

BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
(In The Court of Appeals)

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SC Court of Appeals

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STATEMENT OF THE CASE

On April 6, 201

APPEAL FOM RICHLAND COUNTY

Court of Common Pleas

DeAndrea G. Benjamin, Fifth Circuit Judge

Case No. 2014-CP-40-2507

Appellant Case No. 2015-000061

Kelli Sullivan, Representative for

Joel E. Johnson, D.M.D.

Respondent,

v.

Brenda G. Harmon

Appellant

INITIAL BRIEF OF THE APPELLANT

Brenda G. Harmon
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Pro Se'

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Arguments

1. What constitute an Affidavit? It is a written document that is legally binding as an OATH. The Documents in my case were present from prominent Doctors to support what is wrong with me, as well as, one Doctor collaborating with the accused, informing the accuse of what he found.
2. The presiding Judge, DeAndrea Benjamin, failed to see what was in front of her as to me having to suffer from what the accused had done to me, where as I now have to be treated for the rest of my life, for something the accuse is trying to get away with, and is getting away with it, because of what I didn't have. The accused tried to pin his action on a black doctor, because the patient is black as well. I have been seen by, at least eight doctors, only two wrote the facts, provided no affidavit, because I have the Medical Records that cannot be denied. Medical Records, plus the correspondence (communication). Definitely gives credibility/credence, to my claim.
3. South Carolina shows a difference among some states in the law of average. In some states, The Supreme Court rules, "when an appeal presents a mixed question [***20] of law and fact, the factual findings of the trial court are entitle to the same weight as a jury verdict. Although conclusions of law are reviewed de novo, the trial courts findings of fact will not be set aside unless they are plainly wrong or without evidence to support the claim." ' Exception applies to this case under the continuing treatment rule.' Simply because Doctors have a license, it does not give them the right to kill.
4. Instead of this state showing the way for life to move forward, we are still holding onto slavery ways. This Dentist knows he did a harmful act to me, which is chronic. Instead of him standing-up to what he done, he hides behind the fact that I don't have an affidavit. Dr. Joel Johnson

implied, that another Doctor to put in writing that another Doctor is at fault, especially when the patient is black and over fifty. The license is just another way of being used like the KLU KLUX KLAN, way (method). Doctors of any type of medicine, should never be put above the LAW. I

Have never seen a Doctor yet, who is greater than 'GOD.'

5. The resided Judge DeAndrea Benjamin, refused to see any exhibits, thou one exhibit was passed to her in the Court, a prescription that had just been given to the appellant, with bags of exhibits in front of her. It was as if her decision was made before I had gotten there.

In a conclusion statement I ask the Court of appeals to re-evaluate the decision and re-open the case by, 1. Make the decision to settle me financially, 2. Let the case be heard in a court room and let the people decide, by jury, 3. Return the case back to arbitration.

Testimonies will be provided by said licensed Doctors, licensed by the STATE OF SOUTH CAROLINA, that documents written and signed by them, will be used as an affidavit of verbal facts.

TABLE OF AUTHORITIE

CASES

1. Vicki L. Wilkinson, Appellant, v. East Cooper Community Hospital, Inc., d/b/a East Cooper Regional Medical Center, Carolina Plastic Surgery Institute, P. A., Thomas X. Hahm, M. D., Respondents.

Appellant Case No. 2012-213464.

Appeal From Charleston County

R. Markley Dennis Jr., Circuit Court Judge

Opinion No. 27423

Heard May 20, 2014 – Filed July 2014

REVERSE AND REMANDED

Standard of Review

“On appeal from the dismissal of a case pursuant to Rule 12(b)(6), an appellant court applies the same standard of review as a trial court.” Rydde v. Morris, 381 S. C. 643, 646, 675 S. E. 2d 431, 433 (2009). “That standard requires the court to construe the complaint in a light more favorable to nonmovant and determine if the facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case. Id. (internal quotations omitted). The Court may sustain the dismissal when “the facts alleged in the complaint do not support relief under any theory of law.” Flateau v. Harrelson, 355 S. C. 197, 202, 58 S. E. 2d 413, 416 (Ct. App. 203).

Arguments

The arguments of this case, Wilkinson challenges the propriety of Ranucci 1, facts. Even if her complaint is deemed deficient based on her failure to contemporaneously file an expert affidavit, she contends any deficiency did not mandate dismissal. Rather, she asserts any dismissal under section 15-36-100(C)(1) is permissive given the statute states that a plaintiff’s complaint is “subject to dismissal for failure to state a claim.” (Emphasis added.) Because dismissal is not statutorily mandated. Therefore, the decision handed down had to be reverse by the Appellant Courts.

2 Delta Apparel, Incorporated, Respondent, v. Daniel G. Farina, Appellant. Appellant Case no. 2012- 205467. Opinion No. 2012-205467. Filed October 2013.

Appeal From Greenville County
Letitia H. Verdin, Circuit Court Judge

Opinion No. 5180

Heard September 12, 2013 – Filed October 30, 2013

REVERSED

LOCKEMY, J.: Daniel G Farina appeals the trial Courts denial of his Rule 60 (b), SCRCP motion for relief from judgment. He argues the trial court did not have personal jurisdiction to award a judgment against him. We reverse.

Personal Jurisdiction

While Farina did not invoke the exact name of the legal doctrine of personal jurisdiction, we find the pertinent portions of his argument were sufficiently clear for the trial court to decide this issue. Thus, Farina preserved this issue for the appellant review. Herron v. Century BMW, 395 S. C. 461, 466, 719 S.E.2d 640, 642(2012) (stating that while a party is not required to use the exact name of a legal doctrine in order to preserve the issue, the issue must be “sufficiently clear to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the judge”).

3. Wells Fargo Bank, N. A., (Wachovia Bank, National Association), Plaintiff,
v.

Marion Amphitheatre, LLC, David P. Gannon, Michael Guarco, Carolina Entertainment Complex, LLC, and 4 Prophets, LLC, a/k/a 4 Profits, LLC, Defendants.

Appellant Case No. 2012-211806

**Appeal From Marion County
W. Haigh Porter, Special Referee**

Opinion No. 5218

Submitted November 1, 2013 - Filed April 16, 2014

REVERSED AND REMAND

Law and analysis

In some circumstances, a verified pleading may be used in lieu of an affidavit. . . “Id. Even when the claim fits into one of the damages categories that Rule 55 (b) (1) allows to be proven by affidavit or verified complaint, however, the trial court retains the discretion to conduct a hearing. See Rule 55 (b) (2), SCRPC (“If. . . it is necessary . . . to determine the amount of damages . . . , the court may conduct such hearing . . . as it deems necessary and proper . . .”).

ANOTHER SUPPORTING CASE

SALYSSA CHALIFOUX

v.

RADIOLOGY ASSOCIATES OF RICHMOND, INC

RECORD NO. 100052

SUPREME COURT OF VIRGINIA

281Va. 690; 708 S.E.2d 834; 2011 Va. LEXIS 87

Decided April 21, 2011

Reversed and Remanded

BACKGROUND;

At the conclusion of the hearing, the circuit court took the matter under advisement. At a hearing on August 17, [***8] 2009, the court sustained Radiology Associates' plea of the statute of limitation. By letter opinion dated October 1, 2009, the circuit court ruled that Chalifoux's treatments were single, isolated acts which do not toll the statute of limitations under the continuous treatment rule.

The circuit court thereafter denied a motion for reconsideration by chalifoux and dismissed the case. We awarded Chalifoux this appeal.

STATEMENT OF ISSUES ON APPEAL

Appellant request the rights that she is entitle. I am requesting the right to have my case heard by jurors of my peers. I am requesting what was given by Judge Lee, Arbitration be given or case be heard. I request the Court Appeals to settle this dispute with a fair and impartial decision.

When doctors feel that they can harm a person, than lie about what they have done, this is when it becomes an issue with the courts. We cannot go around in this world hurting people. The year was 2011, with A BLACK PRESIDENT OF THE UNITED STATES, when I was mangled by Dr. Joel Johnson, this is to inform you that the world has changed. It is not 1900.

STATEMENT OF THE CASE

I, Brenda G. Harmon, went to Dr. Joel E. Johnson, D.M.D., 9 Office Park Court, Columbia, S. C. 29223, (803)788-2555. The initial process of removing teeth #s, 7, 8, 9 and 10, went well, replacing them with a hard plastic set. I was informed by his staff, "it will take about 3, weeks." I went home, excited about getting new teeth.

On April 25, 2011, I was called from his office, asking me to come to Dr. Johnson's office that next day, because the teeth had arrive and Dr. Johnson wanted to finish his work in progress. On April 26, 2011, I arrived on schedule still excited about the process. I was place in his surgery chair and given six shots to numb the pain that I was intended to feel. When the medicine took effect, shortly afterwards the process began. It took hours, because he was placing four crowns. When the process was completed, no one could have been more delighted in having new teeth than me.

I left the Doctor's office feeling happy all-around. However, upon arriving home, with-in 30 min., tooth #7, broke off from the entire gum. I immediately called Dr. Johnson's office and reported what had happen. The receptionist, Shelly answered the phone telling me to wait, so that she could go in the back and inform Dr. Johnson. When she returned to the phone she said, "Dr. Johnson said, be in his office tomorrow." I said, "o.k."

The next day was Wednesday, April 27, 2011, when all hell broke loose. As I sat in the surgery chair, Seneca, the student who was observing, paid close attention because he was a student. I was given seven shots in the gums to ease the expected pain that go along with this type of procedure. While the shots were taking its effect on me Dr. Johnson kept leaving me in the chair every three to four minutes and each time I noticed his breath was refreshed more than the last minute each time he left and returned. I was now feeling the effects from the shots given, making me relax and at ease. Dr. Johnson left again, counting the times would now add up four times or more. When he noticed that the effect had begun, I laid back into the chair and he started another process.

He removed the broken tooth and began to insert a post into my gum, when

all of a sudden we heard a snap, as if something had cracked. I jerked because there was a direct moment of pain. Dr. Johnson looked at me and asked, "did that hurt?" I replied, "damn right that hurt." It was then that he broke my jaw/bones in the upper torso of the gums. I didn't know it at the time because I was so high off the shots. The post was covered with a bridge. I was handed two prescriptions, one for infection and the other for pain. It was still a.m., when all was done so I left his office and went to the pharmacy, having the prescriptions filled. My face was swollen and I felt no pain from the injections that I had been given. I went home, for an hour or so, I noticed that the pain was escalating to a new high and my face was swelling to a larger degree. I thought it was because the shots I had been given was wearing off, so I waited 30 minutes later, because it was now unbearable. I called Dr. Johnson's office again, Shelly answered, I told her what was now happening to me, she did the same thing that she had done yesterday, putting me hold on while she went into the back. When she came back, she said, "Dr. Johnson said be in his office tomorrow." At this time I was in so much pain, I thought that I was now dead and living in hell. The next day was Thursday, April 28, 2011 when I back to Dr. Johnson's office, he numb me again with shots, making the statement, "Dr. Sykes did a poor piss job, and he didn't care who hear him say it," I looked at Seneca the student, and he looked at me. I was seen by Dr. Sykes, D.D.S., on April 01, 08, indicating that I held the pain until I saw a white doctor. What is so ridiculous about that statement is that I had seen Dr. Greg McKenzie a year and six months after seeing Dr. Sykes, D.D.S., before coming to him (Dr. Johnson), in April 2011. I suffered no pain from neither Doctor. What was said is because Dr. Sykes is black, it was his fault that I was having the pain.???? Still, getting deep into ones personal feelings about race was not a great issue for me to think along those terms. Again I was injected with seven shots, and went home. I was tire of just receiving shots, when my face had swelled up like a balloon. When I got home I had my husband to take pictures of my face.

The pain wasn't leaving nor was the swelling decreasing. I suffered for the rest of that day, because at tis point the shots gave minimal relief. I did not get much sleep due to the pain.

The next day there was no change from the pain and there was no change from the swelling in my face, I called Dr. Johnson office again, but he was closed. Having nowhere to turn for relief, I thought about Dr. Greg McKenzie, I knew he was a friend of Dr. Johnson, due to the fact when I had oral surgery extraction done 16 months earlier it was from Dr. Johnson's recommendation. I called Dr. McKenzie's Office and he agreed to see me, but his office was closing at noon. It was now Friday, April 29, 2011. I was in so much pain I had developed a moan to the pain. While I was in his office having x-rays taken, I realize that I had become very sensitive to touch, especially when cold- objects, touched the gums. Dr. McKenzie, took x-rays and told me that the bones in the upper was broken. After the x-rays were taken, Dr. McKenzie said, "he, didn't mean to do it," referring to Dr. Johnson. I told him that he "haven't even tried to apologize for his mistake, so he did mean to do it." The next visit with Dr. McKenzie, I met a beautiful young lady while I was there, her name was Claire. We talked for a while, she resides residence in California, the most importance about me meeting her is, she's Dr. McKenzie's daughter, the middle child. As she talked about herself, for a moment I thought of something else other than my pain. He prescribed vicoden to at least alleviate some of the pain, until I could go back to Dr. Johnson. I went to the pharmacy, got the prescription and went home.

During this entire time, I was going to see my mother at the nursing home every day. I was in severe pain, but you only get one mother and that opportunity was far greater for me to suffer than to not have her into my life.

When Monday came, I didn't call Dr. Johnson's office, I went there hoping he would do the right thing, however he didn't. When Dr. Johnson saw me, he starred at me as if I was a piece of shit. The shot routine was down pack, but it did help. He shaved my teeth again, top and bottom, changing the posterior of my mouth. I informed him of what Dr. McKenzie's x-rays showed, and what he had found personally, he quickly said, "Dr. Mckenzie is not saying that it is broken." I didn't say anything further. However, this made me aware that they had talked, at that moment, he could have

apologize for his error, but still he said nothing and had no intentions of doing so.

It was at this point I knew that I needed Legal representation. However, Dr. Johnson told me that I needed a root canal in #8, and that what was causing the problem. He recommend Wm. Trent Gillespie, DMD, MPH, 618 Ott Road, Columbia, S. C. 29205. At this point I was willing to try anything to get rid of the pain. The next day, Tuesday, May 3, 2011. My husband was with me and he began to act out his emotions of flashbacks, while in Dr. Gillespie's office having been diagnosed with a severe case of PTSD, steaming from The Viet Nam War. We did not stay because of his episodic illness. Returning home for the day, still in pain, I knew from this point, that Dr. Johnson had no intentions of helping me seek relief. I had made-up my mind at that particular point, that I will not return to Dr. Johnson's office.

The pain in my face was getting worst and it seem like there was nothing I could do to erase the destruction of pain and swelling, from what is now a factor in my life. On Friday, April 13, 2011, I ached so baby that I woke-up in tears. I went to Richland memorial Hospital, x-rays were taken by an emergency room doctor who confirmed with Dr. McKenzie's diagnosis that I had broken bones in the upper lining of the jaw. He made a panarax of the x-rays, prescribed pain pills, and I went home. I was still writing on a daily basis of how I felt, and where I went. It seem as though my face would swell on a daily routine and the pain was the same. Time, I figured would be the healer, I kept thinking, I couldn't go on like this much longer. No matter how many tears I dripped, the pain was still there and so was the swelling.

Things were beginning to crumble, taking a turn for the worst. I was no longer going to Dr. Joel Johnson, a decision from my own thought of realization about what Dr. Johnson's capabilities are. I felt that alcohol was a significant part of his daily routine and this is why this happened to me. No person should have to go through this much pain from a licensed doctor. On May 19, 2011, Dr. Greg McKenzie wrote in my medical chart, that it was definitely a fracture that was causing me the problems that I was experiencing.

I became a patient of Dr. McKenzie, for which he performed surgery after surgery to correct the problems that was created by Dr. Johnson and each time I was in his office, he would say the same thing he said the last time, "he didn't mean to do it." He took out the implant that Dr. Johnson did, about a

month later he did his own implant, which didn't take, and I was not healing proper from infections in the mouth, being given antibiotics left and right. By this time, I had had four surgeries, shaving of my teeth was a must each time. Dr. McKenzie also recommended Dr. Wm. Trent Gillespie for the same thing that Dr. Johnson did, I needed a root canal in #8, stating this is why I was continuing to have pain and the swelling. I was still sensitive in the mouth to any type of object touching the gums. I felt nothing like I did before going to Dr. Johnson. However, I began to go to Dr. Gillespie for treatments for diagnosis of infection in #8. I met with Dr. Gillespie on Tuesday, June 14, 2011, for the initial consultation for which I paid him for the entire treatment he was to perform. Two weeks later, Tuesday, June 28, 2011, the first treatment took place. A hole was drilled in the back of crown #8, than treatment began. For each treatment I would be given an Anesthetic of Lidocaine and other medications to treat the tooth.

I went back to Dr. Gillespie on Monday, July 11, 2011 thru Wednesday, December 28, 2011. I still showed signs of being sensitive to objects, my gums were severely tender and not healing in the general area where the four crowns were put. The swelling in the face came and went, mostly came. Sensitivity to cold weather and objects was a prevalent observation, it was never going to end for me.

When I went to Dr. Gillespie for my final treatment, in Feb., 2012, the pain returned to high degree of suffering and the swelling rise to the occasion.

I went back to Dr. McKenzie, who took x-rays and found out the bone in that area was broken as well. Another gingival flap was done, as well as surgical removal of crown #8, taking out the fractured bone and replacing it with powder that turns into bone. I was given a prescription for pain and some antibiotic for infection. I now have two of the crowns gone where Dr. Johnson first did the damage to me.

Dr. McKenzie still trying to replace the empty areas in my mouth that was damaged by Dr. Johnson. The prescriptions was piling up and the antibiotics were at an enormous amount. I kept all bottles of medicines that I was prescribed and all bottles of antibiotics given. I still had an Attorney, however

no action was being active in my case. I would call Attorney Matthews, who was my attorney and ask him what was happening. I needed another doctor to say in no uncertain terms that Dr. Joel Johnson fracture my jaw. Attorney Matthews said, "let me see what I can do." This was a repeated reply when I would ask. Time was still moving, not waiting for me. I was still asking questions, getting the same reply, from Attorney Matthews. I knew that the statute of limitations for me to file with the courts is three years from the date of injury and that date was approaching fast. Being released from Attorney Matthews ten (10), days of filing, I still had the right to file. I began to search frantically for another Attorney who might take the case. I must have request the services of at least forty-five Attorney's but, through no avail, none took it. I was given all kinds of reasons. I have the files that Attorney Matthews had acquired from all medical staff of those who participated in my medical treatment. However, I decided at this point to take the problem (me/mouth), out of the Columbia perimeter, but stay within the state, so I went to Charleston. Having had made an appointment earlier with Dr. Murphy a Dentist, D.M.D. on April 16, 2014, who x-rayed my mouth, informing me that I definitely had a problem, referring me to a neurologist at Roper Hospital, in Charleston, S. C., Dr. Bahadori. My appointment was Tuesday, May 13, 2014. Dr. Bahadori examined me and informed me that I had trigeminal neuralgia, a nerve disorder of the face that came from having broken bones in the jaw. I was glad to know that I wasn't crazy. The Doctor gave me several prescriptions, the one I must take twice a day every day is Gabapentin (medicine). I will take this medicine for the rest of my life, unless he otherwise change it to another prescription. The second prescription, was for an MRI, at Roper Hospital, in Charleston, S. C. The following Saturday, May 13. 2014. I went to Roper Hospital and had the MRI, in the basement of the Hospital, a week later I went had an ENT examine

with Dr. Schienhauwzer, who was recommend by Dr. Bahadori, in Charleston.

What is amazing about the whole thing of what is wrong with me, all of the Doctors agree about the fact that I have broken bones and have developed trigeminal neuralgia, which is chronic, meaning that I'll be in pain for the rest of my life, but refuse to sign an affidavit. However, I have been provided my medical records that definitely say what happened. Doctor (Joel E. Johnson), who display an emotion to that, 'I don't give a damn,' (mentality), or lack of wisdom to say he's sorry.

I filed papers with the Courts on April 16, 2014, giving me ten days before the deadline to file, I paid the filing fee, as well. On that same day I went to the sheriff dept., located in the Court House, using them to deliver, "notice of intent," paid them and left.

I, heard from the courts, informing me that my court date was coming up on April 11, 2014, presiding Judge A. Lee. Upon receiving this letter, I immediately went to the U. S. Post Office, sending notification to Joel Johnson and his legal counsel, informing them that a Court day was set. from whom I had just received a letter, "Motion to Dismiss." This motion was dated July 18, 2014, which was the same day I received the notice from the court of scheduled hearing, however, the NOTICE OF MOTION SCHEDULING, clearly state that I must notify the defendant to this order, so I did it on the same day it was received. What the motion said from the accused legal counsel was that this case was frivolous an even more so of me to even file I fired back with a motion, informing the court that there is nothing frivolous about me having had eleven doctors bond against me. It is nothing frivolous about a doctor cutting (doing surgery) if it ain't broke. I heard nothing from the court, so the date was set. On the day of the hearing, August 11, 2014, I arrived early with all the information and the bag of empty medicine containers that I was given and used. When the Judge called my case number and name I stood up. The Judge asked for the representatives for Joel Johnson and no one stood up, so the Judge motion to the court security to check the hall/lobby to see if anybody would show. Nobody showed. The Judge waited for five min., still no one show. Judge Lee ask me to state my case, I showed her my mouth and

how the infection is still active in the area where I have been cut eleven times. I showed her the bottles of medicines I had been given and bought under prescriptions. I also showed her the signed statements from Dr. Barhadori, stating that I have trigeminal neuralgia, a licensed neurologist that works out of Roper Hospital in Charleston, S. C., His office is in the 'CAROLINA NEUROLOGIST CLINIC, LLP, 125 Doughty Street, Suite 460, Charleston, S. C. 29403. No one from counsel still hadn't showed for the

hearing. Judge Lee granted my request to have a trial, from what was seen and lack of interest from the legal representatives of the defendant. On August 15, 2014, I received Form 4, from the court that the request from the defendant and counsel, Motion to Dismiss was dismissed for failure to prosecute. I was estatic with joy, because we would continue. December 2014, under Judge Lee.

A few Days later I received a letter from Dr. Johnson's Attorney Kelli Sullivan. Motioning to have the case thrown out again, because I filed within ten days before deadline. I motion to the court for Default Judgement, for failing to appear for a legal hearing. I motioned the court at the same time I received their motion, again. This was something I began to noticed, for every time I motioned the courts, I received a motion from the defendant at the same time. I felt as thou they were trying to take away my legal rights, as well as the Doctor having already abused me.

In keeping my medical appointments, I try my best to maintain the medical help I can get from the Doctors. In the meantime, I heard from the Courts, a hearing was scheduled for December 16, 2014, for both motions. The presiding Judge would be Michael G. Nettles, in Courtroom 3-B, at 11:00, a. m. I was glad. As time got closer to the date of motions to be heard, I received a letter changing the scheduled date because of the Christmas Holidays were approaching. The new date was set for January 6, 2015, for motion to dismiss and January 15, 2015, changing Judges, this time the motion was to presided over by Judge DeAndrea Benjamin, Courtroom 2E, for both motions. When I received the changed schedule, I again notified the defendant of the change. I would send each document by Priority Mail, having the post office to make a copy of me mailing the item. I have did this

to any reference that I needed to inform the defendant. I have had all documents that needed to show Proof of Service, signed by a licensed sealed The facial nerves was damaged when Dr. Johnson broke the bones in the upper jaw. I am being told by Dr. Bahadori, that I need surgery because my gums still turning white in areas #'s 9, and 10, an indication that the bones are cracked in that area as well. However, I went to other Doctor's and all have different opinions as to whether the bones are broke. My primary care physician, Dr. Robert Kneece suggested that I get that taken care of, because it can cause me harm in the long run, so he gave me a prescription to see two other doctors. I have since then went back to Dr. Bahadori, and I still have this incurable sufferage, that is chronic. I was given a prescription for my next appointment and a new prescription, and left

For the rest of my life, I must see doctors for this atrocity, and spend money / taking medicines T shouldn't have to. For each day I survive the pain, is a day my life have been shorten. My mother lived until she was ninety -two, I hope that is the possibility for me. I, like to do the same

FACTS:

I appealed this case for the decision that was handed down od to bias reactions from Judge D. Benjamin. She was very prejudice in her decision making. She failed to examine any documents from other doctors, she refused to let the defendant present evidence to support my claim.

Most importantly, she decided this case without equivocation to SOUTH CAROLINAL LAW, states in THE S. C. JUDICIAL DEPARTMENT, rule #24, 1. FAILURE TO ANSWER AND 2. , FAILURE TO APPEAR. Appellant was over looked in the later. Failure to appear ; If the respondent should fail to appear when specifically so ordered by the hearing panel or the Supreme Court, the respondent shall be deem to have admitted the factual allegations which were to be the subject of such appearance and to have conceded the merits of any

motion or allegations to be considered at such appearance. Absent Good Cause, the hearing or the Supreme Court shall not continue or delay proceeding because of respondents FAILURE TO APPEAR. A willful failure to appear before a hearing panel or Supreme Court may be punished as a contempt.

Therefore it was my legal right to request to the courts, for DEFAULT JUDGEMENT.

The representative for the defendant said something in reference, that she sent me a letter answering the complaint (line # 20, of plaintiff transcript), and the Judge Benjamin agreed, saying the letter is in the file. I have yet to receive or see this letter. Judge Benjamin didn't even show me the letter, where is it? Special privileges were given solely because she is an attorney, had this been me the plaintiff, failing to appear, under no certainty the case would have been lost without a doubt. However, on (pg. # 6 line # 15,/transcript), Attorney claim they had some scheduling problems with that August hearing date. Our office was not notified of that hearing so we did not know to be there. I understand the logic of Judges and Attorneys that look at people who represent themselves, as if they are stupid. I guess I must have looked stupid for real, considering I was in pain that day for the same reason for being there. I don't hear as well due to that same pain that was thrused upon me from the defendant. Nevertheless, as for Attorney not being notified, let me assure you that she was and I have tracking #, that will tell the courts that I sent her mail, to inform her of the date the courts scheduled. As a matter of fact, I have all the tracking dates from the U. S. Post Office, as to when she was notified, due to the court instructions. Let me assure you, I am not stupid by any means. I didn't start out representing myself, but if you can see the norm in this, who better to speak for me than me. I have the vacant spots in the mouth, I have the pain in the face due to nerve damage. I have the burning sensation of pain around my right nostril. I have the severe headaches. I am the one who have pain in the right eye. I have pain traveling down my right side of my neck and shoulder. I have gums that refuse to heal were the broken bones were. I have white gums as if the two remaining crowns, the bones are broken under them as well and this is why the mouth is refusing to heal. I am the one who still have to take antibiotics every six months or better for infections. I am the one who has to

take a prescribe medication to control the nerves for the rest of my life. I am the one who will suffer with what was done to me for the rest of my life. I would like to purpose a question, to the Courts, Have you ever smelled infection? It is not a sweet odor is it? Well, at times the infection is so bad that it pops out on the skin in by face. I am the one who is being deprived of sleep, because of pains in my face during the night. I am the one who suffer from twitching on the right side of my face, the right arm, right eyes and right nostril that drips for no reason. I am the one who feels as thou my life has been shorten. I am the one who will always have to seek medical help Dr. Joel Johnson's malpractice. It is a fact that I live in a chronic state of pain because of my mouth. I am not a dog to dismiss, I am a human being who have been abused by the hands of Dr. Joel E. Johnson. The only way man can dismiss another is by death, and I am not dead yet.

It is a fact that I was given and prescribed a total amount of forty bottles of antibiotics, for the infection in the mouth that still arise. It is a Fact that I was prescribed a numerous amount of pain pill, this too still arise.

The facts are, I have been released from participating Doctors because there was nothing else they could do, and or, they just don't want to get involved in something they didn't do. Nevertheless, I am still suffering.

law." *Flateau v. Harrelson*, 355 S. C. 197, 202, 584 S. E. E. 2d 413, 416 (Ct. App. 20003). It is also a fact that I have paid out thousands of dollars (\$), in medical bills from this infliction to my health (mal- practice), and my insurances have paid more. I would never want to believe that these doctors summited to the act of wrong doing just to defraud the insurance companies.

Let me ask, what would make you (Courts), think that I would save an empty bottle of medication and not save a receipt of when something was mailed to the defendant?

On page #9, line # 12 of transcript, Attorney Sullivan, " We're under no obligation to send these things certified mail." In reference to what she was speaking about is the reply to the complaint. However, Attorney Sullivan feels that she can do as she please above and beyond the law, simply because she is a representative of the law that the appellant, who is without representation, can and did use the system to oust my complaint.

Example, on page # 10, line # 24, because of the 10 days before deadline of the statute, I have no right. Even with the extended 45 days to come up with an affidavit. She is also saying that information of what is written from licensed medical doctors of the state is not enough or cannot be used in proving Dr. Johnson wrong doing. Again she was wrong. It is a right that was given to me from the courts, That is something I beg the courts not to take away, my right. As for the affidavit, again THE STATE OF SOUTH CAROLINA, IN THE SUPREME COURT, VICKI L. WILKINSON, APPELLANT, v. EAST COOPER COMMUNITY HOSPITAL, INC., d/b/a EAST COOPER REGIONAL MEDICAL CENTER, CAROLINA PLASTIC SURGERY

INSTITUTE, P. A., and THOMAS X. HAHN, M. D., RESPONDENTS. Appellant Case No. 2012- 213464, Appeal From Charleston County, R. Markley Dennis, Jr., Circuit Court Judge, Opinion No. 27423, Heard May 20, 2014 –Filed July 23, 2014. Standard of Review: “ On appeal from the dismissal of a case pursuant to Rule 12(b)(6), an appellant court applies the same standard of review as the trial court.” Rydde v. Morris, 381 S. C. 643, 675 S. E. 2d 431 (2009). That standard requires the Court to construe the complaint in light most favorable to the nonmovant and determine if the facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case.” I. (internal quotations omitted). The court may sustain the dismissal when “the facts allege in the complaint do not support relief under any theory of

However, I am very much aware the need for an affidavit, but the injury out ways that need. Because of the added amendment to this case, still if the case cannot be used in a way to give higher credence of helping the plaintiff, why is it still in the book to be used. This is AMERICA, we just don’t go around doing bodily harm to people without consequences. Whether this doctor meant to do it, as some doctors has suggested, “he didn’t mean to do it,” Still he has not apologize for his error and have no intentions of doing so because he’s a white man that will not apologize to a black female. Money is green, I am black, and this is what he see. Race plays a large role in Dr. Joel Johnson’s thinking. Race is beginning to play large roles all over America. So you see, this case is no different from what is happening every day.

I see my life diminishing away from the pains I must endure, with comfort from doctors who provide medications for control of the pain, as suggested I need surgery, the type of surgery need connects to the BRAIN/ MUSCLES, to control the twitching and stop the different types of pain, however there is no guarantee that the surgery will be successful. Furthermore, there is no doctor in the Columbia area who is willing to do it. I am not saying they are not qualified, I am saying they prefer not to do it. I can go to another state an have it done, but I prefer to be close to home. As for the affidavit that is needed, the witness of what is wrong, will provide an affidavit of words on the stand.

Continued Arguments:

This Case, Harmon v. Johnson, 2014 CP - 40 – 2507, was filed in April / 2013, However, The Case for,

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Vicki L. Wilkinson, Appellant,

v.

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

Appellate Case No. 2012 – 213464

Appeal From Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

Opinion No. 27423

Heard May 20, 2014 – Filed July 23, 2014

REVERSED AND REMANDED

Recently this Court reversed Ranucci 1. Ranucci v. Crain, Op. No. 27422 (S. C, Sup. Ct. filed July, 2014) (“Ranucci v. 11”). In so ruling, we held that section 15 – 79 – 125 (A) Incorporates section 15- 36- 100 in its entirety. Thus, we ruled that a medical malpractice claimant to file an expert witness affidavit within forty-five days after filing the NOI. Id. This amendment was written after I filed with the Courts, therefore this does not apply to this case, because this case was filed before it was mandated. It also states.

When a plaintiff is not given the opportunity to file and serve an amended complaint, but is left with no choice but to appeal after dismissal of her case with prejudice, an appellate court which affirms the dismissal may modify the lower court’s order.

The plaintiff have a well- pleaded complaint that should not be denied a trial, because the exhibits (documents), are overwhelming to plaintiff’s complaint.

A document signed by a doctor of high regards from others, can not lie under oath, unless he / she, is willing to lose their license. The appellate just can,t see how doctors who are sworn by oath to save, would in any way lie and cover –up for another doctor. It is now the time for all doctors to stop this form of behavior (lying), simply because they are doctors. I, would think that they (doctors), would get tire of lying for others. The realization is that they hold life in their hands.

I, the appellant, beg the Appeals Court, to give consideration towards me for what is written. If a case written cannot be used, than why is it still on the docket to be used.

This case is provided with full merits,. I request to the Court to make Dr. Joel Johnson to prove that he didn’t break the bones in my jaw, that is causing the appellate pains.

It is of great importance for this case to be heard because of the willful act of medical malpractice and lack of respect of other human being.

I, the Appellant, from the transcript provided, pg. # 11, line # 23, thru pg. # 12, line # 19, the Attorney for the defendant is saying that because of the fact that a neurologist has diagnosed the fractures that caused me to have trigeminal neuralgia, that his diagnosis is not a responsive diagnosis because he is not a dentist. Nevertheless, he is a doctor who is licensed by the STATE OF SOUTH CAROLINA, and in all intense purposes, he is an expert of bones. He provided me with a factual paper to what is wrong and where it came from. I am still being treated as a patient of Dr. Bahadori's to alleviate some of my discomforts., I am also still a patient of Dr. Murphy, DMD, which my last appointment with him was missed due to the pains I was experiencing at the time, therefore the Attorney does not know or understand that this is a standard of care, especially knowing that my suffering came from Dr. Joel Johnson, is chronic / lifetime. The Attorney for the defendant must know that this medical diagnosis cannot be treated, it can only be fixed with brain surgery. As it is stated in the case of Vicki L. Wilkinson, Appellant, v. Eat Cooper Community Hospital, Inc., d/b/a East Cooper Regional Medical Center, etc. Respondents, due to time, an affidavit was not needed. And since it is a permanent condition, there is no statute of limitations on nothing.

I, the Appellant, believes that the resided Judge DeAndrea Benjamin, knew this but failed to act on it as she should have. As I said earlier in this case, Judges and Lawyers look at those who defend themselves, as being stupid. So in light of this, Judge Benjamin, showed that she was prejudice toward the case before it even got started.

It appeared as if Attorney Sullivan / McKay, Cauthen, Settana & Stublely, P. A., representative for the defendant , as well as the presiding Judge Benjamin, tried to intimidate me by saying there was nothing I Can do, not even appeal the decision that was handed down. It is a matter of record for a judge of any case to inform the defendant, that he / she, has the right to appeal. Especially if there is another level of the judicial system for the appellant to move.

I ask the COURT OF APPEALS, to read the transcript of eighteen pages, where you can see the intimidation from them both.

And last of this ARGUMENT is from the Declaration of Independence, “that all men are created equal.” If there are special privileges given to the attorney / defendant, they should have been given to the plaintiff.

CONCLUSION: I have provided the courts details of what happened to me and what is still happening, therefore for reasons stated, this Court should reverse the judgement that was handed down from the circuit

Respectfully submitted,

Brenda G. Harmon

4-27-2015

April 26, 2015

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