's Name, Address and Telephone Number:

SCCA 254 (05/2015) (See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023QP0301652

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT\$ _____
	PLACE	
SERVED ON Berkeley Community Mental Health 403 Stoney Landing Road Moncks Corner, South Carolina 29461-3967		MANNER OF SERVICE CERTIFIED MAIL – RECEIPT REQUESTED
SERVED BY		TITLE

DECLARATION OF SERVER

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

Executed on

SIGNATURE OF SERVER

ADDRESS OF SERVER **1320 Main Street, 10th Floor
Columbia, South Carolina 29201**

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

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

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

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

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

- (i) fails to allow reasonable time for compliance; or
- (ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
- (iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena:

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

SCCA 254 (05/2015) (See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

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

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

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

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

EXHIBIT "A"

Re: **Kanisha Nash vs. Montgomery Construction, LLC, Patrick Montgomery, and Sabrina Montgomery, individually, and as owner/registered agent for Montgomery Construction, LLC**
Civil Action No. 2023-CP-08-01652

Any and all medical records, reports, documents, interdepartmental notes or records pertaining to the treatment of **PATRICK MONTGOMERY, SSN: XXX-XX-6661, D/O/B: 12/18/1974**, including but not limited to any and all medical records, emergency room records, admission records, discharge summaries, test results, x-ray films, x-ray reports, progress notes, consultation notes, office notes, nurses' notes, health care questionnaires, correspondence, bills for services rendered, evaluations, interviews, charts, diagrams, treatment plans, medical flow charts, telephone call reports, medical logs, disability determination information, and any other written or printed information in your medical file concerning treatment of **PATRICK MONTGOMERY**.

Pursuant to Rule 45 of the South Carolina Rules of Civil Procedure, you are not required to appear for a deposition, you are only required to produce the documents on or before May 30, 2025.

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mgc

POST OFFICE BOX 12519
COLUMBIA, SC 29211

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

20554.23242/RAB/JF

Berkeley Community Mental Health
403 Stoney Landing Road
Moncks Corner, South Carolina 29461-3967



ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2025BCP0801652

Archived: Thursday, July 17, 2025 4:39:45 PM
From: [Amanda Driggers](#)
Mail received time: Fri, 11 Jul 2025 16:06:39
Sent: Fri, 11 Jul 2025 20:06:28
To: [Riley Bearden](#) '[Luke Daniels](#)' '[Peter McCoy](#)'
Subject: RE: [EXTERNAL] Patrick Montgomery Examiner's Report
Importance: Normal
Sensitivity: None

This message needs your attention
• This is their first email to your company.
[Report this Email or Mark as Safe](#) From MGC Helpdesk (really)

Good Afternoon,

I have received the email and the examiner's report and affidavit. I have passed it to the provider to have for the appointment on July 16th.

From: Riley Bearden <Riley.Bearden@mgclaw.com>
Sent: Friday, July 11, 2025 12:41 PM
To: [Amanda Driggers](mailto:amanda.driggers@scdmh.org) <amanda.driggers@scdmh.org>; '[Luke Daniels](mailto:luke@lucasadvisor.com)' <luke@lucasadvisor.com>; '[Peter McCoy](mailto:peter@mccoylelawgrp.com)' <peter@mccoylelawgrp.com>
Subject: [EXTERNAL] Patrick Montgomery Examiner's Report

CAUTION: This email originated from outside the South Carolina Department of Behavioral Health and Developmental Disabilities Office of Mental Health. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Driggers,

I am counsel for Mr. Patrick Montgomery as a part of a civil action case that has been brought against him. I have copied his criminal defense counsel here as well so that they are aware of this. I have also copied Mr. Luke Daniels who is a professional guardian and is helping us through the process and will hopefully be appointed as Mr. Montgomery's guardian. Please find attached the examiner's report and affidavit regarding capacity that we need Patrick Montgomery's physician to fill out during his appointment on Wednesday July 16, 2025. Sabrina Montgomery, his wife, has confirmed that he has an appointment that day and that she will be bringing him. We have been ordered by Judge Van Slambrook to complete this evaluation and to proceed with the guardianship process. Please let us know what else you need from us in order to complete this process! We appreciate your assistance in this matter.

Best,

Riley

Riley Bearden
Attorney
Riley.Bearden@mgclaw.com





1320 Main St, 10th Floor, Columbia, SC 29201
Mail: PO Box 12519, Columbia, SC 29211--2519
Main: 803--779--2300 | **Direct:** [803-995-8011](tel:803-995-8011) | **Fax:** [803-748-0526](tel:803-748-0526)
[VCARD](#)



This electronic mail may contain information that is confidential, attorney/client and/or work product privileged, prepared in anticipation of litigation and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication. Please consider the environment before printing this email.

This message is intended only for the named recipient(s) and may contain privileged or confidential information, including patient information protected by applicable federal and state laws. Any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete this message and any attachments. This email inbox is reviewed periodically and should not be used for emergencies. If you require immediate emergency assistance, dial 911 or call the South Carolina 24/7 Mobile Crisis Response line at 833-364-2744.

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Riley Bearden

From: Amanda Driggers <amanda.driggers@scdmh.org>
Sent: Tuesday, July 15, 2025 3:46 PM
To: Riley Bearden; 'Luke Daniels'; 'Peter McCoy'
Subject: RE: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Patrick Montgomery Examiner's Report

Good afternoon,

I have spoken with the provider that he will be seeing tomorrow and she spoke with our Medical Director about filling out the form. They both stated that this form is something that we do not fill out. He may be able to go to his primary doctor to have it filled out.

From: Riley Bearden <Riley.Bearden@mgclaw.com>
Sent: Tuesday, July 15, 2025 2:30 PM
To: Amanda Driggers <amanda.driggers@scdmh.org>; 'Luke Daniels' <luke@lucasadvisor.com>; 'Peter McCoy' <peter@mccoylawgrp.com>
Subject: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Patrick Montgomery Examiner's Report

CAUTION: This email originated from outside the South Carolina Department of Behavioral Health and Developmental Disabilities Office of Mental Health. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you so much!

From: Amanda Driggers <amanda.driggers@scdmh.org>
Sent: Tuesday, July 15, 2025 2:13 PM
To: Riley Bearden <Riley.Bearden@mgclaw.com>; 'Luke Daniels' <luke@lucasadvisor.com>; 'Peter McCoy' <peter@mccoylawgrp.com>
Subject: RE: [EXTERNAL] RE: [EXTERNAL] Patrick Montgomery Examiner's Report

I think we have everything that we need. I will touch base with the doctor to make sure.

From: Riley Bearden <Riley.Bearden@mgclaw.com>
Sent: Tuesday, July 15, 2025 2:09 PM
To: Amanda Driggers <amanda.driggers@scdmh.org>; 'Luke Daniels' <luke@lucasadvisor.com>; 'Peter McCoy' <peter@mccoylawgrp.com>
Subject: [EXTERNAL] RE: [EXTERNAL] Patrick Montgomery Examiner's Report

CAUTION: This email originated from outside the South Carolina Department of Behavioral Health and Developmental Disabilities Office of Mental Health. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Amanda,

I spoke with Sabrina Montgomery yesterday and she wanted to make sure that your office has everything that you need from us for the examination tomorrow morning. Do you need anything else from us or do you need her to bring anything with them to the appointment?

Riley Bearden

From: Amanda Driggers <amanda.driggers@scdmh.org>
Sent: Friday, July 11, 2025 4:06 PM
To: Riley Bearden <Riley.Bearden@mgclaw.com>; 'Luke Daniels' <luke@lucasadvisor.com>; 'Peter McCoy' <peter@mccoylawgrp.com>
Subject: RE: [EXTERNAL] Patrick Montgomery Examiner's Report

Good Afternoon,

I have received the email and the examiner's report and affidavit. I have passed it to the provider to have for the appointment on July 16th.

From: Riley Bearden <Riley.Bearden@mgclaw.com>
Sent: Friday, July 11, 2025 12:41 PM
To: Amanda Driggers <amanda.driggers@scdmh.org>; 'Luke Daniels' <luke@lucasadvisor.com>; 'Peter McCoy' <peter@mccoylawgrp.com>
Subject: [EXTERNAL] Patrick Montgomery Examiner's Report

CAUTION: This email originated from outside the South Carolina Department of Behavioral Health and Developmental Disabilities Office of Mental Health. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Driggers,

I am counsel for Mr. Patrick Montgomery as a part of a civil action case that has been brought against him. I have copied his criminal defense counsel here as well so that they are aware of this. I have also copied Mr. Luke Daniels who is a professional guardian and is helping us through the process and will hopefully be appointed as Mr. Montgomery's guardian. Please find attached the examiner's report and affidavit regarding capacity that we need Patrick Montgomery's physician to fill out during his appointment on Wednesday July 16, 2025. Sabrina Montgomery, his wife, has confirmed that he has an appointment that day and that she will be bringing him. We have been ordered by Judge Van Slambrook to complete this evaluation and to proceed with the guardianship process. Please let us know what else you need from us in order to complete this process! We appreciate your assistance in this matter.

Best,

Riley



Riley Bearden

Attorney

Riley.Bearden@mgclaw.com

1320 Main St, 10th Floor, Columbia, SC 29201

Mail: PO Box 12519, Columbia, SC 29211-2519

Main: 803-779-2300 | **Direct:** 803-995-8011 | **Fax:** 803-748-0526

VCARD

This electronic mail may contain information that is confidential, attorney/client and/or work product privileged, prepared in anticipation of litigation and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication. Please consider the environment before printing this email.

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This message is intended only for the named recipient(s) and may contain privileged or confidential information, including patient information protected by applicable federal and state laws. Any unauthorized review, use, disclosure, or distribution is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete this message and any attachments. This email inbox is reviewed periodically and should not be used for emergencies. If you require immediate emergency assistance, dial 911 or call the South Carolina 24/7 Mobile Crisis Response line at 833-364-2274.



STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 KANISHA NASH,)
)
 Plaintiff,)
)
 vs.)
)
 MONTGOMERY CONSTRUCTION,)
 LLC, PATRICK MONTGOMERY, AND)
 SABRINA MONTGOMERY,)
 INDIVIDUALLY, AND AS)
 OWNER/REGISTERED AGENT FOR)
 MONTGOMERY CONSTRUCTION,)
 LLC,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS

Civil Action No. 2023-CP-08-01652

**NOTICE OF MOTION AND
 MOTION TO COMPEL SUBPOENA
 RESPONSES**

TO: BERKELEY COMMUNITY MENTAL HEALTH:

YOU WILL PLEASE TAKE NOTICE that the Defendant, Patrick Montgomery, by and through the undersigned attorneys, will move before the Presiding Judge, ten (10) days after the service of this Notice, or at such time as counsel is scheduled to be heard, for an Order pursuant to Rule 37 of the South Carolina Rules of Civil Procedure compelling Berkeley Community Mental Health to respond to a properly served Subpoena Duces Tecum served on them by Defendant, Patrick Montgomery, on May 30, 2025, to which Berkeley Community Mental Health has not responded. A copy of Defendant's Subpoena Duces Tecum is attached hereto and incorporated herein by reference as Exhibit A.

[SIGNATURE ON FOLLOWING PAGE]

ELECTRONICALLY FILED - 2025 Jul 15 4:17 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652
 ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

Respectfully submitted,

s/ Riley A. Bearden

RILEY A. BEARDEN (SC Bar No. 104332)

riley.bearden@mgclaw.com

BRETT H. BAYNE (SC Bar No. 100018)

brett.bayne@mgclaw.com

1320 Main Street, 10th Floor

Columbia, South Carolina 29201

Telephone: (803) 779-2300

Facsimile: (803) 748-0526

ATTORNEYS FOR PATRICK MONTGOMERY

July 15, 2025

Columbia, South Carolina

Att: Jessie Fuller



DMH

South Carolina
Department of
Mental Health

DMH Mailing Address:

Berkeley Community Mental Health Center
403 Stoney Landing Road
Morris Corner, SC 29461

HIPAA (PHI) FAX COVERSHEET

TO: MGC

FAX NO: 803-748-0526

FROM: BCMHC

DATE: 7-16-25

TELEPHONE
843-761-8282

FAX
843-761-7308

NO. PAGES INCLUDING THIS
PAGE

57

TIME

2:30 pm

Urgent

For Review

Please Comment

Please Reply

Please Recycle

SUBJECT:

Records 7-17-23 to 7-16-25

CLIENT ID# 10689019

MESSAGE:

The attached information has been disclosed to you from records whose privacy is protected from disclosure by Federal and State Law including as applicable 45CFR Part 160 HIPAA, 42 CFR Part 2 Alcohol and Drug Treatment and Section 44-22-100, Code of Laws of South Carolina. The applicable law or laws may prohibit you from making any further disclosure without the specific written authorization by the individual to whom it pertains or their authorized representative, or as otherwise permitted or required by law. A general authorization for release of information, is not sufficient for this purpose unless it conforms to the specific requirements of the applicable law or laws. Further disclosure not in accordance with applicable Federal and State Laws, may result in civil and/or criminal penalties.

Thanks Jesse

This Document(s) is subject to the requirements of the Federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and the Privacy Rule published by the United States Department of Health and Human Services at 45 CFR §§ 160 - 164 ("Privacy Rule"). HIPAA and the Rule regulate the planned use of protected health information and State Statute 44-22-100, all Patient Health Information (PHI) whose commitment has been sought must be kept confidential.

THE MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US VIA U.S. POSTAL SERVICE. THANK YOU.

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Reply To

JESSI M. FULLER
 Direct Dial: (803) 227-2287
 jessi.fuller@mgclaw.com

May 30, 2025

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Berkeley Community Mental Health
 403 Stoney Landing Road
 Moncks Corner, South Carolina 29461-3967

RE: Kanisha Nash vs. Montgomery Construction, LLC, Patrick Montgomery,
 and Sabrina Montgomery, individually, and as owner/registered agent
 for Montgomery Construction, LLC
 Civil Action No.: 2023-CP-08-01652 (Berkeley)
 Date of Incident: April 14, 2023
 Carrier Claim No.: 0710622036.1
 MGC File No.: 20554.23242

Dear Sir or Madam:

Riley A. Bearden, Esquire represents Mr. Patrick Montgomery in the above-referenced matter which is currently pending in Berkeley County. Enclosed please find a Subpoena Duces Tecum for a complete copy of any of his medical records (front and back pages), to include copies of any bills, that you have for Patrick Montgomery. Please note that this is a Subpoena for your records only and not for you personally.

You may email, fax, or mail these records to me in lieu of appearing on June 10, 2025. I will, of course, reimburse the reasonable expenses you incur in providing me with these records pursuant to S.C. Code § 44-7-325. While MGC is willing and hereby authorizing you to charge our firm for the cost of record retrieval in accordance with S.C. Code § 44-7-325, we are not agreeing to pay more than this amount. MGC will not be responsible for charges above and beyond that which is statutorily permitted. If you have questions regarding what costs MGC is willing to reimburse, please contact my paralegal *prior* to the production of the records to avoid any confusion on the copy and retrieval costs. To that end, if these records prove to be voluminous and the copying costs will exceed \$50.00, do not copy these without calling my paralegal, Jessi M. Fuller, to discuss exactly which records we are interested in obtaining. Should you have any questions, please do not hesitate to contact my paralegal or me.

By copy of this letter, I am advising counsel of record that this information has been requested from your company. This letter will serve to notify the parties that once the subject documents have been received, they will be available for review and copying at our office, upon appointment. Also, we request that all parties take notice that our client reserves the

McANGUS GOUDELICK & COURTE LLC

1320 Main Street, 20th Floor
 Post Office Box 12519 (29211)
 Columbia, SC 29201

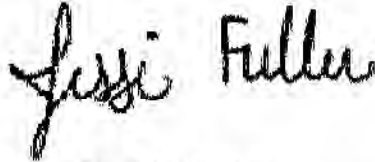
803.779.2300 Phone
 803.746.0526 Fax
 www.mgc.law.com

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

right to utilize the subject documents in the trial of this action.

I am Thank you in advance for your cooperation in this matter, and with kind regards,

Very truly yours,



Jessi M. Fuller
Paralegal to Riley A. Bearden

RAB/jf

Enclosures

- cc: David S. Cobb, Turner, Padgett
- Michael Todd Loftis, Resnick & Louis, P.C.
- Mark Bringardner, Bringardner Injury Law Firm, LLC
- Mary K. Linton, Bringardner Injury Law Firm, LLC
- Amanda L. Perry, Resnick & Louis, P.C.
- Christopher L. Murphy, Resnick & Louis, P.C.

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Form -4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2023-CP-08-01652

KANISHA NASH

PATRICK MONTGOMERY; SABRINA
MONTGOMERY;

PLAINTIFF(S)

MONTGOMERY CONSTRUCTION, LLC
DEFENDANT(S)

Submitted by: The Court.	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter was before the Court on June 18, 2025, upon two (2) motions: (1) Defendant Patrick Montgomery's Motion to Protect Defendant's Interests, filed April 14, 2025; and (2) Plaintiff Kanisha Nash's Motion for Rule to Show Cause, filed May 13, 2025. Attorney Mary Linton appeared on behalf of the Plaintiff, Attorney David Cobb appeared on behalf of Defendant Sabrina Montgomery. Attorney Riley Bearden appeared on behalf of Patrick Montgomery.

First, the Court respectfully grants Defendant Patrick Montgomery's Motion to Protect Defendant's Interests. Although the issue of Defendant Patrick Montgomery's competency should have been raised and addressed during the prior years-long pendency of this case, the Court now requires the appointment of a Guardian Ad Litem and a thorough review of all medical and criminal records to determine Defendant Patrick Montgomery's competency. The Defendant shall initiate the process of appointing a Guardian Ad Litem for Defendant Patrick Montgomery within thirty (30) days of the entry of this Order.

Lastly, the Court respectfully grants Plaintiff's Motion for Rule to Show Cause. A formal order on this ruling as well as an award of costs shall supplement this Order at a later date.

AND IT IS SO ORDERED!

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		
		\$
If applicable, describe the property, including tax map information and address, referenced in the order: 		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details. E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

2781
Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class on _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

[The body of the document contains approximately 20 horizontal lines that are either blank or contain extremely faint, illegible text.]

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652



Berkeley Common Pleas

Case Caption: Kanisha Nash VS Patrick Montgomery, defendant, et al
Case Number: 2023CP0801652
Type: Order/Form 4

And It Is So Ordered!

s/Dale E. Van Slambrook S.C. Circuit Court Judge
#2781

Electronically signed on 2025-06-20 14:49:15 page 4 of 4

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652



State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSIONERS
L. Gregory Pugh, Jr., Chair
Louise Rhymer, Vice-Chair
Allison Y. Evans, Psy.D.
Robert E. Kroll, Jr.
STATE DIRECTOR
Kenneth M. Rogers, MD

Berkeley Community Mental Health Center
P.O. Box 1050
Moncks Corner, SC 29461
(843) 751-8282
BerkeleyMentalHealth.org
J. Matthew Dennis, LPC, Executive Director

INVOICE FOR REPRODUCTION OF ELECTRONIC MEDICAL RECORDS

PATIENT NAME: Patrick Montgomery

PREPARATION DATE: 7-16-25

CID NUMBER: 10629019 STAFF PREPARING RECORDS: Diane Lee

DATE RANGE OF RECORDS PREPARED: 7-17-23 to 7-16-25

PATIENT/RECIPIENT SIGNATURE: X

PICK-UP DATE: X

CLIENT/COMPANY REQUESTING RECORDS: MBC LAW firm

FLAT RATE FEE: \$6.50

*Over 75 pages, additional fees will be incurred

REMIT PAYMENT TO: BCMHC
403 Stoney Landing Rd.
Moncks Corner, SC 29461

For any questions/concerns, please contact at 843-761-8282 x364.

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

CID#: 10629019

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH

Authorization to Disclose SCDMH Protected Health Information

Patrick Montgomery at 408 N Tee Line Dr Ridgeville SC 29472

Date of Birth: [Redacted] SSN: [Redacted]
Authorize the release of my SCDMH health information, as specified below, for the following purpose: Legal
I authorize the release of the following information for the time period from: 7-17-23 to 9-16-24

Information from (name of specific Mental Health Center(s), SCDMH Hospital(s), SCDMH Nursing Facility(ies) or SCDMH Program(s)):
Berkeley Community Mental Health Center Phone: 843-761-8282
P.O. Box 1030 FAX: 843-761-7308
Moncks Corner, SC 29461

- And the information authorized to be released includes:
Clinical Assessment
Clinical Service Notes / Progress Notes
Admission and Discharge Dates, Diagnosis (Face Sheet)
Treatment Plan (Plan of Care)
Discharge Summary (Summary of Treatment)
Medication / Physician's Medication Orders
History and Physical
Psychiatric Evaluation (PMA)
Billing and Payment Information
Alcohol and Drug Information
Written Summary (copy attached)
Progress Summaries
HIV Information
Continuity of Care Clinical Data
Other (specify):

This information should be released to:
Name: MGC
Address: 1320 Main Street 10th Floor Columbia SC 29405
Telephone No.: 803-779-2300
Fax Number: 803-748-0526
Relationship: Attorney

SCANNED

I understand that the above information is protected by applicable law and if this form is not complete, SCDMH may not be able to release the information. I understand that the information may include alcohol/drug abuse and/or HIV/AIDS/ARC and other infectious disease information about me. I do not want the following information disclosed:

This Authorization is valid for one year from my signing unless an earlier date, condition or event is specified here.

I understand that information disclosed may be subject to re-disclosure by the entity name above. I understand that I may refuse to sign this Authorization and my refusal will not limit my access to SCDMH treatment or other services. I also understand that applicable law may permit or require the use, disclosure or re-disclosure of information about me without my Authorization.

Signature of Patient/Personal Representative: Patrick K. Montgomery 776-25

Authority of signed by Personal Representative: Self
Signature of SCDMH Staff Releasing Information: Diana Lee
Printed Name: Diana Lee
Method of Release: Faxed
Date Released: 776-25

REVOCAION STATEMENT

I understand that I may revoke this authorization at any time, and will be asked to sign the revocation statement on this form in order to rescind this authorization. I understand that if I cancel this Authorization, SCDMH cannot take back any use or release made with my Authorization.

"I do hereby request that this authorization to disclose health information be Rescinded"

Effective Date Signature Printed Name Date
Witness Signature Printed Name Date

ELECTRONICALLY FILED - 2025 JUN 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

Mental Health Center Initial Clinical Assessment

Appointment Type Initial Clinical Assessment
ICA Version Adult
Date of Admission 07/17/2023 Referred by Other: HFDC
Source of data Self; Family:

1-48

Section A: Identifying Data

Name MONTGOMERY, PATRICK CID 10629019
DOB [REDACTED] Race BLACK/AFRICAN AMERICAN Marital Status MARRIED
Age 48 Gender Male

Section B: Presenting Problem

Chief Complaint: What brings the patient here today?
Pt was seen after discharge from HFDC. He spent several months there and during that time had a "break". Symptoms included acute stress response of poor sleep and appetite. Limited orientation to place, person and situation, organ stress and shut down requiring hospital level care, delusions. Pt was arrested after being involved in a fatal DUI related car accident. Family report no history of Mental or physical illness. At time of intake, pt continued to endorse panic attacks, difficult with orientation of situation and place. Denies s/h. Encopresis, Enuresis and GI issues reported while incarcerated..

History of Presenting Problem

What are the symptoms and/or problems the patient is experiencing?
Delusions and paranoid thinking endorsed by spouse
Limited of orientation to situation and place
Anxiety; panic attacks throughout the day.
confusion at times
Depression: tearful
s/h: denies
legal issues - current. On ankle monitor.
Medical issues - addressed while incarcerated. Will need follow up
Employment - lost employment and related benefits as a result of incarceration.

When (months/weeks) did the patient begin having these problems?
Approximately 1-2 months

What was happening at the time when symptoms/problems began?
Incident related
Trauma/stress response to fatal, DUI related accident.

This problem is affecting the patient's ability to function in:
Work
Social
Self-Care

How has the patient been dealing with these symptoms/problems?
1-2 months

Has the patient experienced similar symptoms/problems before?
No

If the patient is agitated and assaultive, is this a recurrence of a situation that triggered assaultive behavior in the past?
No

How motivated is the patient to actively participate in treatment (including following up with medications if prescribed and therapy)?
Pt has some observed confusion. He is motivated to feel better. Fear and confusion will at times cloud judgement and ability according to pt and spouse. Strong family support involved.

Section C: Pertinent Past Behavioral Health History

Has the patient had previous treatment for a behavioral health disorder (psychiatric and/or a substance-related disorder)?
NO

Section D: Medications (Current and History)

List all meds (psych, medical, over the counter) the patient is CURRENTLY taking: Does the patient feel R is helpful?

Pt denies taking any medication. No psychiatric medications prescribed at HFDC. Follow up with PCP or Fetter Clinic is recommended at time of intake.

Medication Allergies?

No

Adverse Reactions To Medications?

No

Section E: Medical History and Current Status

Identify and describe the patient's self-reported Current or Historical medical concerns/problems

Current Medical Conditions (include relevant medical conditions that may impact treatment):

Emergency room reports concerns for cardiac test results. Creatinine levels were also being noted. Kidney issues were noted with no dialysis.

Previous Medical Conditions/Surgeries:

Family and pt deny any prior medical issues.

Relevant Family History of Medical Conditions:

Denies.

Primary Care Provider/Pediatrician

Phone #

Date of last visit

Pending - recommended Fetter Clinic

Specialist(s) treating patient

Name

Phone #

Date of last visit

Pharmacies

Name

Phone #

***Obtain authorizations, as necessary**

Physical / Psychiatric Disability

No

History of hospitalizations other than behavioral health

Yes Trident Medical 07/01-07/07/2023 (estimated). See imports.

History of surgeries

No

Does the patient use any complementary healthcare approaches?

No

Advance Directives:

No

Would the patient like assistance to get Advance Directives:

No

Generate referral for Medical Services assistance:

No

Section F: Substance Use

Is the patient currently using, or have a history of using alcohol and/or other drugs?

Yes

Previous Diagnosis, if known:

Pt reports having 3-4 beers the night of accident. Denies any concern or worry for addiction or regular abuse of chemicals/alcohol

Substance History

Substance Alcohol

Last use 04/15/2023

Method Oral

Type beer

How often occasionally

How much 3 beers

SUBSTANCE USE SYMPTOMS CRITERIA

- | | |
|---|--|
| 1) Larger amounts over longer periods | 7) Reduced/Given up important activities |
| 2) Unsuccessful attempts to cut down use | 8) Use in physically hazardous situations |
| 3) Increased time obtaining, using, recovering from use | 9) Continued use despite worsening physical/psychological problems |

- 4) Craving
- 5) Failure to fulfill roles
- 6) Recurrent social problems caused or worsened by use
- 10) Tolerance
- 11) Withdrawal
- 0) No symptoms endorsed

STAGES OF CHANGE	
Pre-Contemplation:	The patient does not believe there is a problem when there is evidence, or under-appreciates the severity of the problem and its impact
Contemplation:	The patient recognizes there is a problem yet is ambivalent, or is uncertain about addressing the problem
Preparation:	The patient is beginning to address barriers to change, is collecting resources, asking for more information
Action:	The patient is actively taking steps to address and change the problem, is participating in new lifestyle activities, has stopped using
Maintenance:	The patient has been abstinent and is actively engaged in a new lifestyle

denies issues. Claims incident was unfortunate 1 time accident.

Periods of abstinence:

Yes reports social consumption only.

Withdrawal History

No withdrawal symptoms;

Previous withdrawal management treatment?

No

Participation with community supports?

No

Risk behaviors related to substance use?

Yes Driving while influenced;

Was a Urine Drug Screen used today?

No

Generate referral to Clinical Care Coordination for assistance related to substance use?

No

Section G: Developmental and Family History

What is the patient's current living situation?

Personal Home

Is the patient at risk of losing current housing?

No

Is the patient's current housing adequate for the patient's needs?

Yes

Describe patient's current marital/couple relationship:

Married, spouse is present during intake

Describe patient's relationship with parent(s):

did not review at time of intake. pt had limited tolerance for assessment.

Is the patient's family supportive of the patient seeking treatment at this time?

Yes

Significant losses/separations?

No

Is the patient currently sexually active?

No

What is the patient's sexual orientation?

Heterosexual;

Patient identifies gender as:

Male;

Does the patient have a developmental history of violence?

Denies;

Family Hx of suicide

No/Unknown

Family Mental Health History:

No/Unknown

Family Substance Disorder History:

No/Unknown

Family medical history:

No/Unknown

Section H: Education and Employment History

Education History

Highest grade completed? High school graduate

Is the patient interested in continuing education?

No

Does the patient have difficulties with learning/literacy?

No

Employment History

Describe the patient's employment status. (What jobs has the patient had and for how long? Desire to work?)

Pt is currently unemployed. Had Full time status with north charleston sewer

Is the patient currently working or interested in employment?

No

Is the patient in agreement with a referral to the IFS program, if available?

No

Is the patient interested in a referral to the Vocational Rehabilitation Department (VR)?

No

What is the patient's ability to manage personal finances and/or maintain personal property?

Requires assistance;

Is the patient interested in a referral for support related to living situation and/or money management?

No

Military History

Does the patient have a military history?

No

Section I: Social and Cultural History

How does the patient occupy their time (social & leisure activities)?

did not assess at this visit. Pt currently has difficulty with orientation of situation. No activities at this time.

Describe the patient's current social network (friends)

did not assess at intake. Limited to family support from spouse primarily at this time.

Does the patient practice a religion or follow a spiritual path?

Yes Christian

How does the patient identify ethnically and culturally?

African American male.

Legal History

Is the patient currently involved with the legal system?

Yes Periods of incarceration; Other;
Comments Released on bond at this time

Has the patient previously had involvement with the legal system?

No

Is the patient under court order for mental health treatment?

No

Section J: Trauma History

History of Trauma, Violence, Abuse, and/or Neglect:

Symptoms observed/reported by others:

Type of Trauma/Violence/Abuse/Neglect:

Accident;

Patient was:

Witness;

Describe History of Trauma

PT is alleged as driving his vehicle while intoxicated and involving in an accident with another car. One of the passengers died as a result of injuries.

Was a screening tool administered?

No

Persistent avoidance	Avoidance, or efforts to avoid distressing memories, thoughts, feelings associated with the event;
Negative alterations in cognitions or mood	Inability to remember an important aspect of the traumatic event; Persistent, distorted cognitions about the cause or consequences to lead to blame self or others; Markedly diminished interest/participation in significant activities;
Alterations in arousal and reactivity	Problems with concentration; Sleep disturbance;
Other	The duration of the above symptoms is more than 1 month;

Section K: Mental Status Examination

Appearance & Hygiene	Well-groomed;
Motor Activity	Lethargic;
Attitude During Interview	Cooperative, Suspicious;
Behavior	Calm;
Eye Contact	Avoidant;
Affect	Appropriate;
Mood	Anxious;
Speech	Slow;
Thought Process	Circumstantial;

Thought Content

Delusions	Denies; <i>Paranoid - believes he will be harmed</i>
Suicidal Ideation	Wish to be dead; Have you wished you were dead or wished you could go to sleep and not wake up? No Suicidal Thoughts (ST): Have you actually had any thoughts of killing yourself? No ST w/Method & w/o Plan: Have you been thinking about how you might kill yourself? No Suicide Behavior: Have you ever done anything, started to do anything, or prepared to do anything to end your life? Yes How long ago did you do any of these? Within the last three months: Comments: refused self care (eating, sleeping) leading to organ shutdown (kidneys, cardiac)
Homicidal Ideation	Do you wish you could hurt someone? No Have you ever assaulted someone? No
Obsessions	Denies;
Hallucinations	Denies;

Cognition

Orientation	Person;
Memory Impairment	Short Term;
Judgment	Poor --- Decision making adversely affects self and/or others;
Insight	Poor;
Fund of Knowledge	Average;

Neurovegetative Functions

Sleep Patterns Insomnia;
Appetite/Eating Patterns Doesn't eat;
 Family works on monitoring food and water intake
Energy Level Decreased;
Sex Drive/Libido Decreased;

Section L: Risk Assessment

Suicide	Assaultive/Violent Behavior
Substance Use	Substance Use
Legal Problems	
History of Trauma	
Previous History of suicide attempts	

Is Personal Safety Plan Completed? (If no, indicate why)
No Pt was unable to tolerate longer session with MHP

Section M: Diagnostic Impression

Primary 309.81 Posttraumatic stress disorder

Section N: Interpretive Summary

Interpret the patient's presenting problem/justification for diagnosis, specifying the severity of symptoms and impairments in functioning, and describe how historical data and/or co-occurring conditions (including disabilities) may interrelate with the current problem:

Pt is presenting for intake with his wife after recently being released from incarceration at HFDC. Pt has no prior issues with arrests and/or mental and physical health issues. However, during April 2023 through July 2023 experienced a rapid decline in both areas of health, including, increased worry and anxiety, a/h, dehydration, encopresis, enuresis, kidney failure (no dialysis) and concerns for heart as a result of lack of self-care. Triggering event was a DUI related car accident with a fatality April 27, 2023. Pt at time of intake continues to have difficulty with fear based, intrusive thinking, difficulty with orientation and concentration. Difficulty for self care without assistance from spouse, including eating and drinking fluids. Sleep disturbances and panic attacks are endorsed. Continue to assess supports to helping family gain low-cost health care. Continue to assess history of alcohol use. Family denies abuse. Triggering event is alcohol related.

Describe the patient's insight and ability to adjust to his/her symptoms, impairments in functioning and problems:

Pt has limited insight. His ability to adjust to symptoms is managed with support from his spouse. Legal issues are being addressed through private attorney.

Section O: Identified Needs and Recommended Services

Describe the patient's strengths, abilities, resources and social supports that may assist him/her with resolving identified problems and maintaining clinical outcomes after discharge:

Pt reports wanting to feel better but having difficulty with being scared. He is willing to participate in treatment and follow through with recommendations for a PCP. Support from spouse and friends/family are a critical part to stabilization at the time of intake.

Describe the patient's motivation for treatment and the patient's preference:

Pt is motivated to retain prior functioning levels. Spouse is also encouraging him, which provides him with continued motivation.

Identify barriers/limitations or other needs that may prevent the patient from achieving positive outcomes in treatment and upon discharge:

Medical/physical health. Kidneys and heart will need to be monitored based on discharge paperwork from Trident (ED visit while incarcerated). Monitoring to ensure basic needs of health care, food/water, and shelter will need to continue to support good sleep hygiene and continued increase in orientation and insight.

What improvements can be expected of the patient, given the information above? (include expected outcomes of treatment based on insight, barriers, motivation, etc.):

Pt will have ongoing access to medical care. Pt will continue to have family support and community as needed. Pt will be able to explore employment once stabilized. Will be able to manage and process emotions through legal hearings and processes.

Does the patient need assistive technology in the provision of services?
No

Focus of treatment:
TFGBT

Assessed Needs

Active (A)	Declined Assistance at this time (DA)	Deferred (D)	Referred Out (R)
A			

Preliminary Plan of Care

Identify recommended type(s) and state intensity/frequency and anticipated length of treatment

Psychiatric Evaluation and Management, as needed

Nursing Services, as needed

Assessment Times 1 / 12 months

Individual Therapy Encounters 1 Weeks 2

Rehabilitative Services

Signed By

Stacy Bowman, MA, LPCA

27 Jul 2023 12:45:25 PM

CLINICAL SERVICE NOTE

Staff List:

TIME: 30 FOR STAFF: 11:00 STACY BOWMAN

Facility: 3W BERKELEY COMMUNITY MENTAL HEALTH CENTER Cost Center: 3WBAD MAIN CENTER-INTAKE/TRIAGE/ASSESSMENT ADULT
Location: B MAIN CENTER/GENERAL ADMIN. Office: 37 INTAKE/TRIAGE
Place Of Service: 53 COMMUNITY MHC Svc Code: 8002 MH ASSESSMENT NON PHYSICIAN
Batchno: 198293252 Group Number: - Group ID: -
Staff ID: r100
Date: 07/30/2023 Time Service Provided: 01:30 PM - 02:00 PM

Name: PATRICK MONTGOMERY CID: 10629019 Bill Time: 30
Cancel/NS: Ticket: 59584834 Audit: 1541736 Pmttp: 02 Modifier:
Problem: 0 PSYCHIATRIC Emerg: 0 NORMAL HOURS, NO EMERGENCY Incare: N

Individuals Present:

Patient: Wife Sabrina

Patient's Condition:

Mood/Affect: Tearful, worried, "scared"
Thought Process/Orientation: not oriented to situation
Motivation: Follow up from incarceration release and recent hospitalization
Behavior/Functioning: No significant changes reported/observed
Medical Condition: No significant changes reported/observed
Substance Use: No significant changes reported/observed

C-3SR5 Screener:

Suicidal Thoughts: Since your last visit, have you actually had thoughts about killing yourself? No
Suicide Behavior: Since your last visit, have you done anything, started to do anything, or prepared to do anything to end your life? No

Additional Content:

Completed ICA with the Patient/Family
Note: Pt was unable to maintain for 60 minutes. Reviewed critical necessary information for the purposes of intake. Collaborated with spouse with verbal permission from pt. Will follow up via phone with assigned MHP. 12221 scheduled by medical with confirmation to wife via phone.

Signed By
Stacy Bowman, MA, LPCA
19 Jul 2023 12:20:29 PM

Svc Code2: 8002 MH ASSESSMENT NON PHYSICIAN Bill Time: 30 NO CHARGE WAS NOT INDICATED
Cancel/NS: Ticket: 59584834 Audit: 1541736 CID: 10629019 Name: PATRICK MONTGOMERY

CLINICAL SERVICE NOTE

Staff List:
TIME: 30 FOR STAFF: 2100 STACY BOWMAN
Facility: 37 BERKELEY COMMUNITY MENTAL HEALTH CENTER Cost Center: 30545 MAIN CENTER-INTAKE/TRIAGE/ASSESSMENT ADULT
Location: 5 MAIN CENTER/GENERAL ADMIN. Office: 27 INTAKE/TRIAGE
Place Of Service: 33 COMMUNITY MHC Svc Code: 8002 MH ASSESSMENT NON PHYSICIAN
Batchno: 209238282 Group Number: - Group ID: -
Staff ID: 2100
Date: 07/26/2023 Time Service Provided: 11:00 AM - 11:30 AM

Name: PATRICK MONTGOMERY QID: 10629019 Bill Time: 30
Cancel/NS: Ticket: 59631052 Audit: 1543366 Pmttp: 02 Modifier:
Problem: 3 PSYCHIATRIC Emerg: 0 NORMAL HOURS, NO EMERGENCY Incarb: N

Individuals Present:
Patient: wife
Patient's Condition:
Mood/Affect: No significant changes reported/observed
Thought Process/Orientation: Mild improvement
Motivation: No significant changes reported/observed
Behavior/Functioning: No significant changes reported/observed
Medical Condition: No significant changes reported/observed
Substance Use: No significant changes reported/observed
C-SSRS Screener:

Suicidal Thoughts: Since your last visit, have you actually had thoughts about killing yourself? No
Suicide Behavior: Since your last visit, have you done anything, started to do anything, or prepared to do anything to end your life? No

Additional Content:
Completed Other Outcome Measures with the Patient/Family: stabilization
Note: Completed brief MSE with patient and his wife. Pt reports he has no improvement in sleep or appetite. Denies s/h/d. However does endorse low motivation. Stating he doesn't want to die but is afraid he might not take care of himself again and that will lead to an accidental death. Spouse is worried and frustrated. Pt is not eating, regularly asking her if something bad is going to happen. Pt and wife report appointment with Peter at end of August 2023. Agree to plan of meeting every 1-2 weeks until an NMI is assigned. Pt was encouraged to take 5 minute walks in yard and increase as he can. Was taught and practiced reading backwards as a distraction technique when thoughts become too focused on past or future events. Will call and schedule again next business week. Follow up with medical regarding schedule of Dr. Gerding.

Signed By
Stacy Bowman, MA, LPCA
28 Jul 2023 2:44:05 PM

Svc Code2: 8002 MH ASSESSMENT NON PHYSICIAN Bill Time: 30 NO CHARGE WAS NOT INDICATED
Cancel/NS: Ticket: 59631052 Audit: 1543366 CID: 10629019 Name: PATRICK MONTGOMERY

CLINICAL SERVICE NOTE

Staff List:

TIME: 51 FOR STAFF: 1281 ANITA KAISES

Facility: 3W BERKELEY COMMUNITY MENTAL HEALTH CENTER

Cost Center: 5WEAA MAIN CENTER-CONTINUING TX & SUPPORT

Location: 2 MAIN CENTER/GENERAL ADMIN.

Office: 83 CONTINUING TREATMENT & SUPPORT/ADULT

Place Of Service: 53 COMMUNITY MHC

Svc Code: 9003 INDIVIDUAL THERAPY

Batchno: 338238232

Group Number: -

Group ID: -

Staff ID: 1781

Date: 12/04/2023

Time Service Provided: 08:00 PM - 08:51 AM

Name: PATRICK MONTGOMERY

CID: 10629019

Bill Time: 51

Cancel/NS:

Ticket: 60204936

Audit: 136353

Print: 07 Modifier:

Problem: 0 PSYCHIATRIC

Emerg: 0 NORMAL HOURS, NO EMERGENCY Insafe: N

Individuals Present:

Patient: pt wife - Sabrina

Patient's report of progress since last session/New issues presented today:

Patrick presented to initial session with MHP. He struggled to communicate with MHP and reported "I don't know" when asked how he was doing.

Patient's Condition:

Mood/Affect: Flat,

Thought Process/Orientation: appeared to have trouble communicating thoughts

Motivation: Low

Behavior/Functioning: Reserved

Medical Condition: No significant changes reported/observed

Substance Use: No significant changes reported/observed

C-9SR9 Screener:

Suicidal Thoughts: Since your last visit, have you actually had thoughts about killing yourself? No

Suicide Behavior: Since your last visit, have you done anything, started to do anything, or prepared to do anything to end your life? No

Focus of Session:

#1.1 Other: The focus of the session was to orient Patrick to the therapeutic process, and to assess for treatment goals.

Therapeutic Intervention(s) delivered in session:

#1.1.1

- Introduced self, credentials, and oriented Patrick to the therapeutic process.
- Provided information on confidentiality, limits to confidentiality and consent.
- Assessed current symptoms, effects on functioning, and current coping skills.
- Discussed history of presenting problem, triggers, and onset.
- Explored motivation for counseling and helped patient identify goals and objectives for treatment.
- Assessed for safety.
- Assisted Patrick in developing treatment goals.

Patient's/Other's Response to Intervention(s):

Response: Guarded/Withdrawn

Describe: Patrick verbalized an understanding of confidentiality, limits to confidentiality, and consent. His wife expressed that "he just sits in a chair all day." She reported that he does not do personal hygiene and was hospitalized twice recently for not eating and becoming severely dehydrated. Patrick endorsed that he experiences hypervigilance and not wanting to touch things with his hands. He expressed a lack of motivation to engage in counseling and stated "I can't do this." He was able to develop treatment goals focused on reducing his depression symptoms.

Patient's Progress towards Goals/Objectives on POC (or BMed Plan, where applicable):

Initial session - will report on progress in upcoming sessions and completion of the plan of care.

Actions to take before (e.g. homework) and Plan for next session:

Patrick will focus on eating 2 meals per day to increase behavioral activation and report progress in next session. MHP will complete plan of care for review and to obtain consent.

Evidence Based Practices (EBPs):

CBT 12/4/2023 | 4:38 PM EST

Signed By

ANITA KAISES, MA, LPC-A

The form has been signed 2 times. Reason: update service not on pcc

Svc Code2: 9003 INDIVIDUAL THERAPY

Bill Time: 51 Svc CODE NOT ON POC/MSB NO CHARGE INDICATED

SERVICE NOT LISTED ON POC

Cancel/NS:

Ticket: 60204936 Audit: 573

CID: 10629019 Name: PATRICK MONTGOMERY

PSYCHIATRIC MEDICAL ASSESSMENT (PMA) / PHYSICIAN MEDICAL ORDER

Name: PATRICK MONTGOMERY **Ticket No:** 59738915
DOB: ██████████ **Modifier:** 9A
ID: 10629019 **Facility:** 3W - BERKELEY COMMUNITY MENTAL HEALTH CENTER
Service Date: 08/23/2023 **Place of Service:** 53 COMMUNITY MHC
Service Time:
 12:08 PM - 01:30 PM

Time	Staff ID	Staff Name
84	0668	KRISTI WEST
0	0689	LORI GERDING, M.D.

HISTORY

Chief Complaint/Reason for Visit

SCRIPTS REVIEWED.
 Patient presents for IPMA to establish care.

History of Present Illness

memory/concentration problems, overthinks everything per wife.
 patient has difficulty answering questions.
 MOOD really sad per wife
 endorses SADNESS/HOPELESSNESS/CRYING SPELLS
 denies MOOD SWINGS/IRRITABLE. denies anger problems.
 endorses RACING THOUGHTS. thought blocking noted.
 endorses PARANOID THOUGHTS. afraid to go outside.
 endorses A/V/H. wife reports patient is responding to internal stimuli.
 denies S/HI
 endorses ANXIETY/WORRY. feeling strange. endorses PANIC ATTACKS with tachycardia.
 SLEEP: some night dont sleep. endorses DFA/MNA. wife reports patient sleeps. dozes off & on. very restless.
 wife reports patient sleeps too much
 ENERGY: decreased.
 APPETITE: decreased.
 anxi monitor, feel like electricity is going thru body from ankle monitor.
 wife reports decreased hygiene.

Symptom Elements / Review of Systems Psychiatric

Depression symptoms: Depressed mood; Decreased energy; Decreased interest; Low motivation;
 Mania symptoms: Increased irritability; Racing thoughts;
 Psychosis symptoms: Auditory hallucinations; Visual hallucinations; Paranoia; Delusions;
 Anxiety symptoms: Anxious mood; Panic attacks; Chronic worry; Somatic symptoms; Social anxiety;
 Overwhelmed;
 Trauma symptoms: Intense startle; Increased distress; Avoidance behaviors;
 Behavioral symptoms: Legal;
 Feeding/Eating related symptoms: Denies eating disturbance;
 Appetite related symptoms: Decreased;
 Sleep related symptoms: Difficulty falling asleep; Frequent awakening; Hypersomnia;

History Statements

Psychiatric History

INPATIENT
 NONE
 OUTPATIENT
 NONE.

Psychiatric Medication Trials

current psych meds: NONE past psych meds: NONE

Allergies

nkda

Medical History

2001 appendectomy. hospitalized at Ingent while in jail for passing out, decreased kidney function. clo vibration in abdomen. fungus on foot but wife does not see it. peeling lips. reflux.

Review of Systems — Medical

Constitutional: Decreased appetite
 Integumentary: Denies problems
 Head/Eyes: Glasses/Contacts

ENT: Tinnitus, bad breath per wife.
 Cardiovascular: Denies Problems
 Respiratory: Denies Problems
 Gastrointestinal: Reflux
 Genitourinary: Kidney dysfunction, decreased kidney function.
 Musculoskeletal: Denies Problems
 Neurologic: Numbness, tingling, numb hands & feet.
 Endocrine: Denies Problems
 Hematologic/Lymphatic: Denies Problems
 Allergic/Immunologic: Denies Problems

Substance/Alcohol Use

Service	Last Update	Substance	Frequency/Quantity
H013	08/23/2023	CAFFEINE	occ tea

Comments 08/23/2023: non-smoker, denies drug use.

Family History

Alzheimer, diabetes, mental health issues run in the family.

Social History

Born NYC, age 8yo moved to SC, recent incarcerated for DUI/fatality related incident 4/14/2023, released with ankle monitor on 7/13/2023, lives at home with wife, 11yo son & 15yo son, prior to DUI worked at North Charleston sewer district, worked there 25 years.
 Not working or in school; Current legal and/or probation; Living with family;

EXAMINATION**Vital Signs and Measurements**

Service	Date	Height	Weight	Blood Pressure	Pulse	BMI
H013	08/23/2023	5FT9	187Lbs	136/83	96	28

Musculoskeletal and Neurologic

Muscle Strength and Tone: WNL
 Gait & Station: WNL
 Motor Activity: Extremities
 Date of last AIMS: 08/23/2023
 restless, difficulty staying still.

Mental Status Exam

Appearance/Presentation: Unusual/Bizarre
 Attitude/Behavior: Cooperative
 Speech/Language: Regular rate and rhythm
 Mood: Depressed, anxious
 Affect: Blunted
 Process: Blocking
 Associations: Derailment/Loose, disorganized
 Preoccupations: None evident
 Delusions: Paranoid
 Safety—SI: Denies
 Safety—HI: Denies
 Perceptions: Auditory hallucinations, visual hallucinations, possibly responding to internal stimuli
 Sensorium: Alert
 Sensorium/Oriented: Person, place, time
 Memory: Mild/moderate impairment
 Attention / Concentration: Mild/moderate impairment
 Judgment: Judgement fair
 Insight: Insight fair
 Impulse Control: Intact during interview

MEDICAL DECISION MAKING**Diagnosis**

302.81 Posttraumatic stress disorder (Prim Dx) (Chronic illness, stable)

Treatment Goal(s)

Symptom reduction; Medication adherence; Maintain therapeutic gains; Restore level of functioning;
 Discussed safety plan to include calling DMH Mental Health Center, 911, or go to the nearest ED; Discussed safety plan and removal of access to lethal means;

Clinical Lab Testing

Order Labs: Review Labs;
 labs ordered today: omp cbc/diff lipid tsh reflex.

Current and New DMH Rx List

Review of history and current prescriptions for controlled substances via Appriss 08/23/23

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
propranolol (N)	10 mg	Take 1 tablet by mouth three times a day as needed	90	2	eRx	08/23/23
Prescriber: K. WEST DrFirst Note: for anxiety, PTSD sx, agitation						
Zoloft (N)	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23
Prescriber: K. WEST						

Physical Health / Other Meds

Informed Consent and Medication Education

NEW MEDICATIONS

General Medication: Verbal informed consent obtained for all medications prescribed during this visit. I presented relevant information to include diagnosis, the nature and purpose of recommended interventions, and the burdens, risks, and expected benefits of applicable treatment options to include forgoing treatment. I presented information on medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medications. I assessed the patient's ability to understand medical information and the implications of treatment alternatives. I assessed the patient's ability to make an independent, voluntary decision and the patient was provided an opportunity to ask questions and consented to the specified medical intervention(s). The patient was briefed that as an active member of the treatment team, they are free to withdraw consent and discontinue participation at any time without prejudice; that they have a responsibility to inform all of their doctors/care providers of all medication that they are taking; that they have a responsibility to inform all of their doctors/care providers of any known contraindications to include drug allergy and/or adverse drug interactions, and that they should call their Mental Health Clinic with any side effect concerns.

Antidepressant

I discussed general indications, risks and benefits of antidepressant medications and possible adverse effects to include serotonin syndrome, cardiovascular effects, gastrointestinal effects, hematological effects, weight changes, sexual dysfunction, and discontinuation syndrome. I discussed possible central nervous system effects to include antidepressant induced mania. I discussed the Black Box warnings of possible increased risk of suicidal thinking and behavior in children, adolescents, and young adults.

DISCUSSION

New medication(s) prescribed
 Lab monitoring required
 Follow up with PCP regarding medical symptoms

PRESENT FOR COUNSELING

Patient

COMMENTS

start zoloft target depression/anxiety/ptsd.
 start propranolol target agitation/anxiety/ptsd.
 consider adding risperdal if psychotic sx persist or worsen.
 med info sheets provided. PTSD info sheet provided.

Other Risk Elements

Prescription drug management

Data Review

Order test(s)
 Review prior records/external note(s)
 Review test(s) results
 Review Appriss Rx Records
 IQA, labs ordered

Recommendations and Referrals

FOLLOW UP WITH

Nurse: 1 month;
 APRN: 3 months;
 Requires monitoring of response to medication; Requires monitoring of medication side effects;

FOLLOW UP WITH MH CLINICIAN

Psychotherapy interventions; Supportive/rehabilitative interventions;

Improve level of functioning; Monitoring to prevent decompensation/hospitalization; Monitoring to maintain therapeutic gains)

TRANSITION TO ANOTHER LEVEL OF CARE
N/A;

REFERRAL
PCP:

OTHER COMMENTS
Obtain labs as ordered
F/U with PCP as recommended.
PMA 3 months/PRN
rn 1 month

Reviewed after hours/emergency procedures.
Call MHC, 911, or go to ER for worsening of sx or thoughts of harm

Signed By
Kristi West, DNP, APRN
23 Aug 2023 1:34:34 PM

Signed By
Lori Gerding, MD
24 Aug 2023 12:38:40 PM

FOLLOW UP PSYCHIATRIC MEDICAL ASSESSMENT (PMA) / PHYSICIAN MEDICAL ORDER

Name: **PATRICK MONTGOMERY** Ticket No: 60174740
 DOB: [REDACTED] Modifier:
 ID: 10629019 Facility: 3W - BERKELEY COMMUNITY MENTAL HEALTH CENTER
 Service Date: 11/28/2023 Place of Service: 53 COMMUNITY MHC
 Service Time: Medicare Authorized Provider: NONE
 02:42 PM - 03:23 PM

Time	Staff ID	Staff Name
41	0639	LORI GERDING, MD

HISTORY

Chief Complaint/Reason for Visit

'not good'

History of Present Illness

48 yo m w/ h/o PTSD seen on f/u, first time by this writer. Pt seen last wk at BCMHC, sent home, but called and told to go to ER, as pt wasn't eating, didn't think he had stomach, etc. Was dx w/ etoh withdrawal, but ethanol level was 24.3, which is WNL-0-50. Pt eating/drinking more than last wk, but still doesn't want to touch food, feels as if he doesn't have stomach. Hears knocking, denies hearing voices. Denies VH, feels people are following him, doesn't want to leave house, won't sit on porch. Pt reports he is worried that police will come after him and take him back to jail. Pt on couch most of day, sleeps on off all day. Doesn't want blinds open. Doesn't touch anything. Decreased self care, showered once in 10d, not brushing teeth. Denies GI/SIB, HI. Endorses anhedonia, isolation, low energy, poor sleep, wants to be around family, negative outlook. Denies nm, fb, avoidance, hyperstartle, hypervigilance.
 Not taking meds, feels as if it will get stuck in throat.

Symptom Elements / Review of Systems Psychiatric

- Depression symptoms: Depressed mood; Decreased energy; Decreased interest; Low motivation; Anhedonia;
- Mania symptoms: Denies symptoms of mania;
- Psychosis symptoms: Auditory hallucinations; Paranoia; Delusions;
- Anxiety symptoms: Anxious mood;
- Trauma symptoms: Intrusive thoughts; Flashbacks; Intense startle; Hypervigilance; Increased distress;
- Avoidance behaviors:
- O-C related symptoms: Denies obsessive compulsive related symptoms;
- ADHD related symptoms: Denies ADHD related symptoms;
- Behavioral symptoms: Denies behavioral disturbance;
- Appetite related symptoms: Decreased;
- Sleep related symptoms: Frequent awakening;

History Statements

Stressors: Financial; Medical; Relationship/family conflict;
 Medications: Not taking meds as prescribed;

Psychiatric Medications (DMH)

Med	Dosage	Sig
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed
Zoloft	60 mg	Take 1 tablet by mouth at bedtime

Allergies

nkda

Medical History — (new/pertinent information)

see HPI

Review of Systems — Medical

- Constitutional: Denies problems
- Integumentary: Denies problems
- Head/Eyes: Denies Problems
- ENT: Denies Problems
- Cardiovascular: Denies Problems
- Respiratory: Denies Problems
- Gastrointestinal: Denies Problems
- Genitourinary: Denies Problems
- Musculoskeletal: Denies Problems
- Neurologic: Denies Problems
- Endocrine: Denies Problems

Hematologic/Lymphatic: Denies Problems

Allergic/Immunologic: Denies Problems

Substance/Alcohol Use

All reviewed/updated 11/28/2023.

Service	Last Update	Substance	Frequency/Quantity
H052	11/28/2023	CAFFEINE	occ tea

Family History

denies changes

Social History

on house arrest,

Not working or in school; Living with family; Not collecting disability/government benefits;

EXAMINATION

Vital Signs and Measurements

Service	Date	Weight	Blood Pressure	Pulse
H052	11/28/2023	173Lbs	153/90	104

Musculoskeletal and Neurologic

Muscle Strength and Tone: WNL

Gait & Station: WNL

Motor Activity: No abnormal motor activity observed

Date of last AIMS: 11/28/2023

AIMS-0

Mental Status Exam

Appearance/Presentation: Dineveled

Attitude/Behavior: Guarded

Speech/Language: Regular rate and rhythm

Mood: Depressed, anxious

Affect: Flat

Process: Blocking

Associations: Disorganized

Preoccupations: None evident

Delusions: Paranoid, persecutory, somatic

Safety—SI: Denies

Safety—HI: Denies

Perceptions: Auditory hallucinations

Sensorium: Alert

Memory: Mild/moderate impairment

Attention / Concentration: Attention/concentration intact, fund of knowledge wnl

Judgment: Judgement impaired

Insight: Insight impaired

Impulse Control: Intact during interview

MEDICAL DECISION MAKING

Diagnosis

309.81 Posttraumatic stress disorder (Prim Dx) (Chronic illness, stable)

296.24 Major depressive disorder, Single episode, With psychotic features (Acute illness (with systemic symptoms))

Treatment Goal(s)

Symptom reduction; Medication adherence; Maintain therapeutic gains; Restore level of functioning;

Discussed sleep hygiene; Discussed nutrition; Discussed safety plan to include calling DMH Mental Health

Center, 911, or go to the nearest ED; Discussed safety plan and removal of access to lethal means;

Clinical Lab Testing

Review Labs;

see imports

Current and New DMH Rx List

Review of history and current prescriptions for controlled substances via Appriss 11/28/2023

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed	90	3	eRx	08/23/23
		Prescriber: K. WEST				
		DrFirst Note: for anxiety, PTSD sx, agitation				
Zoloft	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23
		Prescriber: K. WEST				

New DrFirst E-Rx

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
sertraline (N)	20 mg/ml	2.5-5 ml by mouth once a day as directed	150	0	aRx	11/28/23
Prescriber: L. GERDING, M.D. DrFirst Note: 2.5 ml x 6d, then 5ml qd						
risperidone (N)	1 mg	1 tablet by mouth twice a day	60	0	eRx	11/28/23
Prescriber: L. GERDING, M.D.						

Physical Health / Other Meds**Informed Consent and Medication Education****GENERAL MEDICATION**

General Medication: Discussed information relating to medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medication

NEW MEDICATIONS

General Medication: Verbal informed consent obtained for all medications prescribed during this visit. I presented relevant information to include diagnosis, the nature and purpose of recommended interventions, and the burdens, risks, and expected benefits of applicable treatment options to include forgoing treatment. I presented information on medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medications. I assessed the patient's ability to understand medical information and the implications of treatment alternatives. I assessed the patient's ability to make an independent, voluntary decision and the patient was provided an opportunity to ask questions and consented to the specified medical intervention(s). The patient was briefed that as an active member of the treatment team, they are free to withdraw consent and discontinue participation at any time without prejudice; that they have a responsibility to inform all of their doctors/care providers of all medication that they are taking; that they have a responsibility to inform all of their doctors/care providers of any known contraindications to include drug allergy and/or adverse drug interactions, and that they should call their Mental Health Clinic with any side effect concerns.

Antidepressant

I discussed general indications, risks and benefits of antidepressant medications and possible adverse effects to include serotonin syndrome, cardiovascular effects, gastrointestinal effects, hematological effects weight changes, sexual dysfunction, and discontinuation syndrome.

I discussed possible central nervous system effects to include antidepressant induced mania.

Antipsychotic

I discussed general indications, risks, and benefits of antipsychotic medications and possible adverse effects to include extrapyramidal effects, tardive dyskinesia, neuroleptic malignant syndrome, metabolic syndrome, and/or cardiac effects.

I discussed the need for periodic assessment for abnormal involuntary movements and for periodic laboratory screening when taking antipsychotic medications.

DISCUSSION

Risk of no treatment

New medication(s) prescribed

Lab monitoring required

Follow up with PCP regarding medical symptoms

PRESENT FOR COUNSELING

Patient

Family

Other Risk Elements

Prescription drug management

Data Review

Request Medical Records

Review prior records/external note(s)

Review test(s) results

Review Apprx Rx Records

Fetter-labs, visits

Recommendations and Referrals

FOLLOW UP WITH

Nurse: 3 wks;

MD: 2 months;

Requires monitoring of response to medication; Requires monitoring of medication side effects; Drug Therapy

requiring extensive monitoring for toxicity, sga;

FOLLOW UP WITH MH CLINICIAN

Psychotherapy interventions; Supportive/rehabilitative interventions;
improve level of functioning; Monitoring to prevent decompensation/hospitalization; Monitoring to maintain
therapeutic gains;

TRANSITION TO ANOTHER LEVEL OF CARE

N/A:

REFERRAL

PCP, routine care;

OTHER COMMENTS

Zoloft, liquid, as afraid to swallow pills

Risperdal M tabs

d/c propranolol

sRX: Publix, Cane Bay

11/28/2023 | 3:23 PM EST

Signed By

Lori Golding, MD

BERKELEY COMMUNITY MENTAL HEALTH CENTER

This form is being used to : Discharge from MHC service

Client Name: PATRICK MONTGOMERY CID: 10629019 Date of Admission: 07/17/2023 Date of Discharge/Transition: 12/28/2023

Reason for Discharge/Transition: Pt wife stated he did not want services or to take medication

Diagnosis at Admission: 309.81 - Posttraumatic stress disorder	Diagnosis at Discharge/Transition: 309.81 - Posttraumatic stress disorder
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GAF at Admission: 37	GAF at Discharge/Transition: 37
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Strengths: Unknown	Needs: Psychiatric eval and therapy	Abilities: Unknown	Preferences: Unknown
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Current medications (list medications, dosages):

Medication	Dosage
Zoloft	50 mg
propranolol	10 mg
risperidone	1 mg
serbalice	20 mg/mL

Will the client be discharged/transferred on medication? No

Explanation: Pt wife stated he does not want to take medication.

Presenting Condition/Problem(s)/Symptom(s): acute stress response of poor sleep and appetite. Limited orientation to place, person and situation, organ stress and shut down requiring hospital level care, delusions.

What services were provided and what were the results of services/progress on recovery at the time of discharge/transition. (Include the following: Were goals/objectives met? Goals achieved? Progress in his/her recovery?):
 Psychiatric and one counseling service. No goals or objectives were met due to pt not attending treatment.

Date of Last Contact: 12/04/2023	Client Status at Last Contact:
-------------------------------------	--------------------------------

Recommendations for Follow-up/Support (include information about referrals to other agencies):

- 1) If symptoms re-appear you may return to the mental health center for further evaluation and treatment.
- 2) Referred to: BCMHC Contact name & phone number: 543-761-8282

Program Transfer Information:

Sending Staff: Receiving Staff:

Transferred From: Transferred To:

Admission Date to Currently Assigned Program:

Person participating in Discharge Summary/ Transition Plan:

Client received a copy of the Discharge Summary/ Transition Plan: No

Signed By

12/28/2023 | 11:13 AM EST

Emi Berkov, MS, LPCA

CLINICAL SERVICE NOTE

Staff List:

TIME: 80 FOR STAFF: TLOC STACY BOWMAN

Facility: 3W BERKELEY COMMUNITY MENTAL HEALTH CENTER Cost Center: 3W761 MOBILE CRISIS
Location: MC MOBILE CRISIS Office: 761 MOBILE CRISIS
Place Of Service: 12 HOME Svc Code: 0001 0 CRISIS INTERVENTION SERVICE

Batchno: 12248282 Group Number: - Group ID: -
Staff ID: tloc

Date: 01/12/2024 Time Service Provided: 10:00 AM - 11:30 AM

Name: PATRICK MONTGOMERY CID: 10629019 Bill Time: 60
Cancel/NS: Ticket: 80376159 Audit: 1589595 Pmttp: 02 Modifier:
Problem: 0 PSYCHIATRIC Emerg: 2 NORMAL HOURS, EMERGENCY Incare: N

Individuals Present:

Patient: Sabrina Montgomery - spouse, BCEP - Det Whitworth, Berkeley EMS

Patient's Condition:

Mood/Affect: Agitated, fearful/worried
Thought Process/Orientation: non-linear, confused
Motivation: Self neglect - not motivated
Behavior/Functioning: pacing, not eating/sleeping/drinking water
Medical Condition: dehydrated
Substance Use: No significant changes reported/observed

G-SMS Screener:

Suicidal Thoughts: Since your last visit, have you actually had thoughts about killing yourself? No
Suicide Behavior: Since your last visit, have you done anything, started to do anything, or prepared to do anything to end your life? No

Focus of Session or Nature of crisis:

Crisis Assessment

Content of Session:

MSE: Pt was not oriented to situation. Oriented to person, place. Cognitive ability limited - unable to do basic addition. Has not slept in several days. Has not eaten food in about 5 days. Responding to internal stimuli. A/V/M present. Paranoia present. Pt provided proof of multiple unopened prescription bottles for psychiatric conditions which is not taking. EMS visited 2 days prior and he refused care.

Intervention(s) of Staff:

MSE conducted mental status exam. Provided previous PMA and Face sheet to media. Coordinated Completion Orders of Detention after receiving permission from Clerk at Probate Court. Provided empathetic listening and to spouse and attempted to utilize active listening skills of emotional labeling and paraphrasing with pt. Follow through with MUSC same day of transport.

Patient's/Other's Response to Intervention(s):

Pt was resistant and agitated. He did not want to be assessed or examined. He was given an injection of Ketamine to sedate.

Patient Status at end of Session:

Pt was involuntarily transported through Berkeley County EMS to MUSC for follow up care (medical and psychiatric)

Disposition at end of Session:

Not diverted

1/12/2024 | 4:08 PM EST

Signed By

Stacy Bowman, MA, LPC

Svc Code2: 0001 0 CRISIS INTERVENTION SERVICE Bill Time: 60 NO CHARGE WAS NOT INDICATED
Cancel/NS: Ticket: 80376159 Audit: 1589595 CID: 10629019 Name: PATRICK MONTGOMERY

Mental Health Center Initial Clinical Assessment

Appointment Type Update
ICA Version Adult
Date of Admission 01/30/2024 Referred by Other: HFDC
Source of data Self, Family;

Section A: Identifying Data

Name MONTGOMERY, PATRICK CID 10629019
DOB [REDACTED] Race BLACK/AFRICAN AMERICAN Marital Status MARRIED
Age 49 Gender Male

Section B: Presenting Problem

Chief Complaint: What brings the patient here today?

UPDATE: PT went to MUSC for a psychosis episode and came to BCMH upon discharge. Spouse thinks PT may need constant care and supervision and shouldn't be left alone because he can't take care of himself. Spouse talked about sending PT to stay with his mother and also expressed thoughts of their marriage not working due to PT's episodes that make the spouse feel unsafe.

PT was seen after discharge from HFDC. He spent several months there and during that time had a "break". Symptoms included acute stress response of poor sleep and appetite. Limited orientation to place, person and situation, organ stress and shut down requiring hospital level care, delusions. PT was arrested after being involved in a fatal DUI related car accident. Family report no history of Mental or physical illness. At time of intake, PT continued to endorse panic attacks, difficult with orientation of situation and place. Denies s/h/i. Encopresis, Enuresis and GI issues reported while incarcerated.

History of Presenting Problem

What are the symptoms and/or problems the patient is experiencing?

UPDATE: spouse reports paranoia. PT feels like someone looking at them through the window, wants no TV on, was talking to someone and telling family members that someone was going to kill them (before being admitted to the hospital). Wants to be by himself. Spouse reports that PT tells her that something is wrong with his hands. Similar symptoms as listed below before hospitalization.

Delusions and paranoid thinking endorsed by spouse
Sleeping: Spouse reports that PT is always tired.
Limited of orientation to situation and place
Anxiety: feeling nervous and worried
confusion at times
Depression: tearful before going to the hospital
s/h/i: denies
legal issues - current. On ankle monitor.
Medical issues - addressed while incarcerated. Will need follow up
Employment - lost employment and related benefits as a result of incarceration.

When (months/weeks) did the patient begin having these problems?

PT has a history of psychotic episodes. PT was released from MUSC on 1/29/2024 for the most recent episode

What was happening at the time when symptoms/problems began?

Incident related

Trauma/stress response to fatal, DUI related accident. PT also says when he was in jail someone did something to him and he started having symptoms since

This problem is affecting the patient's ability to function in:

Work

PT can't work

Social

PT has no friends and stays to himself

Self-Care

Spouse reports decreased self-care

How has the patient been dealing with these symptoms/problems?

"I don't really know what to do. I just stay to myself"

Has the patient experienced similar symptoms/problems before?

Yes

How did the patient handle it before? went to the hospital in July of 2023

What was helpful? n/a

What was not helpful? n/a

If the patient is agitated and assaultive, is this a recurrence of a situation that triggered assaultive behavior in the past?
No

How motivated is the patient to actively participate in treatment (including following up with medications if prescribed and therapy)?

PT has some observed confusion. He didn't want to come to ICA and reported not wanting to come to BCMH to take medications. His spouse forced him to come

Section C: Pertinent Past Behavioral Health History

Has the patient had previous treatment for a behavioral health disorder (psychiatric and/or a substance-related disorder)?
Yes If yes, describe (include diagnostic and treatment history)

PT was hospitalized before due to a psychotic episode

Section D: Medications (Current and History)

List all meds (psych, medical, over the counter) the patient is CURRENTLY taking. Does the patient feel it is helpful?

- Klonopin
- Zoloft
- Seroquel

Medication Allergies?

No

Adverse Reactions To Medications?

No

Section E: Medical History and Current Status

Identify and describe the patient's self-reported Current or Historical medical concerns/problems

Current Medical Conditions (include relevant medical conditions that may impact treatment):

UPDATE: spouse and PT both didn't report any current medical conditions, but they were told PT's blood pressure was low at the time of the most recent hospitalization

Emergency room reports concerns for cardiac test results. Creatinine levels were also being noted. Kidney issues were noted with no dialysis.

Previous Medical Conditions/Surgeries:

Appendix removed years ago

Relevant Family History of Medical Conditions:

Grandmother - diabetes

Primary Care Provider/Pediatrician

Dr. Zacary at Roper on Dorchester rd

Phone #

Date of last visit

Specialist(s) treating patient

Name

Phone #

Date of last visit

Pharmacies

Name

Phone #

CVS on 78 College park

*Obtain authorizations, as necessary

Physical / Psychiatric Disability

No

History of hospitalizations other than behavioral health

Yes Trident Medical 07/01-07/07/2023 (estimated). See imports.
MUSC discharged on 1/29/24 - see imports

History of surgeries

No

Does the patient use any complementary healthcare approaches?

Yes Prenatal vitamins

Advance Directives:

No

Would the patient like assistance to get Advance Directives:

No

Generate referral for Medical Services assistance:

No

Section F: Substance Use

Is the patient currently using, or have a history of using alcohol and/or other drugs?

Yes

Previous Diagnosis, if known:

UPDATE: PT is a social drinker and may drink a few beers during a family function. PT reports having 3-4 beers the night of accident. Denies any concern or worry for addiction or regular abuse of chemicals/alcohol

Substance History

Substance Alcohol	Last use 04/15/2023	Method Oral
Type beer		
How often occasionally		
How much 3 beers		

SUBSTANCE USE SYMPTOMS CRITERIA

- | | |
|---|--|
| 1) Larger amounts over longer periods | 7) Reduced/Given up important activities |
| 2) Unsuccessful attempts to cut down use | 8) Use in physically hazardous situations |
| 3) Increased time obtaining, using, recovering from use | 9) Continued use despite worsening physical/psychological problems |
| 4) Craving | 10) Tolerance |
| 5) Failure to fulfill roles | 11) Withdrawal |
| 6) Recurrent social problems caused or worsened by use | 0) No symptoms endorsed |

STAGES OF CHANGE

- Pre-Contemplation:** The patient does not believe there is a problem when there is evidence, or under-appreciates the severity of the problem and its impact
- Contemplation:** The patient recognizes there is a problem yet is ambivalent, or is uncertain about addressing the problem
- Preparation:** The patient is beginning to address barriers to change, is collecting resources, asking for more information
- Action:** The patient is actively taking steps to address and change the problem, is participating in new lifestyle activities, has stopped using
- Maintenance:** The patient has been abstinent and is actively engaged in a new lifestyle

denies issues. Claims incident was unfortunate 1 time accident.

Periods of abstinence:

Yes reports social consumption only.

Withdrawal History

No withdrawal symptoms.

Previous withdrawal management treatment?

No

Participation with community supports?

No

Risk behaviors related to substance use?

Yes Driving while influenced;

Was a Urine Drug Screen used today?

No

Generate referral to Clinical Care Coordination for assistance related to substance use?

No

Section G: Developmental and Family History

What is the patient's current living situation?

Personal Home

Is the patient at risk of losing current housing?

No

Is the patient's current housing adequate for the patient's needs?

Yes

Describe patient's current marital/couple relationship:

Married, spouse is present during intake

Describe patient's relationship with parent(s):

Good relationship with mother, doesn't know his father

Is the patient's family supportive of the patient seeking treatment at this time?

Yes

Significant losses/separations?

Yes - PT wishes he had a relationship with his father. Grandmother passed away

Is the patient currently sexually active?

No

What is the patient's sexual orientation?

Heterosexual;

Patient identifies gender as:

Male;

Does the patient have a developmental history of violence?

Denies;

Family Hx of suicide

Yes - cousin committed suicide

Family Mental Health History:

Yes - cousin - PT doesn't know what the official diagnosis is but cousin is inpatient in Columbia

Family Substance Disorder History:

No/Unknown

Family medical history:

Yes - Grandmother - diabetes

Section H: Education and Employment History

Education History

Highest grade completed? High school graduate

Is the patient interested in continuing education?

No

Does the patient have difficulties with learning/literacy?

No

Employment History

Describe the patient's employment status. (What jobs has the patient had and for how long? Desire to work?)

PT is currently unemployed. Had Full time status with north charleston sewer

Is the patient currently working or interested in employment?

No

Is the patient in agreement with a referral to the IPS program, if available?

No

Is the patient interested in a referral to the Vocational Rehabilitation Department (VR)?

No

What is the patient's ability to manage personal finances and/or maintain personal property?

Requires assistance;

Is the patient interested in a referral for support related to living situation and/or money management?

No

Military History

Does the patient have a military history?

No

Section I: Social and Cultural History

How does the patient occupy their time (social & leisure activities)?

Just sitting there and staring at the wall. PT: "I don't do nothing." Spouse: "just sits in one chair"

Describe the patient's current social network (friends)

No friends

Does the patient practice a religion or follow a spiritual path?

Yes Christian

How does the patient identify ethnically and culturally?

African American male.

Legal History

Is the patient currently involved with the legal system?

Yes Periods of incarceration; Other;

Comments Released on bond at this time. UPDATE: PT still has ankle bracelet

Has the patient previously had involvement with the legal system?

No

Is the patient under court order for mental health treatment?

No

Section J: Trauma History

History of Trauma, Violence, Abuse, and/or Neglect:

Symptoms observed/reported by others;

Type of Trauma/Violence/Abuse/Neglect:

Accident;

Patient was:

Witness;

Describe History of Trauma

PT is alleged as driving his vehicle while intoxicated and involving in an accident with another car. One of the passengers died as a result of injuries.

Was a screening tool administered?

No

Persistent avoidance Avoidance, or efforts to avoid distressing memories, thoughts, feelings associated with the event;

Negative alterations in cognitions or mood inability to remember an important aspect of the traumatic event;

Persistent, distorted cognitions about the cause or consequences to lead to blame self or others;
Markedly diminished interest/participation in significant activities;

Alterations in arousal and reactivity Problems with concentration; Sleep disturbance;

Other The duration of the above symptoms is more than 1 month;

Section K: Mental Status Examination

Appearance & Hygiene WNL;

Motor Activity Lethargic;

Attitude During Interview Cooperative; Guarded;

Behavior Calm;

Eye Contact Avoidant;

Affect Appropriate;

Mood Anxious;

Speech Slow;

Thought Process Circumstantial;

Thought Content

Delusions Denies;

Paranoid - believes he will be harmed

Suicidal ideation Wish to be dead;

Have you wished you were dead or wished you could go to sleep and not wake up?

No

Suicidal Thoughts (ST):

Have you actually had any thoughts of killing yourself?

No
ST w/Method & w/o Plan:
 Have you been thinking about how you might kill yourself?

No
Suicide Behavior:
 Have you ever done anything, started to do anything, or prepared to do anything to end your life?

Yes
 How long ago did you do any of these?
 Between three months and a year ago;

Comments: While in jail refused self care (eating, sleeping) leading to organ shutdown (Kidneys, cardiac).
 UPDATE: No current concerns

Homicidal Ideation

Do you wish you could hurt someone?
 No

Have you ever assaulted someone?
 No

Obsessions Denies;

Hallucinations Denies;

Cognition

Orientation Time; Place; Person; Circumstance;

Memory Impairment Short Term;

Judgment Poor --- Decision making adversely affects self and/or others;

Insight Poor;

Fund of Knowledge Average;

Neurovegetative Functions

Sleep Patterns Insomnia;
 UPDATE: no current concerns with sleep but PT was just discharged a day ago

Appetite/Eating Patterns Doesn't eat;
 Family works on monitoring food and water intake. UPDATE: PT stated his eating is "so-so"

Energy Level Decreased;

Sex Drive/Libido Decreased;

Section L: Risk Assessment

Suicide	Assaultive/Violent Behavior
Substance Use	Substance Use
Family History of Suicide	
Legal Problems	
History of Trauma	
Previous History of suicide attempts	

Is Personal Safety Plan Completed? (If no, indicate why)
 Yes

Section M: Diagnostic Impression

Primary 298.9 Unspecified psychosis not due to a substance or known physiological condition

Section N: Interpretive Summary

Interpret the patient's presenting problem/justification for diagnosis, specifying the severity of symptoms and impairments in functioning, and describe how historical data and/or co-occurring conditions (including disabilities) may interrelate with the current problem:

UPDATE: PT's spouse reported that PT stopped eating and drinking and started hallucinating, walking back and forth talking to someone. Spouse started sleeping in a car to get some sleep at all. Children missed school for 2 days because they couldn't sleep because of PT's paranoia. PT was talking to someone and saying "crazy stuff that someone was going to kill us." Spouse took PT to MUSC where PT spent 2 weeks. PT's spouse is very worried about her children. During the ICA she was alluding into not wanting to stay in this marriage because of safety concerns for herself and their children. PT was just released from the hospital a day ago. PT's spouse shared that PT already expressed concerns that her son is not him and that maybe it is

someone else.

Based on PT's presentation during the ICA and reported information, 298.9 Unspecified psychosis diagnosis was given at this time. MUSC discharge information lists catatonia as one of the issues that PT is experiencing, PTSD, and MDD. Further evaluation of the symptoms is needed to confirm or revise an initial diagnostic impression. PT's current presentation doesn't allow to make a decision on the best course of action for individual therapy and MHP will be staffing this case with her supervisor and Scott Lawrence who is an experienced clinician working with people who exhibit psychosis to determine the best course of therapy.

Pt is presenting for intake with his wife after recently being released from incarceration at HFDG. Pt has no prior issues with arrests and/or mental and physical health issues. However, during April 2023 through July 2023 experienced a rapid decline in both areas of health, including, increased worry and anxiety, w/t. dehydration, encopresis, enuresis, kidney failure (no dialysis) and concerns for heart as a result of lack of self-care. Triggering event was a DUI related car accident with a fatality April 27, 2023. Pt at time of intake continues to have difficulty with fear based, intrusive thinking, difficulty with orientation and concentration. Difficulty for self care without assistance from spouse; including eating and drinking fluids. Sleep disturbances and panic attacks are endorsed. Continue to assess supports to helping family gain low-cost health care. Continue to assess history of alcohol use. Family denies abuse. Triggering event is alcohol related.

Describe the patient's insight and ability to adjust to his/her symptoms, impairments in functioning and problems:

Pt has limited insight. His ability to adjust to symptoms is managed with support from his spouse. Legal issues are being addressed through private attorney.

Section Q: Identified Needs and Recommended Services

Describe the patient's strength, abilities, resources and social supports that may assist him/her with resolving identified problems and maintaining clinical outcomes after discharge:

PT has supportive spouse and good relationship with his mother

Describe the patient's motivation for treatment and the patient's preference:

PT didn't express any motivation for treatment and admitted that he didn't want to be here today

Identify barriers/limitations or other needs that may prevent the patient from achieving positive outcomes in treatment and upon discharge:

Medical/physical health. Kidneys and heart will need to be monitored based on discharge paperwork from Trident (ED visit while incarcerated). Monitoring to ensure basic needs of health care, food/water, and shelter will need to continue to support good sleep hygiene and continued increase in orientation and insight.

What improvements can be expected of the patient, given the information above? (include expected outcomes of treatment based on insight, barriers, motivation, etc.):

If PT adheres to medication management, his levels of functioning will stabilize allowing him to be more present for his family and feel more

Does the patient need assistive technology in the provision of services?

No

Focus of treatment:

Medication management, safety and self-care monitoring, family therapy to provide psychoeducation

Assessed Needs

Active (A) Declined Assistance at this time (DA) Deferred (D) Referred Out (R)

A

Preliminary Plan of Care

Identify recommended type(s) and state intensity/frequency and anticipated length of treatment

Psychiatric Evaluation and Management, as needed

Nursing Services, as needed

Assessment	Times	1 / 12 months
Individual Therapy	Encounters 10	Weeks 10
Family Therapy	Encounters 2	Weeks 10

Rehabilitative Services

1/30/2024 | 10:33 AM EST

Signed By

Oiga Verbovaya, PhD, LMSW

ELECTRONICALLY FILED - 2025 JUN 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

CLINICAL SERVICE NOTE

Staff List:

TIME: 30 FOR STAFF: 1320 OLGA HAYES

Facility: 28 BERKELEY COMMUNITY MENTAL HEALTH CENTER

Cost Center: 0800A MAIN CENTER-CONTINUING TR & SUPPORT

Location: 8 MAIN CENTER/GENERAL ADMIN.

Office: 35 CONTINUING TREATMENT & SUPPORT/ADULT

Place Of Service: 33 COMMUNITY MHC

Svc Code: 8003 INDIVIDUAL THERAPY

Batchno: 141248292

Group Number: -

Group ID: -

Staff ID: 1320

Date: 05/20/2024

Time Service Provided: 03:30 PM - 04:00 PM

Name: PATRICK MONTGOMERY

CID: 10629016

Bill Time: 30

Cancel/NS:

Ticket: 60983622

Audit: 1551302

Pmttp: JT Modifier:

Problem: 0 PSYCHIATRIC

Emerg: 0 NORMAL HOURS, NO EMERGENCY Incar: N

Medicaid #: 1786459872

Individuals Present:

Patient: PT's wife

Patient's report of progress since last session/New issues presented today:

PT presented to an initial appointment with MHP with his wife. PT seemed more alert than he was at IUA. PT was not talkative and only said a few words during the session, but seemed to be aware of his surroundings and the circumstances. His wife reported "he is better than he was", but added that he still does nothing at home and just sits in one spot, doesn't go outside and doesn't participate in the family's life the way he used to.

Patient's Condition:

Mood/Affect: No significant changes reported/observed
Thought Process/Orientation: No significant changes reported/observed
Motivation: No significant changes reported/observed
Behavior/Functioning: No significant changes reported/observed
Medical Condition: No significant changes reported/observed
Substance Use: No significant changes reported/observed

C-SSRS Screener:

Suicidal Thoughts: Since your last visit, have you actually had thoughts about killing yourself? No
Suicide behavior: Since your last visit, have you done anything, started to do anything, or prepared to do anything to end your life? No

Focus of Session:

Other: MH check-in, court order

Therapeutic intervention(s) delivered in session:

Describe: - MHP assessed for MH concerns and medication compliance
- MHP discussed court order and what it means for treatment
- MHP answered questions PT and his spouse had
- MHP discussed the role of therapy and assessed PT's willingness and preparedness to participate in therapy

Patient's/Other's Response to Intervention(s):

Response: Guarded/Withdrawn

Describe: Mr. Patrick was guarded during the session and verbalized that he didn't want to participate in therapy or discuss his feelings or concerns with anyone. MHP spent time with the family discussing their options for therapy and PT's court order. PT expressed understanding about MHO status and participation in therapy per the RMA provider's request if the provider believes PT needs to be participating.

Patient's Progress towards Goals/Objectives on POC (or BMod Plan, where applicable):

PT and his spouse reported improved MH after PT was given new medications after the most recent hospitalization.

Actions to take before (e.g. homework) and Plan for next session:

MHP will inquire about the copy of the court order. MHP will staff the case with Malinda Nease

Evidence Based Practices (EBPs):

N/A

Signed By

Olga Verbovaya, PhD, LMSW

05/21/2024 10:38 AM

Svc Code2: 8003 INDIVIDUAL THERAPY

Bill Time: 30 SVC CODE NOT ON POC/MHO NO CHARGE INDICATED

Cancel/NS:

Ticket: 60983622 Audit: 1551302

CID: 10629016

NAME: PATRICK MONTGOMERY

FOLLOW UP PSYCHIATRIC MEDICAL ASSESSMENT (PMA) / PHYSICIAN MEDICAL ORDER

Name: **PATRICK MONTGOMERY** Ticket No: 60480657
 DOB: [REDACTED] Modifier:
 ID: 10629019 Facility: 3W - BERKELEY COMMUNITY MENTAL HEALTH CENTER
 Service Date: 02/05/2024 Place of Service: 53 COMMUNITY MHC
 Service Time: Medicare Authorized Provider: NONE
 10:30 AM - 11:00 AM

Time	Staff ID	Staff Name
30	1336	MAXIMILIAN CARTER
10	0639	LORI GERDING, M.D.

HISTORY

Chief Complaint/Reason for Visit

I/O

History of Present Illness

Pt 48 yo m w/ h/o PTSD seen on fl/u. He went to MUSC inpatient psych for 2 weeks. He was catatonic. He has been pretty much the same since before the hospital. He went to the hospital because he was paranoid that people were out to kill him and he was having AVH. He is on Klonopin and Zoloft according to his wife, who is here today, Denies SI, HI, current AVH. He is eating and drinking and taking his medicine.

Symptom Elements / Review of Systems Psychiatric

Depression symptoms: Denies symptoms of depression;
 Psychosis symptoms: History of psychotic symptoms;
 Trauma symptoms: History of trauma related symptoms;

History Statements

Psychiatric Medications (DMH)

Med	Dosage	Sig
Zoloft	50 mg	Take 1 tablet by mouth at bedtime
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed
sertraline	20 mg/mL	2.5-5 ml by mouth once a day as directed
risperidone	1 mg	1 tablet by mouth twice a day

Allergies

nkda

Substance/Alcohol Use

All reviewed/updated 02/05/2024.

Service	Last Update	Substance	Frequency/Quantity
H052	02/05/2024	CAFFEINE	occ tea

Family History

Reviewed/No Update

Social History

Reviewed/No Update

EXAMINATION

Vital Signs and Measurements

Service	Date	Weight
H052	02/05/2024	183Lbs

Musculoskeletal and Neurologic

Date of last AIMS: 11/25/2023

Mental Status Exam

Attitude/Behavior: Guarded
 Speech/Language: Slow, soft
 Mood: OK
 Affect: Congruent
 Process: Linear, Logical, Goal directed
 Associations: Associations Intact
 Preoccupations: None evident
 Delusions: None evident
 Safety—SI: Denies
 Safety—HI: Denies
 Perceptions: Auditory hallucinations, visual hallucinations

Memory: Recent/remote memory intact
 Attention / Concentration: Attention/concentration intact
 Judgment: Judgment poor
 Insight: Insight poor
 Impulse Control: Intact during interview

MEDICAL DECISION MAKING

Diagnosis

309.81 Posttraumatic stress disorder (Prim Dx) (Chronic illness, stable)
 296.24 Major depressive disorder, Single episode, with psychotic features (Acute illness (with systemic symptoms))

Treatment Goal(s)

Symptom reduction; Medication adherence; Maintain therapeutic gains; Restore level of functioning;
 Discussed sleep hygiene; Discussed nutrition; Discussed safety plan to include calling DMH Mental Health Center, 811, or go to the nearest ED;

Clinical Lab Testing

N/A;

Current and New DMH Rx List

Med	Dosage	Sig	Amount	Repts	Type	Start Dt	Archive Dt
Zoloft	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23	
		Prescriber: K. WEST					
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed	90	2	eRx	08/23/23	
		Prescriber: K. WEST					
		DrFirst Note: for anxiety, PTSD sx, agitation					
sertraline	20 mg/ml	2.5-5 ml by mouth once a day as directed	150	0	offx	11/09/23	02/05/24
		Prescriber: L. GERDING, M.D.					
		DrFirst Note: 2.5 ml x 5d, then 5ml as					
		Reason for Archive: Refill eRx					
risperidone	1 mg	1 tablet by mouth twice a day	90	3	eRx	11/28/23	
		Prescriber: L. GERDING, M.D.					

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Repts	Type	Start Dt
Seroquel (N)	200 mg	1 tablet by mouth every night at bedtime	30	2	eRx	02/05/24
		Prescriber: M. CARTER				
Klonopin (N)	0.5 mg	Take 1 tablet by mouth once a day	30	2	eRx	02/05/24
		Prescriber: M. CARTER				
Klonopin (N)	1 mg	Take 1 tablet by mouth every night at bedtime	30	2	eRx	02/05/24
		Prescriber: M. CARTER				

Physical Health / Other Meds

Informed Consent and Medication Education

PRESENT FOR COUNSELING
 Patient

Other Risk Elements

Prescription drug management

Recommendations and Referrals

TRANSITION TO ANOTHER LEVEL OF CARE
 N/A;

OTHER COMMENTS

- Decrease Klonopin to 0.5mg in AM, 1mg qns
- Continue Seroquel
- Increase Zoloft 150mg
- meds not showing up on chart, called pharmacy and they were all received
- /u 3 months

Patient seen under supervision of Dr Gerding

2/5/2024 | 5:22 AM EST

Signed By

Max Carter, MD

2/6/2024 | 8:35 AM EST

Signed By

Lof Gerding, MD

ELECTRONICALLY FILED - 2025 JUN 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023QP0801652

PSYCHIATRIC MEDICAL ORDERS AND SERVICE NOTES ADDENDUM - Patient Not Seen

Staff List:

TIME: 0 FOR STAFF: 0629 2023 GERDING, M.D.

Current and New DMH Rx List

Med	Dosage	Sig	Amount	Refills	Type	Start Dt	Archive Dt
Risperidone	1 mg	1 tablet by mouth twice a day	90	0	eRx	11/28/23	
Prescriber: L. GERDING, M.D.							
Zolof	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23	
Prescriber: K. WEST							
Propranolol	10 mg	Take 1 tablet by mouth three times a day as needed	90	2	eRx	08/23/23	
Prescriber: K. WEST							
DrFirst Note: for anxiety, PTSD sx, agitation							
Klonopin	0.5 mg	Take 1 tablet by mouth once a day	20	2	eRx	02/05/24	
Prescriber: M. CARTER							
Seroquel	200 mg	1 tablet by mouth every night at bedtime	90	2	eRx	02/05/24	02/27/24
Prescriber: M. CARTER							
Reason for Archiving: Refill eRx							
Klonopin	1 mg	Take 1 tablet by mouth every night at bedtime	30	2	eRx	02/05/24	
Prescriber: M. CARTER							

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
Seroquel (N)	200 mg	1-2 tablet by mouth twice a day as directed	90	0	eRx	02/27/24
Prescriber: L. GERDING, M.D.						
DrFirst Note: 1 qam, 2 qhs						

Physical Health / Other Meds

Allergies
nkda

Facility: SR BERKELEY COMMUNITY MENTAL HEALTH CENTER Cost Center:
 Location: S MAIN CENTER/GENERAL ADMIN. Office:
 Place Of Service: Svc Code: 039_3 GENERAL NOTE ASSOC. W/ MEDICATION
 Batchno: 5926232 Group Number: - Group ID: -
 Staff ID: 0629 Medicare Authorized Provider: none
 Date: 02/27/2024 Time Service Provided: N/A

Name: PATRICK MONTGOMERY CID: 10629019 Bill Time: 0
 Cancel/NS: Ticket: Audit: Pmtg: 02 Modifier:
 Problem: 0 PSYCHIATRIC Emerg: Incard: 3
 Treatment Goal / Focus:
 Reason:

Note:

SCRIPTS checked by MM
 Pt wife called, reports pt not improving, not eating, sitting in chair, not interacting w/others.
 call Madrasin Esposito and Klonopin
 Increase Seroquel, as above
 eRx: sent
 RUC 1 wk. RN. 3-4 wks. DVA, second pass
 M Stanley, RN, to call and discuss w/ wife/pt.

2/27/2024 | 10:51 AM EST
 Signed By
 Lori Gerding, MD

Svc Code2: 039_3 PSYCHIATRIC NOTE ASSOC. W/ MEDICATION Bill Time: 0 NO CHARGE WAS NOT INDICATED
 Cancel/NS: Ticket: Audit: CID: 10629019 Name: PATRICK MONTGOMERY

FOLLOW UP PSYCHIATRIC MEDICAL ASSESSMENT (PMA) / PHYSICIAN MEDICAL ORDER

Name: PATRICK MONTGOMERY
 DOB: [REDACTED]
 ID: 10629019
 Service Date: 05/20/2024
 Service Time:
 04:30 PM - 05:00 PM
 Medical #: 1780459672

Ticket No: 60891054
 Modifier:
 Facility: 3W - BERKELEY COMMUNITY MENTAL HEALTH CENTER
 Place of Service: 53 COMMUNITY MHC
 Medicare Authorized Provider: NONE

Time	Staff ID	Staff Name
30	1330	MAXIMILIAN CARTER
10	0699	LORE GERDING, M.D.

HISTORY

Chief Complaint/Reason for Visit
 f/u

History of Present Illness

Pt 48 yo m w/ h/o PTSD and MDD seen on f/u. Denies SI, HI, AVH. He says that things have been a little better, he is eating more. He went to Live Oak in April for catatonia. He was discharged on Abilify 10, Duloxetine 80, and Ativan 1mg. He has been taking his medication and doing well. He has felt a little depressed recently. He sits around all day not doing much. He got hit by car, the car fled, he does not remember it. He does not talk much, but does respond briefly to questions. Sometimes he will think and stare at the ground for a while. His wife is here with him. He stars blankly at times.

Symptom Elements / Review of Systems Psychiatric

Depression symptoms: Depressed mood;
 Mania symptoms: Denies symptoms of mania;
 Psychosis symptoms: History of psychotic symptoms;

History Statements

Psychiatric Medications (DMN)

Med	Dosage	S/g
Risperidone	1 mg	1 tablet by mouth twice a day
Klonopin	0.5 mg	Take 1 tablet by mouth once a day
Zoloft	50 mg	Take 1 tablet by mouth at bedtime
Klonopin	1 mg	Take 1 tablet by mouth every night at bedtime
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed
Seroquel	200 mg	1-2 tablet by mouth twice a day as directed

Allergies
 nkda

Substance/Alcohol Use

All reviewed/updated 06/20/2024.

Service	Last Update	Substance	Frequency/Quantity
H092	05/20/2024	CAFFEINE	occ tea

Family History

Reviewed/No Update

Social History

Reviewed/No Update

EXAMINATION

Musculoskeletal and Neurologic

Date of last AIMS: 11/28/2023

Mental Status Exam

Appearance/Presentation: Appropriate, blank stare
 Attitude/Behavior: Guarded
 Speech/Language: Slow
 Mood: Depressed
 Affect: Congruent
 Process: Linear, Logical, Goal directed
 Associations: Associations intact
 Preoccupations: None evident
 Delusions: None evident

ELECTRONICALLY FILED - 2025 JUN 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

Safety—SI: Denies
 Safety—HI: Denies
 Perceptions: Denies AVH
 Sensorium: Alert
 Memory: Recent/remote memory intact
 Attention / Concentration: Attention/concentration intact
 Judgment: Judgment impaired
 Insight: Insight impaired
 Impulse Control: Intact during interview

MEDICAL DECISION MAKING

Diagnosis

309.81 Posttraumatic stress disorder (Prim Dx) (Chronic illness, stable)
 296.24 Major depressive disorder, Single episode, With psychotic features (Acute illness (with systemic symptoms))

Treatment Goal(s)

Symptom reduction, Medication adherence; Maintain therapeutic gains; Restore level of functioning; Discussed sleep hygiene; Discussed nutrition; Discussed safety plan to include calling DMH Mental Health Center, 911, or go to the nearest ED;

Clinical Lab Testing
 N/A;

Current and New DMH Rx List

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
Risperidone	1 mg	1 tablet by mouth twice a day	60	0	eRx	11/28/23
	Prescriber: L. GERDING, M.D.					
Klonopin	0.5 mg	Take 1 tablet by mouth once a day	30	2	eRx	07/05/24
	Prescriber: M. CARTER					
Zolof	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23
	Prescriber: K. WEST					
Klonopin	1 mg	Take 1 tablet by mouth every night at bedtime	30	2	eRx	02/05/24
	Prescriber: M. CARTER					
Propranolol	10 mg	Take 1 tablet by mouth three times a day as needed	90	2	eRx	08/23/23
	Prescriber: K. WEST					
	DrFirst Note: for anxiety, PTSD ex, agitation					
Seroquel	200 mg	1-2 tablet by mouth twice a day as directed	90	0	eRx	02/27/24
	Prescriber: L. GERDING, M.D.					
	DrFirst Note: 1 qam, 2 qas					

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
Ativan (N)	1 mg	1 tablet by mouth three times a day	90	2	eRx	05/20/24
	Prescriber: M. CARTER					
Abilify (N)	10 mg	1 tablet by mouth once a day	30	3	eRx	05/20/24
	Prescriber: M. CARTER					
Cymbalta (N)	60 mg	1 capsule by mouth once a day	30	3	eRx	05/20/24
	Prescriber: M. CARTER					

Physical Health / Other Meds

Informed Consent and Medication Education

PRESENT FOR COUNSELING
 Patient

Other Risk Elements

Prescription drug management

Recommendations and Referrals

TRANSITION TO ANOTHER LEVEL OF CARE

MMO since 05/20/2024

Intervening Service since last PMA: N/A

MMO: Remain in MMO

Patient agrees to continue this level of care and requests new goal.

Goal:

OTHER COMMENTS

- Continue Abilify 10, Duloxetine 60, and Ativan 1mg
- Taper Ativan in 3-6 months, given for catatonie
- T/u 3 months

Patient seen under supervision of Dr Gerding

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

Signed By
Max Carter, MD
05/20/2024 16:53 PM

(page 3)

Signed By
Lori Gerding, MD
05/21/2024 11:00 AM
CIP: 40629019

Date: 05/20/2024 16:53:48

FOLLOW UP PSYCHIATRIC MEDICAL ASSESSMENT (PMA) / PHYSICIAN MEDICAL ORDER

Name: PATRICK MONTGOMERY

Ticket No: 61746784

DOB: [REDACTED]

Modifier: SA

ID: 10629019

Facility: JW - BERKELEY COMMUNITY MENTAL HEALTH CENTER

Service Date: 11/04/2024

Place of Service: 53 COMMUNITY MHC

Service Time: 03:30 PM - 03:45 PM

Medicaid #: 1780459872

Time	Staff ID	Staff Name
15	1344	DINEOJA FIZER

HISTORY

History of Present Illness

Pt presents with his wife for PMA appointment. He endorses that he takes his medication as prescribed but hasn't changed anything with his behavior. When patient was asked how does he feel he states at the floor and states "I don't know" Pt wife states he just sits in the chair, he doesn't shower or leave the house. He endorses that he has some sadness, no anxiety and denies racing thoughts or paranoia. He reports his sleeping is poor and sits/sleeps in a recliner every day. He denies AVH, SI, HI

Symptom Elements / Review of Systems Psychiatric

Depression symptoms: Depressed mood.
 Mania symptoms: Denies symptoms of mania.
 Psychosis symptoms: Denies symptoms of psychosis.
 Anxiety symptoms: Denies symptoms of anxiety.
 Trauma symptoms: Denies trauma related symptoms.
 O-C related symptoms: Denies obsessive compulsive related symptoms.
 ADHD related symptoms: Denies ADHD related symptoms.
 Behavioral symptoms: Denies behavioral disturbance.
 Feeding/Eating related symptoms: Denies eating disturbance.
 Sleep related symptoms: Sleep is fair/good.

History Statements

Medications: Denies medication side effects. Taking medications as prescribed.

Psychiatric Medications (DMH)

Med	Dosage	Sig
Zolofl	50 mg	Take 1 tablet by mouth at bedtime
Klonopin	0.5 mg	Take 1 tablet by mouth once a day
Klonopin	1 mg	Take 1 tablet by mouth every night at bedtime
Ativan	1 mg	1 tablet by mouth three times a day
risperidone	1 mg	1 tablet by mouth twice a day
Seroquel	200 mg	1-2 tablet by mouth twice a day as directed
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed
Cymbalta	60 mg	1 capsule by mouth once a day
Aliver	0.5 mg	1 tablet by mouth three times a day
Abilify	10 mg	1 tablet by mouth once a day

Allergies

nkda

Review of Systems — Medical

Constitutional: Denies problems
 Integumentary: Denies problems
 Head/Eyes: Denies Problems
 ENT: Denies Problems
 Cardiovascular: Denies Problems
 Respiratory: Denies Problems
 Gastrointestinal: Denies Problems
 Genitourinary: Denies Problems
 Musculoskeletal: Denies Problems
 Neurologic: Denies Problems
 Endocrine: Denies Problems
 Hematologic/Lymphatic: Denies Problems
 Allergic/Immunologic: Denies Problems

Substance/Alcohol Use

All reviewed/updated 11/04/2024.

Service	Last Update	Substance	Frequency/Quantity
4060	11/04/2024	CAFFEINE	occ tea

ELECTRONICALLY FILED 11/20/24 18:23:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

Family History

Reviewed/No Update

Social History

Not working or in school, Living with family.

EXAMINATION

Musculoskeletal and Neurologic

Muscle Strength and Tone: WNL
 Gait & Station: WNL
 Motor Activity: No abnormal motor activity observed
 Date of last AIMS: 11/28/2023

Mental Status Exam

Appearance/Presentation: Dishveled, blank stare, unusual/bizarre
 Attitude/Behavior: Guarded, suspicious, psychomotor slowing
 Speech/Language: Slow, decreased spontaneity
 Mood: Depressed
 Affect: Depressed, flat
 Process: Blocking
 Associations: Disorganized
 Delusions: None evident
 Safety—SI: Denies
 Safety—HI: Denies
 Sensorium: Alert
 Memory: Mild/moderate impairment
 Attention / Concentration: Mild/moderate impairment
 Judgment: Judgment poor
 Insight: insight poor
 Impulse Control: Intact during interview

MEDICAL DECISION MAKING

Diagnosis

309.81 Posttraumatic stress disorder (PTSD) (Chronic illness, stable)
 296.24 Major depressive disorder, Single episode, with psychotic features (Acute illness (with systemic symptoms))

Treatment Goal(s)

Symptom reduction; Medication adherence; Maintain therapeutic gains; Restore level of functioning; Discussed safety plan to include calling DMH Mental Health Center, 911, or go to the nearest ED.

Clinical Lab Testing

Review Labs;
 Labs reviewed

Current and New DMH Rx List

Review of history and current prescriptions for controlled substances via Apriss 11/04/2024

Med	Dosage	Sig	Amount	Refills	Type	Start Dt	Archive Dt
Zoloft	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23	
	Prescriber: K. WEST						
Klonopin	0.5 mg	Take 1 tablet by mouth once a day	30	2	eRx	02/05/24	
	Prescriber: M. CARTER						
Klonopin	1 mg	Take 1 tablet by mouth every night at bedtime	30	2	eRx	02/05/24	
	Prescriber: M. CARTER						
Ativan	4 mg	1 tablet by mouth three times a day	30	2	eRx	06/20/24	
	Prescriber: M. CARTER						
risperidone	1 mg	1 tablet by mouth twice a day	30	0	eRx	11/28/23	
	Prescriber: L. GERDING, M.D.						
Seroquel	200 mg	1-2 tablet by mouth twice a day as directed	30	0	eRx	02/27/24	
	Prescriber: L. GERDING, M.D.						
	DrFirst Note: 1 qam, 2 qns						
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed	30	2	eRx	08/23/23	
	Prescriber: K. WEST						
	DrFirst Note: for anxiety, PTSD ex, agitation						
Combava	60 mg	1 capsule by mouth once a day	30	3	eRx	09/19/24	11/04/24
	Prescriber: D. FITZL						
	Reason for Archive: Retil eRx						
Ativan	4.5 mg	1 tablet by mouth three times a day	30	2	eRx	09/19/24	11/04/24
	Prescriber: D. FITZL						
	Reason for Archive: Retil eRx						
ABILITY	10 mg	1 tablet by mouth once a day	30	2	eRx	09/19/24	11/04/24
	Prescriber: D. FITZL						
	Reason for Archive: Retil eRx						

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
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Ativan (N)	0.5 mg	1 tablet by mouth three times a day	80	2	eRx	11/04/24
Abilify (N)	10 mg	1 tablet by mouth once a day	30	5	eRx	11/04/24
Cymbalta (N)	60 mg	1 capsule by mouth once a day	90	3	eRx	11/04/24

Physical Health / Other Meds

Informed Consent and Medication Education

GENERAL MEDICATION

General Medication: Discussed information relating to medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medication.

NEW MEDICATIONS

General Medication: Verbal informed consent obtained for all medications prescribed during this visit. I presented relevant information to include diagnosis, the nature and purpose of recommended interventions, and the burdens, risks, and expected benefits of applicable treatment options to include forgoing treatment. I presented information on medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medications. I assessed the patient's ability to understand medical information and the implications of treatment alternatives. I assessed the patient's ability to make an independent, voluntary decision and the patient was provided an opportunity to ask questions and consented to the specified medical intervention(s). The patient was briefed that as an active member of the treatment team, they are free to withdraw consent and discontinue participation at any time without prejudice; that they have a responsibility to inform all of their doctors/care providers of all medication that they are taking; that they have a responsibility to inform all of their doctors/care providers of any known contraindications to include drug allergy and/or adverse drug interactions, and that they should call their Mental Health Clinic with any side effect concerns.

Antidepressant

I discussed general indications, risks and benefits of antidepressant medications and possible adverse effects to include serotonin syndrome, cardiovascular effects, gastrointestinal effects, hematological effects, weight changes, sexual dysfunction, and discontinuation syndrome.

I discussed possible central nervous system effects to include antidepressant induced mania.

I discussed the Black Box warnings of possible increased risk of suicidal thinking and behavior in children, adolescents, and young adults.

Antipsychotic

I discussed general indications, risks, and benefits of antipsychotic medications and possible adverse effects to include extrapyramidal effects, tardive dyskinesia, neuroleptic malignant syndrome, metabolic syndrome, and/or cardiac effects.

I discussed the need for periodic assessment for abnormal involuntary movements and for periodic laboratory screening when taking antipsychotic medications.

I discussed the Black Box warnings of increased risk of mortality in elderly patients with dementia-related psychosis who are treated with antipsychotic drugs.

Benzodiazepine

I discussed general indications, risks, and benefits of benzodiazepine medications and possible adverse effects to include dependency, disinhibition, sedation, impaired cognitive function, impaired judgement, impaired motor performance, amnesia, tolerance, respiratory suppression, and risk of respiratory arrest, particularly when taken concomitantly with other sedatives, opioids, or alcohol.

I discussed risks associated with abrupt cessation after sustained administration to include anxiety, insomnia, nausea, vomiting, agitation, tremor, autonomic hyperactivity, hallucinations, seizure, and delirium.

I discussed the Black Box warnings of misuse, abuse, and addiction even when taken at recommended dosages, that abuse and misuse can result in overdose or death, especially when benzodiazepine medications are combined with other medicines, such as opioid pain relievers, alcohol, or illicit drugs. That physical dependence can occur when benzodiazepines are taken steadily for several days to weeks, even as prescribed, and that stopping benzodiazepine medications abruptly, or reducing the dosage too quickly, can result in withdrawal reactions, including seizures, and/or death.

DISCUSSION

Risk of no treatment

Continue current DMH prescribed medication(s)

PRESENT FOR COUNSELING

Patient

COMMENTS

Prescriptions renewed

RN 3mo

NP 6mo

Other Risk Elements

Prescription drug management

Data Review

Review Apprise Rx Records

Scripts reviewed

Recommendations and Referrals

FOLLOW UP WITH

Nurse 3 months;
APRN 6;

TRANSITION TO ANOTHER LEVEL OF CARE

MMO since 05/20/2024

Intervening Service since last PMA. Nursing Services.

MMO Remain in MMO

Patient agrees to continue this level of care and requests new goal

Goal:

OTHER COMMENTS

Follow up with PCP as recommended.

PMA 6 months or PRN

Reviewed after hours/emergency procedures.

Patient made aware to call (BMHC) 911 or go to nearest ER for worsening of symptoms or thoughts of harm.

Signed By

Dinequa Fizer

11/04/2024 15:43 PM

(page 4)

CID: 10025018

Date: 11/04/2024 15:43:12

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CH0801662

PSYCHIATRIC MEDICAL ORDERS AND SERVICE NOTES ADDENDUM - Patient Not Seen

Staff List:
 TIME: 0 FOR STAFF: 1344 DINEORA FIZER

Current and New DMH Rx List

Med	Dosage	Sig	Amount	Refills	Type	Start Dt	Archive Dt
Ativan	1 mg	1 tablet by mouth three times a day	90	3	eRx	05/20/24	01/29/25
Prescriber: M. CARTER Note: self d/c Reason for Archive: DC-Completion of Therapy							
risperidone	1 mg	1 tablet by mouth twice a day	60	0	eRx	11/28/23	
Prescriber: L. GERDING, M.D.							
Zoloft	50 mg	Take 1 tablet by mouth at bedtime	30	2	eRx	08/23/23	
Prescriber: K. WEST							
Seroquel	200 mg	1-2 tablet by mouth twice a day as directed	90	0	eRx	02/27/24	
Prescriber: L. GERDING, M.D. DrFirst Note: 1 qam, 2 qhs							
Klonopin	0.5 mg	Take 1 tablet by mouth once a day	30	2	eRx	02/05/24	01/29/25
Prescriber: M. CARTER Reason for Archive: DC-Completion of Therapy							
propranolol	10 mg	Take 1 tablet by mouth three times a day as needed	90	2	eRx	08/23/23	
Prescriber: K. WEST DrFirst Note: for anxiety, PTSD sx, agitation							
Klonopin	1 mg	Take 1 tablet by mouth every night at bedtime	30	2	eRx	02/05/24	01/29/25
Prescriber: M. CARTER Reason for Archive: DC-Completion of Therapy							
Abilify	10 mg	1 tablet by mouth once a day	30	3	eRx	11/04/24	01/29/25
Prescriber: D. FIZER Reason for Archive: Refill eRx							
Cymbalta	60 mg	1 capsule by mouth once a day	30	3	eRx	11/04/24	01/29/25
Prescriber: D. FIZER Reason for Archive: Refill eRx							
Ativan	0.5 mg	1 tablet by mouth three times a day	90	2	eRx	11/04/24	01/29/25
Prescriber: D. FIZER Note: self d/c Reason for Archive: DC-Completion of Therapy							

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
Abilify (N)	10 mg	1 tablet by mouth once a day	30	3	eRx	01/29/25
Prescriber: D. FIZER						
Cymbalta (N)	60 mg	1 capsule by mouth once a day	30	3	eRx	01/29/25
Prescriber: D. FIZER						

Physical Health / Other Meds

Allergies
 nkda

Facility: 3W BERKELEY COMMUNITY MENTAL HEALTH CENTER Cost Center:
 Location: 3 MAIN CENTER/GENERAL ADMIN Office:
 Place Of Service: Svc Code: 029_2 GENERIC NOTE ASSOC. W/ MEDICATION
 Batchno: 29258292 Group Number: - Group ID: -
 Staff ID: 1344
 Date: 01/29/2025 Time Service Provided: N/A
 Name: PATRICK MONTGOMERY CID: 15629019 Bill Time: 0

Svc Code2: 039_3 GENERIC NOTE ASSOC. W/ MEDICATION Bill Time: 0 NO CHARGE WAS NOT INDICATED
 Cancel/NS: Ticket: Audit: CID: 15629019 Name: PATRICK MONTGOMERY

Cancel/NS: Problem: 0 PSYCHIATRIC Ticket: Audit: Pmtfp: 02 Modifier: Inoarc: N
Medicaid #: 1780458872 Emerg:
Treatment Goal / Focus:
Reason:

Note:
Med monitoring with E. Smith, RN
Scripts verified, ERX sent to pharmacy

Signed By
Dinequa Fizer
01/29/2025 16:51 PM

Svc Code: 0139_8 GENERAL NOTE ASSOC. W/ MEDICATION Bill Time: 0 NO CHARGE WAS NOT INDICATED
Cancel/NS: Ticket: Audit: CID: 10629019 Name: PATRICK MONTGOMERY

ELECTRONICALLY FILED - 2025 Jul 18 2:39 PM - BERKELEY - COMMON PLEAS - CASE#2023CP0801642

MEDICATION MONITORING FORM
 Name: **PATRICK MONTGOMERY** ID: 10629019 Ticket No: 82135758 [Date: 02/03/2025]
 DOB: [REDACTED] Medicaid #: 1780459572

Adult: Age: 50 School/Job Employment:
 Medication Compliant: Yes
 Medication Effectiveness: Working

Current Medication				
Mental Health Medication	Dosage	Frequency	Purpose	Date of Deletion
Zoloft	50 mg	Take 1 tablet by mouth at bedtime		
Seroquel	200 mg	1-2 tablet by mouth twice a day as		
risperidone	1 mg	1 tablet by mouth twice a day		
propranolol	10 mg	Take 1 tablet by mouth three times a		
Cymbalta	60 mg	1 capsule by mouth once a day		
Abilify	10 mg	1 tablet by mouth once a day		

Physical Healthcare Medication
 No current medication

Other: OTC, Herbs, Vitamins, etc.
 No current medication

(* Med. Education:
 Name Time to Take Dosage Purpose Benefits Side Effects Pillminder Barriers to Care

Allergies: This info was reviewed during this Medication Monitoring visit

NKDA
 Primary Physician: Dr Zackery | Pharmacy: Public Care Bay
 Last Medical Hospitalization: 2023 | Last Psychiatric Hospitalization: 2023

Interval History
 MEDICATION MANAGEMENT ONLY (since: 05/20/2024)
 Client Goal:
 Patient verbally agrees to continue this level of care
 This is the new goal that patient requested during last PMO appointment

Intervening Service since last: N/A Infectable Med Administration Nursing Services
 Med Monitoring: Crisis Intervention TC Other
 Labs:

Srvc & Date	Height	Weight	Vital Signs and Measurements				
			Blood Pressure	Pulse	Waist Circumference	BMI	FBS
H052 05/20/2024	-	-	-	-	-	-	-
H053 08/13/2024	-	160Lbs	136/72	80	-	-	-
H059 11/04/2024	-	-	-	-	-	-	-
H021 02/03/2025	FT	198Lbs	128/75	101	-	N/A	-

Other Measurements
 Were Abnormal Movements Present? BP standing Temp UDS Date UDS Results EKG Date EKG Results
 No

Other Medical Conditions
 None

Pregnant: N/A | Normal Menses: N/A | Date of Last Menses: N/A

Current Symptoms
 Denies all symptoms Delusions/paranoia Irritability SI/II/attempts
 AV hallucinations Depression Legal problems Thought disorganization
 Agoraphobia Flashbacks Mania/hypomanic symptoms Trauma

Anxiety	Flight of Ideas	Oppositional	Sleep Disturbance
Appetite over	Hyperactive/inattentive	Obsessive/compulsive	) #Hours:
Appetite under	Hypervocal	Paranoia	

None Tobacco Caffeine Alcohol Substance/Alcohol Use
 Other Health Endring Behavior/Comments: Illicit drugs (describe) Other (describe)

Denies symptoms

Neurological (EPs)	Endocrine	Gastrointestinal
Akathasia	Fatigue	Nausea
Parkinsonism	Increased Thirst	Stomach Cramps
Dystonia	Constant Hunger	Diarrhea
Tremors	Frequent Urination	Constipation
Abnormal Movements	Visual Problems	Dry Mouth
Drooling	Gynecomastia	
	Sexual Dysfunction	
Metabolic	Other/Comments:	
Weight Gain	None	
Weight Loss		
Elevated Cholesterol		
Elevated Triglycerides		

Return Appt. Date:	Time:	Next PMA Date:	Time:	SSN#: 249-33-6661
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Additional Comments / Notes

med monitoring APPT:MMO.

pt accompanied by wife at appt.

pt is taking meds as rx. per wife pt is now eating and drinking fluid properly. states pt will eat, take his meds, will sit and that's all he does. pt is poor with ALEs, not taken shower for months. brush teeth when feels like.

in encourage pt to take shower today. also suggested that pt might benefit from therapy. per wife she has transportation issues, unable to bring pt in for therapy, pt refused to do tele-health appt.

endorse depression- low mood, lg motivation.
 denies anxiety symptoms.
 sleep- fine
 appetite- good.
 denies SI/MI/MVH.

no staffing needed at this time.

rtc: 04/20/25

Signed By
 Nidhiben Patel, BSN, RN
 02/03/2025 16:22 PM

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PSYCHIATRIC MEDICAL ORDERS AND SERVICE NOTES ADDENDUM - Patient Not Seen

Staff List:

TIME: 0 FOR STAFF: 0839 LORI GERDING, M.D.

Current and New DMH Rx List

Med	Dosage	Sig	Amount	Refills	Type	Start Dt	Archive Dt
Cymbalta	60 mg	1 capsule by mouth once a day	30	3	eRx	01/25/25	05/20/25
	Prescriber: D FIZER						
	Reason for Archive: Refill eRx						
Abilify	10 mg	1 tablet by mouth once a day	30	3	eRx	01/20/25	05/20/25
	Prescriber: D FIZER						
	Reason for Archive: Refill eRx						

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
Abilify (N)	10 mg	1 tablet by mouth once a day	30	2	eRx	05/20/25
	Prescriber: L GERDING, M.D.					
Cymbalta (N)	60 mg	1 capsule by mouth once a day	30	2	eRx	05/20/25
	Prescriber: L GERDING, M.D.					

Physical Health / Other Meds

Allergies
nkda

Facility: 3W BERKELEY COMMUNITY MENTAL HEALTH CENTER Cost Center:
 Location: 3 MAIN CENTER/GENERAL ADMIN. Office:
 Place Of Service: Svc Code: C39_2 GENERIC NOTE ASSOC. W/ MEDICATION
 Batchno: 140258282 Group Number: - Group ID: -
 Staff ID: 0639 Medicare Authorized Provider: NONE
 Date: 05/20/2025 Time Service Provided: N/A

Name: PATRICK MONTGOMERY CID: 10629019 Bill Time: 0
 Cancel/NS: Ticket: Audit: Pmttp: 02 Modifier:
 Problem: 3 PSYCHIATRIC Emerg: Incarc: N
 Medicaid #: 1700488372
 Treatment Goal / Focus:
 Reason:

Note:
 Unable to ck Apprins
 Bridge eRx sent
 RTC as scheduled, sooner prr

Signed By
 Lori Gerding, MD
 05/20/2025 11:34 AM

The form has been signed 2 times. Reason:

Svc Code2: C39_2 GENERIC NOTE ASSOC. W/ MEDICATION Bill Time: 0 NO CHARGE FAS NOT INDICATED
 Cancel/NS: Ticket: Audit: CID: 10629019 Name: PATRICK MONTGOMERY

FOLLOW UP PSYCHIATRIC MEDICAL ASSESSMENT (PMA) / PHYSICIAN MEDICAL ORDER

Name: PATRICK MONTGOMERY

Ticket No: 62907857

DOB: [REDACTED]

Modifier: SA

ID: 10629019

Facility: 3W - BERKELEY COMMUNITY MENTAL HEALTH CENTER

Service Date: 07/16/2025

Place of Service: 53 COMMUNITY MHC

Service Time:

09:42 AM - 10:00 AM

Medical #: 1780459872

Time	Staff ID	Staff Name
18	1344	DINEQUA FIZER

HISTORY

Chief Complaint/Reason for Visit

FOLLOW UP

ARRIVED LATE FOR APPT

History of Present Illness

Pt presents with his wife for pma appt, Pt was asked questions as it related to alert/oriented. Pt was able to answer questions correct. Pt's wife questions pt about how he knows who the president is, pt states "I don't know" Pt was asked if he is taking his medication every day and pt replied "yes, I take it" Pt's wife states that he is compliant with taking it every day.

Pt was asked about his sleep. Pt states "I'm not really sleeping" and states it is hard to fall asleep but does not elaborate. Pt is often noted to have a blank stare when asked questions. When asked why he felt it was difficult to fall asleep he was unable to answer. When asked about depressed mood and to describe how he has been feeling, pt stares at the floor and shakes his head indicating "no" and says "I don't know" When asked about paranoia, AVH, pt has good eye contact with prescriber, shakes his head and states "no" When asked if he ever has thoughts of self-harm, SI/HI, pt again, provides good eye contact and states "no" When asked about anxiety, panic attacks, he stares at the floor and does not provide a response. Pt's replies were vague, brief and required frequent prompting.

Pt's wife states that the patient is able to feed himself if food is placed in front of him but he has not been showering. Pt was asked directly if he is able to wash himself if he is in the bathroom or shower, pt stated "yes" Pt's wife states that he has a good appetite but still does not go outside "he still just sits in that chair all day long" Pt's wife becomes tearful and wants to inquire about sending the patient to a facility that can assist with ADL she states "I just can't do it anymore"

Symptom Elements / Review of Systems Psychiatric

Depression symptoms: Depressed mood; Decreased energy; Decreased concentration; Decreased interest; Isolating/withdrawn;

Mania symptoms: History of manic symptoms;

Psychosis symptoms: History of psychotic symptoms;

Anxiety symptoms: Denies symptoms of anxiety;

Trauma symptoms: History of trauma related symptoms;

O-C related symptoms: Denies obsessive compulsive related symptoms;

ADHD related symptoms: Denies ADHD related symptoms;

Behavioral symptoms: Denies behavioral disturbance;

Feeding/Eating related symptoms: Denies eating disturbance;

Appetite related symptoms: Denies appetite disturbance;

Sleep related symptoms: Difficulty falling asleep;

History Statements

Medications: Denies medication side effects; Taking medications as prescribed;

Psychiatric Medications (DMH)

Med	Dosage	Sig
Ablity	10 mg	1 tablet by mouth once a day
Cymbalta	60 mg	1 capsule by mouth once a day

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Allergies
nkda

Review of Systems — Medical

- Constitutional: Denies problems
- Integumentary: Denies problems
- Head/Eyes: Denies Problems
- ENT: Denies Problems
- Cardiovascular: Denies Problems
- Respiratory: Denies Problems
- Gastrointestinal: Denies Problems
- Genitourinary: Denies Problems
- Musculoskeletal: Denies Problems
- Neurologic: Denies Problems
- Endocrine: Denies Problems
- Hematologic/Lymphatic: Denies Problems
- Allergic/Immunologic: Denies Problems

Substance/Alcohol Use

All reviewed/updated 07/16/2025.

Service	Last Update	Substance	Frequency/Quantity
H053	07/16/2025	CAFFEINE	occ tea

Family History

Reviewed/No Update

Social History

Not working or in school. Living with family.

EXAMINATION

Musculoskeletal and Neurologic

- Muscle Strength and Tone: WNL
- Gait & Station: WNL
- Motor Activity: No abnormal motor activity observed
- Date of last AIMS: 11/28/2023

Mental Status Exam

- Appearance/Presentation: Blank stare, unusual/bizarre
- Attitude/Behavior: Guarded, suspicious
- Speech/Language: Slow, decreased spontaneity
- Mood: Apathetic
- Affect: Flat
- Process: Concrete, blocking
- Preoccupations: None evident
- Delusions: None evident
- Safety—SI: Denies
- Safety—HI: Denies
- Perceptions: Denies AVH
- Sensorium: Alert
- Sensorium/Oriented: Person, place, time, situation
- Memory: Mild/moderate impairment
- Attention / Concentration: Mild/moderate impairment
- Judgment: Judgement impaired
- Insight: Insight impaired

MEDICAL DECISION MAKING

Diagnosis

- 309.81 Posttraumatic stress disorder (Prim Dx) (Chronic illness, stable)
- 296.24 Major depressive disorder, Single episode, With psychotic features (Acute illness (with systemic symptoms))

Treatment Goal(s)

- Symptom reduction; Medication adherence; Maintain therapeutic gains; Restore level of functioning;
- Discussed nutrition; Discussed safety plan to include calling DMH Mental Health Center, 911, or go to the nearest ED;

Clinical Lab Testing

- Review Labs;
- Last labs reviewed

Current and New DMH Rx List

Med	Dosage	Sig	Amount	Refills	Type	Start Dt	Archive Dt
-----	--------	-----	--------	---------	------	----------	------------

Ability	10 mg	1 tablet by mouth once a day	30	2	eRx	05/20/25	07/16/25
Prescriber: L. GARCING, M.D. Reason for Archive: Refill eRx							
Cymbalta	60 mg	1 capsule by mouth once a day	30	2	eRx	05/20/25	07/16/25
Prescriber: L. GARCING, M.D. Reason for Archive: Refill eRx							

New DrFirst E-Rx

Med	Dosage	Sig	Amount	Refills	Type	Start Dt
Ability (N)	10 mg	1 tablet by mouth once a day	30	2	eRx	07/16/25
Prescriber: D. FIZER						
Cymbalta (N)	60 mg	1 capsule by mouth once a day	30	2	eRx	07/16/25
Prescriber: D. FIZER						

Physical Health / Other Meds

Informed Consent and Medication Education

GENERAL MEDICATION

General Medication: Discussed information relating to medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medication

NEW MEDICATIONS

General Medication: Verbal informed consent obtained for all medications prescribed during this visit. I presented relevant information to include diagnosis, the nature and purpose of recommended interventions, and the burdens, risks, and expected benefits of applicable treatment options to include forgoing treatment. I presented information on medication dose/time to take, purpose, expected benefits/risks, common side effects, expected length of treatment, and alternatives to medications. I assessed the patient's ability to understand medical information and the implications of treatment alternatives. I assessed the patient's ability to make an independent, voluntary decision and the patient was provided an opportunity to ask questions and consented to the specified medical intervention(s). The patient was briefed that as an active member of the treatment team, they are free to withdraw consent and discontinue participation at any time without prejudice; that they have a responsibility to inform all of their doctors/care providers of all medication that they are taking; that they have a responsibility to inform all of their doctors/care providers of any known contraindications to include drug allergy and/or adverse drug interactions, and that they should call their Mental Health Clinic with any side effect concerns.

Antidepressant

I discussed general indications, risks and benefits of antidepressant medications and possible adverse effects to include serotonin syndrome, cardiovascular effects, gastrointestinal effects, hematological effects, weight changes, sexual dysfunction, and discontinuation syndrome. I discussed possible central nervous system effects to include antidepressant induced mania. I discussed the Black Box warnings of possible increased risk of suicidal thinking and behavior in children, adolescents, and young adults.

Antipsychotic

I discussed general indications, risks, and benefits of antipsychotic medications and possible adverse effects to include extrapyramidal effects, tardive dyskinesia, neuroleptic malignant syndrome, metabolic syndrome, and/or cardiac effects. I discussed the need for periodic assessment for abnormal involuntary movements and for periodic laboratory screening when taking antipsychotic medications. I discussed the Black Box warnings of increased risk of mortality in elderly patients with dementia-related psychosis who are treated with antipsychotic drugs.

DISCUSSION

Risk of no treatment
Continue current DMH prescribed medication(s)

PRESENT FOR COUNSELING

Patient

COMMENTS

Continue all meds. Pt wife confirmed pharmacy/location during pma.
Pt wife verbalized understanding to contact RN when 1wk left of meds if pma is further out
PMA 3mo

Other Risk Elements

Prescription drug management

Recommendations and Referrals

FOLLOW UP WITH
APRN: 3 months;

TRANSITION TO ANOTHER LEVEL OF CARE

MMO since 05/20/2024

Intervening Service since last PMA: Nursing Services;

MMO: Remain in MMO

Patient agrees to continue this level of care and agrees to continue current goal.

Goal:

OTHER COMMENTS

Follow up with PCP as recommended.

Reviewed after hours/emergency procedures.

Patient made aware to call (BMHC) 911 or go to nearest ER for worsening of symptoms or thoughts of harm.

Signed By

Dinequa Fizer

07/16/2025 11:39 AM

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2023-CP-08-01652

Kanisha Nash,

Plaintiff,

v.

Montgomery Construction, LLC,
Patrick Montgomery, and Sabrina
Montgomery, individually, and as
owner/registered agent for Montgomery
Construction, LLC,

Defendants,

**PLAINTIFF'S MEMORANDUM IN
RESPONSE TO DEFENDANT PATRICK
MONTGOMERY'S MOTION TO
RECONSIDER**

Plaintiff Kanisha Nash ("Plaintiff") submits this Memorandum in Response to Defendant Patrick Montgomery's Motion to Reconsider, filed July 11, 2025. Defendant Patrick Montgomery ("Defendant") asks the Court to reconsider its July 1, 2025 Order issuing sanctions.

Defendant's Motion does not identify any material fact or principle of law that either has been overlooked or disregarded by the Court and does not identify any error of law or fact not appropriately considered. For the reasons stated herein, the Court properly awarded the requested relief and Plaintiff respectfully requests the Court deny Defendant's Motion.

APPLICABLE LAW

A party may not raise an issue for the first time in a motion to reconsider, alter, or amend a judgment that could have been presented prior to judgment. *Kan Enterprises, Inc. v. S.C. Dep't of Revenue*, 420 S.C. 596, 608, 803, S.E.2d 882, 888 (Ct. App. 2017), reh'g denied (Sept. 22, 2017). A party cannot raise an issue for the first time in a Rule 59(e), SCRCF motion which could have been raised at trial. *MallSource, LLC v. M.A. Bailey & Associates, Inc.*, 356 S.C. 370, 374, 588 S.E.2d 639, 641 (Ct. App. 2003): "[A] party cannot use a motion to reconsider, alter, or amend a judgment to present an issue that could have been raised prior to the judgment but was not so raised." *Anonymous v. State Board of Medical Examiners*, 323 S.C. 260, 473 S.E.2d 870, 880 (Ct.

App. 1996). “Matters not argued to or ruled on by the trial court are not preserved for review.” *Anonymous v. State Board of Medical Examiners*, 323 S.C. 260, 473 S.E.2d 870, 880 (Ct. App. 1996). Issues and arguments are preserved for appellate review only when they are raised to and ruled upon by the lower court. *Elum v. South Carolina Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004). Hence, our rules contemplate two basic situations in which a party should consider filing a Rule 59(e) motion:

- (1) a party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider to rule on it; and
- (2) a party must file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.

Elum v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004).

LEGAL ANALYSIS

Defendant essentially proffers three (3) arguments in support of his Motion, all of which fail.

1. First, Defendant alleges the Court should reverse itself because Plaintiff has conducted enough discovery and “at this point has a thorough grasp of the financial status of Defendants and had as much long before the hearing on June 18, 2025.” That argument completely ignores Defendant’s violations of multiple Court Orders. The Court properly awarded the requested relief because of Defendant’s long-term discovery noncompliance. This new argument fails not only because it is not true, but because it does not form a valid basis for a motion for reconsideration pursuant Rule 59(e), SCRPC.

2. Defendant’s second argument contends, without evidence, that Plaintiff’s counsel’s attorney’s fees and costs are too high. From the outset, this argument is procedurally improper because the Court previously considered the issues of sanctions and attorneys’ fees when awarding

relief. In support of the reconsideration of attorney's fees and costs, Defendant alleges that such an award is unsubstantiated and unsupported by the fee affidavits of counsel. In sum, without any supporting evidence, Defendant attacks counsel's hourly rate and argues that there is no evidence of a fee agreement by and between Plaintiff and her counsel. Such a statement necessarily attacks undersigned counsel's integrity as undersigned counsel executed affidavits, under penalty of perjury, attesting to their usual and customary hourly rate, which is reasonable and supported by their educational and professional background. Furthermore, Defendant has produced no new material evidence to support the setting aside or limiting of the award of costs and fees.

As additional consideration in support of the attorney's fees, the Court appropriately utilized various *Glasseock* factors to approve the full award of attorneys' fees. Such factors are reiterated herein and further demonstrate the Court's proper award of fees and costs:

A. The nature, extent, and difficulty of the case

This case involves a drunk driving collision resulting in catastrophic injuries to Plaintiff and the unfortunate death of her young child. This case presents various technical and complex issues related to multiple Defendants, insurance coverage issues, vicarious liability, allegations of alter-ego and piercing the corporate veil, the comingling of funds, financial discovery, the destruction of evidence, permanent injuries, punitive damages, interplay with criminal charges, incapacity issues, and rampant discovery abuse to the detriment of the Plaintiff. This case is not merely a garden variety car collision. Therefore, the first factor, the nature, extent, and difficulty of the case, weighs in favor of an attorney fee award.

B. The time necessarily devoted to the case

This case was filed by Plaintiff over two (2) years ago and has been plagued with long term discovery noncompliance. As a result of the discovery noncompliance, three (3) hearings over the course of sixteen (16) months were attended by counsel and numerous briefs were prepared in

advance of each hearing. Counsel has expended numerous hours related to the discovery disputes and has sought Court intervention on numerous occasions. Counsel provided detailed affidavits outlining the time spent in furtherance of these issues for the Court's consideration. The time counsel devoted to this matter was extensive and necessary. Accordingly, this factor weighs in favor of an attorney fee award.

C. Professional standing of counsel

Third, considering the professional standing of counsel, counsel for Plaintiff each detailed their respective educational and professional backgrounds and their experience litigating civil matters. Both lawyers have extensive experience focused on civil litigation and are of the utmost professional standing thereby supporting their hourly rate. The rate is further supported by each attorney's past experience, exceptional results on personal injury cases, and some of the largest settlements and verdicts in the Lowcountry over the past several years.¹

D. Contingency of compensation

Fourth, undersigned counsel is engaged in a contingent fee arrangement with Plaintiff. As a result, counsel has not – and will not – be compensated for their numerous hours of time devoted to these discovery disputes. As such, this factor, too, weighs in favor of an attorney fee award.

E. Beneficial results obtained

The beneficial results speak for themselves. Counsel for Plaintiff was relentless in their pursuit of discovery materials owed to Plaintiff in this case. The Court therefore finds that the fifth factor weighs in favor of an attorney fee award.

F. Customary legal fees for similar services

This is a catastrophic injury case which presents complex legal issues, and the numerous

¹ Plaintiff's counsel would be happy to provide reference to specific materials should the Court desire the same.

hearings and briefs regarding discovery noncompliance were unnecessary to obtain basic discoverable evidence. The Court previously reviewed the filed affidavits of time for Plaintiff's counsel and found the legal fees charged were customary for similar services in catastrophic loss or death cases by well-credentialed counsel. Similarly, by virtue of experience, the Court is familiar with reasonable hourly rates and rightfully found that the legal fees charged are customary for similar services by counsel.

Finally, as to how the fees and costs are to be paid, the Court rightfully declined to determine how the payment should be allocated by and between Defendant and defense counsel. The culpable party remains unknown and is a matter left to be determined by and between Defendant, defense counsel, and State Farm.

3. Defendant's third and final argument requests the Court set aside the striking of Defendant's Answer but cites no new factual or legal support in requesting the relief. The Court, by multiple Orders, detailed numerous instances of longstanding discovery abuse by Defendant. The Court likewise supported the relief through numerous factual findings and supportive case law. For this reason, and because Defendant has offered no new evidence to support a set aside of the relief, Plaintiff requests the Court rightfully uphold its ruling.

CONCLUSION

The record in this case is replete with pleadings and Court Orders which substantiate the Court's ruling and which affirm the awarded relief. For this reason, Plaintiff requests the Court uphold its ruling.

[Signature Page to Follow]

BRINGARDNER INJURY LAW FIRM, LLC

By: s/Mary Linton
Mark Bringardner (SC Bar No.: 102465)
mark@bringardner.com
Mary Linton (SC Bar No.: 102815)
mlinton@bringardner.com
41 Broad Street
Charleston, SC 29401
Office: 843-400-0550
Facsimile: 843-350-8290

Attorneys for the Plaintiff

Charleston, South Carolina
July 24, 2025

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO. 2023-CP-08-01652

Kanisha Nash,

Plaintiff,

v.

Montgomery Construction, LLC,
Patrick Montgomery, and Sabrina
Montgomery, individually, and as
owner/registered agent for Montgomery
Construction, LLC,

Defendants,

**PLAINTIFF'S MEMORANDUM IN
RESPONSE TO DEFENDANT SABRINA
MONTGOMERY'S MOTION TO
RECONSIDER**

Plaintiff Kanisha Nash ("Plaintiff") submits this Memorandum in Response to Defendant Sabrina Montgomery's Motion to Reconsider, filed July 11, 2025. Defendant Sabrina Montgomery ("Defendant") asks the Court to reconsider its July 1, 2025 Order issuing sanctions.

Defendant's Motion does not identify any material fact or principle of law that either has been overlooked or disregarded by the Court and does not identify any error of law or fact not appropriately considered. For the reasons stated herein, the Court properly awarded the requested relief and Plaintiff respectfully requests the Court deny Defendant's Motion.

As to the award of fees and costs, Plaintiff does not object to defense counsel's limited request not to be held responsible for payment.

APPLICABLE LAW

A party may not raise an issue for the first time in a motion to reconsider, alter, or amend a judgment that could have been presented prior to judgment. *Kan Enterprises, Inc. v. S.C. Dep't of Revenue*, 420 S.C. 596, 608, 803, S.E.2d 882, 888 (Ct. App. 2017), reh'g denied (Sept. 22, 2017). A party cannot raise an issue for the first time in a Rule 59(e), SCRCF motion which could have been raised at trial. *MailSource, LLC v. M.A. Bailey & Associates, Inc.*, 356 S.C. 370, 374, 588 S.E.2d 639, 641 (Ct. App. 2003). "[A] party cannot use a motion to reconsider, alter, or amend

a judgment to present an issue that could have been raised prior to the judgment but was not so raised.” *Anonymous v. State Board of Medical Examiners*, 323 S.C. 260, 473 S.E.2d 870, 880 (Ct. App. 1996). “Matters not argued to or ruled on by the trial court are not preserved for review.” *Anonymous v. State Board of Medical Examiners*, 323 S.C. 260, 473 S.E.2d 870, 880 (Ct. App. 1996). Issues and arguments are preserved for appellate review only when they are raised to and ruled upon by the lower court. *Blam v. South Carolina Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004). Hence, our rules contemplate two basic situations in which a party should consider filing a Rule 59(c) motion:

- (1) a party may wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider to rule on it; and
- (2) a party must file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.

Blam v. South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004).

LEGAL ANALYSIS

In support of its Motion to Reconsider, Defendant Sabrina Montgomery cites no new factual or legal support in requesting the Court set aside the warranted relief of striking Defendant’s Answer. The Court, by multiple Orders, detailed numerous instances of longstanding discovery abuse by Defendant. The Court likewise supported the relief through numerous factual findings (including Defendant’s intentional wiping of a cellular device ordered to be produced for forensic inspection by the Court) as well as supportive case law. For this reason, and because Defendant has offered no new evidence to support a set aside of the relief, Plaintiff requests the Court rightfully uphold its ruling.

Defendant requests that she be afforded the opportunity to present new evidence to warrant a reconsideration of the award. As detailed above, a party may not raise an issue for the first time in a motion to reconsider, alter, or amend a judgment that could have been presented prior to

judgment. *Kan Enterprises, Inc. v. S.C. Dep't of Revenue*, 420 S.C. 596, 608, 803, S.E.2d 882, 888 (Ct. App. 2017), reh'g denied (Sept. 22, 2017). For this reason, the Court should deny this request and uphold the ruling. There can be no justification for the actions taken by Defendant Sabrina Montgomery and the time at which to present evidence of the same has come and gone.

As to the award of fees and costs, Plaintiff does not object to defense counsel's limited request to hold only Defendant Sabrina Montgomery responsible for payment of the attorney's fees and costs.

CONCLUSION

The record in this case is replete with pleadings and Court Orders which substantiate the Court's ruling and which affirm the awarded relief. For this reason, Plaintiff requests the Court uphold its ruling as to the striking of Defendant Sabrina Montgomery's Answer. As to the award of attorney's fees and costs, Plaintiff does not object to the requested relief of defense counsel to hold only Defendant Sabrina Montgomery responsible for payment of the attorney's fees and costs.

BRINGARDNER INJURY LAW FIRM, LLC

By: s/Mary Linton
 Mark Bringardner (SC Bar No.: 102465)
 mark@bringardner.com
 Mary Linton (SC Bar No.: 102815)
 mlinton@bringardner.com
 41 Broad Street
 Charleston, SC 29401
 Office: 843-400-0550
 Facsimile: 843-350-8290

Attorneys for the Plaintiff

Charleston, South Carolina
 July 24, 2025

RECEIVED

Aug 25 2025

SC Court of Appeals

ELECTRONICALLY FILED - 2025 Aug 25 10:58 AM - BERKELEY - COMMON PLEAS - CASE#2023CP0801652

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Circuit Court Judge

Docket No.: 2023-CP-08-1652

Kanisha Nash.....Respondent,

v.

Montgomery Construction, LLC, Patrick Montgomery, and Sabrina Montgomery,
individually, and as owner/registered agent for Montgomery Construction, LLC

of which Patrick Montgomery and Sabrina Montgomery
are.....Appellants.

NOTICE OF APPEAL OF APPELLANT SABRINA MONTGOMERY

Appellant, Sabrina Montgomery, appeals the Order filed on July 1, 2025 of the Honorable Dale E. Van Slambrook Granting Plaintiff's Motion for Rule to Show Cause and the Order of Judge Slambrook filed on July 25, 2025 regarding Sabrina Montgomery's Motion to Reconsider, Alter, or Amend. Appellant received written notice of entry of these orders from Judge Dale E. Van Slambrook on July 1, 2025 and July 25, 2025. A copy of the orders are attached.

s/David S. Cobb
David S. Cobb (Bar Number 66569)
Turner Padget Graham & Laney P.A.
Post Office Box 22129
Charleston, South Carolina 29413
Phone: (843) 576-2803
dcobb@turnerpadget.com
Attorney for Appellant Sabrina
Montgomery

August 25, 2025

Other Counsel of Record:

Mark Bringardner

Mary Linton

Attorneys for the Respondent

Riley A. Bearden

Attorney for Patrick Montgomery

Amanda Perry

Attorney for Montgomery Construction

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Aug 25 2025

SC Court of Appeals

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of which Patrick Montgomery and Sabrina Montgomery
are.....Appellants.

PROOF OF SERVICE

The undersigned, an attorney in this matter for Appellant Sabrina Montgomery, certifies that I have on August 25, 2025 served a copy of the Notice of Appeal upon other counsel of record by electronic mail and by depositing a copy with sufficient postage in the United States mail to:

Mark Bringardner
Mary K. Linton
41 Broad Street
Charleston, South Carolina 29404
mark@bringardner.com
mlinton@bringardner.com
Attorneys for Respondent

Riley A. Bearden
McAngus, Goudelock & Courie, LLC
1320 Main Street, 10th Floor

Columbia, South Carolina 29211
Riley.Bearden@mgclaw.com
Attorney for Patrick Montgomery

Amanda Perry
Resnick & Louis, PC
146 Fairchild Street, Suite 130
Charleston, South Carolina 29492
aperry@rlattorneys.com
Attorney for Montgomery Construction

August 25, 2025

s/David S. Cobb
David S. Cobb (Bar Number 66569)
Turner Padgett Graham & Laney P.A.
Post Office Box 22129
Charleston, South Carolina 29413
Phone: (843) 576-2803
dcobb@turnerpadgett.com
Attorneys for Appellant Sabrina
Montgomery

Turner Padget

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Aug 25 2025

SC Court of Appeals

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

August 25, 2025

by regular mail and e-mail to ctappfilings@sccourts.org

Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

Re: Kanisha Nash v. Patrick Montgomery, Sabrina Montgomery,
and Montgomery Construction, LLC
Docket No.: 2023-CP-08-01652
TP File No.: 4000.3700

Dear Ms. Kitchings:

I enclose the following materials: (1) Notice of Appeal; (2) Proof of Service; and (3) a check for the filing fee. These documents have been submitted by e-mail for filing, with the filing fee being send by regular mail. By copy of this letter, I am serving counsel of record with the documents. If you have any questions or need additional information, please call me at your convenicnce. With kind regards,

TURNER PADGET



David S. Cobb

DSC/rch
enclosures

cc: Mark Bringardner (with enclosures)
Mary Linton (with enclosures)
Riley A. Bearden (with enclosures)
Amanda Perry (with enclosures)

State of South Carolina	)	Court of Common Pleas
	)	Ninth Judicial Circuit
County of Berkeley	)	Case No. 2023-CP-08-01652
)	
)	
)	
Kanisha Nash,)	
)	
Plaintiff,)	
)	
-vs-	)	Transcript of Record
)	
)	
Montgomery Construction, LLC,)	
Patrick Montgomery, and)	
Sabrina Montgomery,)	
individually and as owner/)	
registered agent for)	
Montgomery Construction,)	
)	
Defendants.)	

January 6, 2025
Moncks Corner, S.C.

B E F O R E:

The Honorable Dale Van Slambrook, Judge

A P P E A R A N C E S:

Mary Linton, Esquire
Attorney for the Plaintiff

Michael Trask, Esquire
Attorney for the Defendant, Patrick Montgomery

David S. Cobb, Esquire
Attorney for the Defendant, Sabrina Montgomery

Amanda Perry, Esquire
Attorney for the Defendant, Montgomery Construction LLC

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter III

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I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes —	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 JANUARY 6, 2025

2 (WHEREUPON, the proceedings began with Ms. Linton and Mr.
3 Cobb appearing in person and Mr. Trask appearing via
4 WebEx.)

5 THE COURT: The first matter I have is 2023-CP-08-01652,
6 Nash versus Montgomery.

7 Mr. Cobb?

8 MR. COBB: Good afternoon, Your Honor.

9 THE COURT: I think we have Mr. Trask.

10 MR. TRASK: Yes, sir.

11 THE COURT: Who is appearing on behalf of someone. I'm
12 not sure.

13 MR. TRASK: Hi, Judge. Mike Trask here, appearing on
14 behalf of -- for Riley Bearden and Brett Bayne for Patrick
15 Montgomery. I'm sincerely sorry that I am not in your
16 courtroom currently. That is completely our fault, and I
17 appreciate you letting me pop on via WebEx.

18 I talked with Ms. Linton on the cell phone, trying to
19 resolve everything with us, and I think we've done that, but
20 I'll let her speak. But I very much appreciate this, Your
21 Honor.

22 THE COURT: So y'all -- have y'all resolved everything?

23 MR. TRASK: For the most part, I think we have. I think
24 there's an issue of -- of costs and sanctions that are going
25 to be brought up, but --

1 And, Mary, I don't know if you can hear me. My loud,
2 booming voice I normally have has left me due to seasonal
3 allergies, but I told her that for the motion to amend the
4 complaint, we'd consent to it. We've been texting. I told
5 her that was fine. I think we were the lone holdout.

6 As to the discovery issues, they filed a memo in support.
7 It outlines everything very well. And I told her, I think
8 when we talked, to say give ten days, and then if not produced
9 in ten days, it will be held in contempt of court. I told her
10 that I would immediately start working on it this afternoon,
11 and that I'm going to take control of the file as to --

12 THE COURT: Well --

13 MR. TRASK: -- Patrick Montgomery to do that.

14 THE COURT: Well, let me -- let me -- let me interrupt.
15 Let me interrupt for a minute. So is that -- are we saying
16 that it's resolved relative to -- to both matters from the
17 perspective of the plaintiff --

18 MS. LINTON: No, sir.

19 THE COURT: -- or is it not resolved?

20 MS. LINTON: No, sir, Your Honor. This is Mary Linton on
21 behalf of the plaintiff. We have two outstanding motions.
22 One, the motion to amend the complaint, which has been
23 resolved through the consent of Mr. --

24 THE COURT: Okay. All right.

25 MS. LINTON: The second is a motion for rule to show

1 cause as to defendants, Patrick and Sabrina Montgomery. And,
2 Your Honor, that motion remains outstanding at this time.

3 THE COURT: So, Mr. Trask, it appears that the motion
4 regarding the discovery issues remains outstanding. Are you
5 prepared to go forward?

6 MR. TRASK: Yes, Judge.

7 THE COURT: Okay. All right. I'll be happy to hear from
8 you.

9 MS. LINTON: Your Honor, may it please the Court. If I
10 may, I would like to bring up to the Court our memorandum in
11 support and accompanying exhibits for our rule to show cause.

12 THE COURT: All right. Thank y'all. I'll take a copy of
13 that. I can look at it online, but if you've got a copy,
14 that's great. I'll look at it.

15 MS. LINTON: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MS. LINTON: And, Your Honor, may it please the Court.
18 This is our motion for rule to show cause as to defendants,
19 Patrick and Sabrina Montgomery. This is the first time I've
20 argued one of these, and we do not take this lightly, but we
21 are nearly a year out from a discovery order issued by Judge
22 Goodstein, and we still have not received supplemental
23 responses to that.

24 By way of factual background -- and, Your Honor, I will
25 try and be brief. This case arises from a drunk driving head-

1 on collision which resulted in catastrophic injuries to
2 plaintiff, Kanisha Nash, and ultimately and tragically, the
3 death of her three-year-old son. This is not a small case by
4 any stretch of the imagination. The damages are as bad as
5 they can get.

6 The accident occurred in April of 2023. We filed a
7 lawsuit in June of 2023, and at that time, we served initial
8 discovery requests on the three defendants, that being
9 Montgomery Construction, Sabrina Montgomery, and Patrick
10 Montgomery.

11 Your Honor, Patrick Montgomery was the driver of the
12 vehicle. The vehicle was owned -- it was a truck owned by
13 Sabrina Montgomery, carrying a trailer either owned or used by
14 Montgomery Construction, LLC, and it was transporting
15 materials for use by Montgomery Construction, LLC.

16 Sabrina Montgomery is the sole owner of the LLC, and part
17 of our motion to amend was to add causes of action regarding
18 piercing the corporate veil and alter ego. The evidence
19 demonstrated to date has shown that there's been a significant
20 co-mingling of funds, which is the heart of a lot of the
21 discovery disputes we're still having is determining the
22 finances of the Montgomery family, both for their ability to
23 pay and to determine what funds were being used improperly
24 through Montgomery Construction, LLC.

25 Back to the procedural history. We served initial

1 discovery in June of 2023. We did not receive timely
2 responses. We filed a rule -- or we served a Rule 11
3 correspondence in, I believe, September and October. We
4 received responses from the individual defendants. However,
5 those responses were still deficient and necessitated a motion
6 to compel hearing in December of 2023 before Judge Goodstein.
7 Judge Goodstein made certain rulings at the hearing and also
8 submitted a very detailed order in February of 2024.

9 Your Honor, since that time, since the issuance of that
10 order, we have not received any supplemental discovery
11 requests or responses from defendant Patrick Montgomery,
12 despite a Rule 11 being sent in May and despite a conference
13 call with all counsel to try and get this resolved. This is
14 nearly a year outstanding.

15 The supplemental discovery we received prior to the
16 issuance of Judge Goodstein's order, there were about seven or
17 eight responses from Patrick Montgomery, but Judge Goodstein
18 ordered that Patrick Montgomery supplement roughly 50 to 65
19 responses because they were so deficient. Nearly all of the
20 responses indicated that they would be supplemented at a later
21 date, and here we are, a year and a half after serving the
22 discovery, nearly a year after getting the order, and we still
23 don't have basic information from defendant Patrick
24 Montgomery, such as his cell phone number or discussions
25 related to the facts surrounding the accident.

1 While we understand there's a criminal case pending,
2 Defendant Montgomery has only asserted the Fifth Amendment
3 with respect to a very few amount of those requests, and the
4 requests we're seeking do not elicit a Fifth Amendment
5 response, as it indicates they'll be supplemented. So, Your
6 Honor, I'd be happy to go through some of the examples of
7 Patrick Montgomery's dilatory discovery, should the Court
8 request.

9 The recovery we're seeking today against Defendant
10 Montgomery for his willful violation of the discovery order is
11 that the Court order he comply within ten days or he be
12 subject to contempt of the Court, as well as our costs and
13 fees in pursuing these discovery disputes. We've had to
14 postpone depositions, and we've spent nearly a year tracking
15 down this discovery, and it's caused an unfair prejudice to my
16 client in trying to get this case resolved.

17 THE COURT: All right. So let me make sure I understand
18 who's representing who. Obviously, you're representing the
19 plaintiff. Who is representing Mr. Montgomery individually?

20 MS. LINTON: That's Attorney Trask.

21 THE COURT: Mr. Trask?

22 MR. TRASK: Yes, Your Honor. That's me.

23 THE COURT: All right. Mr. -- Mr. Cobb, who are you
24 representing?

25 MR. COBB: I represent Sabrina Montgomery. And then

1 there's a third defendant.

2 MS. PERRY: Megan Perry for Montgomery Construction.

3 THE COURT: All right. So is there any discovery
4 disputes pointed at these two defendants that we have here?

5 MS. LINTON: Your Honor, there -- there are no discovery
6 disputes with Montgomery Construction. We were able to
7 resolve those.

8 There are a few outstanding with respect to Mr. Cobb's
9 client. We talked beforehand, and I think -- I -- they've
10 worked with us. They've supplemented. There's still a few
11 small outstanding issues, but the bulk of -- of our concern is
12 with defendant Patrick Montgomery.

13 THE COURT: Okay. All right. Thank you.

14 Mr. Trask?

15 MR. TRASK: Yes, Your Honor. May it please the Court.

16 Like I said, I'm -- I'm -- I'm happy within the ten days,
17 we'll get the information. I've just recently taken over the
18 file.

19 I'm looking at the different issues. Specifically for
20 the cell phone number, I actually don't know if he has a cell
21 phone, because we don't ever use an actual telephone number to
22 communicate with him. We have to go through a criminal lawyer
23 and then get him that way, but we will certainly get to the
24 bottom of this. We apologize for the delay, and as soon as
25 we're off the hearing, I'm going to get to work on this.

1 THE COURT: All right. Well, it sounds -- it sounds like
2 the order was some time ago, and -- and the work probably
3 should have been done before today. So --

4 MR. TRASK: Yes, Judge.

5 THE COURT: Well, there -- when was -- when was the
6 motion to compel filed?

7 MR. TRASK: This -- this motion, if I'm correct --

8 THE COURT: In May? No, I'm sorry. In October.

9 MR. TRASK: Yes, Judge.

10 THE COURT: So no -- no written response to the Court.
11 No -- no supplements or anything like that since October,
12 since the motion was filed. Is that right?

13 MR. TRASK: No, Judge. I believe -- like I said, I've --
14 I've recently --

15 THE COURT: Can y'all -- y'all think you can get it done
16 in ten days?

17 MR. TRASK: Judge, I will get it done in ten days.

18 THE COURT: All right. Have you submitted -- and this is
19 directed to plaintiff's counsel. Have you submitted an
20 affidavit for attorney's fees and costs?

21 MS. LINTON: Not at this time, but I'd be happy to do
22 that.

23 THE COURT: So submit -- submit that and I'll review that
24 as well, along with a brief order indicating that all
25 responses, all full and complete responses must be provided

1 within ten days.

2 Mr. Trask, has there -- has there been any other
3 objections or defenses to any of these questions or discovery
4 responses that I need to look at, or are you --

5 MR. TRASK: Judge --

6 THE COURT: -- capable of answering all of them?

7 MR. TRASK: I believe, for the most part, we're capable
8 of answering all of them. I don't think there's an issue with
9 the Fifth Amendment, but Judge Goodstein just argued there'd
10 be a privilege log asserted with those. Obviously, we'll
11 provide that and work with Ms. Linton because the criminal
12 case is still outstanding.

13 But as I look at it here, I don't think there are any
14 issues. We should be able to answer what she's looking for,
15 specifically with the financial information and the cell
16 phone.

17 THE COURT: All right. And given the -- given the
18 timeline on this thing, I mean, the suggestion of -- of ten
19 days from plaintiff's counsel is -- is pretty generous. So
20 I'm going to -- I'm going to go with that, but the -- the
21 timeline is not at all appealing, and so I'm going to -- I'm
22 going to order some sanctions.

23 I'm going to order some fees and costs. I'll review
24 those before I come up with a final number. I certainly think
25 that's appropriate, because if they were -- if they were

1 deficient and laid out specifically by Judge Goodstein and
2 then not responded to thereafter in any timely fashion and
3 nothing even after the motion, it's -- yeah, it's concerning.

4 So I think it's certainly an appropriate situation given
5 the -- the timeline and the facts that have been presented to
6 me that there be sanctions and that there be the ten-day
7 deadline or the party be held in contempt. All right?

8 MS. LINTON: And, Your Honor?

9 MR. TRASK: Yes, Judge.

10 MS. LINTON: If I may request clarification just so I can
11 create the affidavit? We've requested attorney's fees and
12 costs in the pursuit of the written discovery, which would
13 include the original motion to compel, as well as the motion
14 for rule to show cause. Is that acceptable to the Court or
15 would you like me to limit it to the rule to show cause?

16 THE COURT: Limit it to the rule to show cause.

17 MS. LINTON: Yes, Your Honor.

18 THE COURT: Well, and any discovery -- any requests
19 leading up to and causing or resulting in the rule to show
20 cause. All right? Any requests subsequent to the issuance of
21 the order.

22 MR. COBB: I just want to make sure that's not against
23 Sabrina and the company.

24 THE COURT: That is not against Sabrina Montgomery.

25 MR. COBB: Pardon?

1 THE COURT: That is not -- that was not the request.
2 That was not requested as against Ms. Montgomery. You said
3 everything was -- well, not everything was resolved, but
4 everything was close to being resolved, that there was no
5 issues there.

6 MS. LINTON: Correct, Your Honor. Once we finish with
7 Patrick Montgomery, I'd like to take up our issues with
8 Sabrina Montgomery.

9 But you are correct. Mr. Cobb has worked with us. He's
10 supplemented discovery multiple times since the issuance of
11 Judge Goodstein's order. I think we just have a few more
12 things that we're seeking to clarify, but that's correct.

13 MR. COBB: Yes, Your Honor.

14 THE COURT: Do I need -- do I need to help out with
15 those?

16 MS. LINTON: Yes, Your Honor. We've requested an order
17 kind of reiterating Judge Goodstein's order and ordering that
18 defendant Sabrina Montgomery perform a good faith search for
19 additional documents we believe are responsive. And I'm happy
20 to -- there's three -- three brief topics that I think she'll
21 --

22 THE COURT: All right. Let me hear from you on those.

23 MR. COBB: Yeah. And as you know, I've been doing this a
24 while. These are not fun hearings, and these are not things
25 that I want to waste your time or our time with.

1 I'm not sure exactly what they want, and that's part of
2 -- you know, the -- I think -- well --

3 THE COURT: Y'all want to -- y'all want to continue yours
4 and -- and get clarification as to exactly what it is? I
5 don't want to order you to get -- to get something that's not
6 exactly what they're requesting or there's some
7 misunderstanding. I want to make sure I'm on the same page as
8 y'all.

9 MR. COBB: And one of the things is -- Mr. Montgomery
10 I've never met, but I understand he may have some kind of
11 mental issue that prevents him from -- and again, I've not met
12 him, but just in talking with Riley Bearden, who's a lawyer at
13 McAngus, on one of the things, but -- so that -- that's that.

14 These are not sophisticated individuals. And I'm -- I'm
15 trying to be charitable because I'm -- I've met with Ms.
16 Montgomery a couple of times to try to explain to her the
17 legal system and what's going on. The business itself, which
18 is Montgomery Construction, is a dump truck. That is the
19 business. There is nothing else. This is not some
20 sophisticated operation.

21 Patrick Montgomery was driving -- was not driving the
22 dump truck when this unfortunate accident, this horrible
23 accident happened and -- and all that. So there have been
24 challenges on this end to -- but -- but as Mary mentioned, I
25 mean, we -- we tried to supplement. We had a -- you know, had

1 a phone call that initiated -- that I initiated trying to say,
2 look, all right, so you -- you know, you sent us 40
3 interrogatories, you sent us 40 requests for production to an
4 individual who was not involved in the accident, but she is
5 the wife of the guy who was driving the vehicle. What is it
6 that we can get?

7 And then, you know, one of the issues I think is -- for
8 example, we talked about there was something to do with the
9 cell phone, you know, and I'm like, well, y'all subpoenaed the
10 records from the cell phone. You know, she doesn't -- I mean,
11 when I asked her, I said do you keep your cell phone records?
12 No, you know, but they've sent a subpoena for cell phone
13 records back in February of 2024.

14 Finally, they -- they -- they also subpoenaed all of the
15 financial institutions that we named in Sabrina Montgomery's
16 discovery responses. I think Montgomery also named them --
17 Construction named them, but they -- they sent us those
18 records and they've obtained them.

19 And so this is a case where, much like from my
20 perspective, you have a case where the -- in a personal injury
21 case, the plaintiff wants to make a claim for bills, records,
22 but they don't have a lot of them, or they want to make a lost
23 wage claim, and they don't have a lot of records. That the
24 best way to get information is to use the subpoena power to
25 get the records from the providers.

1 And that's one of the things that I've been talking with
2 the prior lawyer, Mark's office, Chris Dorsey, and that, you
3 know, to get a lot of what they want, the best recourse to get
4 all the records would not be from either Patrick Montgomery or
5 Sabrina Montgomery because they -- you know, they're ==
6 they're simple. And I don't mean that in a derogatory
7 fashion, but the best way to get the records that they want
8 are from directly from the providers. And so that's one of
9 the things that we've been working with on my end, trying to
10 --

11 THE COURT: Well, and -- and certainly, you can't
12 provide records or information that you don't have, I mean,
13 but you can give them a starting point --

14 MR. COBB: Right.

15 THE COURT: -- for which they can -- they can subpoena
16 the records, and that might be the way to get the complete
17 records in any event.

18 MS. LINTON: So --

19 THE COURT: So --

20 MS. LINTON: Your Honor, briefly, the cell phone is
21 really the biggest issue. Judge Goodstein ordered that
22 Sabrina Montgomery provide a copy of her cell phone bill, her
23 cell phone log, her text messages for 24 hours before the
24 incident through 24 hours after. That was ordered by Judge
25 Goodstein.

1 And the response we got was plaintiff's attorney could
2 subpoena this information, and cell phone subpoenas don't
3 provide you as much detail as a cell phone. We are asking for
4 Ms. Montgomery to screenshot --

5 THE COURT: Does she -- does she still have the cell
6 phone?

7 MR. COBB: One of the issues that came up in the
8 discovery was at some point after this accident, there is a
9 video that she took, and I think she provided it to the
10 lawyers for the construction company. They produced that
11 video.

12 She tells me that that phone had a -- has a cracked
13 screen so she doesn't use it, so she has a different phone.
14 I'm -- one of the things that we talked about to -- to my
15 knowledge, today was the first time they said they actually
16 want the cell phone.

17 THE COURT: Give them -- give them the cell -- give them
18 the -- give them the cell phone.

19 MR. COBB: No, that's -- well, that's -- yeah, that's
20 been discussed in conversation, but that's -- today is the
21 first time there's been a discussion about -- because, again,
22 they subpoenaed the cell phone records in February of 2024.
23 I've not seen the records. I don't know what they got.

24 THE COURT: Well, and I -- and I agree, the records
25 aren't necessarily going to show everything that's going to be

1 contained on the -- on the --

2 MR. COBB: And --

3 THE COURT: -- on the cell phone. Why don't -- why don't
4 -- why don't you all agree to turn the cell phone over and --
5 and share the -- share the information?

6 MR. COBB: Yeah. To the extent that that phone exists,
7 absolutely.

8 MS. LINTON: Your Honor?

9 THE COURT: And -- and if it -- if it doesn't exist,
10 that's going to create another --

11 MR. COBB: Right.

12 THE COURT: -- issue that -- that you'll -- you'll
13 definitely hear about.

14 MR. COBB: Right. Well, and another thing -- I think
15 this is important too, and this is the -- the auto carrier,
16 which is Allstate for the Montgomerys, they've tendered in,
17 like, a week or two back.

18 So, you know, this was not -- there's not a lot of
19 sophisticated, high, deep-dive investigation from the
20 insurance company on this case, simply because they only had
21 \$100,000 in coverage for this. I believe it's 100,000 for
22 this. So that's another issue to the extent that they want
23 insurance information or investigation.

24 We -- another issue that popped up was McAngus through --
25 through Riley produced the Allstate claim file and made

1 certain redactions to the claim file. I did not produce that
2 same claim file. It's the exact same claim file. I just made
3 a reference that what she produced was the claim file, and one
4 of the things they brought up today was they want me to
5 actually produce the same claim file.

6 So I'm happy to do that, but, you know, it's -- it's not
7 like from -- at least from my end, there's been -- there's
8 certainly been no attempt to hide anything, but when they sent
9 a subpoena for the financial information and the request for
10 the financial documents, they subpoenaed it for an unlimited
11 time period, and there was never an objection about, hey, you
12 need to limit it for time or date or whatever. It's -- you
13 know, whatever's there, it's there. And -- and I think they
14 got it as far back -- I think it's actually since 2021, if I
15 remember correctly, and they, I think, got records I saw for
16 every week in, like, 2000 --2017.

17 MS. LINTON: Your Honor? Sorry.

18 THE COURT: All right. So what do we -- what do I need
19 to do to -- to get y'all resolved on your end of it?

20 MS. LINTON: Your Honor, I'm sorry. I don't mean to
21 tread backwards, but there were two more issues. Well, one
22 with the cell phone.

23 Judge Goodstein ordered that they produce screenshot
24 pictures of their phone screen for text communications 24
25 hours before and 24 hours after, and Sabrina Montgomery

1 originally said there were none. And then once the response
2 was supplemented, it was supplemented with defendant's phone
3 is broken.

4 And so there's questions about, well, did you have the
5 information when we requested it in June of 2023? Did you
6 preserve it? And it's okay if you didn't give it to us. Did
7 you put it in a privilege log? Because we're a year and a
8 half later, and it was none, and now it's the phone screen is
9 broken. And we just want what we're entitled to, and Judge
10 Goodstein ordered these productions.

11 THE COURT: All right. Turn -- turn over the -- turn
12 over the phone, and that'll -- that'll probably provide you
13 most of the information --

14 MS. LINTON: Then --

15 THE COURT: -- in that regard.

16 MS. LINTON: Then with respect to the pre-litigation
17 claims file, I hear Mr. Cobb. If there's only one, then there
18 should be no problem with defendant Sabrina Montgomery
19 producing a claims file so that we can be assured that we've
20 got everything.

21 There's two separate lawyers representing these
22 defendants. We want to make sure that we have the claims file
23 that Judge Goodstein ordered us to have, and we would like a
24 verification attesting to the complete nature of the claims
25 file, because the claims file we received has embedded links

1 that we can't access, so we don't have a complete copy of it
2 at this time.

3 THE COURT: Can you provide that, Mr. Cobb?

4 MR. COBB: You know, today is the first time I'm hearing
5 about the embedded issue. So that'll give us --

6 THE COURT: So you're going to -- you're going to provide
7 the claims file with the -- with the verification
8 certification and the -- and the phone?

9 MR. COBB: Yes, sir.

10 MS. LINTON: And finally, Your Honor, this is probably
11 one of our most tangential requests. We requested the
12 financial information, and Mr. Cobb represented he provided us
13 with everything. The one -- the one pause we had was that in
14 one of Sabrina Montgomery's responses, she states that she
15 does not have an accountant, and she produced to us some
16 unsigned tax documents, and each of those tax documents says
17 that she has an accountant.

18 So we had requested that Ms. Montgomery perform another
19 good faith search to locate any tax records she has. These
20 are highly relevant to the case. And then we request that she
21 sign an authorization allowing us to access the accountant's
22 records so we don't get hung up on it.

23 THE COURT: So you got the name of the accountant from
24 that -- those documents?

25 MS. LINTON: Yes, Your Honor, I do.

1 MR. COBB: Yeah. She doesn't have an accountant. She
2 has somebody who does her taxes.

3 THE COURT: Right.

4 MR. COBB: And we provided for, I think, three years the
5 records from -- that she had for her tax stuff, and those
6 accountants are listed. And one of the things, again going
7 back to earlier, was are y'all going to send a subpoena to the
8 accountant. Apparently, that may or may not have been done.
9 I don't know, but I'll -- you know, if you order her to sign
10 an authorization for her tax -- to release her tax records,
11 then that's -- that'll be the order of the Court and that'll
12 get done.

13 THE COURT: Well, I don't know that I can -- I can order
14 her to consent. I probably could, but yeah, if she doesn't do
15 it voluntarily, then yeah, you're going to have to collect the
16 information and provide it. So --

17 MR. COBB: I will tell her.

18 THE COURT: It might be wiser for you to get her to
19 consent to it and provide it.

20 MR. COBB: Strongly urged by me.

21 THE COURT: Yes. Okay.

22 MR. COBB: I feel, hopefully, that'll resolve it.

23 THE COURT: So what do we need for an order to make sure
24 that that's squared away?

25 MS. LINTON: Your Honor, as far as an order, I'd be happy

1 to prepare one for your review, but --

2 THE COURT: Run it by Mr. Cobb --

3 MS. LINTON: Yes.

4 THE COURT: -- on that. Yeah. Just a brief as to that.

5 I think I -- I think I've grasped those issues. So -- and

6 you're going to submit to me the affidavit and a -- and a --

7 and a proposed order relative to the -- to the -- Mr.

8 Montgomery. Is that right?

9 MS. LINTON: Yes, Your Honor. I'll prepare it and submit
10 it to you.

11 THE COURT: Okay. All right.

12 All right. Anything -- anything further, Mr. Trask?

13 MR. TRASK: No, Your Honor.

14 THE COURT: Okay. All right. Good deal. Anything else
15 I can do for y'all?

16 MS. LINTON: Thank you.

17 THE COURT: Okay. Nope? Thank you all.

18 MR. COBB: Thank you for your time.

19 MR. TRASK: Thank you. Judge.

20 THE COURT: Thank you.

21 (WHEREUPON, the proceedings ended.)

22

23 --- END REQUESTED TRANSCRIPT ---

24

25

State of South Carolina	)	Court of Common Pleas
	)	Ninth Judicial Circuit
County of Berkeley	)	Case No. 2023-CP-08-01652
)	
)	
)	
Kanisha Nash,)	
)	
Plaintiff,)	
)	
-vs-	)	Transcript of Record
)	
)	
Montgomery Construction LLC,)	
Patrick Montgomery, and)	
Sabrina Montgomery,)	
individually and as owner/)	
registered agent for)	
Montgomery Construction,)	
)	
Defendant.)	
)	

June 18, 2025
Via WebEx

B E F O R E:

The Honorable Dale Van Slambrook, Judge

A P P E A R A N C E S:

Mary Linton, Esquire
Attorney for the Plaintiff

Riley Bearden, Esquire
Attorney for the Defendant, Patrick Montgomery

David Cobb, Esquire
Attorney for the Defendant, Sabrina Montgomery

Amanda Perry, Esquire
Attorney for the Defendant, Montgomery Construction, LLC

Proceedings taken down electronically

Transcribed by:
Krystal J. Smith
Official Circuit Court Reporter III

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I N D E X

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
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(No Exhibits Presented)

COURT REPORTER LEGEND

dashes —	intentional or purposeful interruption or change in thought
ellipses . . .	trailing off
[ph]	phonetically written
[sic]	written as said

1 JUNE 18, 2025

2 (WHEREUPON, the proceedings began via WebEx.)

3 THE COURT: All right. We are here on Nash versus
4 Montgomery, 2023-CP-08-01652. So whose -- whose actual motion
5 is this?

6 MS. LINTON: Your Honor, this is the plaintiff's motion.
7 Mary Linton, on behalf of Kanisha Nash.

8 THE COURT: Okay. All right.

9 MR. COBB: Your Honor, I'm David Cobb. I'm here on
10 behalf of Sabrina Montgomery, and I'm trying to get her on
11 this WebEx. Is she on? I can't tell. We had a ransomware
12 attack --

13 THE COURT: I do not see --

14 MR. COBB: -- on my firm.

15 THE COURT: I do not see her.

16 MR. COBB: About 9:30 this morning, we got notice that we
17 had a ransomware attack. So I'm having to do this by my cell
18 phone, but I was just on the phone with Ms. Montgomery, who
19 was trying to log in.

20 THE COURT: Okay. All right.

21 MR. COBB: It's been a fun day so far.

22 THE COURT: Absolutely. All right. Are you ready to go
23 forward without her?

24 MR. COBB: Well, I think she is the key component of all
25 of this. I'm -- I was not able to access the actual motion

1 once we got the email this morning that you wanted to have
2 this thing today. So I don't remember exactly all of the
3 issues, but I know one of the issues deals with her cell
4 phone. And I told her, without waiving any attorney-client
5 privilege issues, but that she needed to explain this issue
6 with the cell phone.

7 And, Mary, I don't know if there's anything else that you
8 have if this -- if there's anything else with her.

9 THE COURT: Well, yeah. And that -- that -- that is
10 going to be a huge component, and I'm not sure to what degree
11 her being here to testify, other than, I guess, to confirm or
12 deny, but --

13 MS. BEARDEN: Well, Your Honor, for what it's worth --

14 MS. LINTON: And, Your Honor --

15 MS. BEARDEN: While we're waiting on Ms. Montgomery, I
16 know Ms. Linton had asked for a status conference following my
17 request that the Court appoint a guardian for Patrick
18 Montgomery. Also without waiving attorney-client privilege,
19 I've -- over the course of my meetings with him for the
20 discovery on this case, I've had increasing concerns about his
21 competency.

22 After conferring with his criminal defense counsel -- Mr.
23 McCoy is the criminal defense counsel, and he also had the
24 same concerns. He requested -- he's requested that the State
25 or the solicitor in the case have a competency evaluation as a

1 part of the criminal case, but due to the pace at which the
2 State was moving, I was concerned that we might need to go
3 ahead and go forward with it ourselves.

4 I have -- we have retained a doctor to perform a
5 competency evaluation for Mr. Montgomery and have requested
6 his medical records from his mental health providers for that
7 doctor. The mental health providers have told us that we need
8 an order from the Court compelling them to provide that. I
9 think we received that response from them.

10 So -- and this is just to let the Court know that part of
11 why I requested a guardian for him is that I think some of the
12 issues that plaintiff's counsel has with ongoing -- a request
13 for updated discovery responses is, I think, what they would
14 like for Mr. Montgomery, and I think a guardian may be able to
15 get that information more easily than Mr. Montgomery seems to
16 be able to comprehend what I'm asking him for and -- due to
17 his mental health issues. So --

18 THE COURT: Yeah, of course. And I may be speaking to
19 what the plaintiff's argument would be, but it seems like you
20 waited a long time to -- to raise -- raise this issue of
21 competency. I don't -- maybe he was deteriorating or -- or
22 whatever, but once -- once a party faces sanctions and then
23 complains that maybe they're not competent, it doesn't foster
24 a lot of trust from -- from my perspective when someone has
25 gone down this path of -- of not complying and having to be

1 compelled to participate in the discovery and holding things
2 up and then becomes -- there's this concern. Maybe that was
3 the genesis of it to begin with, but I --

4 MS. LINTON: Your Honor, I'm --

5 THE COURT: Yeah, I'm extremely uncomfortable, but I'll
6 be happy to hear from you, Ms. Linton.

7 MS. LINTON: Your Honor, in these two issues, I'd like,
8 if it's okay with the Court, to kind of address each one
9 separately, because they are very separate issues. We have
10 the actions of defendant Sabrina Montgomery and the actions of
11 defendant Patrick Montgomery.

12 And to begin, I'd like to address the actions of Sabrina
13 Montgomery. Your Honor, as you know --

14 THE COURT: Let's pause. Let's pause on Sabrina
15 Montgomery because --

16 MS. LINTON: Yeah, sure.

17 THE COURT: -- that's Mr. Cobb's client, who he said was
18 supposed to be here. So let's -- let's pause on her.

19 Why don't we shift -- why don't you shift over to Mr.
20 Patrick Montgomery? And start with your -- your position
21 relative to getting a guardian appointed. And I'm not sure if
22 I can even do that here because I'm not sure if that's
23 actually in front of me, but what -- what -- what's your
24 position as far as that goes?

25 MS. LINTON: Your Honor, it's our position that this

1 motion to protect defendant's interests is not even filed as a
2 motion for an appointment of a guardian ad litem -- ad litem,
3 or conservator. This motion was filed on the exact day that
4 the Court ordered compliance with its rule to show cause.

5 In January, defense counsel represented to the Court that
6 she met with her client numerous times, and yet this motion
7 was not filed until months later on the day of the compliance
8 deadline, not on a discovery order, on a rule to show cause
9 order. In the past almost two years, year and a half, we've
10 been trying to get this written discovery from defendant
11 Patrick Montgomery.

12 A year and a half into this, a discovery motion, a
13 discovery order, an additional eight months to comply, a rule
14 to show cause motion, and a rule to show cause order, and we
15 didn't receive any notice of this. Nothing was filed, and
16 discovery wasn't even attempted to be completed. We didn't
17 hear anything from defense counsel once Your Honor issued his
18 order until this motion was filed. This motion --

19 MS. BEARDEN: Your Honor?

20 MS. LINTON: -- is unsupported --

21 MS. BEARDEN: I'm so sorry to interrupt here. Please let
22 us respond.

23 THE COURT: Wait. Let -- let -- let her -- let her
24 finish. Let her finish. Thank you.

25 MS. LINTON: This motion is unsupported by medical

1 testimony. It's unsupported by objective evidence. This
2 motion has not been filed in the criminal case. We have no
3 medical records. We have no general explanation as to why
4 this was filed.

5 And I understand defense counsel had mentioned last
6 summer that there were some -- some potential memory issues,
7 but that was never followed through. And after those emails,
8 we still received certain discovery responses.

9 Your Honor hit the -- the issue right on the head. This
10 was filed the exact day Your -- Your Honor ordered discovery
11 compliance, not in the discovery order, in a rule to show
12 cause order. The explanation for this has come and gone.
13 This could have been discussed in January when we had the rule
14 to show cause hearing, but it wasn't. The order came about.
15 Nothing was received in terms of supplemental discovery, and
16 then we received this filing.

17 And, Your Honor, it's concerning because we're not -- I
18 can already see where this is going to go. We are not going
19 to get the deposition participation. We're going to get a
20 halt on continued discovery participation.

21 We filed the complaint for the minor, who unfortunately
22 passed away from this collision, and asked defense counsel to
23 accept service on behalf of Patrick Montgomery and were met
24 with a resounding, no, we're not going to do that because we
25 have this motion to protect out there.

1 This case has been pending for two years. We haven't had
2 any depositions. We should be prepping for trial, and we're
3 still here arguing discovery issues. I'm -- you know, we're
4 at a loss for -- for what else to do, and this is an extremely
5 concerning motion, because I can already see that we're going
6 to be facing a continued uphill battle to get the meaningful
7 participation that we've been seeking for well over a year
8 from defendant Patrick Montgomery.

9 THE COURT: Okay.

10 MS. BEARDEN: Your Honor, if I may? Just we sent
11 supplemental discovery responses on January 13th and January
12 22nd as well to plaintiff's counsel.

13 Ms. Linton, did you not receive those?

14 MS. LINTON: Those discovery responses are addressed in
15 the Court's order, and they were deemed non-compliant. The
16 Court ordered --

17 THE COURT: No.

18 MS. LINTON: -- additional discovery.

19 THE COURT: No. Ms. Bearden, you address me. So --

20 MS. BEARDEN: Yes, Your Honor, I apologize.

21 I -- we had sent supplemental discovery responses after
22 the rule to show cause hearing. And I just -- I -- I believe
23 Mr. Trask reached out to Ms. Linton multiple times to ask what
24 of those was not sufficient. And so I'm just -- we never
25 received any response to any of that, Your Honor.

1 THE COURT: So you're saying that there was discovery
2 responses?

3 MS. BEARDEN: Yes, yes. Yes, Your Honor, there were
4 supplemental discovery responses sent after the rule to show
5 cause hearing.

6 THE COURT: And -- and -- all right. And that was the
7 complete responses?

8 MS. BEARDEN: That -- our -- it is our position --

9 MS. LINTON: No, Your Honor.

10 MS. BEARDEN: -- that they are complete responses, as
11 complete as we are able to get from Mr. Montgomery.

12 MS. LINTON: And, Your Honor, if I may clarify? At the
13 hearing, Your Honor ordered complete discovery compliance
14 within ten days. Defendant Patrick Montgomery served us with
15 discovery. That discovery was not complete, and we outlined
16 the continued deficiencies for Your Honor in a proposed order.

17 Your Honor reviewed the order and agreed that there were
18 still outstanding discovery deficiencies and ordered
19 compliance by April regarding that limited outstanding
20 discovery deficiencies. From March until the expiration of
21 that order deadline, we did not receive anything.

22 THE COURT: All right. So what -- what relief are you
23 seeking, Ms. Linton, as to --

24 MS. LINTON: Your Honor --

25 THE COURT: -- Mr. Montgomery?

1 MS. LINTON: Your Honor, we're seeking sanctions, as well
2 as if Your Honor would be amenable to striking defendant
3 Patrick Montgomery's answer.

4 THE COURT: All right. Thank you.

5 Mr. Cobb, is your client here yet?

6 MR. COBB: I am having a text exchange with her where she
7 says that on the WebEx site it's asking for a code. You know,
8 what if --

9 THE COURT: She can -- she can just join -- she can just
10 join the virtual courtroom.

11 MR. COBB: Yeah, I've -- I've tried to explain that to
12 her. One of the issues that we're dealing with, which
13 obviously does not show on this type of conference, but if we
14 had an in-person hearing -- I'm trying to be very sweet to our
15 people, but we're not dealing with the most sophisticated
16 individuals.

17 THE COURT: Okay.

18 MR. COBB: And it's been a struggle, and --

19 THE COURT: All right. Well, I'm going to -- I'm going
20 to go ahead and hear from -- from Ms. Linton, and then we'll
21 -- we'll deal with Ms. Montgomery, if necessary.

22 MR. COBB: Yes, sir.

23 THE COURT: Ms. Linton, as to Ms. Montgomery?

24 MS. LINTON: Thank you, Your Honor.

25 Judge Goodstein back in February of 2024 ordered in a

1 discovery order the production of certain records from
2 defendant Sabrina's cell phone. We didn't receive that and
3 filed the rule to show cause regarding that cell phone, the
4 texts, and phone records.

5 We appeared before Your Honor in January of this year
6 requesting that, and we understood that she may be having some
7 technical difficulties. So Your Honor ordered her to produce
8 her cell phone to us so that we could perform a forensic
9 download ourselves.

10 We received the cell phone on April 17th. We handed it
11 to Rosen Technology for John Ackerman to perform a forensic
12 download, and his report is outlined in our -- our memo. And
13 Mr. Ackerman is ready and willing to appear, should the Court
14 want to hear testimony from him. He's -- he's on standby.

15 He received the cell phone, and he determined through the
16 forensic analysis that the evening before the cell phone was
17 given to us, it was factory reset. It was wiped. There was
18 no evidence we could obtain from it, and the report detailing
19 how Mr. Ackerman reached those conclusions is included in our
20 memorandum.

21 Your Honor, I understand Mr. Cobb's position, but if you
22 can factory reset a cell phone, you could have provided those
23 text messages to us. That cell phone inspection cost my
24 client almost \$2,500, and we received absolutely nothing from
25 it. It took us almost a year and a half to obtain, and the

1 evening before we got that phone, it was reset. All the
2 evidence on it was destroyed.

3 THE COURT: Mr. Cobb?

4 MR. COBB: Yeah.

5 THE COURT: Is there any plausible explanation that's
6 been proffered by your client for this that would -- that
7 would -- any -- any explanation whatsoever?

8 MR. COBB: Yeah. And -- and I would like to have an
9 opportunity for her to tell you because -- you know, let me
10 back up for one second and then I'll tell you what I have been
11 told without -- again, I'm trying not to violate the attorney-
12 client privilege. You know, she was not involved in the
13 accident.

14 THE COURT: That doesn't -- it doesn't matter. It
15 doesn't matter.

16 MR. COBB: I understand.

17 THE COURT: Okay.

18 MR. COBB: I understand all that, but -- and they have
19 all of her financial records. They have all of the phone
20 records. They have all of her banking records. They have all
21 of her tax records. What she tells me is that the reset was
22 done because there was not anything on that phone from the
23 accident, and that's why she did it.

24 THE COURT: And -- and the -- and the plaintiff is
25 supposed to take her word for it? Okay.

1 MR. COBB: Yes, sir. Well, I mean, yeah.

2 THE COURT: I can't -- I can't -- I'm trying to imagine
3 anything more egregious than -- than wiping a phone the day
4 before -- the day before it's supposed to be turned over after
5 having been ordered to turn it over. After a wreck, wiping
6 the phone looks suspicious, looks bad. Wiping it later on
7 looks bad. Wiping it after a request looks bad, wiping it
8 after a request, after an order with a specific date to turn
9 it over.

10 I -- I can't -- I can't imagine -- I can't imagine
11 anything worse as far as a discovery situation. That's the --
12 you know, that's -- that's burning the -- burning the records,
13 that's setting fire to the -- to the filing cabinet. So --

14 MR. COBB: Yeah. And the only thing I can say is -- and
15 again, I certainly am not trying to defend any of it, but they
16 have the phone records and --

17 THE COURT: Well, it -- but we -- but we do know that the
18 phone itself contains a wealth --

19 MR. COBB: Yes, sir.

20 THE COURT: -- of information that goes well beyond the
21 -- yeah, the amount of stuff that's available, as I've
22 recently discovered, is just incredible that can be contained
23 in the phone, even if they -- even a burner phone. So --
24 okay. All right.

25 MR. COBB: Yeah. And once she is -- I'm texting her,

1 trying to get her on this thing. She says that when she gets
2 to the WebEx portal for your virtual courtroom, it asks for a
3 meeting number, and I've told her that I have never had to hit
4 a meeting number to join a WebEx conference. So I'm not sure
5 where the disconnect is on that.

6 THE LAW CLERK: Judge, this is Peyton. There's an iPhone
7 also listed in the panelists. I don't know if that's her or
8 not.

9 MR. COBB: Maybe it is.

10 THE LAW CLERK: I've unmuted it.

11 MS. DUKES: Your Honor, no, I'm just observing.

12 THE COURT: And who is that?

13 MS. DUKES: I'm an attorney out of Greenville, just
14 observing.

15 THE COURT: And your name?

16 MS. DUKES: Madeline Dukes.

17 THE COURT: Okay. All right. Thank you.

18 MR. COBB: I got excited there for a second, but quickly
19 crushed.

20 THE COURT: I understand.

21 MR. COBB: Yeah. It says -- the text she just sent me is
22 that I need the site or meeting number, and I don't --

23 THE COURT: Well --

24 MR. COBB: -- have that information.

25 THE COURT: I'm trying to -- I'm using my imagination.

1 I'm trying to imagine anything that she could possibly say
2 that would prevent me from taking -- you know, imposing
3 sanctions against her. I'd like to give her the opportunity,
4 but if she's sophisticated enough to -- to wipe the phone, it
5 seems like she ought to be sophisticated enough to -- to get
6 on -- to get on with us.

7 MR. COBB: I apologize. I'm -- I don't know the answer
8 to any of this. I'm trying to get her on the phone.

9 And I don't know whether if there's some value in -- I
10 mean, I get the idea that things need to move and, you know,
11 they've requested a deposition for her, and I would -- you
12 know, what about the possibility of having her answer the
13 questions in a deposition about what happened to the phone and
14 then submit that as part of whatever record there is for this
15 motion?

16 MS. LINTON: And, your Honor, I would request that we
17 have a ruling on these issues. It's -- we've been trying to,
18 you know, get this information for months, and no explanation.
19 I don't -- I have an expert who says it was reset. I don't
20 know what other explanation can be given, and it seems like
21 defendant Sabrina Montgomery doesn't deny wiping it.

22 MR. COBB: Well, I -- yeah. I don't speak for her, but I
23 can't imagine that she will claim that somehow it was done by
24 someone other than her.

25 Did we lose the WebEx?

1 THE COURT: All right, All right. What we're going to
2 -- what we're going to do, I'm going to take it under
3 advisement. I'm going to reach out to one of you or more than
4 one of you for the purposes of drawing an order on this. I'm
5 not sure if there's anything I can do as to Mrs. Montgomery
6 other than impose the severest sanction of striking the answer
7 on there.

8 Mr. Montgomery is a different story. There might be some
9 different considerations I'll give to that, but I want to look
10 at all the information.

11 And I thank you all for being available today for this.
12 All right?

13 MS. LINTON: And, Your Honor, if I may?

14 MR. COBB: Thank you, Judge.

15 MS. LINTON: Just -- just one more request for relief
16 against the defendants. We've requested sanctions, but we'd
17 also request that defendant Sabrina Montgomery pay for the
18 cost of the phone download, that being the 2,400 -- 2,375.
19 We're also seeking that relief as well.

20 THE COURT: Okay. All right. Yeah, I'll keep that in
21 mind when I'm fashioning the relief. Thank you, Ms. Linton.

22 Thank you, Mr. Cobb.

23 Thank you, Ms. Bearden.

24 MS. BEARDEN: Thank you, Your Honor.

25 MR. COBB: Thank you.

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MS. LINTON: Thank you, Your Honor.

(WHEREUPON, the proceedings ended.)

--- END REQUESTED TRANSCRIPT ---

e.) Any witnesses identified throughout the course of discovery.

Defendant Montgomery Construction is not in possession of any written or recorded statements. If and when documents become available, Defendant will supplement this Answer.

3. For each person known to the parties or counsel to be a witness concerning the facts of the 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 statements taken from such witnesses.

ANSWER: Defendant refers to its Answer to Interrogatory No. 2.

4. Identify all documents and tangible items of any nature and description, including but not limited to, photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in the case or that were used to assist in responding to these interrogatories.

ANSWER: See enclosed documents Bates-Stamped Montgomery Construction 000001-000089.

5. Set forth the names and addresses of all insurance companies and policies which may have the potential for insurance coverage, including but not limited to those companies providing liability, excess, and umbrella coverages relating to the subject claim, the vehicles involved, and the drivers of the vehicles involved, and set forth the name of the insurance carrier(s), number or numbers of the policies involved, number or numbers of the claims involved, the amount or amounts of potential coverage provided for the subject incident through each policy, and whether a reservation of right letter has been issued as a result of the subject incident.

**ANSWER: a.) American Millennium Insurance Company
Policy No.: CAL08450
Policy Period: 11/19/2022 to 11/19/2023
Limits: 1,000,000.00 each accident**

b.) Cypress Risk

Policy No.: 01412734

Policy Period: 11/19/2021 to 11/19/2022 and 11/19/2022 to 11/19/2023

Limits: 100,000.00 each accident

See enclosed Declaration Pages and Policies Bates-Stamped Montgomery Construction 000001-000054.

6. If you or any other defendant has been improperly identified in the Complaint, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct information.

ANSWER: Not applicable.

7. Identify all agents, servants, employees, representatives, private investigators, or others who made any investigation into this incident on your behalf, and identify by date, subject matter, and author all investigative and other reports and documents prepared, compiled, submitted, or made because of the subject incident.

ANSWER: None at this time.

8. After the subject collision occurred, was any employee, agent, or representative of Defendant ever questioned or required to give a statement regarding the circumstances of the collision? If so, please state who made the statement, the date the statement was made, to whom the statement was made, and the contents of the statement.

ANSWER: Not applicable.

9. Describe the type of business your company is engaged in performing.

ANSWER: Montgomery Construction is a trucking company that transports various materials used in construction work and landscaping.

10. Describe how you were first notified of the subject incident.

ANSWER: Defendant Sabrina Montgomery, who is the Registered Agent for Defendant Montgomery Construction, was transporting children she was watching the evening of the accident from her home to their residence, when she observed



Reply To

JESSI FULLER
Direct Dial: (803) 227-2287
Jessi.Fuller@mgclaw.com

October 9, 2023

VIA EMAIL ONLY

Mark Bringardner
Bringardner Injury Law Firm, LLC
41 Broad Street
Charleston, South Carolina 29401

RE: Kanisha Nash vs. Patrick Montgomery, Sabrina Montgomery, and
Montgomery Construction, LLC
Civil Action No.: 2023-CP-08-01652 (Berkeley)
Date of Incident: April 14, 2023
Carrier Claim No.: 0710622036.1
MGC File No.: 20554.23242

Dear Mark:

Please find enclosed Defendant Patrick Montgomery's Answers to Plaintiff's First Set of Interrogatories and Defendant Patrick Montgomery's Responses to Plaintiff's First Requests for Production, which we hereby serve upon you in the above-captioned case.

Very truly yours,

Jessi Fuller
Paralegal to Riley A. Bearden

RAB/jf
Enclosures
cc: David S. Cobb, Esquire, Turner, Padgett
Christopher L. Murphy, Esquire, Resnick & Louis, P.C.

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

KANISHA NASH,

Plaintiff,

vs.

PATRICK MONTGOMERY, SABRINA
MONTGOMERY, AND MONTGOMERY
CONSTRUCTION, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2023-CP-08-01652

**DEFENDANT PATRICK
MONTGOMERY'S ANSWERS TO
PLAINTIFF'S FIRST SET OF
INTERROGATORIES**

TO: PLAINTIFF AND MARK BRINGARDNER, ESQUIRE, ATTORNEY FOR
PLAINTIFF:

Defendant, Patrick Montgomery, ("Defendant") responds to Plaintiff's Interrogatories pursuant to Rule 33 of the South Carolina Rules of Civil Procedure as follows:

In setting forth these answers, Defendant does not waive the attorney-client, work/product, or any other privilege or immunity from disclosure which may attach to information called for herein, or responsive to, the Interrogatory. Defendant does not concede the relevance or materiality of the Interrogatory, or the subject matter for which the Interrogatory refers. These answers are submitted by the Defendant subject to, and without in any way waiving or intending to waive, but on the contrary intending to preserve and preserving:

A. All objections as to competency, relevancy, materiality, privilege, and admissibility as evidence, for any purpose, of any of the documents referred to or answers given, or the subject thereof, in any subsequent proceeding or in the trial of this action or any other action or proceeding;

B. The right to object to other discovery procedures involving or relating to the subject matter of the Interrogatories herein and responded to; and

C. The right at any time to revise, correct, add to, or clarify any of the answers set forth herein, or documents referred to herein.

D. Defendant objects to these Interrogatories to the extent that they ask for information protected by the attorney-client or the work product privileges or to the extent the interrogatories go beyond the scope of discovery allowed in the South Carolina Rules of Civil Procedure.

INTERROGATORIES

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

ANSWER:

- 1. Patrick Montgomery
C/o McAngus Goudelock & Courie**

Mr. Montgomery is the Defendant in the above-captioned case and is expected to testify regarding his/her knowledge of the events before, during and after the subject incident.

- 2. Kanisha Nash
C/o Bringardner Injury Law Firm, LLC**

Ms. Nash is the Plaintiff in the above-captioned case and is expected to testify regarding her/his knowledge of the events before, during and after the subject incident, as well as her alleged injuries and treatment and related damages.

3. Investigating Officer

Officer investigated the incident which is the subject matter of this litigation and is expected to testify regarding the same.

Defendant is not in possession of any written or recorded statements.

The Plaintiff is aware of certain aspects of the facts surrounding this matter and may name witnesses concerning the facts of this case. Defendant reserves the right to call any and all witnesses named by the Plaintiff.

Defendant also reserves the right to supplement and/or amend his response to this Interrogatory.

2. For each person known to the parties or counsel to be a witness concerning the facts of the 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 statements taken from such witnesses.

ANSWER:

- 1. Patrick Montgomery
C/o McAngus Goudelock & Courie**

Mr. Montgomery is the Defendant in the above-captioned case and is expected to testify regarding his/her knowledge of the events before, during and after the subject incident.

- 2. Kanisha Nash
C/o Bringardner Injury Law Firm, LLC**

Ms. Nash is the Plaintiff in the above-captioned case and is expected to testify regarding her/his knowledge of the events before, during and after the subject incident, as well as her alleged injuries and treatment and related damages.

3. Investigating Officer

Officer investigated the incident which is the subject matter of this litigation and is expected to testify regarding the same.

Defendant is not in possession of any written or recorded statements.

The Plaintiff is aware of certain aspects of the facts surrounding this matter and may name witnesses concerning the facts of this case. Defendant reserves the right to call any and all witnesses named by the Plaintiff.

Defendant also reserves the right to supplement and/or amend his response to this Interrogatory.

3. Set forth and identify a list of all documents and tangible items of any nature and description, including but not limited to, photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claims or defenses in the case or that were used to assist in responding to these interrogatories.

ANSWER: Defendant objects to this request and to the production of any items protected by the attorney/client privilege, the doctrine of attorney work product, or prepared in anticipation of litigation. Subject to these objections, Defendant is in possession of the following documents which do not include those previously produced by Plaintiff's counsel:

1. Allstate's redacted declaration page;
2. SLED report for Patrick Montgomery;
3. Driving Record for Patrick Montgomery; and
4. Traffic Collision Report for second accident.

Defendant reserves the right to supplement and/or amend his response to this Interrogatory.

4. Set forth and identify the names and addresses of all physicians and medical care providers who have treated you in connection with the incident, and also set forth a statement of all medical costs involved. (Note: please provide a full and complete response to this interrogatory regardless of whether you are making a claim for injuries or damages related to the incident.)

ANSWER: Defendant is not claiming any personal injury. Defendants are not in possession of any documents which would satisfy this request as to the Plaintiff's personal injury.

5. Set forth the names of all insurance companies or other insuring entities which may be liable to satisfy part or all of a judgment entered against you in this action, or to indemnify or reimburse you for payments made to satisfy the judgment, including those which may have the potential for insurance coverage, including but not limited to those companies providing liability, excess, and umbrella coverages, relating to the allegations set forth in the operative complaint, and the number or numbers of the policies involved, number or numbers of the claims involved, the amount or amounts of potential coverage provided for the incident through each policy, the agent who sold the policy, the named insured on each policy, and if you are aware of whether a reservation of rights letter(s) and/or information has/have been issued by any insurance company related to the allegations set forth in the operative complaint as a result of the incident.

ANSWER: Please see attached Allstate's redacted declaration page.

6. Provide the following information for any expert witnesses that you propose use as a witness at the trial of this case:

- a) name, employer, and address;
- b) a complete statement of all opinions the witness will express and the basis and reasons for them;
- c) all facts, documents, data, and other information considered by the witness in forming all opinions of the witness;
- d) any exhibits that will be used to summarize or support the witness' testimony;
- e) the witness's qualifications, including a list of all publications authored in the previous 10 years;
- f) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition, and all other cases in which the witness was retained by an insurance company or a law firm on behalf of a civil defendant, but did not testify. Note: if the witness has been designated as an expert witness in a federal case within the past 4 years, this document must exist as its production would have been required under the Federal Rules of Civil Procedure.
- g) a statement of the compensation already paid and/or to be paid for the study, work, and testimony of the witness in the case.
- h) a statement of the compensation paid, during the previous 4 years, by any insurance companies and law firms to the witness and/or the witness' employer specifically for the witness' services related to legal claims;

- i) a list of all cases in which, during the previous 10 years, the witness' testimony has been limited or excluded by a Court or Tribunal in any way.

ANSWER: Defendant has not retained the use of an expert witness at this time but reserves the right to amend this answer in the event an expert witness becomes necessary.

Defendant reserves the right to call any and all experts named by the Plaintiff.

7. Identify all individuals who prepared, assisted, were consulted with, helped with, and/or contributed to the production of documents in response to any party's requests for production, and in the preparation, drafting, and gathering and compiling information or documents responsive to any party's written discovery other than your attorney and your attorney's staff. For each person identified, state their relationship to you, job description, and identify what information and/or documents he/she assisted with producing to your attorney(s), and whether the information supplied was based on personal knowledge.

ANSWER:

**Riley A. Bearden
McAngus Goudelock & Courie**

**Peter McCoy
McCoy Law Group, LLC**

Patrick Montgomery

**Lauren Mazure
Allstate Adjuster**

8. Please provide your full name, every name you have used in the past and the dates you used each name, as well as your date of birth, place of birth, and social security number.

ANSWER:

**Patrick Kareem Montgomery
DOB: 12/18/1974
Place of Birth: To be supplemented.**

SSN: To be supplemented.

9. State your present residence address, your residence addresses for the past five years and the dates you lived at each address.

ANSWER:

**408 N Tee Line Drive
Ridgeville, South Carolina 29472**

10. Identify your present employer or place of self-employment, dates of employment, job title, and nature of work for each employer or self-employment you have had from five years before the incident to the present.

ANSWER:

To be supplemented.

11. At the time of the incident, were you acting as an agent or employee, or on behalf of your employer, an entity, or another person? If so, state the name, address, and telephone number of that person or entity and describe your job duties.

ANSWER: To be supplemented.

12. Did you miss any work due to the incident? If so, please state the dates and times you missed.

ANSWER: To be supplemented.

13. At the time of the incident, did you have a driver's license and/or any other permit or license for the operation of a motor vehicle? If so, identify the state or other issuing entity, the license number and type, the date of issuance, and all restrictions. If your driver's license has ever been suspended, please provide the date of and the reason for the suspension.

ANSWER: DLN: SC 4399086

14. Identify your cell phone number and cell provider at the time of the incident and state the location of your cell phone at the time of the incident and whether or not you were using your cell phone in any manner (for example, a phone call, listening to voicemail, reading or writing a text/SMS message or email, playing a video game, or using camera, music, internet, map application, or other use) immediately before or at the time of the subject collision, within one (1) minute before, during, or after the incident.

ANSWER: To be supplemented.

15. If you consumed any alcohol and/or drugs, legal or illegal, within the 24-hour period preceding the incident, please provide the following:

- a) The amount and type of alcohol and/or drugs consumed;
- b) Where you consumed the alcohol and/or drugs;
- c) Who provided you with the alcohol and/or drugs;
- d) The location and identity of all persons who were with you at any time during the consumption of the alcohol and/or drugs; and
- e) The reason for the consumption of the drugs or alcohol.

ANSWER: Defendant raises his fifth amendment privilege in response to this interrogatory.

16. Please state whether you underwent any blood/urine testing for alcohol and/or drugs after the incident. If so, please identify the type of test that was done, the person who administered the test, the date the test was administered, and the results of each test.

ANSWER: Defendant raises his fifth amendment privilege in response to this interrogatory.

17. Do you attribute any loss of or damage to a vehicle or other property to the incident? If so, for each item of property, please describe the property, the nature and location of the damage to the property, state the amount of damage to each item of property, how the amount was calculated; and, if the property was sold, identify the seller and buyer, the date of sale, and the sale price. If the property was repaired, please identify the date of the repair, describe the repair, state the repair costs, identify who performed the repair, and who paid for the repair.

ANSWER: To be supplemented.

18. At the time of incident, did you or any other person involved have any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the incident? If so, identify each person, the nature of the disability or condition, and the manner in which you contend the disability or condition contributed to the occurrence of the incident.

ANSWER: To be supplemented.

19. Do you or your medical providers attribute any physical, mental, or emotional injuries, pain, and/or limitations to being caused or exacerbated by the incident? If so, identify each injury or condition that you or your medical providers attribute to being caused or exacerbated by the incident, the area of your body that was affected, and any medical treatment or medications you have taken as a result of the affected injury or condition.

ANSWER: To be supplemented.

20. Do you still have any injuries or complaints that you attribute to the incident? If so, for each, please provide a description of the injury or complaint, the frequency and duration of the injury or complaint, and whether any medical providers have advised that you may require

future or additional medical treatment for any injuries or conditions that you or your medical providers attribute to the incident.

ANSWER: To be supplemented.

21. Identify all eye doctors you have seen within the past five (5) years.

ANSWER: To be supplemented.

22. If you received a traffic citation for the incident, please state the citation number, the name and location of the court, whether a hearing was held, your plea, and the amount of the fine paid, if any.

ANSWER: To be supplemented.

23. State whether any on-board data recording device (including but not limited to a dashboard camera, an automobile telematics device or similar devices and/or associated applications, for example, Allstate Drivewise®, State Farm ® Drive Safe & Save™, Progressive Snapshot™, USAA SafePilot™, Geico DriveEasy™, or similar devices and/or associated applications, OnStar™, ECM (Electronic Control Module), black box, or a GPS application (e.g., Google Maps, Waze, etc.) was in your vehicle at the time of the incident, and whether any data from the same on-board recording devices has been obtained by you or anyone else.

ANSWER: To be supplemented.

24. List every social media site used or accessed by you for the past three (3) years. For each social media site, provide your account/username and the name of the social media platform.

ANSWER: To be supplemented.

25. State the address and location where your trip began and the address and location of your destination and describe the route that you followed from the beginning of your trip to the location of the incident, and state the location of each stop, other than routine traffic stops (like at a stop light), during the trip leading up to the incident.

ANSWER: To be supplemented.

26. Describe your version of exactly what happened immediately before, during, and after the incident, and why you believe the incident occurred.

ANSWER: To be supplemented.

27. Do you have information that a malfunction or defect in a vehicle caused or contributed to the incident or any injuries sustained in the incident? If so, please identify each malfunction or defect, identify the vehicle which you claim had a malfunction or defect, identify each witness who has information about each malfunction or defect, and identify each person who has custody of each defective part.

ANSWER: To be supplemented.

28. Have you or anyone acting on your behalf conducted surveillance on any individual involved in the incident? If so, for each surveillance event, state the name, address and telephone number of the individual or party who was the subject of the surveillance, the time, date and location of the surveillance, the name, address and telephone number of the individual who conducted the surveillance, and the name address and telephone number of each person who has the original or a copy of any surveillance photograph, film, or videotape.

ANSWER: No. Defendant reserves the right to supplement and/or amend his answer to this Interrogatory in the event surveillance becomes necessary.

29. If surveillance has been conducted, has a written report been prepared? If so, please state the title and date of the report, the name, address and telephone number of the individual who prepared the report, and the name address and telephone number of each person who has the original or a copy of the report.

ANSWER: Not applicable.

30. If you contend that actions or non-actions of Plaintiff, another defendant, or some other person or legal entity other than you is, in whole or in part, liable to Plaintiff or responsible for causing or contributing to the incident and/or the injuries and damages being claimed by Plaintiff, please provide the following:

- a) Identify the person or entity whom you claim is liable or responsible.
- b) Identify the person or entity whom you claim is liable or responsible and state a summary of the facts and circumstances which support the contention, including, but not limited to, a description of each action or non-action on the part of the Plaintiff that caused or contributed to the incident and/or injuries and damages being claimed by Plaintiff;
- c) The names, addresses, and telephone numbers of each person who supports, refutes, and/or has knowledge of that contention;
- d) Identify each statute, regulation, ordinance, industry custom, practice or standard of care which you believe someone other than you violated and describe with specificity how the violation relates to that contention; and
- e) A list of all documents which support, refute, and/or relate to that contention.

ANSWER: Defendant objects to this interrogatory to the extent it calls for legal conclusions and/or information protected by the work product privilege. This matter will further be determined during discovery.

31. Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

- a) state all facts upon which you base the denial or special or affirmative defenses;
- b) state the names, addresses, and telephone numbers of all persons who have knowledge of those facts; and
- c) identify all documents and other tangible things that support your denial or special or affirmative defense, and state the name, address and telephone number of the person who has each document.

ANSWER: Defendant craves reference to his Answer to the Complaint. Defendant further asserts this case is in its infancy and the facts of this case will further be determined during discovery.

32. In the past ten (10) years, if you have made a claim related to a medical condition, or have been involved in any other legal action, whether criminal or civil, either as a plaintiff or defendant, give the claim number, identify the state, county, city, and Court, case number, names of the other parties, names of counsel for parties, description of the claim or offense, and disposition of each.

ANSWER: To be supplemented.

33. If you are improperly identified in the operative Complaint, give the proper identification and state whether your attorney will accept service of an amended summons and pleading reflecting the correct information.

ANSWER: Defendant is properly identified.

34. Do you or anyone acting on your behalf contend that any person involved in the incident violated any statute, ordinance, or regulation and that the violation was a legal (proximate) cause of the incident? If so, identify each person and the statute, ordinance, or regulation that was violated.

ANSWER: Defendant objects to this interrogatory to the extent it calls for legal conclusions and/or information protected by the work product privilege. This matter will further be determined during discovery.

35. Do you contend that plaintiff was not injured in the incident? If so,

- a) state all the facts upon which you base your contention;
- b) identify all persons who have knowledge of the facts upon which you base your contention; and
- c) identify all documents and other tangible things that support your contention and identify the person who has each document.

ANSWER: Defendant objects to this interrogatory to the extent it calls for legal conclusions and/or information protected by the work product privilege. This matter will further be determined during discovery.

36. Do you have any document concerning the past or present physical, mental, or emotional condition of the plaintiff in this case from a medical provider not previously

identified? If so, please identify each medical provider and provide a description of the documents in your possession.

ANSWER: Defendant is not in possession of any medicals documents other than those previously produced by Plaintiff.

37. Identify all of your sources of income and occupation(s) including your job title(s).

ANSWER: To be supplemented.

38. Identify your employer and/or business address(es), phone number(s), and names of your payroll and head of human resources.

ANSWER: To be supplemented.

39. For each employer or business from which you receive income, identify:

- a. How often you are paid;
- b. Your gross pay each pay period;
- c. Your take-home pay each pay period.

ANSWER: To be supplemented.

40. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title and division of office.

ANSWER: To be supplemented.

41. How much money do you have in cash?

ANSWER: To be supplemented.

42. How much other money do you have in banks, savings and loan, credit unions, and other financial institutions either in your own name or jointly?

ANSWER: To be supplemented.

43. Identify all financial accounts that you maintain, including:
- a. The name and address of the financial institution;
 - b. The account number;
 - c. Whether it is an individual or joint account;
 - d. The balance.

ANSWER: To be supplemented.

44. List all automobiles, other vehicles, and boats owned in your name or jointly.

ANSWER: To be supplemented.

45. List all real estate in which you have an ownership interest and state the interest owned.

ANSWER: To be supplemented.

46. List all business entities in which you have an ownership interest and state the interest owned.

ANSWER: To be supplemented.

47. List anything of value not already requested that you own in your name or jointly (do not list household furniture or furnishings, appliance, or clothing) and state the interest owned.

ANSWER: To be supplemented.

48. If anyone is holding assets for you, please describe the assets and give the name and address of the person or entity hold each asset.

ANSWER: To be supplemented.

49. Have you disposed of or transferred any assets within the last year? If so, please identify the asset, the value of the asset, the date of the disposal or transfer of the asset, and where or with whom the asset is with now.

ANSWER: To be supplemented.

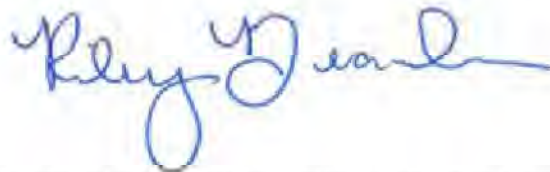
50. Have you purchased, altered, changed, or declined any liability insurance coverage within the past five years?

ANSWER: To be supplemented.

51. Identify any and all insurance agents, including names, addresses, and phone numbers from whom you have purchased, altered, or changed insurance coverage with for the past five years.

ANSWER: To be supplemented.

MCANGUS GOUDELOCK & COURIE, L.L.C.



RILEY A. BEARDEN (SC Bar No. 104332)

riley.bearden@mgclaw.com

BRETT H. BAYNE (SC Bar No. 100018)

brett.bayne@mgclaw.com

Post Office Box 12519

1320 Main Street, 10th Floor (29201)

Columbia, South Carolina 29211

Telephone: (803) 779-2300

Facsimile: (803) 748-0526

ATTORNEYS FOR PATRICK MONTGOMERY

October 9, 2023
Columbia, South Carolina

STATE OF SOUTH CAROLINA)

COUNTY OF BERKELEY)

KANISHA NASH,)

Plaintiff,)

vs.)

PATRICK MONTGOMERY, SABRINA
MONTGOMERY, AND MONTGOMERY
CONSTRUCTION, LLC,)

Defendants.)

IN THE COURT OF COMMON PLEAS

Civil Action No. 2023-CP-08-01652

CERTIFICATE OF SERVICE

I certify that on this date, I have served a copy of *Defendant Patrick Montgomery's*

Answers to Plaintiff's First Set of Interrogatories in this action on counsel of record by

Email addressed to:

Email: mark@bringardner.com

Mark Bringardner
Bringardner Injury Law Firm, LLC
41 Broad Street
Charleston, South Carolina 29401
Attorney for Kanisha Nash

Email: dcobb@turnerpadget.com

David S. Cobb
Turner, Padget
Post Office Box 22129
Charleston, South Carolina 29413-2129
Attorney for Sabrina Montgomery

Email: cmurphy@rlattorneys.com

Christopher L. Murphy, Esquire
Resnick & Louis, P.C.
146 Fairchild Street Suite 130
Charleston, South Carolina 294092
Attorney for Montgomery Construction, LLC

October 9, 2023

Date

s/ Macy Caldwell

Macy Caldwell

Legal Assistant to Riley A. Bearden

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

KANISHA NASH,

Plaintiff,

vs.

PATRICK MONTGOMERY, SABRINA
MONTGOMERY, AND MONTGOMERY
CONSTRUCTION, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2023-CP-08-01652

**DEFENDANT PATRICK
MONTGOMERY'S RESPONSES TO
PLAINTIFF'S FIRST REQUESTS FOR
PRODUCTION**

TO: PLAINTIFF AND MARK BRINGARDNER, ESQUIRE, ATTORNEY FOR
PLAINTIFF:

Defendant, Patrick Montgomery, ("Defendant") responds to Plaintiff's Request for Production of Documents pursuant to Rule 34 of the South Carolina Rules of Civil Procedure as follows:

In setting forth these answers, the Defendant does not waive the attorney-client, work product, or any other privilege or immunity from disclosure which may attach to information responsive to the Requests. The Defendant does not concede the relevance or materiality of the Requests, or the subject matter to which the Requests refer.

These responses are submitted by the Defendant subject to, and without in any way waiving or intending to waive, but on the contrary intending to preserve and preserving:

A. All questions as to competency, relevancy, materiality, privilege and admissibility as evidence for any purpose of the documents referred to or answers given, or the subject of them, in any subsequent proceeding or in the trial of this action or any other action or proceeding;

B. The right to object to other discovery procedures involving or relating to the subject matter of the Request for Production responded to here; and

C. The right at any time to revise, correct, add to, or clarify any of the answers set forth here, or documents referred to here.

D. Defendant objects to these requests to the extent that they ask for information protected by the attorney-client or work product privileges.

E. In responding to Plaintiff's requests, this Defendant has conducted a thorough and reasonable search of those sections of its corporate records where documents and other things responsive to these requests are most apt to be kept in an ordinary course of business. In addition, this Defendant's representatives have spoken to those employees who are most apt to have knowledge as to the location or existence of information that may be responsive. To the extent the subject requests asks Defendant to take actions other than these, Defendant objects because that discovery is overly broad, unduly burdensome, and asks for information not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUESTS FOR PRODUCTION

1. A complete copy of any and all insurance policies, declarations pages, agreements, and related documents under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment, including but not limited to those companies providing liability, commercial, excess, and umbrella coverages, relating to the incident, claims related to the incident, the vehicles involved, the drivers of the vehicles involved, and damage claims made by the Plaintiff as alleged in the operative Complaint, and to include all addendums, riders,

reservation of right correspondence, and any other documents related to potential insurance coverage for the incident and this lawsuit.

RESPONSE: Please see attached Allstate's redacted declaration page.

2. Any and all documents, photographs, memoranda, reports, plats, diagrams, writings, papers, notes, materials, evidence, electronically stored information, and tangible things that you have in your possession, custody, or control which in any way might relate to the incident and/or lawsuit.

RESPONSE: Defendant objects to this request and to the production of any items protected by the attorney/client privilege, the doctrine of attorney work product, or prepared in anticipation of litigation. Subject to these objections, Defendant is in possession of the following documents which do not include those previously produced by Plaintiff's counsel:

1. Allstate's redacted declaration page;
2. SLED report for Patrick Montgomery;
3. Driving Record for Patrick Montgomery; and
4. Traffic Collision Report for second accident.

Defendant reserves the right to supplement and/or amend his response to this Request for Production.

3. Any and all documents and tangible things obtained by you or anyone acting on your behalf via subpoena, Subpoena Duces Tecum, signed authorization form, ISO claims search, FOIA request, or other legal process.

RESPONSE: Defendant has not yet issued any subpoenas at this time. Defendant has submitted a FOIA request but has not yet received any responses to the same.

Defendant reserves the right to supplement his response to this Request for Production in the event subpoenas and FOIA responses are received.

4. Any and all recordings and transcripts of conversations, interviews, and statements including depositions, statements under oath, and summaries, notes, documents, and materials related to the same, whether written, transcribed, or recorded, for any witness, individual, or other person or entity who purports to know any facts or circumstances concerning the incident and/or the claims and defenses related to this lawsuit, (i.e., liability, comparative fault, causation and/or damages in this case). This request encompasses the parties to this action and their employees, agents, and representatives, and any potential witnesses.

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

5. Any and all documents that refer or relate to any communication (whether written or oral) between you or anyone on your behalf and any witness or party to this lawsuit, including but not limited to any electronic mail, notes, correspondence, or recordings of any such communication.

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

6. Produce a copy of all traffic citation(s) you received as a result of the incident and all documents related to the administration of the citation(s).

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

7. All photographs of the vehicles involved in the incident.

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

8. All photographs taken of the scene of the incident from the date of the incident to the present.

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

9. All service, repair, and maintenance records, appraisals, estimates, and invoices for the motor vehicles involved in the incident that were prepared after the incident.

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

10. A copy of all documents related to loss or damage to the vehicle you were driving at the time of the incident and any other property damaged in the incident, and, if the property was sold or is no longer in your possession, identify the seller and buyer and/or whom the property was transferred to, the date of sale, and the sale price.

RESPONSE: Defendant is not in possession of any items that would satisfy this request.

11. If you believe that a malfunction or defect in a vehicle caused or contributed to the incident or any injuries sustained in the incident, please produce copies of all documents related to the same.

RESPONSE: None.

12. A copy of the front and back of each and every driver's license and/or any other permit or license for the operation of a motor vehicle issued to you (regardless of name used) in your possession, custody, and/or control.

RESPONSE: To be supplemented.

13. If you underwent any blood/urine testing for alcohol and/or drugs after the incident, please provide all documents related to the same.

RESPONSE: Defendant raises his fifth amendment privilege in response to this interrogatory.

14. All documents relating to any blood/urine testing for alcohol and/or drugs you took from one (1) year before the incident until the present.

RESPONSE: Defendant raises his fifth amendment privilege in response to this interrogatory.

15. If you consumed any alcohol within the 24-hour period of time preceding the incident, please provide the receipt for the purchase of said alcohol that was consumed within that time.

RESPONSE: Defendant raises his fifth amendment privilege in response to this interrogatory.

16. At the time of the incident, if were you acting as an agent or employee, or on behalf of your employer, an entity, or another person, please produce all documents setting forth the relationship between you and that person/entity, including but not limited to your employment contract, employment manual, a copy of your pay statement that encompasses the date of the incident, and any correspondence you have received from such person or entity that relates to, or resulted from, the incident.

RESPONSE: To be supplemented.

17. A copy of your cell phone bill, cell phone call log, text/SMS messages from twenty-four (24) hours before the incident through 24 hours after the incident.

RESPONSE: To be supplemented.

18. Produce screenshot pictures of your cell phone's screen of any and all text messages, communications, and call logs from twenty-four (24) hours before the time of the incident until twenty-four (24) hours after the incident.

RESPONSE: To be supplemented.

19. All medical records and bills related to any medical evaluation or care you received in connection with the incident.

RESPONSE: To be supplemented.

20. Any and all medical reports, bills, letters, from any doctor, nurse, urgent care, emergency department, or any other medical provider you visited within thirty (30) days before and thirty (30) days after the incident.

RESPONSE: To be supplemented.

21. If you or your medical providers attribute any physical, mental, or emotional injuries, pain, and/or limitations being caused or exacerbated by the incident, produce copies of all documents related to the same.

RESPONSE: To be supplemented.

22. If you had any physical, emotional, or mental disability or condition that may have contributed to the occurrence of the incident, produce copies of all documents related to the same.

RESPONSE: To be supplemented.

23. If you still have any injuries or complaints that you attribute to the incident, produce copies of all documents related to the same.

RESPONSE: To be supplemented.

24. Produce any and all eye doctor medical records for any eye doctor you have seen within the past five (5) years to the present.

RESPONSE: To be supplemented.

25. All evidence requested to be preserved as identified in Plaintiff's letter(s) requesting the preservation and/or production of evidence, and all documents generated as a result of efforts to preserve evidence.

RESPONSE: To be supplemented.

26. Any and all documents, exhibits, videos, recordings, files, charts, drawings, sketches, diaries, journals, memorandums, notes, reports, or other materials of any type prepared by you relating to the incident and this lawsuit.

RESPONSE: Please see Defendant's response to Request for Production Number 2.

27. Any on-board recording devices (including but not limited to a dashboard camera, an automobile telematics device (e.g., Allstate Drivewise®, State Farm ® Drive Safe & Save™, Progressive Snapshot™, USAA SafePilot™, Geico DriveEasy™, or similar devices and/or associated applications, OnStar™, ECM (Electronic Control Module), or black box) in your vehicle at the time of the incident for inspection by Plaintiff's counsel and consultants.

RESPONSE: To be supplemented.

28. Any and all data obtained by you or on your behalf from any on-board data recording device (including but not limited to a dashboard camera, an automobile telematics device (e.g., Allstate Drivewise®, State Farm ® Drive Safe & Save™, Progressive Snapshot™, USAA SafePilot™, Geico DriveEasy™, or similar devices and/or associated applications, OnStar™, ECM (Electronic Control Module), black box, or a GPS application (e.g., Google Maps, Waze, etc.) was in the vehicle you were driving at the time of the incident.

RESPONSE: To be supplemented.

29. Produce for inspection all on-board data recording devices (including but not limited to a dashboard camera, an automobile telematics device (e.g., Allstate Drivewise®, State Farm ® Drive Safe & Save™, Progressive Snapshot™, USAA SafePilot™, Geico DriveEasy™, or similar devices and/or associated applications, OnStar™, ECM (Electronic Control Module), black box, or a GPS application (e.g., Google Maps, Waze, etc.) was in the vehicle you were driving at the time of the incident.

RESPONSE: To be supplemented.

30. In the past ten (10) years, if you have made a claim related to a medical condition, or have been involved in any other legal action, whether criminal or civil, either as a plaintiff or defendant, give the claim number, identify the state, county, city, and Court, case number, names of the other parties, names of counsel for parties, description of the claim or offense, and disposition of each.

RESPONSE: To be supplemented.

31. All documents related to your involvement in any other claim or legal action, whether criminal or civil, either as a plaintiff or defendant.

RESPONSE: To be supplemented.

32. Complete copies of any and all pre-litigation claim(s) and investigation files related to the incident that were created and/or maintained by your insurance companies and/or third-party administrators, including, but not limited to, any and all office records, memos, correspondence, collision reports, vehicle estimates, vehicle photos, written statements, recorded statements/calls, adjuster notes, investigation documents, liability analysis, review, settlement documents/amounts and any other document of any nature and in any form whatsoever

pertaining to the incident until defense counsel was retained. (Note: This request does not seek financial reserve amounts, which may be redacted from the responsive documents).

RESPONSE: Defendant objects to this request and to the production of any items protected by the attorney/client privilege, the doctrine of attorney work product, or prepared in anticipation of litigation. Subject to these objections, Defendant is in possession of the following documents which do not include those previously produced by Plaintiff's counsel:

- 1. Allstate's redacted declaration page;**
- 2. SLED report for Patrick Montgomery;**
- 3. Driving Record for Patrick Montgomery; and**
- 4. Traffic Collision Report for second accident.**

Defendant reserves the right to supplement and/or amend his response to this Request for Production.

33. Produce any and all documents related to surveillance efforts that have been conducted on your behalf on any individual related to the incident and lawsuit, including Plaintiff, Plaintiff's family, friends, and/or anyone filmed arising out of the incident and lawsuit, including but not limited to the original unedited, raw video (digital or analog), photographs, recordings, electronically stored information, reports, written or dictated notes and/or summaries thereof, any cover letter, emails, instructions, screenshots, pictures, invoices, payment records, memos and/or reports from the person(s) that recorded the video or assisted in the coordination and execution of the surveillance.

RESPONSE: None at this time. Defendant reserves the right to supplement and/or amend his answer to this Interrogatory in the event surveillance becomes necessary.

34. If any surveillance has been undertaken by you or on your behalf, produce a copy of all reports, photographs, video, and anything else generated through that investigation.

RESPONSE: Not applicable.

35. All background investigations and private investigator reports which relate to any party or witness involved in the subject action.

RESPONSE: None at this time. Defendant reserves the right to supplement and/or amend his answer to this Interrogatory in the event surveillance becomes necessary.

36. All public records and documents obtained by you, your attorney, or anyone acting on your behalf which relate to any party, witness, or issue in the subject action, including but not limited to, driving records, criminal background reports, liens, and other documents.

RESPONSE: Please see attached.

37. If you contend that the actions or non-actions of Plaintiff caused or contributed to the incident and/or the injuries and damages being claimed by Plaintiff, please produce all documents which support, refute, and/or relate to the allegation.

RESPONSE: Defendant objects to this Request for Production to the extent it calls for legal conclusions and/or information protected by the work product privilege. This matter will further be determined during discovery.

38. If you contend that the actions or non-actions of a person or entity not a party to the subject lawsuit caused or contributed to the incident and/or the injuries and damages being claimed by Plaintiff, please produce all documents which support, refute, and/or relate to the allegation.

RESPONSE: Defendant objects to this Request for Production to the extent it calls for legal conclusions and/or information protected by the work product privilege. This matter will further be determined during discovery.

39. If you contend that the actions or non-actions of a co-defendant caused or contributed to the incident and/or the injuries and damages being claimed by Plaintiff, please produce all documents which support, refute, and/or relate to the allegation.

RESPONSE: Defendant objects to this Request for Production to the extent it calls for legal conclusions and/or information protected by the work product privilege. This matter will further be determined during discovery.

40. Any and all documents and tangible things identified, referenced, listed in, reviewed, or relied upon in formulating your answers to all interrogatories, including supplemental interrogatories, served by Plaintiff or any other party in this case upon you.

RESPONSE: Please see Defendant's response to Request for Production Number 2.

41. Any and all documents, writings, papers, notes, materials, evidence, electronically stored information, and tangible things that you have in your possession, custody, or control and may use to support your claims or defenses related to the incident and your Answer to the operative Complaint.

RESPONSE: Please see Defendant's response to Request for Production Number 2.

42. All documents, tangible things, and materials of any type you provided to a testifying expert witness.

RESPONSE: Defendant has not retained the use of an expert witness at this time but reserves the right to amend this answer in the event an expert witness becomes necessary. Defendant reserves the right to call any and all experts named by the Plaintiff.

43. All documents, tangible things, and materials of any type a testifying expert witness has provided to you.

RESPONSE: Defendant has not retained the use of an expert witness at this time but reserves the right to amend this answer in the event an expert witness becomes necessary. Defendant reserves the right to call any and all experts named by the Plaintiff.

44. With regard to any expert witness you intend to call as a witness at the trial of this case, please produce:

- a. All documents, including a curriculum vitae, that you contend will establish the expert's qualifications to testify at trial;
- b. The fee and/or retainer agreement with the expert;
- c. The time and billing records of the expert, including all documents reflecting the compensation already paid and/or to be paid for the study, work, and testimony of the witness in the case.
- d. All documents, facts, data, tangible things, and materials of any type provided to or from the witness, even if it is not included in the witness' file, related to this matter;
- e. All correspondence to or from any expert, including electronic communications (e-mails, text messages, etc.);
- f. All reports prepared by or at the direction of the expert, including the draft versions of said reports;
- g. All demonstrative exhibits that may be used to explain, summarize or support the witness' testimony;

- h. A list of all other cases in which, during the previous four (4) years, the witness testified as an expert at trial or by deposition, and all other cases in which the witness was retained by an insurance company or a law firm on behalf of a civil litigant, but did not testify. Note: if the witness has been designated as an expert witness in a federal case within the past four (4) years, this document must exist as its production would have been required under the Federal Rules of Civil Procedure.
- i. All 1099s and documents reflecting the compensation paid, during the previous four (4) years, by insurance companies and law firms to the witness and/or the witness' employer specifically for the witness' services related to legal claims;
- j. All documents reflecting that the witness' testimony has been limited or excluded by a Court or Tribunal in any way.
- k. All documents, including reports, bills, and depositions, from your expert in all other cases for which your attorney and/or your attorney's law firm retained the expert and identified him or her as a testifying expert in other litigated cases;
- l. All field notes, inspection notes, testing notes, and other notes prepared by or at the direction of each expert;
- m. All photographs or videotapes taken, utilized, reviewed, or consulted by or at the direction of the expert;
- n. All diagrams or drawings prepared by or at the direction of the expert;

- o. All articles, treatises, publications, or other authoritative documents which support the expert's opinions in this action;

RESPONSE: Defendant has not retained the use of an expert witness at this time but reserves the right to amend this answer in the event an expert witness becomes necessary. Defendant reserves the right to call any and all experts named by the Plaintiff.

45. All documents, tangible things, and materials of any type that you intend to question Plaintiff's expert witness(es) about in deposition, trial, or other proceedings in this case.

RESPONSE: Defendant has not retained the use of an expert witness at this time but reserves the right to amend this answer in the event an expert witness becomes necessary. Defendant reserves the right to call any and all experts named by the Plaintiff.

46. Copies of all diagrams, graphs, illustrations, photographs, charts, pictures, models, blow-ups, or any other document or thing, including electronically created charts, animations, or data that you intend to utilize as an exhibit, demonstrative exhibit, or aid in the trial of this case not previously supplied.

RESPONSE: Defendant has not yet determined which documents it will introduce at the trial of this case. Defendant will supplement the same in accordance with the South Carolina Rules of Civil Procedure.

47. An affidavit of insurance coverage from a company claims manager or executive certifying under oath that the insurance policies disclosed and produced in response to these discovery requests represent all available coverage(s) that exist with the potential for coverage, including any and all excess policies.

RESPONSE: Please see attached Allstate's redacted declaration page.

48. All documents and tangible things of whatever nature and description which you intend to introduce into evidence or to use for impeachment purposes or as any type of evidence, real or demonstrative, at trial of this case.

RESPONSE: Defendant has not yet determined which documents it will introduce at the trial of this case. Defendant will supplement the same in accordance with the South Carolina Rules of Civil Procedure.

49. If you or anyone acting on your behalf are not currently in possession of any documents, tangible things, or materials requested herein, but you are aware that such items exist, provide a written response listing each item and identify who has possession of such items.

RESPONSE: Defendant has produced all information currently in possession.

50. Produce the last three (3) years of Defendant's annual accountant's financial statements).

RESPONSE: To be supplemented.

51. Produce the last three (3) years of statements of Defendant's financial condition.

RESPONSE: To be supplemented.

52. Produce the last three (3) years of Defendant's income statements.

RESPONSE: To be supplemented.

53. Produce the last three (3) years of Defendant's cash flow statements.

RESPONSE: To be supplemented.

54. Produce the last three (3) years of Defendant's federal tax returns.

RESPONSE: To be supplemented.

55. Produce a statement of all income earned in the last five (5) years that you did not report on either state or federal income tax returns.

RESPONSE: To be supplemented.

56. Please provide a copy of all invoices, receipts, bills, or other similar document related to any business you operate out of your home.

RESPONSE: To be supplemented.

MCANGUS GOUDELICK & COURIE, L.L.C.



RILEY A. BEARDEN (SC Bar No. 104332)

riley.bearden@mgclaw.com

BRETT H. BAYNE (SC Bar No. 100018)

brett.bayne@mgclaw.com

Post Office Box 12519

1320 Main Street, 10th Floor (29201)

Columbia, South Carolina 29211

Telephone: (803) 779-2300

Facsimile: (803) 748-0526

ATTORNEYS FOR PATRICK MONTGOMERY

October 9 2023
Columbia, South Carolina

STATE OF SOUTH CAROLINA)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF BERKELEY)	
)	
KANISHA NASH,	)	Civil Action No. 2023-CP-08-01652
)	
Plaintiff,)	
)	
vs.	)	CERTIFICATE OF SERVICE
)	
PATRICK MONTGOMERY, SABRINA)	
MONTGOMERY, AND MONTGOMERY)	
CONSTRUCTION, LLC,)	
)	
Defendants.)	

I certify that on this date, I have served a copy of *Defendant Patrick Montgomery's Responses to Plaintiff's First Requests for Production* in this action on counsel of record by

Email addressed to:

Email: mark@bringardner.com
 Mark Bringardner
 Bringardner Injury Law Firm, LLC
 41 Broad Street
 Charleston, South Carolina 29401
 Attorney for Kanisha Nash
 Email: dcobb@turnerpadget.com
 David S. Cobb
 Turner, Padget
 Post Office Box 22129
 Charleston, South Carolina 29413-2129
 Attorney for Sabrina Montgomery

Email: cmurphy@rlattorneys.com
 Christopher L. Murphy, Esquire
 Resnick & Louis, P.C.
 146 Fairchild Street Suite 130
 Charleston, South Carolina 294092
 Attorney for Montgomery Construction, LLC

October 9, 2023

Date

s/ Macy Caldwell

Macy Caldwell

Legal Assistant to Riley A. Bearden