



August 8, 2014

The Honorable Julie J. Armstrong  
Clerk of Court for Charleston County  
100 Broad Street, Suite 106  
Charleston S.C. 29401

RE: Jack Powell vs. Medical University of South Carolina  
C/A No.: 2013-CP-10-5351

Dear Julie:

Enclosed please find my Motion for Reconsideration.

Thank you for your assistance,

Dated & Signed on 8-8-14

A handwritten signature in cursive script that reads "Jack Powell". The signature is written in black ink and is positioned above a horizontal line.

Pro Se; Jack Powell

cc: MUSC

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT  
C/A NO.: 2013-CP-10-5351

Jack Powell,

Plaintiff,

vs.

Medical University of South Carolina

*Defendant,*

MOTION FOR  
RECONSIDERATION

BY

JULIE J. ARMSTRONG  
CLERK OF COURT

2014 AUG - 8 PM 3: 27

**\* FILED**

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Plaintiff Pro Se; Jack Powell hereby enters this following Motion for Reconsideration to the Honorable Court. Plaintiff hereby enters, on 7-30-14 Judge Dennis ruled Dismissed concerning the Motion for Summary Judgment filed by the Medical University of South Carolina. Plaintiff was not allowed to enter Exhibits "A & "B" to prove false statements in Summary Judgment. Plaintiff states following reasons for the Motion for Reconsideration to be granted;

1. Pursuant Rule 56 (b) the Defendant knew at the time of filing their Motion it was improper because they knew the Plaintiff had ZERO Discovery which was also disclosed during the hearing and MSJ was not filed "30" days after completion of Discovery.

2. Because of Rule 56 (d) that there is a preponderance of undiscovered evidence concerning the MUSC procedures, protocols and actual Discharge laws that are unknown because of the Defendants intentional failure to respond properly.

ESPECIALLY, considering the Charleston Police Department can't go onto MUSC property and arrest a Public Safety Officer for assaulting a patient.

3. The Motion was premature, 56 (f) because of the other proceedings; Compelled Interrogatories, Production and Evasive Admissions that were filed weeks before the Summary Judgment was added to the court schedule of 7-30-14. AND the Plaintiff did not have the proper amount of time to prepare a response since, according to the Clerks office, on 7-24-14 the MSJ case had not been added to the 7-30-14 schedule.
4. Because of Rule 56 (e) Pro Se had to appear in court to engage "15" Motions which was emotionally stressful even for an experienced attorney who has paralegals, access to law books, secretaries and financial security considering Pro Se filed under In Forma Pauperis. Many courts take extra care with Pro Se litigants, advising them of the need to respond and the risk of losing by Summary Judgment if an adequate response is not filed and the court may seek to reassure itself by some examination of the record before granting Summary Judgment that was scheduled last, just days before 7-30-14 . Plaintiff enters they did not assist him and he did not even know that he had to send a Response.
5. For the contempt displayed by Judge Dennis when exercising an inflammatory personal attack and insult of the In Forma Pauperis, Pro Se, Jack Powell by stating;  
"I'm laughing at you too" that caused embarrassment, confusion and apprehension to attempt any furthering of his defense because of the fear of being shut down again and scrutinized again in a public setting.
6. Because of Rule 56 (c) (2) (4), the Defendant entered, not supported by admissible evidence and is proven by documented fact as entered by Defendant Exhibits "A" & "B" that

Defendant had entered false statements and Plaintiff was not allowed to disclose to the court, these exhibits.

7. Because of Rule 56 (c) (3) unanswered 1<sup>st</sup> Production & 1<sup>st</sup> Interrogatories and Evasive Admit that may be considered for Summary Judgment defense that were requested "7" months earlier and were on the court schedule the same day as, Compelled.

8. Because of Rule 56 (c) (1) & Rule 6 (b) allows the court to extend the time to respond if the Motion seems premature. AGAIN, the Plaintiff states he had received Zero Discovery from Defendant, and Defendants own evidence entered into the MSJ opened the door to explore more relevant Discovery.

9. Because of Rule 56 (c) there is a Genuine Dispute of Material Fact.

10. Because the Plaintiff wasn't allowed to prove the Defendant failed to Admit the truth Pursuant RULE (36) by entering relevant Exhibits of the Defendants own hospital reports, Admit questions to Plaintiff during first "Dismissed" MUSC case, Public Safety and Security Guard official reports.

11. The Defendant should have not been allowed to enter to the court that the Plaintiff did not respond to their Motion, since it was originally not a Motion for non-response.

12. Because of the Plaintiff's confusion from the public insult he is now unsure if he had disclosed to the court that the Plaintiff had attended a "4" hour Deposition given by MUSC attorney's. The Plaintiff had the subject included in his last minute Summary Judgment.

THE FOLLOWING IS THE EVIDENCE THAT WAS PREPARED FOR 7-30-14

YOUR HONOR, TO BEGIN WITH THE DEFENDANT HAS ALL OF THE DISCOVERY THEY REQUESTED FROM ME AND THEY ALSO HAVE GIVEN ME A "4" HOUR DEPOSITION. I NOTIFIED THE DEFENDANT OF A DEPOSITON MONTHS AGO AND THE DEFENDANT HAS EVEN USED '11" QUESTIONS I ANSWERED DURING THEIR DEPOSITION, IN THIS MOTION. I HAVE ZERO DISCOVERY IN THIS CASE AND HAVE ASKED THE COURT TO COMPEL DISCOVERY, BUT I DO HAVE A PROPONDERANCE OF EVIDENCE DISCOVERED FROM THE FIRST MUSC CASE THAT CREATED THE NECESSITY OF MUSC TO EXPLAIN WHAT THEIR ACTUAL PROCEDURES AND RESPONSIBILITIES WERE ON 6-21-12.

YOUR HONOR, THE DEFENDANT HAS ENTERED A FALSE STATEMENT, IN THEIR MOTION. THIS RE-CREATION OF MY COMPLAINT ATTEMPTS TO IGNITE AN INFLAMMATORY OPINION TOWARDS ME AND ALSO TRIES TO CONCEAL MUSC'S ANGER.

SEE EXHIBIT "A"

YOUR HONOR, THE DEFENDANT STATED IN THEIR MOTION; WHEN TRANSPORT ARRIVED TO TAKE PLAINTIFF TO X-RAY. PLAINTIFF ASKED HOW LONG WOULD IT TAKE AND ASKED TO STAY IN THE ER TO WAIT FOR HIS PAIN MEDICATION RATHER THAN GO TO X-RAY. THE DOCTOR ASKED PLAINTIFF IF HE WAS SURE THAT HE WANTED TO STAY IN THE ER AND WAIT FOR HIS PAIN MEDICATION RATHER THAN GO TO THE X-RAY DEPARTMENT. PLAINTIFF REPLIED IN THE AFFIRMITIVE AND THEN TOLD THE DOCTOR THAT IS ABOUT THE STUPIDEST QUESTION A DOCTOR HAS EVER ASKED ME.

EXHIBIT "B"

NOW YOUR HONOR, THE DEFENDANT INTENTIONALLY LEFT OUT THE MOST IMPORTANT AND RELEVANT STATEMENTS. I STATED IN MY

COMPLAINT, WHEN THE TRANSPORT MAN PUSHED ME OUT OF THE ROOM AND I ASKED HIM WHERE ARE WE GOING AND HOW LONG WOULD IT TAKE BECAUSE I'M IN PAIN AND A PAIN SHOT IS ON THE WAY. AND HE SAID MAYBE A COUPLE OF HOURS AND WOULD YOU RATHER STAY AND WAIT FOR THE SHOT? I SAID YES, SO HE PUSHED ME BACK INTO THE ER. THEN A FEW MINUTES LATER THE DOCTOR COMES IN AND ASKED ME IF I HAD TOLD THE "UNKNOWN" MAN; THAT I WANTED TO STAY AND WAIT FOR MY PAIN SHOT, AND I SAID YES. "THEN" THE DOCTOR ASKED ARE YOU SURE YOU WANT TO WAIT FOR THE PAIN SHOT OR GO TO THE X-RAY DEPARTMENT. MR. POWELL WHO WAS HAVING SEVERE PAIN, UTTERED TO THE DOCTOR, THAT IS ABOUT THE STUPIDEST QUESTION A DOCTOR HAS EVER ASKED ME. THEN HE ROLLED HIS EYES AND LEFT.

YOUR HONOR, THE DEFENDANT HAS RE-CREATED THE WHOLE INCIDENT BY LEAVING OUT CRUCIAL EVIDENCE THAT EXPLAINS MY DISMAY OF THE REPEATED QUESTIONS OF A PAIN SHOT AND WHY I RESPONDED THE WAY I DID. THERE IS AN ATTEMPT TO BLAME ME, FOR ALL OF THE HOSTILE ATMOSPHERE.

EXHIBITS; "C" "D" "E"

YOUR HONOR, ALSO THE MANS NAME IS STILL UNKNOWN AND I HAVE QUESTIONS FOR HIM. I FIRST ATTEMPTED TO GET HIS NAME THROUGH A FREEDOM OF INFORMATION ACT THAT I SENT TO THE MUSC ATTORNEY ANNETTE DRACHEMAN. THE INFORMATION SHE GAVE ME WAS NOT TRUE AND DURING THE DEPOSITION I ATTENDED, I ASKED IF THEY COULD GET ME THE NAME OF THE TRANSPORT MAN AND THEY SAID YES BUT, THEY DID NOT FORWARD THE NAME AND THE PRODUCTION WITH VITAL PROCEDURES AND PROTOCOLS.

SEE EXHIBIT "F"

YOUR HONOR, CONCERNING INTENTIONAL INFLECTION OF

EMOTIONAL DISTRESS AND ASSAULT AND BATTERY, IF YOU WILL LOOK AT PAGE "5" OF MY COMPLAINT, SECOND PARAGRAPH, I STATED THE MUSC SECURITY GUARDS ARE CALLED IN AND THE DOCTORS ALLOWS THEM TO TRY AND PULL MR. POWELL FROM THE BED. MR. POWELL IS YELLING BECAUSE OF THE PAIN INFLICTED UPON HIM AND THE SECURITY GUARDS STOP PULLING.

YOUR HONOR, ON EXHIBIT ' G " ADMIT no. '3" YOU WILL SEE WHERE I ASKED OFFICER RON MCKINNIE, WHY DID YOU STOP TRYING TO PULL MR. POWELL FROM THE TOP OF THE BED?

DEFENDANT ANSWERED, OFFICER MCKINNIE TRIED TO ASSIST PLAINTIFF INTO A SEATED POSITION ON THE BED IN ORDER TO ASSIST PLAINTIFF IN MOVING FROM THE BED TO THE WHEELCHAIR. OFFICER MCKINNIE STOPPED TRYING TO ASSIST PLAINTIFF FROM LYING TO A SEATED POSITION BECAUSE PLAINTIFF STATED; THAT HE WOULD NOT PUT ANYMORE PAIN ON HIMSELF FOR THE HOSPITAL.

YOUR HONOR, EXHIBIT "F" ON PAGE "5" OF MY COMPLAINT, AND THE SEVENTH SENTENCE, I STATED ; THEN THEY TRY AGAIN AND AGAIN THEY STOP TRYING TO PULL THE PLAINTIFF FROM THE ER BED BECAUSE OF THE YELLING FROM PAIN.

YOUR HONOR, PLEASE LOOK AT EXHIBIT " G " AGAIN,, ADMIT no. "7" THAT WAS PRESENTED TO THE, SAME OFFICER. RON MCKINNIE; DID YOU THINK IT WAS A GOOD IDEA TO TRY AND PULL THE INJURED MR. POWELL FROM THE BED, A SECOND TIME? AND HE ANSWERED THAT "NO ONE" ATTEMPTED TO PULL Mr. POWELL FROM THE BED AT ANYTIME. AFTER HE ALREADY ADMITTED TO DOING THIS ON ADMIT no. "3'.

YOUR HONOR, THE DEFENDANT AGAIN, ENTERED A FALSE STATEMENT TO CONCEAL THE FACT THAT THEY RECKLESSLY REPEATED OUTRAGOUS CONDUCT BY ATTEMPTING TO PULL ME FROM THE BED

WHICH WAS INTENTIONAL OFFENSIVE TOUCHING AND I HAVE A GENUINE RIGHT TO ASK HIM TO PROPERLY ANSWER THIS QUESTION DURING DISCOVERY. ALSO BE ABLE TO ASK THE DOCTOR WHY HE INTENTIONALLY FAILED TO ACKNOWLEDGE MY OBVIOUS PAIN AND SUFFERING AND TO ALSO EXPLAIN THEIR PROCEDURES & PROTOCOLS CONCERNING THIS MATTER. ESPECIALLY WHEN YOU CONSIDER, EXHIBIT "G" no. "2" DR. WATSON STATES MR. POWELL WAS NEVER PULLED FROM THE BED. ANOTHER FALSE STATEMENT AND THEN, ON EXHIBIT "I" THE SECURITY GUARD REPORT, STATED; WAS ASSISTING MR. POWELL BUT PATIENT BECAME AGITATED AND STATED HE WOULD SUE THE HOSPITAL. SECURITY ALSO STATED; THEN TOLD MR. POWELL HE HAD TO GO. MR. POWELL WAS ASSISTED TO THE WHEELCHAIR AND TAKEN TO CBS RAMP. AND ON EXHIBIT "H" PARAGRAPH "2" SUSPECT WAS TAKEN FROM THE BED.

YOUR HONOR, EXHIBIT "I" STATES I WAS DISCHARGED AT 12:47 AM AND I RECEIVED OXEYCODENE AT 12:55 AM AND SECURITY ARRIVED AT 1:00 AM AND WERE ALLOWED TO START PULLING ON MY INJURED SHOULDER, NECK AND KNEE, ONLY ABOUT "5" TO "10" MINUTES AFTER I TOOK THE MEDICATION. WHICH ACCORDING TO EXHIBIT "J" THE DOCTOR'S INSTRUCTIONS STATED THAT IT COULD TAKE UP TO AN HOUR FOR THE MEDICATION TO TAKE AFFECT AND IT WOULD IMPAIR MY JUDGMENT, SLOW MY REACTION TIME, DON'T DO ANYTHING REQUIRING MENTAL ALERTNESS AND YOU SHOULD RETURN TO THE HOSPITAL IF THERE IS UNEXPECTED WORSENING OR A SIGNIFICANT CHANGE IN YOUR SYMPTOMS.

YOUR HONOR, I SUBMIT THAT THE EVIDENCE STIPULATES THERE WAS AN UNEXPECTED AND SIGNIFICANT WORSENING OF MY SYMPTOMS BECAUSE OF THE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND ASSAULT AND BATTERY, AND AGAIN, THERE ARE UNKNOWN PROCEDURES THAT MUSC DID OR DIDN'T FOLLOW.

YOUR HONOR, ON EXHIBIT "K" no's, 8, 14 AND 9 CONCERNING FALE ARREST AND IMPRISONMENT, THE MUSC PUBLIC

SAFETY TOLD ME THEY WOULD GIVE ME A RIDE HOME, ANYWHERE I WANT TO GO OR ROPER HOSPITAL, AFTER I SAID I WOULD SUE.

YOUR HONOR, ON EXHIBIT "L" THE FOLLOWING IS WHAT THEY SAID WHEN WE GOT OUTSIDE.

ADMIT no. 9 ONCE WE GOT OUTSIDE OF THE HOSPITAL THE MUSC PUBLIC SAFETY OFFICERS INFORMED PLAINTIFF HE WAS FREE TO LEAVE THE PREMISES.

ADMIT no. 10 THEY ASKED THE PLAINTIFF TO LEAVE THE PREMISES.

ADMIT no. 11 PLAINTIFF TOLD THE MUSC PUBLIC SAFETY OFFICERS THAT HE COULD NOT GET UP, OUT OF THE WHEELCHAIR.

ADMIT no. 12 PLAINTIFF TOLD THE MUSC PUBLIC SAFETY OFFICERS THAT THEY WOULD HAVE TO HELP HIM OUT OF THE WHEELCHAIR.

YOUR HONOR, IF YOU WILL LOOK AGAIN AT EXHIBIT "H" PARAGRAPH "3" DUE TO HIM CONTINUING TO LOITER ABOUT THE PREMISES, HE WAS CHARGED.

YOUR HONOR, THERE'S ONE RELEVANT ELEMENT MISSING. THERES NOT ONE STATEMENT, FROM ANY OFFICER, STATING THEY WHEELED ME TO SIDE OF THE PATROL CAR AND OPENED THE DOOR, SO I COULD GET IN AND GO FREELY, JUST LIKE ANY ONE ELSE THAT IS DISCHARGED, NOT UNDER ARREST AND LEAVING IN A WHEELCHAIR.

YOUR HONOR, THIS IS INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS, FALSE ARREST AND IMPRISONMENT.

YOUR HONOR, PLEASE LOOK AGAIN AT EXHIBIT "H" PARAGRAPH "3", RIGHT AFTER LOITERED ABOUT THE PREMISE. THE PUBLIC SAFETY HANDCUFFED ME IN THE FRONT, BECAUSE OF MY MEDICAL


ISSUES AND THEN THEY DROVE TO THEIR OFFICE AND LEFT ME IN THE BACK SEAT OF THEIR CAR FOR "34" MINUTES ALONE IN THEIR PARKING LOT. WHICH WAS INTENTIONAL, RIGHT AFTER THE OFFICERS MADE A MEDICAL DECISION AND THEN IGNORE THE OBVIOUS MEDICAL ISSUES BECAUSE OF ANGER WHICH TURNED INTO INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS AND GROSS NEGLIGENCE.

YOUR HONOR, I HAD ASKED FOR A SECOND OPINION WHICH IS VERIFIED BY DOCTOR REPORT, EXHIBIT "M" HE AND THE OFFICERS DID NOT FULFILL THIS REQUEST AND IGNORED PROPER PROCEDURES TO TAKE ME TO ROPER HOSPITAL, ALSO AGAIN DECIDED BY OFFICERS, WHO ARE NOT MEDICAL EXPERTS.

YOUR HONOR, PLEASE LOOK AT EXHIBIT "N" no. "5" WHEN SECURITY GUARD RON MCKINNIE IS ASKED A QUESTION ABOUT COMBATIVE, DEFENDANT DID NOT ANSWER THE QUESTION, BY STATING THIS INVOLVES THE EXERCISE OF CLINICAL JUDGEMENT. I ENTER, HOW CAN THE PUBLIC SAFETY HANDCUFF ME IN THE FRONT BECAUSE OF MY MEDICAL ISSUES BUT NOT BE ABLE TO ANSWER A QUESTION ABOUT COMBATIVE WHICH IS AN ELEMENT IN THEIR LINE OF WORK, SECURITY GUARD. THEN AFTER I WAS COMPLAINING OF PAIN BEABLE TO DETERMINE IT'S OK FOR ME TO LAY IN THE BACK SEAT ALONE, FOR "34" MINUTES.

YOUR HONOR, I REQUEST THIS MOTION TO BE DENIED BECAUSE OF THE FALSE STATEMENTS. BECAUSE THERE IS A GENUINE ISSUE OF FACT AND THE NEED FOR THE FURTHERANCE OF JUSTICE.

DATED & SIGNED ON 8-8-14

A handwritten signature in cursive script that reads "Jack Powell". The signature is written in black ink and is positioned to the right of the date and signature line.

CERTIFICATE OF SERVICE

I Pro Se; Jack Powell hereby certify that on 8-8-14, I mailed a copy of my Motion for Reconsideration to Defendant Case no: 2013-CP-10-5351 with sufficient postage and correctly addressed as follows;

*Barnwell & Whaley  
288 Meeting St.  
Charleston, SC 29401*

BY \_\_\_\_\_

JULIE J. ARMSTRONG  
CLERK OF COURT

2014 AUG - 8 PM 3: 28

FILED

Dated & Signed on 8-8-14



Pro Se: Jack Powell

A

the radiology department for x-rays. (Compl. p. 4). When transport arrived to take Plaintiff to x-ray, Plaintiff asked how long it would take and asked to stay in the ER to wait for his pain medication rather than go to x-ray. The doctor asked Plaintiff if he was sure that he wanted to stay in the ER and wait for his pain medication rather than go to the x-ray department. (Compl. p. 4). Plaintiff replied in the affirmative and then told the doctor "that is about the stupidest question a doctor has ever asked me." (Compl. p. 4). After the x-rays were obtained, Plaintiff contends that the doctor came back into his room, rudely removed his neck brace, and told Plaintiff that he had been discharged. (Compl. p. 4). Plaintiff claimed that he could not move because of pain. (Compl. p. 4).

Plaintiff refused to leave the Emergency Department despite being discharged because he claimed he was in pain. (Compl. pp. 4-5). As a result, MUSC security was called. (Compl. p. 5). Plaintiff contends that security tried to pull him from the bed. (Compl. p. 5). He contends that the MUSC security continued to try to pull him from the bed and finally stopped because he was "yelling from pain." (Compl. p. 5).

MUSC Public Safety was then called and instructed Plaintiff to leave the hospital. (Compl. p. 5). Plaintiff claimed that he could not move, was not going to inflict anymore pain on himself, and asked to be helped from the bed. (Compl. p. 5). Plaintiff then threatened to sue MUSC. (Compl. p. 5). Public Safety then offered to take Plaintiff home, anywhere he wanted to go, or to Roper Hospital. (Compl. p. 5).

Plaintiff next claims that MUSC Public Safety removed him from the ER bed and transported him out of the hospital. (Compl. p. 5). Once outside of the hospital, Public Safety told Plaintiff to get out of the wheelchair and leave the premises. (Compl. p. 5). Plaintiff refused to leave because he claimed that he was in pain. (Compl. p. 5). Again,

B

PLAINTIFF JACK POWELL BRINGS FORTH THE FOLLOWING CAUSES OF ACTION

On 6-21-12 a "56" year old and sober Mr. Powell was walking up Folly Road and tripped over an exposed and unburied cable line in front of the Folly Oaks Center located at 930 Folly road. The Charleston County EMS came and Mr. Powell was transported to the MUSC Emergency Room after being knocked unconscious and receiving injuries to his head, neck, shoulder and knee.

→ Dr. Simon Watson and Billy Jacobsen were attending to Mr. Powell. Mr. Powell was in terrible pain and the doctor said a pain shot was on the way. Then someone began to push Mr. Powell's bed out of the room and he asked where are we going and he said to X-Rays. Mr. Powell asked how long will this take because I'm in pain and a pain shot is on the way. He said maybe a couple of hours and would you rather stay and wait for the shot? Mr. Powell said yes, so he pushed the bed back into the ER. Then a few minutes later the same doctor that said the pain shot was on way comes in and asked Mr. Powell if he had told the man (pushing his bed out of the room) that he wanted to stay and wait for his pain shot, Mr. Powell said yes. Then the doctor asked are you sure you want to wait for the pain shot or go to the X-Ray department? Mr. Powell who was having severe pain told the doctor that is about the stupidest question a doctor has ever asked me. The doctor rolled his eyes then left. Later after the X-Rays were finished and Mr. Powell was back in the ER the doctor comes in and rudely starts taking off the neck brace (that had been put on by the EMS) Then he tells Mr. Powell you have been discharged. The doctor then said other than the severe Arthritis you have from ("4" surgeries on Mr. Powell's neck, shoulder and knee) you do not have any major injuries like broken bones or fractures. Mr. Powell then said how can i leave, i can't move because of the pain. The doctor repeated the demand and Mr. Powell again said I can't move.

NOTE; at this time Mr. Powell was unaware that the Charleston County EMS stated that Mr. Powell was abusive and apparently this was believed and repeated ACCORDING to the Nurse Assessment written by Nurse Jill Pentz. Of course there was no mention that Mr. Powell had been knocked unconscious after tripping over a cable line in the dark on Folly road and then was barely conscious, with his face in the dirt , in severe pain because of his neck, shoulder and knee, unable to move, then asked repeatedly which hospital would you like to go to and Mr. Powell would answer I don't care. Then with a long pause between being asked, even with EMS getting up and walking around. Mr. Powell



C

Annette R. Drachman  
General Counsel  
274 Calhoun Street  
MSC 204  
Charleston SC 29425-0204  
Tel 843 792 4063  
Fax 843 792 0570

November 15, 2012

Mr. Jack Powell  
1402 8-A Camp Road  
Charleston, SC 29412

RE: *Freedom of Information Act Request*  
Date of Service: 6/21/2012

Dear Mr. Powell:

I am in receipt of your FOIA request for the names of the nurses who assisted with your x-ray on June 21, 2012. The information you are requesting is located in your medical record. In order to obtain these records, you must complete an Authorization to Disclose Protected Health Information, which I have enclosed for your convenience. Upon completion, please submit this form to:

**ATTN: Release of Information**  
169 Ashley Avenue  
MSC 349  
Charleston, SC 29425-3490

If you have any questions about the Authorization, you may contact Release of Information via telephone (843) 792-3881. Should you have any additional questions or concerns, please do not hesitate to contact me.

With kind regards, I remain

Sincerely,

Annette R. Drachman

ARD/slr  
Enclosure

IN THE COURT OF COMMON PLEAS  
9<sup>TH</sup> DISTRICT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON COUNTY )

JACK POWELL )

Plaintiff(s) )

vs. )

MEDICAL UNIVERSITY OF SOUTH )  
CAROLINA (MUSC) )

Defendant(s) )

REQUEST OF FOR PRODUCTION  
OF DOCUMENTS

CASE # 2013-CP-10-535

2013 DEC 16 PM 4:18  
FILED  
JULIE A. STRONG  
CLERK OF COURT  
BY

TO: RESPONDENT

Petitioner hereby requests that you produce for Petitioner's inspection and copying the following documents within 30 days after service of this request in accordance with Rule 21, Rules of Procedure of the Administrative Law Court, and Rule 34, SCRPC.

DIRECTIONS

'Document' refers to every writing or record of every type or description that is, or has been, in the possession, custody, or control of you, or of which you have knowledge. 'Document' specifically includes, but is not limited to, computer printouts, computer software, correspondence, memoranda, tapes, stenographic and handwritten notes (including handwritten or other notes or other types or copies of documents)

1. The name of the X-ray technician, male nurse or individual.... NOTE; (Annette Drachmen has refused to give me during my FOI Act and through discovery) that came into my ER room and began pushing my bed to X-rays and I told him a pain shot was on the way and he asked me did I want to go to X-rays or wait for the pain shot?
2. The number of times there has been lawsuits, complaints, communicated complaint about treatment to any MUSC representative since 6-21-12.
3. Documents of who made the telephone call, e-mail, text or any communication to the nurse or anyone at the Charleston County Detention Center on 6-21-12 or 6-22-12.
4. Documents of what was sent or discussed during this call, email or text to Charleston county Detention Center on 6-21-12 or 6-22-12.
5. Documentation of MUSC ER procedure why, when or should a patient may or be given more pain medication after they are discharged.
6. Documentation of MUSC procedure when a patient is pushed out in a wheelchair and what MUSC is suppose to do "right then" if the patient states they are in pain and needs help getting out of the wheelchair so they can get into their car.
7. Documentation of Doctor Jacobsen or Watson or any Nurse that warned or communicated to the Public Safety that Mr. Powell had received pain medication just "2" minutes before they arrived and he would have slowed reaction time, impaired judgement and should not do anything requiring mental alertness?
8. Documentation of Doctor Jacobsen or Watson warning or telling the Public Safety if Mr. Powell has severe pain in his neck or numbness in his extremities, legs and arms he should call a doctor or be taken to a hospital.

E

9. Documentation of what the Public Safety is suppose to do if the patient is complaining of severe pain in his neck or numbness in his extremities, arms and legs and is instructed by Dr. Watson to call a doctor or be taken to a hospital. NOTE; INSTRUCTIONS BY Dr. Watson!

10. All Documentation concerning training or notices of being made aware and what to do if medical issues occur with the patient during discharge by an MUSC employee or representative.

11. All Documentation of whether to take Mr. Powell to Roper hospital since he asked for a second opinion, back into MUSC to be re-examined, jail or public safety headquarters after it was determined Mr. Powell had medical issues when handcuffing him in front.

12. The names of the staff, nurse, doctors, volunteers who were in the ER with other patients.

13. The names of the people who were working at the ER front desk entrance.

DATED & SIGNED ON 12-13-13

*Jack Powell*

PRO SE; JACK POWELL

FILED  
2013 DEC 16 PM 4:19  
JULIE A. ARSTRONG  
CLERK OF COURT  
BY \_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of December, 2013, I mailed a copy of the my Document Request to the Defendant with sufficient postage, correctly addressed as follows:

Barnwell & Whaley  
288 Meeting St. Ste 200  
Charleston S. C. 29401  
CASE : 2013-CP-10-5351

*Jack Powell*  
Pro Se: Jack Powell

F

then uttered out of fear and severe pain, I don't give a \_\_\_\_\_ which hospital you take me to, get me up I'm in pain. Then the EMS put a collar around Mr. Powell's neck and assisted him to the ambulance, then transported him to MUSC.

NOW; back in the ER the security guards are called in and the doctor allows them to try and pull Mr. Powell from the bed. They are pulling on Mr. Powell's injured arm/shoulder and knee. Mr. Powell is yelling because of the pain being inflicted upon him and the security guards stop pulling. Then they try again and again they stop trying to pull Mr. Powell from the ER bed because of the yelling from pain.

} 7th

Then the Public Safety Officers came in and rudely told Mr. Powell to get off the bed and leave. The injured Mr. Powell responds with I'm in too much pain, I can't move. The Public Safety Officers again tells Mr. Powell to get off the bed and leave. Mr. Powell says I can't move and I'm not going to inflict anymore pain on myself, you will have to help me off the bed. Mr. Powell then said I want a second opinion and if you don't stop hurting me I will sue MUSC. The Officers then tell Mr. Powell we will take you home, anywhere you want to go or Roper Hospital.

The Officers painfully remove Mr. Powell from the bed and take him outside in a wheelchair. Then the public safety rudely tells Mr. Powell to get out of the wheelchair and leave. Mr. Powell says he can't get up because of the pain. Then they tell Plaintiff to leave premises or we will arrest you. Mr. Powell says I will not inflict anymore pain on myself for you and you will have to help me out of the wheelchair. Then the Public Safety Officers Kyle Radford and Jermaine Chapmen lifted Mr. Powell out of the wheelchair and put him into their police car to take him to the Al Cannon Jail for Trespassing; Refusal to Leave.

DATED

*Jack Powell*

Pro Se; Jack Powell

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2. Dr. Watson; Why did the security guards stop trying to pull Mr. Powell from the bed?

**ANSWER:** Objection. Defendant MUSC objects to Interrogatory No. 2 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC responds by stating that, upon information and belief, Mr. Powell was never pulled from the bed.

3. Security Guard Ron McKinnie; Why did you stop trying to pull Mr. Powell from the top of the bed?

**ANSWER:** Objection. Defendant MUSC objects to Interrogatory No. 3 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Detailed Activity Report bates labeled BWPH 1.555 (Powell) MUSC BWPH 1.555 (Powell) MUSC 160 with regard to any involvement by Hospital Security with Mr. Powell. Defendant MUSC further responds by stating that Officer McKinnie tried to assist Plaintiff into a seated position on the bed in order to assist him in moving from the bed to the wheelchair. Upon information and belief, Officer McKinnie stopped trying to assist Plaintiff from lying to a seated position because Plaintiff stated that he would not put anymore pain on himself for the hospital.

7. Security Guard Ron McKinnie; Did you think it was a good idea to try and pull the injured Mr. Powell from the bed the second time? Yes or No

**ANSWER:** Objection. Defendant MUSC objects to Interrogatory No. 7 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Detailed Activity Report bates labeled BWPH 1.555 (Powell) MUSC 160 with regard to any involvement by Hospital Security with Mr. Powell. Defendant MUSC further responds by stating that no one attempted to pull Mr. Powell from the bed at anytime.

10. Officer Kyle Radford; Why didn't you help Mr. Powell out of the wheelchair when he said he could not get out because of the pain?

**ANSWER:** Objection. Defendant MUSC objects to Interrogatory No. 10 on the grounds that it is misleading and vague. Without waiving and subject to the foregoing objection, Defendant MUSC states that Officer Radford and the other officers who responded to the dispatch call regarding Mr. Powell assisted Mr. Powell from the bed in the Emergency Department into a wheelchair. Once Mr. Powell was escorted from the Emergency Department and was outside of the Clinical Sciences building, Public Safety assisted him from the wheelchair into a patrol car.

SC0100900 MUSC Dept of PS  
SC0100900

# INCIDENT REPORT

INFORMATION ONLY

CASE NUMBER

2013000512

INVO. Yes No  
ENFD. No

*COPY*

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. TRESPASSING - REFUSE TO LEAVE		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DRUG STORE/DOCTOR'S		Individual Business Financial Inst Government Relig. Orgn Soc. Public Other Unknown Police Off.
2.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
3.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER) MUSC TRAUMA BED # 31 169 ASHLEY AVE, CHARLESTON, SC				ZIP CODE 29425-	WEAPON TYPE NONE	
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	LOCATION NO.	
06/22/2012	00:55		06/22/2012	02:09	HOSP	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) RADFORD, KYLE		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
		#1	#2	J	W	M
ADDRESS 101 DOUGHTY STREET		CITY CHARLESTON		STATE SC	ZIP CODE 29425-	LOCATION NO.

REPORTING/ARRESTING OFFICER - RADFORD, KYLE 130  
 RESPONDING OFFICERS LT WANNER, CPL CHATMAN, PFC K. RADFORD, PSO H. LUCAS, PSO S. STROBEL

ON THIS DATE, 06/22/2012, I WAS DISPATCHED TO MUSC TRAUMA CENTER BED # 31 IN REGARDS TO A PATIENT BEING DISCHARGED AND REFUSING TO LEAVE. I ARRIVED AT BED # 31 AND OBSERVED THE SUSPECT, LATER IDENTIFIED AS JACK POWELL, AS (HE LAY IN THE HOSPITAL BED IN AN SEATED POSITION) I INTRODUCED MYSELF AND INQUIRED WHY HE WOULD NOT LEAVE THE AREA AFTER BEING TREATED AT MUSC. HIS RESPONSE TO ME WAS "I AM IN PAIN AND I CANNOT MOVE WITHOUT FEELING PAIN AND I WILL NOT MOVE (I WILL NOT INFLICT MORE PAIN FOR MYSELF FOR THIS HOSPITAL) SHORTLY THEREAFTER CORPORAL CHATMAN AND LIEUTENANT WANNER ARRIVED AND INQUIRED MR. POWELL WHY HE WOULD NOT LEAVE THE AREA AFTER BEING TREATED AND HE PRODUCED THE SAME ANSWER. IN ADDITION TO HIS PREVIOUS STATEMENTS HE ADDED, "I DON'T HAVE TO DO ANYTHING I DON'T WANT TO AND NOW I AM STARTING TO GET A LITTLE PISSED OFF." DURING THE TIME OF THE QUESTIONING FROM LIEUTENANT WANNER AND CORPORAL CHATMAN I CONTACTED DISPATCH VIA THE RADIO TO INQUIRE IF THE SUSPECT HAD ANY WANTS/WARRANTS OR PREVIOUS FIELD INTERVIEW CARDS. DISPATCH RESPONDED AND ADVISED THAT THE SUSPECT HAD NO OUTSTANDING WANTS/WARRANTS OR PREVIOUS F.I.S. LIEUTENANT WANNER THEN SPOKE TO THE PHYSICIAN, DR. SIMON WATSON, THAT WAS IN CHARGE OF THE SUSPECT'S CARE. DR. WATSON ADVISED THAT THE SUSPECT HAD BEEN BROUGHT IN BY CHARLESTON COUNTY EMS FROM THE FOLLY ROAD AREA DUE TO BEING FOUND ON THE ROAD AND HAD THE APPEARANCE OF SUFFERING FROM A FALL. ACCORDING TO DR. WATSON HE WAS CHECKED OUT EXTENSIVELY BY THE MEDICAL PERSONAL AND HIS CURRENT INJURIES ARE NOT SUFFICIENT ENOUGH TO CAUSE SUCH PAIN THAT WOULD BE INCAPACITATING. DR. SIMON ADVISED THAT THE SUSPECTS MAJOR INJURIES WERE FROM PAST TRAUMA AND STILL WOULD NOT CAUSE HIM TO BE INCAPACITATED AT THIS TIME.

*PAIN*  
*NOW GETTING ANGRY*  
*TAKEN*

AFTER SPEAKING WITH THE IN CHARGE PHYSICIAN THE SUSPECT WAS TAKEN FROM BED # 31 BY HOSPITAL SECURITY AND PUBLIC SAFETY AND ESCORTED OUTSIDE OF TRAUMA TO THE CLINICAL SCIENCE RAMP AREA. I THEN TOLD THE SUSPECT THAT HE HAD THE CHOICE OF LEAVING THE AREA UNDER HIS OWN FREE WILL AND NEEDED TO DO SO. HE WAS ALSO ADVISED FAILURE TO LEAVE WOULD RESULT IN AN ARREST AND JAIL. THE (SUSPECT THEN STATED) THAT HE WOULD NOT INFLICT ANYMORE INJURY FOR THIS HOSPITAL." THE SUSPECT WAS ADVISED AGAIN THAT HE NEEDED TO LEAVE THE AREA THE SUSPECT THEN DID NOT MOVE.

*loitering*  
*Cuffed*  
*BACK SEAT ALONE*  
*"34" minutes*

AT 02:09 AM HE WAS PLACED UNDER ARREST FOR TRESPASSING REFUSING TO LEAVE DUE TO THE FACT HE HAD BEEN INSTRUCTED TO LEAVE BY MYSELF AND DID NOT DO SO AND DUE TO HIM CONTINUING TO LOITER ABOUT THE PREMISES. HE WAS CHARGED ON UTC 95432CE. HE WAS HANDCUFFED IN FRONT DUE TO HIS MEDICAL ISSUES AND HANDCUFFS WERE DOUBLE LOCKED AND CHECKED FOR TIGHTNESS. ALSO, DUE TO HAVING TO BE HANDCUFFED IN THE FRONT HE WAS ALSO SECURED WITH LEG IRONS THAT WERE DOUBLE LOCKED AND CHECKED FOR TIGHTNESS. HE WAS SEARCHED INCIDENT TO ARREST YIELDING NEGATIVE RESULTS. HE WAS THEN PLACED IN PATROL UNIT # C-47 AND PLACED IN THE RIGHT REAR PASSENGER SEAT AND SECURED WITH THE SEAT BELT.

AT 02:10 AM HE WAS TRANSPORTED FROM THE ARREST SITE TO MUSC-DPS HEADQUARTERS PARKING LOT LOCATED AT 101 DOUGHTY ST. CHARLESTON SC, 29425 FOR COMPLETION OF JAIL INTAKE FORM, ARREST AND BOOKING REPORT, AND CHARGING DOCUMENT (UTC) PRIOR TO DEPARTING FOR THE CHARLESTON COUNTY DETENTION CENTER.

AT 02:44 AM PSO LUCAS AND MYSELF DEPARTED HEADQUARTERS PARKING LOT FOR THE CHARLESTON DETENTION CENTER VIA MOST DIRECT ROUTE, STARTING MILEAGE 69688.6. AT 03:07 AM TRANSPORTING OFFICERS ARRIVED AT CHARLESTON COUNTY DETENTION CENTER, ENDING MILEAGE 69696.6. UPON ARRIVAL AT THE DETENTION CENTER WEAPONS WERE SECURED IN THE REAR OF PATROL CAR UNIT # C-47. AFTER WEAPONS WERE SECURED, HE WAS REMOVED FROM THE REAR OF C-47 AND TAKEN INTO CHARLESTON COUNTY DETENTION CENTER FOR PROCESSING WITHOUT INCIDENT. HE WAS LODGED IN UNDER CHARGING DOCUMENTS, UTC 95432CE. HE WAS ADVISED THAT HIS COURT DATE WOULD BE 07/11/2012 AT 9:00 AM TO APPEAR BEFORE JUDGE COKER COURT LOCATED AT 4045 BRIDGEVIEW DR. CHARLESTON SC, 29406. HIS PROPERTY WAS RELEASED TO THE CUSTODY OF THE CHARLESTON COUNTY DETENTION CENTER. THE SUSPECTS PROPERTY WAS RELEASED TO THE CUSTODY OF THE CHARLESTON COUNTY DETENTION CENTER.

AT 03:20 AM PSO LUCAS AND MYSELF DEPARTED THE JAIL AND RETURNED BACK TO HEADQUARTERS. PATROL UNIT C-47 WAS SEARCHED PRIOR TO AND UPON COMPLETION OF THE TRANSPORT TO THE CHARLESTON COUNTY DETENTION CENTER WITH NEGATIVE RESULTS.



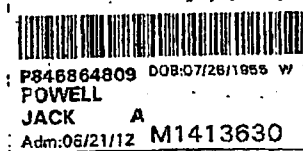
"PHYSORDER"

Emergency Services Triage  
Physician Orders  
Page 1 of 1

Form Origination Date: 10/05  
Version: 9

Version Date: 12/10

SW



P846864809 DOB:07/26/1955 W  
POWELL  
JACK A  
Adm:06/21/12 M1413630

Patient Name  
MRN

PATIENT IDENTIFICATION LABEL

ALLERGIES/DRUG SENSITIVITY: 1. WCOPT 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_

INITIAL ORDERS:

DATE: 6/21/12 TIME: 10:40 PM

- Cardiac monitor
- Non-invasive blood pressure
- Pulse oximeter Result: \_\_\_\_\_
- Continuous pulse oximetry
- INT (intermittent access IV)
- IV fluids Type: \_\_\_\_\_ Rate: \_\_\_\_\_
- Oxygen Method: \_\_\_\_\_
- EKG
- Orthostatic VS Result: \_\_\_\_\_
- Foley catheter

LABS

- CBC with differential
- Basic metabolic panel
- Hepatic panel
- i-STAT<sup>®</sup> troponin: i-STAT<sup>®</sup> Result: \_\_\_\_\_
- PT / PTT / INR
- ABG
- Clean catch U/A
- Urine culture
- $\beta$ -HCG qualitative (urine)
- Blood culture
- Lactic acid i-STAT<sup>®</sup> i-STAT<sup>®</sup> Result: \_\_\_\_\_
- Finger-stick blood glucose Result: \_\_\_\_\_
- Hemocult<sup>®</sup> card Result: \_\_\_\_\_
- Controls correct? (positive-blue, negative-no change)  Yes  No  
Time: \_\_\_\_\_ Initials: \_\_\_\_\_

RADIOLOGY

- Plain films: Shoulder @ Knee @ Anx
- CT scans: CT Head / C-spine

PROTOCOLS

- Asthma
- Heparin (cardiology)
- Community acquired pneumonia
- Other
- Acute coronary syndrome / Acute MI
- Heparin (PE / DVT)
- Sepsis

OTHER ORDERS:

RN Signature \_\_\_\_\_

*Jill Pentz*  
(Completed above orders)

Physician Signature \_\_\_\_\_

*BOC J*

Pager ID \_\_\_\_\_

ADDITIONAL ORDERS (MUST be timed and initialed):

Discharge	Order	Time	Physician Signature	Pager ID	RN	Time
<input checked="" type="checkbox"/>	Morphine 5mg IM	11:00	<i>[Signature]</i>	15114	RN <i>[Signature]</i>	
<input checked="" type="checkbox"/>	1/2 PC Home	12:47	<i>[Signature]</i>	15114	RN <i>[Signature]</i>	
<input checked="" type="checkbox"/>	Oxycodone 10mg PO	12:47	<i>[Signature]</i>	15114	RN <i>[Signature]</i>	DOSS
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

12:55  
given medication

OTE 700188 Rev. 12/10

**Medical University of South Carolina**

171 Ashley Avenue  
Charleston, SC 29425  
843-792-3826

Patient: Jack Powell MR#: 1413630 Date: 06-22-2012 Time: 00:25:10 Page 1

→ **Instructions for: Jack Powell MR#: 1413630**  
**Date: 06-22-2012 Your care provider was: Jacobsen/Watson**

**Fall without apparent injury:**

No apparent injury was found during today's exam. You may develop some soreness and stiffness over the next two days. Mild neck and back strain is common in auto accidents, and may not be painful until the muscle becomes inflamed. But if nothing is painful now, there is no fracture, and x-rays are not needed.

← I had "4" X-RAYS

If you develop pain over the next couple of days, treat each tender area. Apply cold packs directly to the painful spot. Rest. Antinflammatory pain medication, such as ibuprofen, can decrease soreness and inflammation.

Most of the time, these late-developing pains go away within a few days. Most patients are back at work or school within a week. The area might be little irritable for two or three weeks.

You should call the doctor, or go to the hospital, if you develop severe neck, chest, or abdominal pain, repeated vomiting, severe lightheadedness or weakness, trouble breathing, numbness or weakness in any extremity, problems with your bladder or bowel, or pain radiating down an arm or leg.

**Extremity X-Ray: Right Knee; Right Shoulder Plain Films**

This radiographic study was performed during your ED visit.

**CT Scan of Head**

This radiographic study was performed during your ED visit.

Barcode  
P846864809 DOB:07/26/1955 W  
POWELL  
JACK A  
dm:06/21/12 MI413630

**CT Scan of C-Spine**

This radiographic study was performed during your ED visit.

**Pain medication injection:**

You have received an injection of a pain medication. You should experience significant pain relief within 45 minutes. This drug is a narcotic – It will impair your judgement, slow your reaction time and make you sleepy (as well as relieve your pain). Narcotics also can cause nausea.

You should not drive, work with machinery, or perform any task requiring mental alertness until all effects of the medication are gone – six to eight hours. Do not take any alcohol, or sedatives, and do not take any other medication without checking with your physician.

**Oral narcotic given:**

You've been given an oral narcotic pain medication. The effects may begin 30 minutes to an hour after swallowing the medicine. You should have significant pain relief. The effects will usually last at least four hours.

←

Most oral narcotics contain a dose of acetaminophen (Tylenol). Don't take any other acetaminophen-containing medicines until you've discussed it with the doctor.

This drug is a narcotic – It will impair your judgment, slow your reaction time, and make you sleepy. Narcotics also can cause nausea and constipation. If you feel sick, you should eat. A full stomach reduces the nausea that pain pills can cause.

You should not drive or work with machinery (including blenders, knives, lawn mowers or sewing machines) for six to eight hours. Don't do anything requiring mental alertness until the effects of the medication are gone. Do not take any alcohol or sedatives, and don't use any other medication without checking with your physician.

**Follow-up care:**

You should follow up with your primary care physician within the next 3-5 days regarding your visit today. If you do not have a primary care physician a list of providers is listed below. You should return if there is unexpected worsening or a significant change in your symptoms. If you have a question, please



\*PTINSTRUC\*

K

8. MUSC Public Safety Officer Kyle Radford; Did you tell Mr. Powell to get out of the wheelchair and leave? Yes or No

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 8 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Incident Report and Additional Narrative bates labeled BWPB 1.555 (Powell) MUSC 154-159 with regard to the Public Safety officers involvement with Mr. Powell. Defendant MUSC further states that Mr. Powell was discharged from the hospital and refused to leave following discharge. Public Safety informed Mr. Powell that he was free to leave at anytime. Public Safety notified Mr. Powell of several options prior to his arrest, including (1) calling his wife or someone to pick him up from MUSC, (2) taking him home or anywhere he wanted to go, and (3) taking him to Roper Hospital.

14. Officer Jermaine Chapman; Do you think Mr. Powell should have been arrested because he could not get out of the wheelchair? Yes or No

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 14 on the grounds that it is misleading. Mr. Powell was discharged from the Emergency Department on June 22, 2012, but refused to sign his discharge paperwork and refused to leave the hospital. Defendant MUSC offered Mr. Powell several options prior to his arrest on June 22, 2010. The options included, (1) calling his wife or someone to pick him up from MUSC, (2) taking him home or anywhere he wanted to go, and (3) taking him to Roper Hospital. Officer Wanner was one of the officers who made the foregoing offers to Mr. Powell. Mr. Powell was arrested because he continued to loiter about the premises after being warned off the premises by MUSC.

9. Officer Frederick Warner; Was it you that told Mr. Powell you would take him to Roper Hospital or home after Mr. Powell had said he wanted a second opinion and was threatening to sue? Yes or No

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 9 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Incident Report and Additional Narrative bates labeled BWPB 1.555 (Powell) MUSC 154-159 with regard to the Public Safety officers involvement with Mr. Powell. Defendant MUSC further responds by stating that it does not recall Mr. Powell requesting a second opinion. Defendant MUSC offered Mr. Powell several options prior to his arrest on June 22, 2010. The options included, (1) calling his wife or someone to pick him up from MUSC, (2) taking him home or anywhere he wanted to go, and (3) taking him to Roper Hospital. Officer Wanner was one of the officers who made the foregoing offers to Mr. Powell.

PLAINTIFF  
ASKED  
TO  
ADMIT!

4. Admit that the MUSC Public Safety Officers offered to take Plaintiff to Roper Hospital on the morning of June 22, 2012. ANSWER; ADMIT-WHEN ON BED.

5. Admit that the MUSC Public Safety Officers offered to take Plaintiff home on the morning of June 22, 2012. ANSWER; ADMIT -WHEN ON BED :

6. Admit that the MUSC Public Safety Officers offered to call someone for Plaintiff to pick Plaintiff up from MUSC on the morning of June 22, 2012. ANSWER; ADMIT-WHEN ON BED

7. Admit that after Plaintiff told the MUSC Public Safety Officers that they would have to help him off of the bed, the Officers assisted Plaintiff in moving from the bed into the wheelchair. ADMIT; AFTER UNBEARABLE CONTINUED HARASSMENT AND FEAR.

8. Admit that after Plaintiff was placed in the wheelchair, the MUSC Public Safety Officers transported him outside of the hospital in the wheelchair. ANSWER; ADMIT

9. Admit that, once outside of the hospital, the MUSC Public Safety Officers informed Plaintiff that he was free to leave the premises.

ANSWER; DENY, According to officer Kyle Radford when he wrote "6" days later; Then told the suspect that he had the choice of leaving the area under his own free will and better do so.

10. Admit that, once outside of the hospital, the MUSC Public Safety Officers asked Plaintiff to leave the premises. DENY; THEY TOLD ME I HAD A "CHOICE" TO LEAVE.

11. Admit that, once outside of the hospital, Plaintiff told the MUSC Public Safety Officers that he could not get up out of the wheelchair. ANSWER; ADMIT

12. Admit that, once outside of the hospital, Plaintiff told the MUSC Public Safety Officers that they would have to help him out of the wheelchair.

ADMIT ONCE OUTSIDE PUBLIC SAFETY CONTINUED UNBEARABLE HARASSMENT, REFER TO QUESTIONS 9, 10, 11 ONLY AFTER CONTINUED UNBEARABLE HARASSMENT, THE PERSISTANCE TO ARREST ME, UNDER THE INFLUENCE OF OXYCODONE AND WAS UNABLE TO MAKE PROPER DECISIONS FOR MYSELF THAT WERE INFLUENCED BECAUSE OF FEAR.

*From of arm extended; de/te*

HEMA/LYMPH:  Normal  
 MS (includes neck and back):  Normal  Neck Pain  Back Pain **TIP lower C5 spine; (C) C6; (C) Shoulder; (C) Omoye Deform**  
 NEURO:  Normal  Lethargic  Obtunded  Disoriented  Focal Deficit GCS: **15 - Strength 7/5 - sensation intact.**

MEDICAL DECISION MAKING:  Discussed With Family  On Chain Requested FINDINGS: **Normal C5/C6**

DDX:  Contusion  Skull Fx  Hemothorax  Flail Chest/Multiple Rib Fxs  Pneurothorax  Hip Fx  Chest Contusion  Abdomen  ALL  
 Sprain  Calcaneus Fx  Spine Injury  Subdural Hematoma  Traumatic Aortic Dissection  Collar's Fx  Fracture **WOUNDS**

LAB PERFORMANCE:  Labs Essentially Normal Unless Noted Below **like to raise legs?**

CBC WBC Hg Hct Plts  PT/PTT  T&S  T&C

CHEMISTRIES: Na K  HCO<sub>3</sub> BUN Cr Glu  
 URINALYSIS: pH SG Protein Glu WBCs RBCs Bacteria  ETOH:

EKG INTERPRETATION:  NSR  No ST Abnormality  
 Compared To EKG On \_\_\_/\_\_\_/\_\_\_;  No Significant Change

RHYTHM STRIP: PULSE ON INTERPRETATION:  Normal  Hypoxic

IMAGING:  C SPINE  Normal **Fracture/Dislocation; DDD @ C5-6; C6-7**  Preliminary /  Read By Radiologist

CXR:  Normal  PTX  Rib Fx  
 PELVIS/HIP:  Normal  
 CT OF HEAD:  Normal **Subtle fracture**

ADDITIONAL PROCEDURES (Done by Physician):  NGT Insertion  Foley Insertion  ABG  See Procedure Note  See Addendum  
 Vaso-Active Drips  Blood Transfusion  Venous Cutdown  Splint Application  Splint Inspection Other:  
 IV Hydration /  IV Infusion  [Injection] directly supervised by me. **Morphine 5mg -> PAIN improved**

RE-EVALUATION Times:  Improved  Worsened  No Change

*Pain improved 2 hrs Morphine. Reviewed all limbs & radiologist. Fracture fractures. Head CT w/o evidence of intracranial pathology. Nerve conduction study. Pt. very happy aggressive deny towards powder; thought to object a lawyer. taking for 2nd opinion to be tried. Stable vs; GCS 15.*

*2nd opinion  
 I get  
 LAWYER*

**Dr. Fall; Fracture Injury; Dependent Dist. Dr.;** **Billy Knicker**

CRITICAL CARE: I as ED Attending have spent \_\_\_ minutes in the direct care of this critically ill patient, excluding procedure time.  Comfort measures only

CONSULTATION: Dr. @ Returned @ Dr. @ Returned @  
 To See @  ED  Hospital  Office Renewed

ADMITTING TEAM:

ATTENDING PHYSICIAN NOTE:

HISTORY: **Pt seen + exam. Believed stable on arrival, return to EMS and Resid Bill Jacobson as "asthma". Pt sits tripod over wine, all. glauc. 90 neck, shaw**

EXAM: **and been pain. ct head, c-spine (C) xray = pain arm, arth**  
 MEDICAL DECISION MAKING: **no acute injury. Pt seen at me, shd, swans to see, at neuro exam**  
**any all exts. Security called to timely behavior. IM Morph. PO ortho**

FINAL IMPRESSION: **Concussion, Contusion, DDD**

DISPOSITION:  Discharge  Improved /  Stable  Admit  Transfer  AMA  LWT  LDT  DOA  ED Death

Prescriptions: Follow-up:  PMD  
 I performed /  I was present for the H & P on the patient. I have discussed treatment / management options with the ( PA /  NP /  Resident /  Student).

I agree with the documented findings and the plan of care. Comments:  
 PA / ARNP: **Sub** DATE/TIME:  
 MD'S SIGNATURE: **Sub** DATE/TIME:



ED RECORD  
 FALL - MALE



*DR. SIMON WATSON*

W

3. Security Guard Ron McKinnie; Why did you stop trying to pull Mr. Powell from the top of the bed?

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 3 on the grounds that it is misleading. Without waiving and subject to the foregoing objection, Defendant MUSC craves reference to the Detailed Activity Report bates labeled BWPH 1.555 (Powell) MUSC BWPH 1.555 (Powell) MUSC 160 with regard to any involvement by Hospital Security with Mr. Powell. Defendant MUSC further responds by stating that Officer McKinnie tried to assist Plaintiff into a seated position on the bed in order to assist him in moving from the bed to the wheelchair. Upon information and belief, Officer McKinnie stopped trying to assist Plaintiff from lying to a seated position because Plaintiff stated that he would not put anymore pain on himself for the hospital.

5. Security Guard Ron McKinnie; Which do you consider combative? The one you have to tie down to the bed or the one that is in pain and can barely move?

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 5 on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving and subject to the foregoing objection, Defendant MUSC responds by stating that Officer McKinnie would defer to a physician regarding the assessment of whether a patient is combative. Defendant MUSC further states that the assessment of whether an individual is combative depends on the circumstances and involves the exercise of clinical judgment.

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 22 on the grounds that the use of the phrase "satisfied customer" is vague. Without waiving and subject to the foregoing objection, Defendant MUSC states that Mr. Powell made complaints about both EMS and the hospital staff.

14. Officer Jermaine Chapmen; Do you think Mr. Powell should have been arrested because he could not get out of the wheelchair? Yes or No

ANSWER: Objection. Defendant MUSC objects to Interrogatory No. 14 on the grounds that it is misleading. Mr. Powell was discharged from the Emergency Department on June 22, 2012, but refused to sign his discharge paperwork and refused to leave the hospital. Defendant MUSC offered Mr. Powell several options prior to his arrest on June 22, 2010. The options included, (1) calling his wife or someone to pick him up from MUSC, (2) taking him home or anywhere he wanted to go, and (3) taking him to Roper Hospital. Officer Wanner was one of the officers who made the foregoing offers to Mr. Powell. Mr. Powell was arrested because he continued to loiter about the premises after being warned off the premises by MUSC.

DATED & Signed on 8-8-14

