

State of South Carolina )  
Court of Appeals )  
Curtis King )  
Plaintiff )  
" )  
South Carolina Dept. of Corr. )  
Defendant(s) )

In The Court of Common Pleas  
Judicial Circuit  
Motion & Affidavit to Proceed In  
Forma Pauperis

**RECEIVED**  
JUL 31 2014  
**SC Court of Appeals**

I, Curtis King being duly sworn, state that I am the Plaintiff that I do not have the funds available to pay the cost of filing and service in the present matter, I hereby request that the Appeal be filed & service made without cost,

Sworn to and subscribed  
this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_  
\_\_\_\_\_  
Notary Public for South  
Caroline  
My Commission Expires \_\_\_\_\_

Curtis KING  
\_\_\_\_\_  
Signature of Plaintiff filing  
Appeal on behalf of complaint

**ORDER**

- 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.

Dated: \_\_\_\_\_, 2\_\_\_\_

\_\_\_\_\_, South Carolina

\_\_\_\_\_  
Judge/Clerk of Court

To: Mailroom

IM 273504

King

From: Ch. No. 2121

~~To: Mailroom~~

Return

~~From~~ IM 273504

King

From Ch. No. 2121

State of South Carolina  
County of Richland  
Lurtis Kiven  
Petitioner Pro Se

In the Court of Appeals  
Judge Casey Manning circuit Court  
Civil case 2009-CP-400-2167  
Medical Malpractice  
Notice of Appeal

**RECEIVED**

JUL 31 2014

**SC Court of Appeals**

South Carolina Dept. of Corr.

known, unknown med., etc.

Defendant(s)

never sign actual settlement

~~fraud~~ Petition fraud

### Circumstance Evidence

Every since Judge Barber III question where defendant(s) summary judgement that never been serve, see SCDC Med. summary of pl.

1. Fraud act misled the court, April 26, 2010 letter exhibit that dismissal order, Judge Barber Order Defendant to take pl. to visit Dr. Thomas or put pl. on phone with Dr. Thomas, for the expertise answer of standard of acceptable care, Saunders v Gen. Services Corp., 659 F. Supp 1042 (E.D Va. 1987)

Defendant did neither, Court did not order to give pl. opportunity to contact, totally against order did a private Affidavit/deposition, that does not come close to an expertise of any question of the Accept standard of care for rupture appendix, see pl. exhibit of Dr. Thomas expertise of Accepted due car for rupture appendix

2. The case was transfer to Judge Manning who order trial, damages hearing, see pl. April 24, 2010 letter exhibit

Defendant(s) second fraud, that Judge Barber III heard all motion, thus default of fraud deprive trial case dismiss U.S v Pitt 2012 WL 1959371 (CA/DC)

Plaintiff years letter request Judge Manning review the fraud act

3. Third fraud Act, misleading the court, after numerous production and Compel(s) ERC Scrap Metal Recycling, v Hartford Cos. Ins. Co 2012 WL 4903661 2012

Pl. September 3, 2013 exhibit letter being appointed prejudice counsel William Christopher Swett in whole another case No. 0:11-cv-0455-RBH, pl. inform of to retrieve log book, that's been continue misleading court produced, Benedict College v National credit system S.C App 2012 No. 5043

Prejudice appointed counsel see the log book immediately Defendant(s) claim mistake, which is of Rule 9(b) fraud, even though his letter exhibit October 24, 2013 witness pl. motion he fail to serve at newly discover, Production of this logbook, Defendant(s) were ready to settlement,

Rule of Civ. P rule 23(c) Reasonable Value

Prejudice appointed counsel serve pl. with settlement case No. 0:11-cv-01455-RBH see exhibit letter quoting

"If decide to accept, I will bring the actual settlement document to you so that we can discuss further and you can sign"

Here I now, I refuse to sign actual settlement document induced, Miranda v State of Arizona 86 S.Ct. 1602, 1637-38 (1966)

Prejudice appointed counsel who denied to accept 2009-CP-400-2162 case, ~~And the who has never serve~~, And the Court who has never serve plaintiff of any appointed counsel.

Has allow prejudice appointed counsel William Christopher Swett to consent by signature to dismiss as order, is intentionally made fraudulent misrepresentation

Applicable Law Causation ~~conclude~~ Conclude

News Paper USA Today ~~Monday~~ Money section Thursday June 5, 2014

U.S District Judge Jed Rakoff Via Ap emphasis

Whether the penalties on defendants were sufficient to have a meaningful prevention effect

abuse of discretion by applying an incorrect legal standard in blocking the agreement.

An at case that's likely to prompt final approval of the civil settlement, settlements without admissions also enable regulatory Medical Malpractice to harmed inmate more quickly, without the uncertainty and delay from litigation, plaintiff extreme position that courts should merely rubber stamp, The appeals panel also endorsed the principle that lower courts have authority to establish a factual basis to evaluate any proposed settlement,

Culbert v Scratch n' Smell, Inc. 756 F.2d 320 (CA4 NC 1985)

Trancelliti v Minolta Corp 666 F. Supp 750 (DMD 1987)

Jeanette W. McBride  
CLERK OF COURT  
RICHLAND COUNTY  
P.O. Box 2766  
Columbia, SC 29202-2766

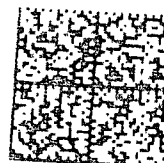
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JUL 17 2014

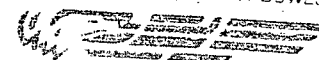
LEE CI MAIL ROOM

*Ches.  
2121*

Presort  
First Class Mail  
CombAsPrice



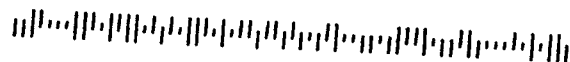
U.S. POSTAGE >> PITNEY BOWES



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25 FMAKNMB 29010



STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

Curtis L. King, )

Plaintiff, )

v. )

South Carolina Department of Corrections, )

Defendant. )

) IN THE COURT OF COMMON PLEAS

) Docket No.: 2009-CP-40-02162

**ORDER OF DISMISSAL**

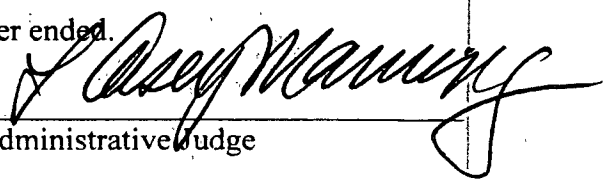
2014 JUN 27 AM 10:03  
ANNETTE W. MCBRIDE  
C.C.P. & G.S.

RICHLAND COUNTY  
FILED

IT APPEARING that the above entitled matter has been ended between the Plaintiff and Defendant.

NOW THEREFORE, upon motion of Barnes, Alford, Stork & Johnson, LLP, attorneys for the Defendant, South Carolina Department of Corrections, by and with the consent of the undersigned attorney for Plaintiff, Curtis L. King is hereby dismissed.

IT IS SO ORDERED, that the Complaint against the Defendant in the above-entitled action be dismissed with prejudice and forever ended.

  
Chief Administrative Judge

Columbia, South Carolina

June 17, 2014

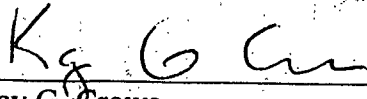
**RECEIVED**

JUL 31 2014

**SC Court of Appeals  
SCANNED**

**WE SO MOVE AND CONSENT:**

**BARNES, ALFORD, STORK & JOHNSON, LLP**



Kay G. Crowe

1613 Main Street

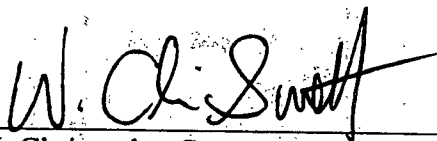
Post Office Box 8448

Columbia, SC 29202-8448

(803) 799-1111

**Attorneys for the Defendant**

**WE SO MOVE AND CONSENT:**



W. Christopher Swett, Esquire

Motley Rice, LLC

28 Bridgeside Blvd.

Mt. Pleasant, SC 29465

**Attorneys for the Plaintiffs**

SCDC# 273504 KING, CURTIS LAMAR

PAGE 51

5. STOP SMOKING.

6. INSTRUCT INMATE TO RETURN TO CLINIC IF SYMPTOMS HAVE NOT IMPROVED AND/OR SUBSIDED IN 24 HOURS.

GIVEN PO PHENERGAN 25MG PER S.O.. V/O DR MCREE TO ALSO GIVE 30CC GI COCKTAIL TO COAT STOMACH (GIVEN). AFTER APPROX 4-5 MIN, VOMITED INTO TRACHCAN, INTACT PHENERGAN PILL SEEN IN VOMITUS. V/O DR MCREE TO GIVE PHENERGAN 50MG IM NOW. GIVEN @ 8:05AM PER NURSE ANDREWS IN RIGHT DELTOID, TOL WELL. PLACED IN MEDICAL'S WAITING AREA FOR MONITORING. @ THIS TIME, IS SITTING UPRIGHT MORE COMFORTABLY THAN PREV NOTED. RESP MORE RELAXED & EVEN. WILL REMAIN INMEDICAL UNTIL KNOWN THE PHENERGAN IS EFFECTIVE, THEN WILL ALLOW TO RETURN TO ROOM TO REST. KITCHEN E-MAILED FOR CL LIQ DIET X24 HRS & MEALS TO DORM FOR SAME TIME PERIOD. PILL PACK PULLED FOR PHENERGAN 25MG PO Q8 HRS PRN X24 HRS PER S.O.. ADVISED TO INFORM MEDICAL IF SX'S WORSEN OR IF PERSIST BEYOND 24 HRS. VOICED UNDERSTANDING. RTC PRN. T.SUMNER, LPN

SIGNED OFF ON 01/18/08 @ 8:20 BY TRACY T SUMNER, LICENSED PRACTICAL NURSE NOTED AND AGREE

SIGNED OFF ON 01/18/08 @ 8:34 BY JOHN B MCREE, PHYSICIAN II

\*\* ENCOUNTER: 88 OUTSIDE RECOMMENDATI 09/11/07 19:30 MCCORMICK COMP  
RETURNED FROM CAPITAL PROSTHETICS PER DR. OK TO PROVIDE SHOES. SHOES TO BE DROPPED OFF AT KIRKLAND WHEN IN PAPERWORK PLACED ON MD'S DESK. K. ACKERMAN, LPN

SIGNED OFF ON 09/11/07 @ 19:34 BY KAREN S ACKERMAN, LICENSED PRACTICAL NURSE NOTED

SIGNED OFF ON 09/12/07 @ 8:00 BY JOHN B MCREE, PHYSICIAN II

\*\* ENCOUNTER: 87 OUTSIDE APPOINTMENT 09/11/07 7:11 MCCORMICK COMP  
APPT AT KCI CAPITAL PROSTHETICS ON 9/11/07.  
D. CUNNINGHAM/CNA

SIGNED OFF ON 08/15/07 @ 7:12 BY DEBORAH A CUNNINGHAM, MEDICAL ASSISTANT TEC

\*\* ENCOUNTER: 86 SICK CALL 08/03/07 5:59 MCCORMICK COMP

S> INMATE TO MEDICAL WANTING SHOES FOR HIS HAMMER TOES

O> TEMP=098.1 PULSE= 56 RESP=18 BP=124/ 60 (WEIGHT=194) PPD= 0

LAST RECEIVED SHOES IN 2005 ENC 61 ALSO SEE ENC 57 AND 59 FOR DOCUMENTATION OF HAMMER TOES. INMATE WEARS SIZE 10 SHOES BILATERAL FEET NOTED TO HAMMER TOES.

A> HAMMER TOES BY HX

P> WILL SEND TO MD FOR EVAL CHART ON MDS DESK ALONG WITH STATEMENT FROM 08/01/04 WHEN I/M WAS IN LOCK UP AT LEE AND SHOES WERE TAKEN DURING SHAKE DOWN.

M. BLIGHTON LPN

SIGNED OFF ON 08/03/07 @ 6:03 BY MELISSA J BLIGHTON, LICENSED PRACTICAL NURSE  
NEED OBJECTIVE FINDINGS OF THE HAMMER TOES....

IF CANTEEN SHOES WILL MEET HIS NEEDS, I AM OK WITH THAT.

HAVE WE SUPPLIED HIM WITH BOOTS? DONT THINK MEDICAL PAYS FOR BOTH.

SIGNED OFF ON 08/03/07 @ 12:02 BY JOHN B MCREE, PHYSICIAN II

I/M BROUGHT TO MEDICAL FOR ASSESSMENT OF HAMMER TOES TO SECOND AND THIRD TOES, MD WILL DO CONSULT FOR CAPITAL PROSTHETICS. T. ANDREWS, RN

SIGNED OFF ON 08/03/07 @ 13:46 BY TERRY L ANDREWS, NURSE ADMINISTRATOR/MGR II  
CHART REVIEWED AND CONSULT COMPLETED.

**Cynthia Chernecki**

represented by **Brian E Sopp**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/15/2011	<u>1</u>	COMPLAINT against All Defendants, filed by Curtis L King. (Attachments: # <u>1</u> Exhibit 1 - State court motion, # <u>2</u> Exhibit 2 - Medical information, # <u>3</u> Exhibit 3 - State court notices of hearing, # <u>4</u> Exhibit 4 - State court affidavit of Leroy Cartledge, # <u>5</u> Exhibit 5 - State court affidavit of Curtis King, # <u>6</u> Exhibit 6 - Doctor letter, # <u>7</u> Exhibit 7 - State court affidavit of Bradley Barnes, # <u>8</u> Exhibit 8 - State court affidavit of Yahya Muqit, # <u>9</u> Exhibit 9 - Grievances, # <u>10</u> Exhibit 10 Civil judgment, # <u>11</u> Exhibit 11 - Letter, # <u>12</u> Exhibit 12 - Medical records, # <u>13</u> Envelope)(jpet, ) (Entered: 06/16/2011)
06/15/2011	<u>2</u>	MOTION for Leave to Proceed in forma pauperis (Restricted Access) by Curtis L King. Response to Motion due by 7/5/2011 Motions referred to Paige J Gossett.(jpet, ) (Entered: 06/16/2011)
06/15/2011	<u>3</u>	TRUE DIVISION FOR TRIAL: Anderson/Greenwood. (jpet, ) (Entered: 06/16/2011)
07/28/2011	<u>8</u>	<b>ORDER authorizing service of process and collection of filing fee. Plaintiff has incurred a debt to the U.S.A. in the amount of \$350. Directing plaintiff to notify the clerk in writing of any change of address., Motions terminated: granting <u>2</u> MOTION for Leave to Proceed in forma pauperis (Restricted Access) filed by Curtis L King. South Carolina Dept of Corr terminated. Signed by Magistrate Judge Paige J Gossett on 7/27/2011. (jpet, ) (Entered: 07/28/2011)</b>
07/28/2011	<u>9</u>	***DOCUMENT MAILED <u>8</u> Order 1983, placed in U.S. Mail to Curtis L King (jpet, ) (Entered: 07/28/2011)
07/28/2011	<u>10</u>	Summons Issued as to RN Andrew, RN Black, Warden Cartledge, RN Crawford, Lt Crouch, Ofc Curhley, Major Lewis, Sgt Macky, Dr McCree, Capt Mursier, Jon Ozmit, Lt Steven, RN Trinikki, Ofc Vang, Sgt Writ. (jpet, ) (Entered: 07/28/2011)
08/16/2011	<u>12</u>	SUMMONS Returned Executed RN Andrew served on 8/11/2011, answer due 9/1/2011; RN Black served on 8/11/2011, answer due 9/1/2011; Warden Cartledge served on 8/11/2011, answer due 9/1/2011; RN Crawford served on 8/11/2011, answer due 9/1/2011; Lt Crouch served on 8/11/2011, answer due 9/1/2011; Major Lewis served on 8/11/2011, answer due 9/1/2011; Dr McCree served on 8/11/2011, answer due 9/1/2011; Capt Mursier served on 8/11/2011, answer due 9/1/2011; Jon Ozmit served on 8/11/2011, answer due 9/1/2011; Lt Steven served on 8/11/2011, answer due 9/1/2011. (jpet, ) (Entered: 08/16/2011)
08/17/2011	<u>14</u>	NOTICE by Curtis King (Attachments: # <u>1</u> Envelope)(jpet, ) (Entered: 08/18/2011)

WELDON R. JOHNSON\*  
DAVID G. WOLFF  
KAY GAFFNEY CROWE\*  
RICHARD C. THOMAS  
ROBERT T. STRICKLAND  
CURTIS W. DOWLING  
R. JEFFORDS BARHAM  
MATTHEW G. GERRALD

\* CERTIFIED CIVIL  
COURT MEDIATOR



# BARNES ALFORD

Barnes Alford Stork & Johnson L.L.P.

ATTORNEYS AT LAW

2 COPIES of each  
OF COUNSEL  
WILLIAM C. STORK  
ALAN J. REYNER †  
ROGER A. WAY, JR. †

† CERTIFIED SPECIALIST  
IN TAXATION & MEMBER  
OF SEPARATE L.L.C.

RUDOLPH C. BARNES  
(1917-1995)  
JAMES W. ALFORD  
(1930-2008)

April 26, 2010

Curtis L. King, #273504  
McCormick Correctional Institute  
386 Redemption Way  
McCormick, SC 29899

Re: Curtis King v. South Carolina Department of Corrections  
SCDC File No. 2009216  
Case No. 2009-CP-40-02162  
BASJ File No. 15.18402  
Client File No. 54877

Dear Mr. King:

Pursuant to the Judge's recent ruling in this matter, we would like to confirm the following:

Attached are the sick logs for January 18, 2008 (Friday) and January 22, 2008 (Tuesday). Monday January 21, 2008 was a holiday with no sick call, nor was there sick call over the weekend. Your name does appear in the medical log book on January 22, 2008 as being admitted to the hospital. It is noted that you were seen on Friday, January 18 and Tuesday, January 22, but both were on an emergency basis.

I understand that you had an opportunity to speak with Dr. Thomas, pursuant to the Judge's instruction.

This letter and the enclosures serves to fully comply with the Judge's instructions at the recent Motion hearing. With best regards, I am,

Sincerely,

Kay Gaffney Crowe

KGC/djr  
Enclosure

KAY GAFFNEY CROWE

POST OFFICE BOX 8448  
OFFICE: 803.799.1111

1613 MAIN STREET (29201)  
FAX: 803.254.1335

WWW.BARNESALFORD.COM

COLUMBIA, SC 29202  
KAY@BASJLAW.COM



# ADVANCED SURGICAL ASSOCIATES

## Self Medical Group

August 26, 2010

Curtis L. King.  
Inmate number 273504-Saluda 215  
Broad River Correctional Institute  
4460 Broad River Road  
Columbia, SC 29210

Dear Curtis:

I am writing in response to your letter with questions regarding your previous care and appendicitis. I will do my best to answer these questions for you. In the letter you sent, that was dated August 2, 2010, you had a series of questions, 1 through 13 which I will attempt to repeat and answer.

Question #1. Do you know if a camera / video down throat into abdomen to clip the inflamed appendix and pole exist?

Answer: No video was used during the course of your open surgical procedure.

Question #2: What is the standard of care and common knowledge of an inflamed appendix?

Answer: Appendectomy and treatment with antibiotics.

Question #3: What is the standard of care and common knowledge of ruptured appendix / peritonitis / perforation?

Answer: Appendectomy with antibiotics.

Question #4: How long does it take peritonitis perforation to be fatal to the body?

Answer: This varies based on the patient's condition and the cause of the peritonitis or perforation.

Question #5: Is there any first aid to make the disease above better?

Answer: No.

Question #6: Do disease above naturally discontinue?

Answer: No.

Question #7: Why is a preoperation and postoperation needed on different days?

Answer: I do not understand the question, however I assume you mean why did you have two separate operations. If that is your question, the answer is that you had so much infection

at the first operation that a second look operation was required to wash out additional infection and ensure that healing would take place.

Question #8: What does respiratory failure mean?

Answer: Difficulty breathing, often requiring ventilator assistance.

Question #9: Why is bowel surgery needed?

Answer: Bowel surgery can be needed for any number of complications or diseases such as diverticulitis, cancer, perforated appendix.

Question #10: What does not responding to commands mean?

Answer: It means the patient is either sedated or for some reason not answering or following commands for some other neurologic reason.

Question #11: What do critical tests results reporting via phone mean?

Answer: Typically if a laboratory report is significantly abnormal, that result will be called to the physician.

Question #12: What is the main outcome once gangrene pus flood the abdominal cavity into the veins, kidneys and other bodily organs?

Answer: Again depending on the patient's age and other diseases once peritonitis sets in the patient may recover with abdominal wash out and antibiotics and supportive care, or they may develop multiple system organ failure and ultimately go on to death.

Question #13: Why does complication of recovery is told to mother?

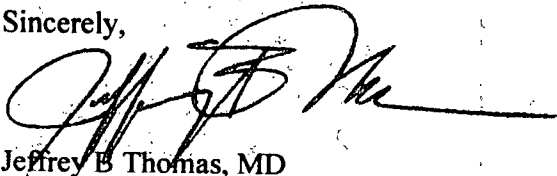
Answer: Again, I do not quite understand this question but you did have a postoperative wound infection I recall which would be a typical complication of a perforated appendix.

I hope this helps with your investigation into your medical records.

I understand you have called several times in the past, however I am typically in the operative suite which makes it challenging for you to get in contact with me during those times that you call and it was my understanding that a phone number was never left for me to attempt to recontact you. It is also my understanding that some question was raised as to me being an expert witness which I do not think is appropriate given that I was involved in the case. Typically an expert witness is someone who reviews the case but does not have any first hand knowledge or involvement in the case.

Again Curtis, I hope all goes well with you and that you have recovered well from your surgery. If I can provide any additional information, please feel free to contact me via mail as that seems to be the most effective way.

Sincerely,



Jeffrey B Thomas, MD

cc: Jeffrey B Thomas, MD

WELDON R. JOHNSON\*  
DAVID G. WOLFF  
KAY GAFFNEY CROWE\*  
RICHARD C. THOMAS  
ROBERT T. STRICKLAND  
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\* CERTIFIED CIVIL  
COURT MEDIATOR



# BARNES ALFORD

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IN TAXATION & MEMBER  
OF SEPARATE L.L.C.

RUDOLPH C. BARNES  
(1917-1995)  
JAMES W. ALFORD  
(1930-2008)

August 24, 2010

Honorable Alison Renee Lee  
Chief Judge for Administrative Purposes  
Richland County Judicial Center  
1701 Main St., Room 324  
P.O. Box 192  
Columbia, SC 29202-0192

Honorable L. Casey Manning  
Richland County Judicial Center  
1701 Main Street  
Post Office Box 192  
Columbia, SC 29202

The Honorable Jeanette W. McBride  
Richland County Clerk of Court  
Post Office Box 2766  
Columbia, SC 29202

Re: Curtis King v. South Carolina Department of Corrections  
SCDC File No. 2009216  
Case No. 2009-CP-40-02162  
BASJ File No. 15.18402  
Client File No. 54877

Dear Judge Lee, Judge Manning and Ms. McBride:

On August 4 when this case was on the trial roster, Judge Barber heard all pending motions in this case. I do not believe that the hearing as noticed for September 1 is necessary. I will be unable to attend a hearing on that date as I am set to start a day certain medical malpractice case on August 30, 2010 in Lexington, South Carolina,

POST OFFICE BOX 8448  
OFFICE: 803.799.1111

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1613 MAIN STREET (29201)  
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**W. Christopher Swett**  
*Licensed in DC, MN, SC, and WV*  
direct: 843.216.9149  
cell: 843.480.1692  
cswett@motleyrice.com

September 3, 2013

**Via U.S. Mail**

Mr. Curtis Lamar King  
SCDC #00273504  
Turbeville Correctional Institution  
P.O. Box 252  
Turbeville, SC 29162

Re: Your Deliberate Indifference Lawsuit, C/A No. 0:11-cv-01455-RBH

Mr. King:

On August 30, 2013, Judge Harwell appointed me to assist you with your pending medical indifference case arising from the treatment of your ruptured appendix. Enclosed, please find a copy of Judge Harwell's order.

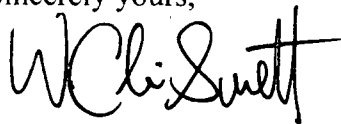
As you can see from the Order, your claims against all Defendants except Officer Young were dismissed. As a result, we will proceed with your § 1983 Eighth Amendment claim against Officer Young alleging deliberate indifference to a serious medical need.

I will be coming to visit you in the next few weeks to discuss your case and plan our trial strategy against Officer Young. I also plan to speak with inmate Bradley W. Barnes, who provided an affidavit on your behalf. I will contact the Turbeville Correctional Institute to coordinate my visits.

I look forward to representing you in this matter and attempting to get you the compensation that you deserve.

With kind regards, I remain,

Sincerely yours,



W. Chris Swett

October 24, 2013

**Via U.S. Mail**

Mr. Curtis Lamar King  
SCDC #00273504  
Turbeville Correctional Institution  
P.O. Box 252  
Turbeville, SC 29162

Re: Your Deliberate Indifference Lawsuit, C/A No. 0:11-cv-01455-RBH

Mr. King:

I am writing to provide you with an update on your case and to answer questions/concerns in your previous letters.

**Case Update:**

The Defendant wants to take your deposition in this case. A deposition is when you swear to tell the truth and then the defense attorneys ask you questions about your case just like they will in court. Your case lives or dies with your deposition testimony. You have to prove that you had a serious medical condition that required immediate medical attention, **that Officer Young knew that you needed medical treatment**, and that he deliberately denied you medical treatment. The most important thing you can do is remember facts from January 19, 2008 that would help show that Officer Young knew that you needed medical treatment (you couldn't stand up, constantly vomiting, etc.), but he didn't do anything. The jury will decide the other two factors based on the evidence.

Your deposition will most likely take place at Turbeville Correctional Institution on November 8, 2013. Currently, I plan to visit you on November 7, 2013 to discuss these issues with you in more detail prior to your deposition.

**Your Concerns:**

1. "Concerns if or when find deliberate indifference within the discovery defendant(s) may be liable?" – I have received all the documents that we requested from the Defendant, including all logs and records from the South Carolina Department of Corrections. These documents help your case, but the success of your case will still depend on your testimony and the testimony of any

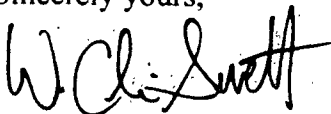
witnesses. Your case is only going forward against Officer Young and that will be the focus of the deposition testimony.

2. The log ECF No.46 and Fraud- The Defendant has produced the correct log; the other log was produced by mistake.
3. Immediate Release under 18 USC 3626- this statute does not support your request for immediate release. In this case, the remedy would be for the South Carolina Department of Corrections to amend its health services policy. They would only have to do so if the policy was first found to be unconstitutional. Because you asked for money damages against the Defendants in your initial complaint, the Judge did not interpret your complaint as one challenging the constitutionality of the health services policy. Even if you were to file another complaint challenging the policy and you are successful (which is unlikely because SCDC is given great discretion to establish its own policies), the court will just have them revise the policy, not order your release from prison.

I will make plans to visit on November 7, 2013 so that we can discuss your deposition and the possibility of mediation of your case.

With kind regards, I remain,

Sincerely yours,



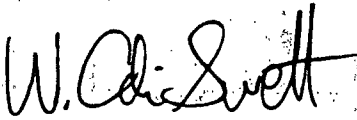
W. Christopher Swett

Again, I feel that this is a very generous offer. I was actually very surprised that they made an offer at all prior to trial. Please indicate your decision to either accept or decline this settlement offer by initialing the appropriate line below and providing your signature.

If you have any questions or concerns, please feel free to contact me.

With kind regards, I remain,

Sincerely yours,

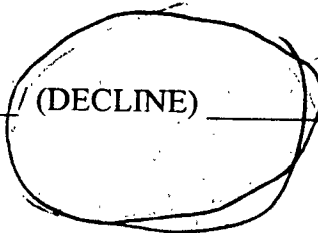


W. Chris Swett

*If you decide to accept, I will bring the actual settlement documents to you so that we can discuss further and you can sign.*  
WCS

I, Curtis L. King, (ACCEPT) \_\_\_\_\_  
Defendant's settlement offer of \$18,000.00.

(DECLINE)



the

\_\_\_\_\_  
Curtis L. King