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Aug 27 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Honorable Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No. 2026-001556
Case No. 2026-CP-02-01702

Elvira Perez, by and through her
Son and Next Friend, Jose A. Perez Appellant,

v.

Edgefield Community Healthcare,
LLC d/b/a Edgefield Post Acute Respondent.

RESPONDENT’S MOTION TO DISMISS APPEAL

Respondent Edgefield Community Healthcare LLC d/b/a Edgefield Post Acute (“Edgefield”) moves to dismiss the above-captioned appeal and in doing so, requests that the Court issue a dispositional and final order dismissing the above-captioned appeal pursuant to Rule 240 and 269, SCACR.

Appellant’s appeal concerns an order issued by The Honorable Courtney Clyburn Pope denying a Motion to Proceed *in forma pauperis* and, concomitantly, dismissing the Complaint filed at the trial court level by Elvira Perez, by and through her Son and Next Friend Jose Perez (“Perez”). Perez, who proceeds *pro se*, appeals the dismissal of his Complaint, which prior to dismissal, solely and exclusively sought injunctive relief and/or declarations of the trial court. Each and every injunctive remedy or declaration that Perez sought in the Complaint is necessarily

predicated on his mother, Ms. Elvira Perez being presently and actively admitted at Edgefield as a resident of its Skilled Nursing Facility. However, it is undisputed that Ms. Perez is no longer admitted as a resident at Edgefield. Because she is no longer presently admitted as a resident at Edgefield, no remedy sought in Perez’s Complaint would provide any actual relief to the Appellant and the Court should thereby dismiss the above-caption appeal pursuant to the mootness doctrine.

PROCEDURAL AND FACTUAL HISTORY

On June 22, 2026, Perez filed a Summons and Complaint in the Court of Common Pleas for Aiken County, which was filed on behalf of his mother, Elvira Perez who at that time was a resident admitted at Respondent’s Skilled Nursing Facility (“Facility”). *See generally Ex. A*, Compl. The Complaint sought solely declaratory and injunctive relief relating to and inherently requiring Elvira Perez’s active and present admission and residency at Respondent’s Facility *See Ex. A*, Pl. Compl. at p. 14 (Plaintiff’s Complaint requests the trial court issue an order “1 – Quashing the Nursing Home’s decision . . . 2 – Quashing the Nursing Home’s Order . . . 3 – An Order directing the Nursing Home . . . 4 – An Order directing the Nursing Home . . . 5 – An Order directing the Nursing Home . . .”).

On the same day of the filing of his Complaint, Perez also filed a Motion to Proceed in Forma Pauperis, which was thereafter amended or corrected on July 7, 2026. *See Ex. B*, Appellant’s Motion to Proceed in Forma Pauperis. The Honorable Courtney Clyburn Pope denied Perez’s Motion to Proceed in Forma Pauperis on July 8, 2026. *See Ex. C*, July 8, 2026 Order. The trial court order advised Perez that the lawsuit would be dismissed if the filing fees and associated costs of the Complaint were not paid on or before July 18, 2026. *Id.* On July 9, 2026, Perez filed a Motion to Reconsider the trial court’s July 8, 2026 order. *See Ex. D*, Motion to Reconsider. The Honorable Courtney Clyburn Pope denied Perez’s Motion to Reconsider on July 9, 2026. *See Ex.*

E, July 9, 2026 Order. Appellant filed his Notice of Appeal for the above-captioned matter on July 13, 2026.

On July 16, 2026, Perez’s family arrived at Respondent’s Facility and discharged Ms. Perez against medical advice. Ex. F, *K. Ginn Aff.* ¶ 6. Furthermore, Ms. Perez has not received any treatment or care from Respondent, its facility, or its staff since July 16, 2026, the date she was discharged. *Id.*

ARGUMENT

The Court should dismiss this appeal pursuant to the mootness doctrine because each remedy sought by the Appellant would provide neither him, nor Ms. Perez any actual relief as Ms. Perez no longer resides at Respondent’s Facility. “An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.” *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). “A case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief.” *Mathis v. South Carolina State Highway Dep’t*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). The function of appellate courts is not to give opinions on abstract questions, but to decide actual controversies injuriously affecting the rights of some party to the litigation; accordingly, issues which have become moot are not a proper subject of review. *Nolas Trading Co. v. S.C. Dep’t of Health & Env’t Control*, 289 S.C. 345, 347, 345 S.E.2d 507, 508 (Ct. App. 1986).

Each remedy sought by the Appellant in the underlying lawsuit requests that the trial court grant injunctive relief or provide written declarations, which are entirely predicated on Ms. Elvira Perez’s active and present admission at the Facility. However, Ms. Elvira Perez was discharged from the Facility on July 16, 2026, and she no longer resides there. As of the date of her discharge,

Ms. Perez has not, nor will she, receive treatment or care from Respondent or its skilled nursing staff. With that said, Appellant's Complaint requests no remedy that would redress any alleged harm now that she has been discharged from Respondent's Facility and there is otherwise no relief that this Court is able to provide Perez or enable the trial court to proceed with this dispute as alleged in his Complaint. The above-captioned appeal is moot because each and every request for relief pled and sought by the Appellant in the underlying lawsuit, even if granted *in arguendo*, would have no practical or legal effect.

CONCLUSION

Respondent respectfully requests that that the above-captioned appeal be dismissed pursuant to the mootness doctrine because now that Ms. Elvira Perez has been discharged from the Facility, no controversy exists between the parties and each of the remedies Appellant seeks in the underlying lawsuit are moot.¹

BURR & FORMAN LLP

s/ J. Bennett Crites, III

J. Bennett Crites, III, SC Bar No. 71695

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115 Fairchild Street, Suite 200

Charleston, SC 29492

(843) 973-6814

Attorneys for Respondent

August 27, 2026
Charleston, South Carolina

¹ Pursuant to Rule 240 SCACR, Respondent incorporated its supporting memorandum with citation of authorities within its motion to dismiss herein. However, Respondent will provide supplemental or additional memoranda upon the Court's request.



State of South Carolina

In the Court of Common Pleas

County of Aiken ☒

Second ☒ Judicial Circuit

Plaintiff(s): Elvira Perez

Jose A. Perez

vs.

Defendant(s): Edgefield Community Healthcare, LLC

Edgefield Post Acute

File No. 2026CP0201702

FILED

10-22 20 26

Robert J. White
C.C.P. & G.S.

Shadell Parks
Deputy Clerk

Summons

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

[Signature]
Plaintiff/Attorney for Plaintiff Signature



**SOUTH CAROLINA
JUDICIAL BRANCH**

Attorney Name Jose A Perez

Bar Number N/A

Firm Name N/A

Street Address 307 Lakeside Drive

City, State, Zip
Code Noth Augusta, SC 29841

Phone Number 917-817-6104

Email Address theaesculapius@gmail.com

North Augusta, South Carolina
[Fill in City]

Dated: 06/21/2026

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Elvira Perez , by and through
Her son and Next Friend
Jose A. Perez

Plaintiff,

v.

Case # 2026-CP 0201702

Edgefield Community Healthcare, LLC
DBA Edgefield Post Acute

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE Y RELIEF

Plaintiff Elvira Perez alleges as follows :

INTRODUCTION

Plaintiff Elvira Perez, by and through her son and next of Friend , Jose A. Perez,
files her complaint against Defendant Edgefield Post Acute for depriving her
and/or conspiring to deprive Plaintiff of rights secured under the Omnibus Budget
Reconciliation Act of 1987 (OBRA), the Federal Nursing Home Act (FNHRA), 42

USC 1396, et seq. , The Federal Nursing Home Regulations found in 42 CFR Section 483, Title I of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12111, et seq. , The Rehabilitation Act of 1973 and the Federal and South Carolina Constitutions under color of state law pursuant to 42 USC 1983.

Relief is also sought pursuant to In South Carolina, Omnibus Adult Protection Act (S.C. Code Section 43-35) and the Bill of Rights for Residents of Long-Term Care Facilities (S.C. Code Section 44-81) as well as the Federal and South Carolina Fair Housing Laws.

JURISDICTION

This Court has jurisdiction over the parties and causes of action under S.C. Const. art. V, § 11.

PARTIES

- 1- Plaintiff Elvira Perez is an adult individual residing at the Edgefield Post Acute Nursing Home , 226 W A Reel Drive , Edgefield , South Carolina, 29824;
- 2- Jose A. Perez is the Plaintiff’s son and attorney in fact ¹.. He will show hereinbelow that the SC Unauthorized Practice of Law Statute is Unconstitutional.

¹ Attachment 1 Durable Power of Attorney

- 3- Edgefield Post Acute is operating as a Medicare-certified nursing home located in Edgefield, South Carolina and which was assigned Medicare Provider ID 425293

FACTUAL ALLEGATIONS

- 1- Elvira Perez is a 96 years old Hispanic female who suffers of (a) non compos mentis secondary to dementia, (b) blindness, (c) her right shoulder is fractured , dislocated , painful and inoperable (d) lumbosacral fractures, (e) osteoporosis (f) is bed ridden and (g) feels socially isolated. Ms. Perez' family took care of her until it became clear she needed full time care to ensure her safety;
- 2- Her son Jose and daughter-in-law Nancy (The Perez) assist the nursing home with Ms. Perez' feedings . They also assist by attempting to diminish Ms. Perez' social isolation .
- 3- On or about February 7th, 2026 the Perez noticed that it was becoming increasingly difficult to feed her because she was becoming severely obtunded – comatose like – impossible to arouse her.
- 4- Mr. Perez asked the on-duty nurse , Natalie Mason, for a copy of the Medical Administration Record (MAR). Ms. Mason refused .
Nevertheless she stated that the facility's Medical Director had placed her

on the following psychotropic medications²: Depakote, Lorazepam, Trazodone and Citalopram.

- 5- **Depakote** is approved by the FDA as an anticonvulsant ³. Ms Perez does not have a medical history of seizures or convulsions.
- 6- **Lorazepam** is a benzodiazepine medication approved by the FDA for short-term relief of anxiety symptoms **associated with anxiety disorders**⁴. But dementia is not an anxiety disorder⁵. Dementia is an umbrella term for progressive neurological diseases (like Alzheimer's disease) that cause irreversible cognitive decline⁶. In contrast, anxiety disorders are psychiatric or mental health conditions⁷. Furthermore, Harvard University cautions that benzodiazepines may worsen dementia⁸.
- 7- **Depakote + Lorazepam – synergistic effect** : Synergism is defined as the condition where the combination of two drugs cause an effect which is GREATER than the sum of the individual drugs⁹. The primary

² A psychotropic medication describes any drug that affects behavior, mood, thoughts, or perception. This can include medications for anxiety and depression as well as antipsychotics, among others. <https://www.healthline.com/health/what-is-a-psychotropic-drug>

³ <https://www.ncbi.nlm.nih.gov/books/NBK559112/>

⁴ <https://www.ncbi.nlm.nih.gov/books/NBK532890/>

⁵ <https://apibhs.com/2025/01/29/anxiety-vs-dementia-in-seniors-how-to-tell-the-difference>

⁶ Ibid

⁷ Ibid

⁸ <https://www.health.harvard.edu/blog/benzodiazepine-use-may-raise-risk-alzheimers-disease-201409107397>

⁹ <https://massivebio.com/synergistic-bio/>

clinical risks of combining **lorazepam** and **valproic acid** include excessive sedation, cognitive impairment, motor coordination problems, and potential respiratory depression¹⁰. ...**the combination can lead to stupor, coma, or respiratory compromise, particularly in elderly patients**¹¹. The risk is heightened when other CNS depressants like Trazodone¹² are added to the regimen¹³.

8- Lorazepam + Citalopram synergistic effect : Both drug classes suppress breathing through different mechanisms, creating synergistic respiratory depression that can be fatal¹⁴.

9- Trazodone. Trazodone is a medication used in the management and treatment of major depressive disorder¹⁵. But Dementia is a progressive neurological decline, whereas Major Depressive Disorder (MDD) is a psychiatric mood disorder¹⁶.

10- As shown hereinabove, there were no medical reasons for administering those psychotropic medications to Ms. Perez.

¹⁰ <https://www.empathia.ai/drug/neurology/lorazepam-valproic-acid-drug-interaction>

¹¹ Ibid

¹² <https://www.ncbi.nlm.nih.gov/books/NBK470560/>

¹³ Ibid

¹⁴ <https://allmeds.ai/interactions/citalopram-and-lorazepam>

¹⁵ <https://www.ncbi.nlm.nih.gov/books/NBK470560/>

¹⁶ <https://apibhs.com/2025/01/29/anxiety-vs-dementia-in-seniors-how-to-tell-the-difference>

- 11- Assuming , arguendo, that Ms. Perez was exhibiting “altered mental status symptoms”¹⁷ (AMS) then the medical provider was supposed to determine which medical condition was causing the altered mental status¹⁸ instead of assuming that the AMS was being caused by a psychiatric condition. That was not done.
- 12- Jose A . Perez adamantly , but respectfully , submits that the Medical Director intended to perform euthanasia, a criminal activity which is not covered by CMS-Medicare¹⁹ and which is illegal under South Carolina Law²⁰.
- 13- Jose A Perez adamantly , but respectfully emphasizes that the Nursing Home Act prohibits the use of chemical restraints²¹.
- 14- Neither the Nursing Home Director nor the Medical Director contacted her son and power-of-attorney , Jose A Perez , prior to administering the aforementioned chemical restraints.

¹⁷ Altered mental status refers to any change in a person’s awareness, cognition, or behavior that differs from their typical functioning.

¹⁷ <https://www.medicalnewstoday.com/articles/altered-mental-status>

¹⁸ <https://www.medicalnewstoday.com/articles/altered-mental-status#causes>

¹⁹ The Assisted Suicide Funding Restriction Act of 1997 strictly prohibits the use of federal money to pay for any health care item or service designed to cause death.

¹⁹ <https://palmettogba.com/jmb/did/zywm99rtry?cat=jmb-medicare-news>

²⁰ <https://law.justia.com/codes/south-carolina/title-16/chapter-3/section-16-3-1090/>

²¹ <https://www.cms.gov/medicare/provider-enrollment-and-certification/surveycertificationgeninfo/downloads/scletter09-11.pdf>

- 15- Due to her disabilities Ms. Perez cries out whenever she needs assistance with Activities of Daily Living (ADLs) to wit, her diaper is wet or soiled, she is hungry , thirsty , in pain, etc. She can not use the nurse call button.
- 16- According to the American Association of Retired People (AARP) chemical restraints are used by nursing homes in order to intentionally control a patient's behavior or restrict their freedom of movement²². These drugs are not used to treat an underlying medical or psychiatric condition, but rather to sedate a patient or make them easier to manage²³.
- 17- According to numerous institutions which rate nursing homes , including CMS-Medicare , South Carolina provides one of the worst nursing home care in the nation.²⁴
- 18- Congress found that persons residing within long term care facilities are isolated from the community and often lack the means to assert their rights fully as individual citizens”²⁵ The South Carolina General Assembly came to the same conclusion ²⁶

²² <https://www.aarp.org/caregiving/basics/nursing-homes-antipsychotics-fd/>

²³ Ibid

²⁴ 1- CMS : <https://www.thestate.com/news/state/south-carolina/article303829536.html>

2- AARP : <https://www.aarp.org/states/south-carolina/sc-ltss-scorecard-2023/>

3- Wallethub : <https://wallethub.com/edu/states-with-best-elder-abuse-protection/28754>

4- Propublica : <https://projects.propublica.org/nursing-homes/>

²⁵ The Nursing Home Reform Act – 42 CFR Sectionn 483.20, et seq.

²⁶ SC Code of Laws SECTION 44-81-10, et seq

- 19- Ms Elvira Perez has a right to life and to defend the same using an assistive device²⁷, which is guaranteed by, inter alia, the Second and Fifth Amendments²⁸ as well as the Privileges and Immunities Clause²⁹.
- 20- As a US Citizen Ms Perez has the Federal and State Constitutional right to seek a redress of her grievances, the right to be heard and to marshal evidence in support thereof³⁰. But as found by Congress and the SC General Assembly Ms. Perez lacks the means to assert her rights.
- 21- Medicare CMS rules require that a nursing facility provide services and activities to attain or maintain the highest practicable physical, mental, and psychosocial well being of each resident³¹.
- 22- Consequently, Elvira Perez complained to CMS Medicare and the SC Department of Health, seeking their intercession in order to compel Defendant Edgefield Post Acute to allow her to use the assistive device

²⁷ District of Columbia v Heller, 554 US 570 (2008) citing William Blackstone 1 Blackstone 136, 139–140 (1765). cited the arms provision of the Bill of Rights as one of the fundamental rights of Englishmen. See 1 Blackstone 136, 139–140 (1765). It was, he said, “the natural right of resistance and self-preservation,” *id.*, at 139, and “the right of having and using arms for self-preservation and defence,” *id.*, at 140; see also 3 *id.*, at 2–4 (1768). Other contemporary authorities concurred. See G. Sharp, Tracts, Concerning the Ancient and Only True Legal Means of National Defence, by a Free Militia 17–18, 27 (3d ed. 1782); 2 J. de Lolme, The Rise and Progress of the English Constitution 886–887 (1784) (A. Stephens ed. 1838); W. Blizard, Desultory Reflections on Police 59–60 (1785)..

²⁸ Abigail Alliance v Von Eschenbach, 445 F. 3d 470, 484 (DC Cir-2006) citing Cruzan v Director, Missouri Department of Health, 497 US 261 (1990)

²⁹ Corfield v Coryell, 6 F Cas 546, 551–552 (3rd Cir-- 1823) citing U.S. CONST. art. IV, § 2, cl. 1

³⁰ Goldberg v Kelly, 397 US 254 (1970), *Grannis v. Ordean*, 234 U. S. 385 (1914),

³¹ US v House, 754 F.3d 1335, 1344–1345 (11th Cir-2014) citing 42 USC 1396r(b)(1)(A). Concourse Rehabilitation & Nursing Center, Inc. v Whalen, 249 F. 3d 136 (2nd Cir-2001)

known as a GrannyCam . Ms Perez have also requested similar relief from the Federal and State Housing Authorities (2) the Nursing home be prevented from using psychotropic chemical restraints and (3) stop medicating her or doing any procedure without first consulting her son and power of attorney.

II

**THE NURSING HOME
IS NOW RETALIATING AGAINST MS PEREZ
BY ARBITRARILY THREATENING TO FORCEFULLY
TRANSFER HER OUT OF THE NURSING HOME AND HAVE
ALSO TRESPASSED HER ONLY CHILD AND POWER OF ATTORNEY**

In December 2025 , The Defendant evaluated Ms. Perez during the admission process, it reviewed her previous diagnosis and admitted her ,

Nevertheless on June 17th, 2026 their Attorney Jerome Bennet Crites , III informed Ms. Perez that the nursing home was involuntarily transferring her and Jose A Perez, her son and power of attorney was being trespassed.

The claims made by Attorney Crites in the notice of involuntary transfer are not admissible evidence : The requirement that business records be kept in the regular course of business excludes records prepared in anticipation of litigation from admission as business records. Clark v. City of Los Angeles, 650 E2d 1033, 1037 (9th Cir. 1981), cert. denied, 456 U.S. 927 (1982) (216-page diary begun at the suggestion of a legal aid attorney and made expressly for purpose of litigation);

Southern Pac. Com. Co. v. American Tel. & Tel. Co., 556 E Supp. 825, 1041 (D.D.C. 1983), aff'd, 740 E2d 980 (D.C. Cir. 1984), cert. denied, 105 S.Ct 1359 (1985) . The typical enterprise is not in the business of litigating, and the "[a]bsence of routineness raises lack of motivation to be accurate." Advisory Committee's Notes to Rules, 56 ER.D. 183 (1972) ("Notes"); Rule 803(6), at 310 (released 1972, effective 1973).

III

THE UNAUTHORIZED PRACTICE OF LAW STATUTE IS UNCONSTITUTIONAL

- 1- The Evidence provided hereinbelow will show, inter alia, that the Federal Trade Commission³² , the Administrative Conference of the United States³³ and even the American Bar Association³⁴ oppose the ban on non-lawyer representation because the same harms consumers and the poor.
- 2- The US Supreme Court has held that a parent-child relationship easily satisfies the close relationship requirement for next friend standing³⁵.

³² https://www.ftc.gov/sites/default/files/documents/advocacy_documents/ftc-staff-comment-mr.carl-e.testo-counsel-rules-committee-superior-court-concerning-proposed-rules-definition-practice-law/v070006.pdf

³³ <https://www.acus.gov/document/nonlawyer-assistance-and-representation>

³⁴ <https://www.americanbar.org/news/abanews/aba-news-archives/2025/02/non-lawyer-services-close-justice-gap/>

³⁵ Sessions v. Morales-Santana, 582 U.S. 47, 57 (2017).

- 3- The SC Judiciary is precluded from transgressing upon Ms. Perez' fundamental right to access the courts in order to have her grievances redressed;³⁶.
- 4- The SC General Assembly is the only entity which is Constitutionally authorized to grant or remove subject matter jurisdiction³⁷. The Supreme Court has held that a court should not treat a statutory limitation on a cause of action as a limitation on jurisdiction unless the General Assembly “‘clearly states’ that [the] requirement is ‘jurisdictional’³⁸
- 5- There are no Constitutional provisos or statutes preventing non-lawyers from representing others in state courts. Actually, the opposite is true, the General Assembly recognizes that **any individual** may represent another individual before any tribunal³⁹ In Re Unauthorized Practice of Law Rules, 309 SC 304, 422 SE 2d 123 (1992) citing S.C. Code Ann. § 40-5-8 (1986)
- 6- The South Carolina Bar have not, and can not, show that denying Ms Perez' right to be heard in State Courts by and through her non-lawyer son

³⁶ Unisys Corp v South Carolina, 551 SE 2d 263, 346 SC 158 (2001) citing Hodges v Rainey, 341 SC 79, 532 SE 2d 578 (2000); Ryland v Shapiro, 708 F.2d 967 (1987) citing *Chambers v. Baltimore & Ohio Railroad*, 207 U.S. 142, 28 S.Ct. 34, 52 L.Ed. 143 (1907),

³⁷ Ibid

³⁸ Ibid

³⁹ S.C. Code Ann. § 40-5-8 (1986):

is consistent with the Nation's historical tradition of the regulation of the practice of Law⁴⁰.

7- Historical evidence shows that non-lawyers (prochein amy) were allowed to practice law at common law⁴¹; Early colonial documents protected the right of litigants to proceed pro se, or to choose whomever they desired to represent them⁴².

8- In the following cases courts permitted Next of Friends to act as attorneys :

(1) In Re Moore , 209 US 490 (1908) the next of friend 's right to prosecute the lawsuit on behalf of an infant was not challenged by the federal nor Illinois Courts; (2) Morgan v Potter , 157 US 195 (1895) (The next friend, by whom the suit is brought on behalf of the infant, is neither technically nor substantially the party, but resembles an attorney ..., by whom a suit is

⁴⁰ *Unisys Corp v South Carolina*, 551 SE 2d 263, 346 SC 158 (2001) *Citing W. Matthews Contracting Co. v. South Carolina Tax Comm'n*, 267 S.C. 548, 230 S.E.2d 223 (1976) (a Historical analysis is necessary in order to properly ascertain that the state intended to regulate the practice of law) ; *NY State Rifle & Pistol Association v Bruen* , 597 US 1, 8-22 (2021) (Same)

⁴¹ *Unauthorized Practice of Law and Meaningful Access to the Courts*, 35 *Cardozo Law Rev.* 2043, 2046 FN 14 (2014)

⁴² *Ibid* , @ page 2047 citing *Faretta v. California*, 422 U.S. 806, 828-30 (1975). For example, the influential *Pennsylvania Frame of Government of 1682* explicitly provided that "in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves; or, if unable, by their friends." *Id.* at 828 n.37 (internal quotation marks omitted); see also Benjamin Hoorn Barton, *Why Do We Regulate Lawyers?: An Economic Analysis of the Justifications for Entry and Conduct Regulation*, 33 *ARIZ. ST. L.J.* 429, 429 (2001) ("In the middle of the nineteenth century the legal market was virtually unregulated."). See also *NJ Bifurcated Bar*, 12 *Seton Hall Review*, 242, 243 FN 11 (1982)

brought or defended in behalf of another. The suit must be brought in the name of the infant, and not in that of the next friend. *Crandall v. Slaid*, 11 Met, 288; *Guild v. Cranston*, 8 Cush. 506)); (3) *Bertinelli v. Galoni*, 200 A. 58 , 331 Pa. 73 (1938) *Pennsylvania Supreme Court* (It is urged upon us by appellant (really the insurance company) that the grandmother cannot maintain the action in the infant's behalf, the child's parents being alive and supporting her in their home. We think this position not maintainable. The sole purpose in having a next friend is to supply the want of capacity in the minor, to afford someone responsible for the costs. He is in no sense a party, "**but resembles an attorney**, or a guardian ad litem, by whom a suit is brought or defended in behalf of another": *Haines v. Fitzgerald*, 108 Pa. Superior Ct. 290, 165 A. 52 (Pa. Super. Ct.- 1933).

- 9- Furthermore, SC Constitution Article V, Section 15 states : Justices of the Supreme Court must have been "**licensed attorneys at law for at least 8 years**" – Ms Perez respectfully submits that the proviso disqualifies the Justices from imposing restrictions upon non lawyers in "unauthorized practice of law cases " because the US Supreme Court has ruled that Judges are precluded by the maxim which states that "No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity" . Gutierrez de

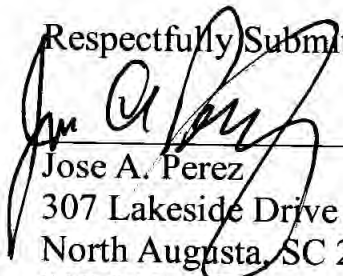
Martines v. Lamagno, 515 US 417 (1995) citing See *In re Murchison*, 349 U. S. 133, 136 (1956) ."); *Spencer v. Lapsley*, 20 How. 264, 266 (1858) and The Federalist No. 10, p. 79 (C. Rossiter ed. 1961).

CONCLUSION

WHEREFORE Ms Perez respectfully submits that the Court ought to enter an order :

- 1- Quashing the Nursing Home's decision to involuntarily transfer Ms. Perez
- 2- Quashing the Nursing Home's Order trespassing Jose A. Perez
- 3- An Order directing the Nursing home to allow Ms Perez to use the assistive device known as a a GrannyCam
- 4- An Order directing the Nursing Home to refrain from chemically restraining Ms. Perez using psychotropics or psychotropic-like drugs;
- 5- An Order directing the Nursing Home to refrain from medicating or treating Ms Perez' ailments until her son and power of attorney is fully informed;

Respectfully Submitted,



Jose A. Perez
307 Lakeside Drive
North Augusta, SC 29841
917-817-6104
theaesculapius@gmail.com

EXHIBIT

1
Power of Attorney

SOUTH CAROLINA DECLARATION — PAGE 4 OF 4

SIGN AND DATE

Elva
Signature of Declarant

12 Nov 2018

Date
FILED

10:22 20 26

WITNESS AFFIDAVIT

PRINT STATE AND
COUNTY

STATE OF South Carolina

COUNTY OF Alcon

PRINT NAMES OF
WITNESSES AND
DATE

We, Linda J. Harris and Jean Floyd, the undersigned witnesses to the foregoing Declaration, dated the 12 day of November 2018, at least one of us being first duly sworn, declare to the undersigned authority, on the basis of our best information and belief, that the Declaration was on that date signed by the declarant as and for his DECLARATION OF A DESIRE FOR A NATURAL DEATH in our presence and we, at his request and in his presence, and in the presence of each other, subscribe our names as witnesses on that date. The declarant is personally known to us, and we believe him to be of sound mind. Each of us affirms that he is qualified as a witness to this Declaration under the provisions of the South Carolina Death With Dignity Act in that he is not related to the declarant by blood, marriage, or adoption, either as a spouse, lineal ancestor, descendant of the parents of the declarant, or spouse of any of them; nor directly financially responsible for the declarant's medical care; nor entitled to any portion of the declarant's estate upon his decease, whether under any will or as an heir by intestate succession; nor the beneficiary of a life insurance policy of the declarant; nor the declarant's attending physician; nor an employee of the attending physician; nor a person who has a claim against the declarant's decedent's estate as of this time. No more than one of us is an employee of a health facility in which the declarant is a patient. If the declarant is a resident in a hospital or nursing care facility at the date of execution of this Declaration, at least one of us is an ombudsman designated by the State Ombudsman, Office of the Governor.

Shadell Pauls
C.C.P. & G.S.
the Deputy Clerk

WITNESSES SIGN
HERESignature: Linda J. Harris Date: 11/12/2018Print Name: Linda F. HarrisSignature: Jean Floyd Date: 11/12/18Print Name: Jean FloydA NOTARY PUBLIC
COMPLETE THIS
PORTION OF THE
FORM

Subscribed before me by _____, the declarant, and
subscribed and sworn to before me by _____, the witnesses, this
12 day of Nov. 2018.

Sandra Curry
Signature

Notary Public for _____

My commission expires

SAUNDRA CURRY
Notary Public State of South Carolina
My Commission Expires
October 17, 2020

SEAL

Courtesy of CaringInfo
1731 King St., Suite 100, Alexandria, VA 22314
www.caringinfo.org, 800/658-6698

SOUTH CAROLINA DECLARATION — PAGE 3 OF 4

REVOCATION PROCEDURES

THIS DECLARATION MAY BE REVOKED BY ANY ONE OF THE FOLLOWING METHODS. HOWEVER, A REVOCATION IS NOT EFFECTIVE UNTIL IT IS COMMUNICATED TO THE ATTENDING PHYSICIAN.

(1) BY BEING DEFACED, TORN, OBLITERATED, OR OTHERWISE DESTROYED, IN EXPRESSION OF YOUR INTENT TO REVOKE, BY YOU OR BY SOME PERSON IN YOUR PRESENCE AND BY YOUR DIRECTION. REVOCATION BY DESTRUCTION OF ONE OR MORE OF MULTIPLE

THE ORIGINAL DECLARATIONS;

(2) BY A WRITTEN REVOCATION SIGNED AND DATED BY YOU EXPRESSING YOUR INTENT TO REVOKE;

(3) BY YOUR ORAL EXPRESSION OF YOUR INTENT TO REVOKE THE DECLARATION. AN ORAL REVOCATION COMMUNICATED TO THE ATTENDING PHYSICIAN BY A PERSON OTHER THAN YOU IS EFFECTIVE ONLY IF:

(a) THE PERSON WAS PRESENT WHEN THE ORAL REVOCATION WAS MADE;

(b) THE REVOCATION WAS COMMUNICATED TO THE PHYSICIAN WITHIN A REASONABLE TIME;

(c) YOUR PHYSICAL OR MENTAL CONDITION MAKES IT IMPOSSIBLE FOR THE PHYSICIAN TO CONFIRM THROUGH SUBSEQUENT CONVERSATION WITH YOU THAT THE REVOCATION HAS OCCURRED.

TO BE EFFECTIVE AS A REVOCATION, THE ORAL EXPRESSION CLEARLY MUST INDICATE YOUR DESIRE THAT THE DECLARATION NOT BE GIVEN EFFECT OR THAT LIFE-SUSTAINING PROCEDURES BE ADMINISTERED;

(4) IF YOU, IN THE SPACE ABOVE, HAVE AUTHORIZED AN AGENT TO REVOKE THE DECLARATION, THE AGENT MAY REVOKE ORALLY OR BY A WRITTEN, SIGNED, AND DATED INSTRUMENT. AN AGENT MAY REVOKE ONLY IF YOU ARE INCOMPETENT TO DO SO. AN AGENT MAY REVOKE THE DECLARATION PERMANENTLY OR TEMPORARILY.

(5) BY YOUR EXECUTING ANOTHER DECLARATION AT A LATER TIME.

SOUTH CAROLINA DECLARATION — PAGE 2 OF 4

In the absence of my ability to give directions regarding the use of life-sustaining procedures, it is my intention that this Declaration be honored by my family and physicians and any health facility in which I may be a patient as the final expression of my legal right to refuse medical or surgical treatment, and I accept the consequences from the refusal.

I am aware that this Declaration authorizes a physician to withhold or withdraw life-sustaining procedures. I am emotionally and mentally competent to make this Declaration.

Other Instructions:
not applicable

(attach additional pages if needed)

APPOINTMENT OF AN AGENT (OPTIONAL)

1. You may give another person authority to revoke this declaration on your behalf. If you wish to do so, please enter that person's name in the space below.

Name of Agent with Power to Revoke: Jose A Perez

Address: 307 Lakeside Dr North Augusta SC 29841

Telephone Number: 281-979-8358

2. You may give another person authority to enforce this declaration on your behalf. If you wish to do so, please enter that person's name in the space below.

Name of Agent with Power to Enforce: Nancy C Perez

Address: 307 Lakeside Dr, North AUGusta SC 29841

Telephone Number: 803-257-7664

SOUTH CAROLINA DECLARATION – PAGE 1 OF 4

DECLARATION OF A DESIRE FOR A NATURAL DEATH

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

I, ELVIRA PEREZ (print your name), Declarant, being at least eighteen years of age and a resident of and domiciled in the City of North Augusta, County of Aiken, State of South Carolina, make this Declaration this ___ day of _____, 20__.

I willfully and voluntarily make known my desire that no life-sustaining procedures be used to prolong my dying if my condition is terminal or if I am in a state of permanent unconsciousness, and I declare:

If at any time I have a condition certified to be a terminal condition by two physicians who have personally examined me, one of whom is my attending physician, and the physicians have determined that my death could occur within a reasonably short period of time without the use of life-sustaining procedures or if the physicians certify that I am in a state of permanent unconsciousness and where the application of life-sustaining procedures would serve only to prolong the dying process, I direct that the procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure necessary to provide me with comfort care.

INSTRUCTIONS CONCERNING ARTIFICIAL NUTRITION AND HYDRATION

INITIAL ONE OF THE FOLLOWING STATEMENTS

If my condition is terminal and could result in death within a reasonably short time,

XXX I direct that nutrition and hydration BE PROVIDED through any medically indicated means, including medically or surgically implanted tubes.

_____ I direct that nutrition and hydration NOT BE PROVIDED through any medically indicated means, including medically or surgically implanted tubes.

INITIAL ONE OF THE FOLLOWING STATEMENTS

If I am in a persistent vegetative state or other condition of permanent unconsciousness,

_____ I direct that nutrition and hydration BE PROVIDED through any medically indicated means, including medically or surgically implanted tubes.

XXX I direct that nutrition and hydration NOT BE PROVIDED through any medically indicated means, including medically or surgically implanted tubes.

SOUTH CAROLINA HEALTH CARE POWER OF ATTORNEY
PAGE 9 OF 9

BY SIGNING HERE I INDICATE THAT I UNDERSTAND THE CONTENTS OF THIS DOCUMENT AND THE EFFECT OF THIS GRANT OF POWERS TO MY AGENT.

I sign my name to this Health Care Power of Attorney on this NOV 12, 2018 My current home address is:
307 Lakeside Dr, North Augusta SC 29841

Principal's Signature: [Signature]

Print Name of Principal: ELVIRA PEREZ

WITNESS STATEMENT

I declare, on the basis of information and belief, that the person who signed or acknowledged this document (the principal) is personally known to me, that he/she signed or acknowledged this Health Care Power of Attorney in my presence, and that he/she appears to be of sound mind and under no duress, fraud, or undue influence. I am not related to the principal by blood, marriage, or adoption, either as a spouse, a lineal ancestor, descendant of the parents of the principal, or spouse of any of them. I am not directly financially responsible for the principal's medical care. I am not entitled to any portion of the principal's estate upon his decease, whether under any will or as an heir by intestate succession, nor am I the beneficiary of an insurance policy on the principal's life, nor do I have a claim against the principal's estate as of this time. I am not the principal's attending physician, nor an employee of the attending physician. No more than one witness is an employee of a health facility in which the principal is a patient. I am not appointed as Health Care Agent or Successor Health Care Agent by this document.

Witness No. 1

Signature: [Signature] Date: 11/12/2018

Print Name: Linda F. Harris Telephone: _____

Address: 12620 Surperry Rd. Crawla

Witness No. 2

Signature: [Signature] Date: 11/12/18

Print Name: Jean Floyd Telephone: _____

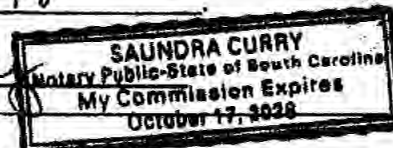
Address: 2671 Sanders Rd. Dewey, SC 29534

STATE OF SOUTH CAROLINA
COUNTY OF Aiken

The foregoing instrument was acknowledged before me by Principal on
12 November, 2018

Notary Public for South Carolina

Sandra Curry
My Commission Expires: _____



Courtesy of CaringInfo
1731 King St., Suite 100, Alexandria, VA 22314
www.caringinfo.org, 800/658-8898

**SOUTH CAROLINA HEALTH CARE POWER OF ATTORNEY
PAGE 7 OF 9**

8. STATEMENT OF DESIRES REGARDING TUBE FEEDING

With respect to Nutrition and Hydration provided by means of a nasogastric tube or tube into the stomach, intestines, or veins, I wish to make clear that in situations where life sustaining treatment is being withheld or withdrawn pursuant to Item 7,

(INITIAL ONLY ONE OF THE FOLLOWING THREE PARAGRAPHS)

(A) X GRANT OF DISCRETION TO AGENT. I do not want my life to be prolonged by tube feeding if my agent believes the burdens of tube feeding outweigh the expected benefits. I want my agent to consider the relief of suffering, my personal beliefs, the expense involved, and the quality as well as the possible extension of my life in making this decision.

OR

(B) ___ DIRECTIVE TO WITHHOLD OR WITHDRAW TUBE FEEDING. I do not want my life prolonged by tube feeding.

OR

(C) ___ DIRECTIVE FOR PROVISION OF TUBE FEEDING. I want tube feeding to be provided within the standards of accepted medical practice, without regard to my condition, the chances I have for recovery, or the cost of the procedure, and without regard to whether other forms of life-sustaining treatment are being withheld or withdrawn.

IF YOU DO NOT INITIAL ANY OF THE STATEMENTS IN PARAGRAPH 8, YOUR AGENT WILL NOT HAVE AUTHORITY TO DIRECT THAT NUTRITION AND HYDRATION NECESSARY FOR COMFORT CARE OR ALLEVIATION OF PAIN BE WITHDRAWN.

**SOUTH CAROLINA HEALTH CARE POWER OF ATTORNEY
PAGE 6 OF 9**

ORGAN DONATION

5. ORGAN DONATION (INITIAL ONLY ONE)

My agent may X; may not ___ consent to the donation of all or any of my tissue or organs for purposes of transplantation.

6. EFFECT ON DECLARATION OF A DESIRE FOR A NATURAL DEATH (LIVING WILL)

I understand that if I have a valid Declaration of a Desire for a Natural Death, the instructions contained in the Declaration will be given effect in any situation to which they are applicable. My agent will have authority to make decisions concerning my health care only in situations to which the Declaration does not apply.

7. STATEMENT OF DESIRES CONCERNING LIFE SUSTAINING TREATMENT

With respect to any Life-Sustaining Treatment, I direct the following:

(INITIAL ONLY ONE OF THE FOLLOWING 3 PARAGRAPHS)

(1) X GRANT OF DISCRETION TO AGENT. I do not want my life to be prolonged nor do I want life-sustaining treatment to be provided or continued if my agent believes the burdens of the treatment outweigh the expected benefits. I want my agent to consider the relief of suffering, my personal beliefs, the expense involved and the quality as well as the possible extension of my life in making decisions concerning life-sustaining treatment.

OR

(2) ___ DIRECTIVE TO WITHHOLD OR WITHDRAW TREATMENT. I do not want my life to be prolonged and I do not want life-sustaining treatment:

a. If I have a condition that is incurable or irreversible and, without the administration of life-sustaining procedures, expected to result in death within a relatively short period of time; or

b. if I am in a state of permanent unconsciousness.

OR

(3) ___ DIRECTIVE FOR MAXIMUM TREATMENT. I want my life to be prolonged to the greatest extent possible, within the standards of accepted medical practice, without regard to my condition, the chances I have for recovery, or the cost of the procedures.

SOUTH CAROLINA HEALTH CARE POWER OF ATTORNEY
PAGE 5 OF 9

Accordingly, unless specifically limited by the provisions specified below, my agent is authorized as follows:

A. To consent, refuse, or withdraw consent to any and all types of medical care, treatment, surgical procedures, diagnostic procedures, medication, and the use of mechanical or other procedures that affect any bodily function, including, but not limited to, artificial respiration, nutritional support and hydration, and cardiopulmonary resuscitation;

B. To authorize, or refuse to authorize, any medication or procedure intended to relieve pain, even though such use may lead to physical damage, addiction, or hasten the moment of, but not intentionally cause, my death;

C. To authorize my admission to or discharge, even against medical advice, from any hospital, nursing care facility, or similar facility or service;

D. To take any other action necessary to making, documenting, and assuring implementation of decisions concerning my health care, including, but not limited to, granting any waiver or release from liability required by any hospital, physician, nursing care provider, or other health care provider; signing any documents relating to refusals of treatment or the leaving of a facility against medical advice, and pursuing any legal action in my name, and at the expense of my estate to force compliance with my wishes as determined by my agent, or to seek actual or punitive damages for the failure to comply.

E. The powers granted above do not include the following powers or are subject to the following rules or limitations:

NO LIMITATIONS

(attach additional pages if needed)

**SOUTH CAROLINA HEALTH CARE POWER OF ATTORNEY
PAGE 4 OF 9**

2. EFFECTIVE DATE AND DURABILITY

By this document I intend to create a durable power of attorney effective upon, and only during, any period of mental incompetence, except as provided in Paragraph 3 below.

3. HIPAA AUTHORIZATION

When considering or making health care decisions for me, all individually identifiable health information and medical records shall be released without restriction to my health care agent(s) and/or my alternate health care agent(s) named above including, but not limited to, (i) diagnostic, treatment, other health care, and related insurance and financial records and information associated with any past, present, or future physical or mental health condition including, but not limited to, diagnosis or treatment of HIV/AIDS, sexually transmitted disease(s), mental illness, and/or drug or alcohol abuse and (ii) any written opinion relating to my health that such health care agent(s) and/or alternate health care agent(s) may have requested. Without limiting the generality of the foregoing, this release authority applies to all health information and medical records governed by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 USC 1320d and 45 CFR 160-164; is effective whether or not I am mentally competent; has no expiration date; and shall terminate only in the event that I revoke the authority in writing and deliver it to my health care provider.

4. AGENT'S POWERS

I grant to my agent full authority to make decisions for me regarding my health care. In exercising this authority, my agent shall follow my desires as stated in this document or otherwise expressed by me or known to my agent. In making any decision, my agent shall attempt to discuss the proposed decision with me to determine my desires if I am able to communicate in any way. If my agent cannot determine the choice I would want made, then my agent shall make a choice for me based upon what my agent believes to be in my best interests. My agent's authority to interpret my desires is intended to be as broad as possible, except for any limitations I may state below.

SOUTH CAROLINA HEALTH CARE POWER OF ATTORNEY
PAGE 3 OF 9

1. DESIGNATION OF HEALTH CARE AGENT

I, Elvira Perez, hereby appoint:
(Principal)

Jose A Perez

(Agent's Name)

307 Lakeside Dr

(Address's Address)

North Augusta SC 29841

Telephone: Home: _____ Work: _____ Mobile: 281-979-8356 as
my agent to make health care decisions for me as authorized in this
document.

2. Successor Agent: If an agent named by me dies, becomes legally
disabled, resigns, refuses to act, becomes unavailable, or if an agent who is
my spouse is divorced or separated from me, I name the following as
successors to my agent, each to act alone and successively, in the order
named:

a. First Alternate Agent:

Address: Nancy C Perez, same as above

Telephone: Home: _____ Work: _____ Mobile: 803-257-7864

b. Second Alternate Agent:

Address: not applicble

Telephone: Home: _____ Work: _____ Mobile: _____

Unavailability of Agent(s): If at any relevant time the agent or successor
agents named here are unable or unwilling to make decisions concerning my
health care, and those decisions are to be made by a guardian, by the
Probate Court, or by a surrogate pursuant to the Adult Health Care Consent
Act, it is my intention that the guardian, Probate Court, or surrogate make
those decisions in accordance with my directions as stated in this document.



SOUTH CAROLINA
JUDICIAL BRANCH

STATE OF SOUTH CAROLINA
COUNTY OF Alcorn

IN THE COURT OF COMMON PLEAS
second JUDICIAL CIRCUIT

Elvira Perez
Plaintiff(s) Jose A. Perez

**CERTIFICATE OF EXEMPTION FROM
ADR**

Edgetield Community Healthcare, LLC
Defendant(s)

Case No. 2026CP0201702

PURSUANT to the South Carolina Alternative Dispute Resolution Rules (SCADR), we certify that this case is exempt from mediation for one of the following reasons and the parties wish to exercise that exemption.

Under SCADR Rule 3(b), this action is a(n):

- ☒ special proceeding or action seeking extraordinary relief
- ☐ request for temporary relief
- ☐ appeal
- ☐ post-conviction relief (PCR) matter
- ☐ contempt of court proceeding
- ☐ forfeiture proceeding brought by a governmental entity
- ☐ mortgage foreclosure
- ☐ case that has been previously subjected to ADR and ADR is not otherwise required by statute or rule

Jose A. Perez
Plaintiff/ Plaintiff Attorney Name

N/A
Bar Number

N/A
Firm Name

307 Lakeside Dr
Address

North Augusta, SC 29841
Address

917 - 817 - 6104
Phone Number

therescula145@gmail.com
Email Address

Defendant/ Defendant Attorney Name

Bar Number

Firm Name

Address

Address

Phone Number

Email Address



SOUTH CAROLINA
JUDICIAL BRANCH

State of South Carolina

In the Court of Common Pleas

County of: Aiken



Second



Judicial Circuit

Plaintiff(s): Elvira Perez

Jose A. Perez

Case No. 2026CP0201702

v.

Defendant(s): Edgefield Community Healthcare LLC

Civil Action Coversheet

Submitted By:

Jose A Perez

Address:

307 Lakeside Drive

, North Augusta, SC 29841

SC Bar Number:

N/A

Telephone #:

917-817-6104

Fax #:

Other:

Email:

theaesculapius@gmail.com

FILED

6-22 2026

Robert J. White
C.C.P. & G.S.

Shadell Parks
Deputy Clerk



SOUTH CAROLINA
JUDICIAL BRANCH

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. **This form is NOT required to be filed in E-Filed Cases.**

Docketing Information (Check all that apply)

****If Action is Judgment/Settlement do not complete***

- ☐ **Jury Trial** demanded in complaint.
- ☒ **Non-Jury Trial** demanded in complaint.
- ☐ This case is subject to **Arbitration** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to **Mediation** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☒ This case is exempt from ADR. (Certificate Attached)

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Submitting
Party Signature:

Date:

06/21/2026



Nature of Action (Check one box below)

Contracts

- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/Warranty (160)
- ☐ Employment Discrimination (170)
- ☐ Employment (180)
- ☐ Other (199)

Torts- Professional Malpractice

- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- ☐ Notice of Intent Case No. [Fill in Notice of Intent Case Number]

-
- ☐ Notice File. Med Mal (230)
 - ☐ Other (299)

Torts- Personal Injury

- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399)

Inmate Petitions

- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Real Property

- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Judgments/Settlements

- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Application Payment Rights (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Incapacitated Adult Settlement (790)
- ☐ Other (799)



**SOUTH CAROLINA
JUDICIAL BRANCH**

Administrative Law/Relief

- ☐ Reinstatement Driver's License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture- Petition (840)
- ☐ Forfeiture- Consent Order (850)
- ☐ Other (899)

Special/Complex/Other

- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☒ Medical (620)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out of County Action (660)
- ☐ Pre-Suit Discovery (670)
- ☐ Permanent Restraining Order (680)
- ☐ Interpleader (690)
- ☒ Other (699)

Appeals

- ☐ Arbitration (900)
- ☐ Magistrate- Civil (910)
- ☐ Magistrate- Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Service Comm. (991)
- ☐ Other (999)

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

Supreme Court Rules Require the Submission of all Civil Cases to an Alternative Dispute Resolution Process, Unless Otherwise Exempt.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.



3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR under ADR Rule 3(b) upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals;
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. Cases may also be exempt from ADR under ADR Rule 3(c) upon motion to and approval by the court.
6. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
7. Application of a party to be exempt from payment of neutral fees due to indigency should be filed with the Clerk of Court prior to the scheduling of the ADR conference.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.



State of South Carolina		In the Court of Common Pleas	
County of <u>Aiken</u>	☒	Second	☒ Judicial Circuit

Plaintiff(s): <u>Elvira Perez</u> <u>Jose A. Perez</u>	File No. <u>2026CP0201702</u>
vs.	FILED <u>6-22</u> 20 <u>26</u> <u>Robert J. White</u> C.C.P. & G.S.
Defendant(s): <u>Edgefield Community Healthcare LLC</u> <u>Edgefield Port Acute</u>	<u>Shadell Parks</u> Deputy Clerk

**Motion and Affidavit to Proceed in Forma Pauperis
(Motion for Waiver of Costs and Fees)**

I, [Fill in Name] Elvira Perez, am unable to pay the costs of filing and service in the present matter and request that the court waive the costs and allow me to proceed *in forma pauperis*.

Plaintiff submits the following financial declaration and affidavit in support of the above motion.

Plaintiff's Address: 226 W. A Reel Drive, Edgefield SC 29824

Age: 96

Occupation: unemployed

Employer: N/A

Employer Address: N/A



Gross Monthly Income

1) Earnings (attach recent pay stubs) 0 _____

2) Overtime _____

3) Social Security, VA Benefits,
Workers' Comp or Disability (SSI) 0 _____

4) Unemployment 0 _____

5) Alimony / Child Support (receiving) 0 _____

6) Other 0 _____
[If Amount is Entered for "Other",
Specify] _____

Total Amount (Add lines 1-6): 0 _____

Assets

1) Cash 0 _____

2) Money in Bank Accounts (Checking &
Savings) 0 _____

3) IRA / 401K / Pensions 0 _____

4) Other 0 _____
[If Amount Entered for "Other",
Specify] _____

Total Amount (Add lines 1-4): 0 _____

Monthly Expenses

1) Rent / Mortgage 0 _____

2) Utilities 0 _____

3) Cell Phone / Phone 0 _____



**SOUTH CAROLINA
JUDICIAL BRANCH**

4) Food	0
5) Alimony / Child Support (Paying)	0
6) Child Care	0
7) Car Payment	0
8) Car Operating Expenses (Insurance, gas, maintenance)	0
9) Clothing	0
10) Cable / Satellite TV / Internet	0
11) Medical / Dental / Vision Expenses	0
12) Medical / Dental / Vision Insurance	0
13) Credit Card / Loan Payments	0
14) Other	0
[If Amount Entered for "Other", Specify] _____	

Total Amount (Add lines 1-14): 0

Household Information

1) Number of Adult Dependents Residing in the Home	0
2) Number of Minor Dependents Residing in the Home	0
Total Number (Add lines 1-2):	0



SOUTH CAROLINA
JUDICIAL BRANCH

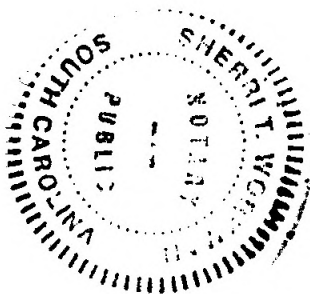
[Signature]
Signature of Plaintiff

Sworn to and subscribed before me this [Fill in Day Sworn] 22nd Day of [Fill in Month]
Sworn] June, [Fill in Year Sworn] 2026.

[Signature]
Signature of Notary Public

Sherri T. Workman
Printed Name of Notary Public

My Commission expires the [Fill in Expiration Day] 21st day of [Fill in Expiration Month] April,
[Fill in Expiration Year] 2031.





SOUTH CAROLINA
JUDICIAL BRANCH

State of South Carolina		In the Court of Common Pleas	
County of <u>Aiken</u>	☒	Second	☒ Judicial Circuit

Plaintiff(s): <u>Elvira Perez</u> <u>Jose A. Perez</u>	File No. <u>2026CP0201702</u>
vs.	FILED <u>7-7</u> 20 <u>26</u> <u>Robert J. White</u> C.C.P. & G.S. <u>Shadell Parks</u> Deputy Clerk
Defendant(s): <u>Edgefield Community Healthcare LLC</u> <u>edgefield Post Acute</u>	

AMENDED

**Motion and Affidavit to Proceed in Forma Pauperis
(Motion for Waiver of Costs and Fees)**

I, [Fill in Name] Jose A. Perez, POA, on behalf of Elvira Perez, am unable to pay the costs of filing and service in the present matter and request that the court waive the costs and allow me to proceed *in forma pauperis*.

Plaintiff submits the following financial declaration and affidavit in support of the above motion.

Plaintiff's Address: 226 W A Reel Drive

Age: 96

Occupation: unemployed - Long Term Resident of a Nursing Home

Employer: N/A

Employer Address: N/A



Gross Monthly Income

1) Earnings (attach recent pay stubs)	0
2) Overtime	0
3) Social Security, VA Benefits, Workers' Comp or Disability (SSI)	0
4) Unemployment	0
5) Alimony / Child Support (receiving)	0
6) Other	0
[If Amount is Entered for "Other", Specify] _____	

Total Amount (Add lines 1-6): 0

Assets

1) Cash	0
2) Money in Bank Accounts (Checking & Savings)	0
3) IRA / 401K / Pensions	0
4) Other	0
[If Amount Entered for "Other", Specify] _____	

Total Amount (Add lines 1-4): 0

Monthly Expenses

1) Rent / Mortgage	0
2) Utilities	0
3) Cell Phone / Phone	0



**SOUTH CAROLINA
JUDICIAL BRANCH**

4) Food	0
5) Alimony / Child Support (Paying)	0
6) Child Care	0
7) Car Payment	0
8) Car Operating Expenses (Insurance, gas, maintenance)	0
9) Clothing	0
10) Cable / Satellite TV / Internet	0
11) Medical / Dental / Vision Expenses	0
12) Medical / Dental / Vision Insurance	0
13) Credit Card / Loan Payments	0
14) Other	0
[If Amount Entered for "Other", Specify] _____	

Total Amount (Add lines 1-14): _____

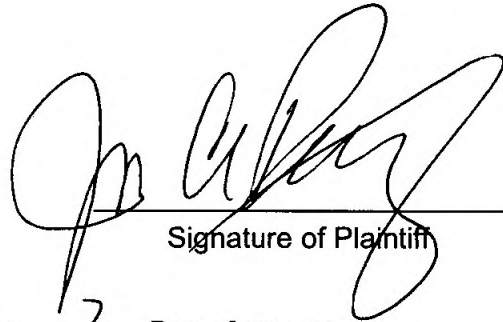
Household Information

1) Number of Adult Dependents Residing in the Home	0
2) Number of Minor Dependents Residing in the Home	0

Total Number (Add lines 1-2): 0

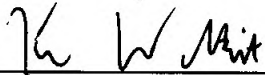


SOUTH CAROLINA
JUDICIAL BRANCH



Signature of Plaintiff

Sworn to and subscribed before me this [Fill in Day Sworn] 7 Day of [Fill in Month Sworn] July, [Fill in Year Sworn] 2026.



Signature of Notary Public

KEVAN W. STRAUT
Notary Public, State of South Carolina
My Commission Expires 04/08/2030

Printed Name of Notary Public

My Commission expires the [Fill in Expiration Day] 8 day of [Fill in Expiration Month] April,
[Fill in Expiration Year] 2030.

 On July 6, 2026 I received A Telephone call from 803-642-1715 at 3:55 PM. Deputy Clerk "Ishibelle" directed me to Amend the Motion and show that I was signing the same pursuant to The November 13, 2018 Durable Power of Attorney.

EXHIBIT C



SOUTH CAROLINA
JUDICIAL BRANCH

STATE OF SOUTH CAROLINA)

COUNTY OF Aiken)

Elvira Perez)

Plaintiff,)

vs.)

Edgefield Community Healthcare)
LLC)

Defendant.)

IN THE COURT OF COMMON PLEAS

SECOND JUDICIAL CIRCUIT

ORDER
IN FORMA PAUPERIS

FILE NO.

2026CPO201702

FILED

7-8

20

26

ORDER

C.C.P. & G.S.

- ☐ Leave is Granted to proceed *in forma pauperis* without payment of the filing fee.
- ☐ Leave is Granted to proceed *in forma pauperis* without payment of the service cost.
- ☒ Leave is Denied to proceed *in forma pauperis* pursuant to *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995).
- ☒ Leave is Denied to proceed *in forma pauperis*. Plaintiff has failed to establish compliance with the Poverty Guidelines pursuant to Rule 3(b)(1), SCRCP.

If denied, this case will be dismissed without further order of the court if the filing fee and associated costs are not paid on or before JULY 18, 20 26.

Dated: JULY 8, 20 26

Candice C. P.
Presiding Judge, 2ND Judicial Circuit

Aiken, South Carolina

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

Elvira Perez , by and through
Her son and Next Friend
Jose A. Perez

Plaintiff,

v.

Case # 2026-CP 0201702

Edgefield Community Healthcare, LLC
DBA Edgefield Post Acute

Defendant.

_____ /

MOTION TO RECONSIDER THE JULY 8th, 2026 ORDER

Elvira Perez respectfully moves the court to reconsider the July 8th, 2026
Order which denied , her fundamental right to access the court in forma pauperis¹.

As grounds therefor she shows:

¹ In *Ex Parte: Martin v. State*, 321 S.C. 533, 471 S.E.2d 134 (1995), citing *Boddie v. Connecticut*, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971)

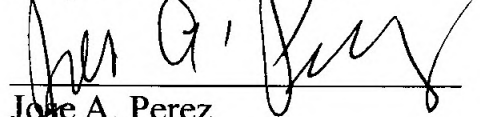
- 1- The July 8th, 2026 Order states that Ms Perez has failed to establish compliance with Poverty Guidelines pursuant to Rule 3(b)(1) SCRCP. Ms Perez objects.
- 2- Rule 3(b)(1) SCRCP states that : “ **A presumption that the plaintiff is unable to pay the fee required to file the action shall be created if the plaintiff's net household income is less than or equal to the Poverty Guidelines** established and revised annually by the United States Department of Health and Human Services and published in the Federal Register.
- 3- Attachment 1 is a true and correct copy of (1) Ms Perez’ SC ID and (2) her SC Medicaid Card - the fact that Ms. Perez is a Medicaid recipient means that she is within the “the Poverty Guidelines established and revised annually by the United States Department of Health and Human Services”.²
- 4- The Forma Pauperis Form required that Ms Perez state the **GROSSLY MONTHLY INCOME** – but even though she is a SC Medicaid Recipient the amount of her Medicaid income is – 0 – Zero- because **in the case of Nursing Home Residents that income is automatically assigned to the**

² <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/poverty-guidelines-api>

**nursing home³ . Specifically , those monies are NOT deposited in a
resident's' account⁴.**

5- Wherefore Ms Perez respectfully submits that the relief sought herein ought
to be granted.

Respectfully Submitted

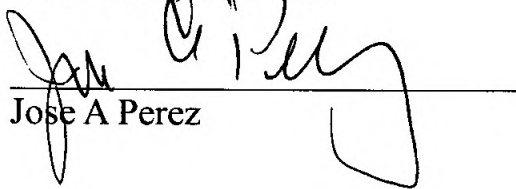


Jose A. Perez
307 Lakeside Drive
North Augusta, SC 29841
917-817-6104
theaesculapius@gmail.com

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing was served on July 9th , 2026 by
mailing a copy thereof via US mail addressed to :

Corporation Service Company
100 Coastal Drive – Suite 210
Charleston, SC 29492



Jose A Perez

³ https://www.medicaidlongtermcare.org/eligibility/south_carolina/

⁴ Ibid

Shift

End

PgDn

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SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

Healthy Connections
MEDICAID

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP0201702

Elvira Perez
PLAINTIFF(S)

Edgefield Community Healthcare Llc, defendant, et al
DEFENDANT(S)

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.
- ☐ **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:

Plaintiff's Motion for Reconsideration is denied.

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/09/2026 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: 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), SCRCP.



Aiken Common Pleas

Case Caption: Elvira Perez VS Edgefield Community Healthcare Llc , defendant, et al
Case Number: 2026CP0201702
Type: Order/Electronic Form 4

So Ordered

The Honorable Courtney Clyburn Pope

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No. 2026-001556
Case No. 2026-CP-02-01702

Elvira Perez, by and through her Son and Next
Friend, Jose A. Perez,.....

Appellant,

v.

Edgefield Community Healthcare, LLC d/b/a
Edgefield Post Acute,.....

Respondent.

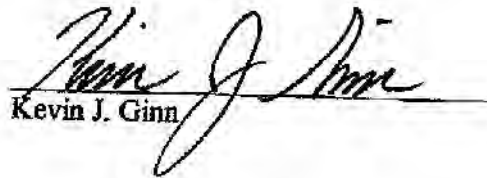
AFFIDAVIT OF KEVIN J. GINN

COMES NOW, KEVIN J. GINN, who being duly sworn, does depose and say:

1. I am a resident of Edgefield County, South Carolina over the age of eighteen and of sound mind.
2. I have personal knowledge of all information contained in this affidavit.
3. I am the licensed Administrator of a skilled nursing facility in Edgefield County, South Carolina that operates as Edgefield Community Healthcare, LLC d/b/a Edgefield Post Acute ("Edgefield Post Acute").
4. Edgefield Post Acute is licensed by the South Carolina Department of Public Health.

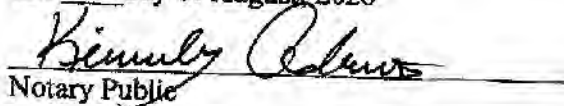
5. Elvira Perez was previously a resident of Edgefield Post Acute.
6. On July 16, 2026, Perez's family arrived at Edgefield Post Acute and discharged her Against Medical Advice at approximately 5:00 pm.
7. Perez has not resided at Edgefield Post Acute since the time of her discharge on July 16, 2026.
8. Perez has not received any care or treatment from Edgefield Post Acute since the time of her discharge on July 16, 2026.
9. Edgefield Post Acute will not allow Ms. Perez to be readmitted to its skilled nursing facility for further residency, care, and treatment.

FURTHER AFFLIANT SAYETH NOT.

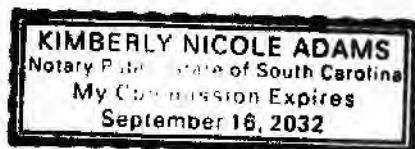

Kevin J. Ginn

SWORN TO AND SUBSCRIBED before me

this 12th day of August, 2026


Notary Public

My Commission Expires: September 16, 2032



RECEIVED

Aug 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Honorable Courtney Clyburn Pope, Circuit Court Judge

Appellate Case No. 2026-001556
Case No. 2026-CP-02-01702

Elvira Perez, by and through her
Son and Next Friend, Jose A. Perez Appellant,

v.

Edgefield Community Healthcare,
LLC d/b/a Edgefield Post Acute Respondent.

PROOF OF SERVICE

I hereby certify that on this 27th day of August 2026, a true and correct copy of the above and foregoing Respondent's Motion to Dismiss, with attached Exhibits labeled A through F, was placed into the mail for service upon the Appellant, Elvira Perez, by and through her Son and Next Friend, Jose A. Perez, *pro se*, as well as being served via electronic mail to the e-mail address provided by Appellant.

A copy of that U.S. Mail Correspondence and Electronic Mail is attached to this proof of service as Exhibit A.

BURR & FORMAN LLP

s/ J. Bennett Crites

J. Bennett Crites, III, S.C. Bar No. 71695

Cameron Tabrizian, SC Bar No. 106448

115 Fairchild Street, Suite 200

Charleston, SC 29492

(843) 972-6177

bcrites@burr.com

ctabrizian@burr.com

Attorneys for Respondent

August 27, 2026
Charleston, South Carolina

EXHIBIT A

Jenna Wilson
115 Fairchild St Ste 200
Daniel Island SC 29492-7602

CERTIFIED MAIL®



9414 8118 9956 1321 2028 75

JOSE A. PEREZ
307 LAKESIDE DR # D
NORTH AUGUSTA SC 29841-9227

\$13.7
IS POSTAGE
FIRST-CLASS
FROM 29¢
08/27/24
Stamps.com

Tabrizian, Cameron

From: Tabrizian, Cameron
Sent: Thursday, August 27, 2026 2:57 PM
To: 'theaesculapius@gmail.com'
Cc: Crites, J. Bennett; Wilson, Jenna; Nestor, Tina
Subject: Elvira Perez v. Edgefield Community Healthcare, LLC (Appellate Case 2026-001556)
Attachments: Exhibit A.pdf; Motion to Dismiss Appeal.pdf; Exhibit B.pdf; Exhibit C.pdf; Exhibit D.pdf; Exhibit E.pdf; Exhibit F.pdf; Correspondence RE Filing Fee Payment.pdf

Dear Mr. Perez,

For service upon you, please find attached to this email the following documents which are being filed with the South Carolina Court of Appeals:

1. Motion to Dismiss Appeal, including Exhibits A through F; and
2. Letter to South Carolina Court of Appeals RE: Filing Fee Payment, including postage stamped envelope.

The attached documents are in .pdf format, and they are also being sent via certified mail, return receipt requested. Thank you very much.

Sincerely,
Cameron Tabrizian

RECEIVED
Aug 27 2026
SC Court of Appeals



J. Bennett Crites, III
bcrites@burr.com
Direct Dial & Fax: (843) 973-6874

115 Fairchild Street
Suite 200
Daniel Island, SC 29492

Office (843) 972-6177

BURR.COM

August 27, 2026

Via EMAIL AND U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

Aug 27 2026

SC Court of Appeals

RE: Elvira Perez v. Edgefield Community Healthcare, LLC
Appeal Case No.: 2026-001556
Civil Action No.: 2026-CP-02-01702
Burr File No.: 0051272.0000254

Dear Ms. Kitchings,

Please be advised that I represent Respondent Edgefield Community Healthcare, LLC in the above-titled appeal. Enclosed, please find the \$50.00 filing fee for the Respondent's Motion to Dismiss, which Respondent filed with the Court on August 27, 2026.

All parties and/or counsel of record have been provided a copy of this letter by email upon mailing. Thank you for your careful attention to this matter. Please let me know if you have any questions or concerns.

With best wishes and kindest regards, I am,

Sincerely,

Burr & Forman LLP

J. Bennett Crites, III

JBC/cat

Enclosures: Filing Fee Payment in the form of a Check in the amount of \$50.00
cc: Jose Perez (via E-Mail and Certified Mail Return Receipt Requested)



115 Fairchild Street, Suite 200
Daniel Island, SC 29492

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

