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JUL 17 2015

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

SC Court of Appeals

Appeal from Richland County

Court of Common Pleas

---

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

---

Case No. 2014-CP-2507

---

Amended RECORD ON APPEAL

Case No. 2015-000061

Brenda G. Harmon, Appellant,  
v.  
Joel E. Johnson, DMD, Respondent.

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia, S.C. 29223  
(803) 865-1922  
Prose / Attorney

Kelli L. Sullivan, Esquire  
P. O. Box 7271  
Columbia, S. C. 29202 -  
(803) 256-4645  
Attorney for Responder

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Cases:

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. Case # 2012-213454

Delta Apparel, Incorporated, Respondent, v. Daniel G. Farina, Appellant, Appellant Case No. 2012-205467

Wells Fargo Bank, N. A., successor-in-interest to Wachovia Bank, National Association, Plaintiff, v. Marion Amphitheatre, LLC, David P. Gannon, Micheal

Guarco, Carolina Entertainment Complex, LLC, and 4 Prophets,  
LLC a/k/a 4Profits, LLC, Defendants,

Of whom David P. Gannon and Michael Guarco are the Appellants,

And 4 Prophets, LLC, a/k/a 4 Profits, LLC, is the respondent.

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

From Va.

Alyssa Chalifoux v. Radiology Associates of Richmond, INC

Record No. 100052

SUPREME COURT OF VIRGINIA

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

April 21, 2011, Decided

Charters of Freedom / Bill of Rights

Copy of Overpayment to Court Reporter, less pages than she originally thought.  
??

3 Pictures of my mouth.

Me, the Appellant, My mouth.

Witnesses

Dr. Gregg W. McKenzie, performed five (5), surgeries on me, the Appellant, diagnosing the fact that bones were broken in my mouth. Attempt to repair. Summon.

Dr. Hamid Bahadori, diagnosed and informed me, the Appellant what the problem is and where it came from. I am to inform him as soon as I get a date for a trial hearing, so that he could make time to appear. Charleston, South Carolina.

Dr. Wm. Trent Gillespie, performed four (4), surgeries on me the Appellant. Summon, Columbia, South Carolina.

Me, the Appellant, Brenda G. Harmon

Dr. Joel Johnson, hostile witness, he must own-up to what he did.

The Law is for everybody, not just the rich, nor is it just for whites. It is prevalent that blacks are being killed on a daily basis by white police officers. There is no difference than a white doctor killing blacks, and the Courts letting it

happen. As pretty as Judge Benjamin is, she failed to read my case, as my mother would say, "she just don't know any better".

I have provided South Carolina Court of Appeals, the information that I have and is willing to use more on their (Responders), questions when asked. I'm not an Attorney/Lawyer, Court Reporter, Typist, Student, or whatever else you might think I am trying to be, reality is that I am a human being trying to achieve the rights that I was born with.

Sincerely;

Brenda G. Harmon

A handwritten signature in black ink that reads "Brenda G. Harmon". The signature is written in a cursive style with a large initial 'B'.

June 14, 2015

THE SOUTH CAROLINA COURT OF APPEALS

In The Court of Appeals

Brenda G. Harmon

V.

Joel E. Johnson, DMD

Case No. 2015-000061

Re: Kelli L. Sullivan, Esquire

I, Brenda G. Harmon, duly swears to the Court of Appeals that I have served, Attorney Kelli L. Sullivan, Proof of Service by via S. C. Sheriff Dept. *On the date below.*

Sincerely

Brenda G. Harmon

June 15, 2015



# The South Carolina Court of Appeals

Brenda G. Harmon

01/12/2015

## RECEIPT #74757

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<b>Comments:</b>	McKay, Cauthen, Settana & Stublely, PA v. Brenda G. Harmon.

FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

-----  
Case No. 2014-CP-02507  
-----

Kelli Sullivan, as Personal

Representative of Joel E Johnson, DMD

Respondent

v.

Brenda G. Harmon

Appellant

-----  
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Joel E. Johnson, DMD, by depositing a copy of it in the United States Mail, postage prepaid, on January 12,

2015, and today January 22, 2015, addressed to his attorney of record, Kelli Sullivan, Post Office Box, 7217, Columbia, South Carolina 29202-7217.

January 22, 2015

s/ Brenda G. Royster  
2110 Woodfield Drive  
Columbia, South Carolina  
29223  
(803) 865-1922  
Appellant / Pro' Se

RECEIVED

JAN 12 2015

SC Court of Appeals

I certify that this document is a true and original copy

Brenda G. Harmon

1/12/15

Date

On 12th day of January, 2015

County of Richland

State of South Carolina

Notary Public AFuller

My commission expires 02/21/2024



FORM 1

NOTICE OF APPEAL IN A CIVIL CASE

**RECEIVED**

JAN 14 2015

**SC Court of Appeals**

74757

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

Case No. 2014-CP-02507

MCKAY, CAUTHEN, SETTANA & STUBLEY, P.A.  
REPRESENTATIVES FOR JOEL E. JOHNSON, DMD

RESPONDENT

VS.

BRENDA G. HARMON,

APPELLANT

NOTICE OF APPEAL IN A CIVIL CASE

Brenda G. Harmon appeal the order/judgment of the Honorable DAndrea G. Benjamin dated January 8, 2015. Appellant received notice of entry of this order/judgment on Saturday, January 10, 2015. This judgment was passed on two motions, a). Motion for Default and b). Motion to Dismiss, by Judge Benjamin. Reasons from the respondent states that they were not

**COPY**

Notified in a timely manner, therefore they did not appear for the hearing that was heard by The Honorable Judge Allison Lee, heard on August 11, 2014, courtroom 3-B. From the hearing, Representatives for the defense failed to appear, The Honorable Judge Allison Lee, was shown the damage to my mouth, and explained how I/plaintiff, am suffering, for which I will continue to suffer from the rest of my life, because the problem is chronic. I was granted the right to have a trial.

As time passed in hopes of having the trial at any day, I requested to the Courts, a motion for Default Judgment, with respondents requesting a motion to the Courts to Dismiss. Both hearings was scheduled to be heard on December 16, 2014, but was changed to January 6, 2015, because of the holidays. On January 6, 2015, both hearings were heard, by The Honorable Judge and I/Appellant, was denied all rights to have a trial, and was advised by the same Judge, that the case is closed. I was not told by the Judge, that I have the right to appeal. I was also told that I failed to produce a signed affidavit, by a licensed Doctor who would Absolutely, say that Joel E. Johnson, DMD, is responsible for the damages that are in my mouth. I was last denied because of my right to wait until last ten days before the Statue of limitations expired.

Regardless of time limitations with the statue, I filed within my rights of filing. That is a right, handed down from the courts. So, it doesn't matter whether it was 10 months or ten days. I appeal for this reason. The overview: case #281 Va. 690; 708 S. E.2d834; 2011 Va. LEXIS 87, heard by the Supreme Court of Virginia, (In April 2010). I the Appellant was well within the time limits of filing. As for not having an Affidavit, Having used Medical statement from Prominent Doctors of Medic in the same Judicial System, being granted the right to have a trial, when they affidavit/medical records signed by a Doctor is the same. Case # 2012-213464, Vicki L. Wilkerson, 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. In The State Of South Carolina, states that appellant did not have an affidavit, and was granted a reversed decision from the lower Court. Heard May 20, 2014.

January 12, 2014

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia, South Carolina 29223  
(803) 865-1922  
Pro Se'

Counsel of Record:

Kelli L. Sullivan

P. O. Box 7217

Columbia, South Carolina 29202-7217

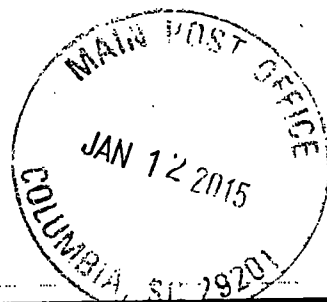
Attorney for Respondent

(803) 256-4645 Fax: (803) 765-1839



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2110 Woodfield Dr.  
Columbia, SC 29223

TO McKay, Cathen,  
Sattana + Stubbley, P.A.  
c/o Kelli L. Sullivan  
P.O. Box 7217  
Columbia, SC 29202-7217

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SC Court of Appeals

Brenda G. Harmon  
2110 Woodfield Dr.  
Columbia, S.C. 29223

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c/o Kelli L. Sullivan  
P.O. Box 7217  
Columbia, SC. 29202-7217

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SC Court of Appeals

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JAN 12 2015

SC Court of Appeals

I certify that this document is a true and original copy

Brenda G. Harmon

1/12/15

Date

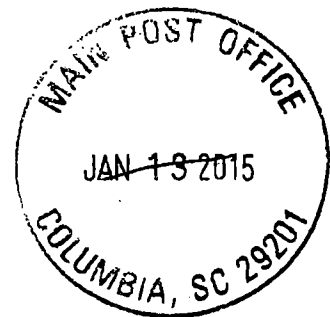
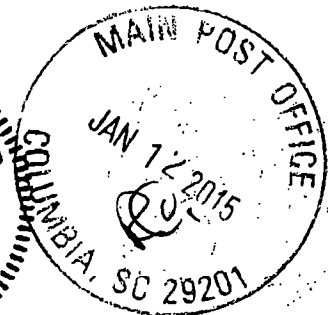
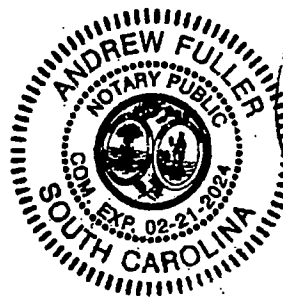
On 12th day of January, 2015

County of Richland

State of South Carolina

Notary Public A Fuller

My commission expires 02/21/2024



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**RECEIVED**

JAN 12 2015

**SC Court of Appeals**

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# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 16, 2015

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia SC 29223

Re: Brenda Harmon v. Joel Johnson  
Appellate Case No. 2015-000061

Dear Ms. Harmon:

Upon reviewing your notice of appeal, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this appeal will be dismissed:

- The notice of appeal is not accompanied by the order and/or judgment challenged on appeal.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The notice of appeal does not have a signature.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Kelli Lister Sullivan, Esquire

STATE OF SOUTH CAROLINA )  
)  
)  
COUNTY OF RICHLAND )  
)  
Brenda G. Harmon, )  
)  
Plaintiff, )  
)  
v. )  
)  
Joel E. Johnson, D.M.D., )  
)  
Defendant. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

CASE NO: 2014-CP-40-02507

ORDER DENYING PLAINTIFF'S  
MOTION FOR DEFAULT JUDGMENT

**RECEIVED**

JAN 23 2015

**SC Court of Appeals**


FILED  
JAN 23 2015  
FIFTH JUDICIAL CIRCUIT

This matter came before me upon Plaintiff's Motion for Default filed on November 10, 2014. A hearing was held before me on January 6, 2015 at 9:30 am during the Common Pleas Non-Jury Term of Court in Richland County at which Plaintiff represented herself pro se, and Dr. Johnson was represented by Kelli Sullivan, Esq.

Plaintiff's Complaint was originally filed on April 17, 2014, and served on the Defendant May 22, 2014. Defendant filed a Motion to Dismiss on May 30, 2014. That Motion to Dismiss was denied with leave to re-file by Judge Alison Lee on August 11, 2014. Defendant then filed an Answer on August 12, 2014, and a second Motion to Dismiss on September 23, 2014.

Plaintiff claims that Defendant never filed a timely Answer in the case; however, there is an Answer in the Court's file, as well as a Certificate of Service noting that the Answer was served on the Plaintiff at her last known address. I find that the Defendant timely answered the Complaint in this case.

IT IS THEREFORE ORDERED that Plaintiff's Motion for a Default Judgment is DENIED.

  
\_\_\_\_\_  
Hon. DeAndrea G. Benjamin  
Fifth Judicial Circuit

Columbia, South Carolina  
January 16, 2015.

**COPY**

**SCANNED**

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

JUDGME IN A CIVIL CASE

CASE NUMBER: 2014CP4002507

Brenda Harmon

JAN 23 2015

Joel Johnson

**SC Court of Appeals**

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

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

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

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

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

**INFORMATION FOR THE PUBLIC INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 7 January 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Brenda Harmon

Kelli Lister Sullivan

Brenda Harmon

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court

*Jeannette W. McBride*

23. BJR

2015, and today January 29, 2015, addressed to his attorney of record, Kelli Sullivan, Post Office Box, 7217, Columbia, South Carolina 29202-7217.

BJH.  
January 23, 2015

s/ Brenda G. Royster *Harmon*

2110 Woodfield Drive

Columbia, South Carolina

29223

(803) 865-1922

Appellant / Pro' Se

*Brenda Harmon*



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
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January 28, 2015

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia SC 29223

Re: Brenda Harmon v. Joel Johnson  
Appellate Case No. 2015-000061

Dear Ms. Harmon:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/HTMLFiles/2014-04-15-02.htm](http://www.sccourts.org/courtOrders/HTMLFiles/2014-04-15-02.htm). Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

Brenda G. Harmon, Appellant,

v.

Joel E. Johnson, D.M.D., Respondent.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

Jammy Abbott Kitchings

CLERK

cc: Kelli Lister Sullivan, Esquire



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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FAX: (803) 734-1839  
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February 02, 2015

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia SC 29223

Re: Brenda Harmon v. Joel Johnson  
Appellate Case No. 2015-000061

Dear Ms. Harmon:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have ordered the transcript directly from the court reporter, along with a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. Be sure to copy the Court, opposing counsel, and the Office of Court Administration with all correspondence concerning the transcript.

Your appeal will be dismissed if no motion is made within ten days of the date of this letter.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings". The signature is written in a cursive style and includes a stylized flourish at the end.

CLERK


cc: Kelli Lister Sullivan, Esquire

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MAR 11 2015

SC Court of Appeals

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From: Brenda Harmon, 2110 Woodfield Dr., Col, SC 29223  
Memo: Transcript #2014-CP-40-2507

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FORM 11

LETTER ORDERING TRANSCRIPT FROM COURT REPORTER

FEBURARY 4, 2015

**RECEIVED**

FEB 05 2015

SC Court of Appeals

HILDA JORDAN/COURT REPORTER

P. O. BOX 435

Lexington, S. C. 29071

RE: Kelli Sullivan, Representative for Joel E. Johnson, DMD,

Respondent Joel E. Johnson, DMD, v. Brenda G. Harmon, Appellant, Case No. 2014-CP-40-2507

Dear Ms. Hilda Jordan,

On January 6, 2015, the above case was heard before the Honorable DeAndrea G. Benjamin, Fifth Judicial Circuit, in Columbia, South Carolina, Richland County. My records indicate that you were the court reporter for this case.

I request that you provide me with a transcript of the proceedings. Please transcribe the entire record.

I am agreeing to pay the per page charge for this transcript as provided by Rule 607, SCACR.

Sincerely,

Brenda G. Harmon/Pro Se'

2110 Woodfield Drive

Columbia, South Carolina 29223

*Brenda G. Harmon*

cc: Kelli Sullivan

Clerk, Court of Appeals

**COPY**

- A transcript of the entire proceedings is ordered.

*BBR.*

SECOND REQUEST: PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

**RECEIVED**

MAR 04 2015

**SC Court of Appeals**

DeAndrea G. Benjamin, Fifth Judicial Circuit court Judge

Case No. 2014-CP-02507

-----  
Appellant Case No. 2015-000061  
-----

Kelli Sullivan, as Personal

Representative of Joel E. Johnson, DMD

Respondent

V

Brenda G. Harmon

Pro Se'

Appellant

-----  
SECOND REQUEST: PROOF OF SERVICE  
-----

I, BRENDA G. Harmon, certifies to the courts that I have served a Letter, ORDERING TRANSCRIPT

FROM THE COURT REPORTER, documented Feb., 04, 2015, and served on Feb., 05, 2015,  
Ordered through the United States Postal Service, approx., 10:48:23, a.m. Sent to Hilda  
Jordan/Court Reporter, P. O. Box 435, Lexington, S. C. 29071. A copy of this notice was also  
sent to Attorney Kelli Sullivan, representative for Respondent Joel E. Johnson, DMD., by the  
same means of delivery. I, the above named Appellant is requesting, for a second time for the  
transcript of hearing heard on Jan., 06, 2015.

Please transcribe the entire record. for which I will pay the per page charge for this transcript  
as provided by Rule 607, SCACR.

This case was heard by Honorable Judge DeAndrea G. Benjamin. Case No. 2014-CP-40-2507,  
Fifth Judicial Circuit, In Columbia, South Carolina, Richland County.

This is an Order.

Sincerely,

Brenda G. Harmon/Pro Se'

2110 Woodfield Drive

Columbia, South Carolina 29223

*Brenda G. Harmon*  
*March 5, 2015*

cc:

1. Hilda Jordan/ court Reporter  
P. O. Box 435  
Lexington, S. C. 29071
2. Clerk, Court of Appeals
3. S. C. Court Administration

4. Kelli Sullivan

P. O. Box 7217

Columbia, South Carolina 29202-7217

Appellant:  
Case # 2015-000061

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia, S. C. 29223

March 10, 2015

Hilda M. Jordan CVR  
Post Office Box 435  
Lexington, South Carolina 29071

**RECEIVED**

MAR 11 2015

**SC Court of Appeals**

Dear Ms. Jordan;

I thank you for acknowledging my request. I spoke to Ms. Allen, informing her that I did get a response from you, and that I am enclosing the amount for which you quoted as being the cost for the transcript, case # 2014-CP-40-2507, Brenda G. Harmon/ Defendant v. Joel E. Johnson. DMD, Enclose is a U. S. Postal Service Check in the amount for 130.00.

Sincerely,

Brenda G. Harmon/Pro Se'

*Brenda G. Harmon*  
*March 11, 2015*

1. Hilda M. Jordan, CVR  
P O Box 435  
Lexington, S.C. 29071

COPY

2. Clerk, Court of Appeals
3. S. C. Court Administration
4. Attorney Kelli Sullivan/Joel E Johnson DMD

P.O. Box 7217

Columbia, S.C. 29202-7217

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
APR 09 2015  
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS

DEANDREA G. BENJAMIN, FIFTH CIRCUIT COURT JUDGE

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CASE NO. 2014-CP-40-2507

APPELLANT # 2015-000061

---

MCKAY, CAUTHEN, SETTANA & STUBLEY, P. A.

C/O KELLI L. SULLIVAN

REPRESENTATIVES FOR JOEL JOHNSON, DMD

RESPONDENT

VS.

BRENDA G. HARMON

APPELLANT/PRO SE

---

TO -INFORM S.C. COURT OF APPEALS TRANSCRIPT DOCUMENT.

TO ALL PARTIES OF INTEREST;

LET ME INFORM YOU THAT I, BRENDA G. HARMON, DID INDEED RECEIVED A  
COURT TRANSCRIPT FROM MS. HILDA JORDAN / COURT REPORTER, ON

*the case BSH.*  
SATURDAY, APRIL 4, 2015, ~~THAT WAS HEARD ON 1-6-15, HEARD BEFORE JUDGE DEANDREA G. BENJAMIN. COST WAS 130.00, REQUESTED BY MS. JORDAN AT 3.25 PER/PAGE, HOWEVER, THERE WAS ONLY 18 PAGES, REFUND IS DUE OF 71.50 WHICH WAS NOT INCLUDED IN THE TRANSCRIPT. FOR MS. JORDAN, IT WOULD BE APPRECIATED IF YOU COULD, AND WOULD REFUND THE SAID AMOUNT.~~ *BSH*

SINCERELY,

*Brenda G. Harmon*

4-7-2015  
BRENDA G. HARMON

cc.

1. CLERK, COURT OF APPEALS
2. S.C. COURT ADMINISTRATION
3. ATTORNEY KELLI L. SULLIVAN/ JOEL E. JOHNSON, DMD, P.O. BOX 7217, COLUMBIA, S.C. 29202-7217
4. ~~HILDA M. JORDAN, CVR-M, CIRCUIT COURT REPORTER, P. O. BOX 435, LEXINGTON, S.C. 29071.~~ *BSH*

P.S.,

Please disregard statement written concerning Ms. Jordan. All transactions between myself and her has been solved.

*Brenda Harmon*

BRIEF OF APPELLANT

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

RECEIVED  
APR 27 2015  
SC Court of Appeals

1. IL- 2011.

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

COPY

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia, South Carolina 29223  
(803) 865-1922  
Pro Se'

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Arguments-----3, 4, 21, 22, 23.

Conclusion----- 24

## 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.

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**Appeal From Charleston County**

**R. Markley Dennis Jr., Circuit Court Judge**

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**Opinion No. 27423**

**Heard May 20, 2014 – Filed July 2014**

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**REVERSE AND REMANDED**

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**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.**

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**Appeal From Greenville County**  
**Letitia H. Verdin, Circuit Court Judge**  
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**Opinion No. 5180**

**Heard September 12, 2013 – Filed October 30, 2013**  
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**REVERSED**  
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**LOCKEMY, J.:** Daniel G Farina appeals the trial Courts denial of his Rule 60 (b), SCRPC 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**

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

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**Opinion No. 5218**

**Submitted November 1, 2013 - Filed April 16, 2014**

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**REVERSED AND REMAND**

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**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**

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**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 thrashed 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**  
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**Opinion No. 27423**

Heard May 20, 2014 – Filed July 23, 2014

-----  
**REVERSED AND REMANDED**  
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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**

**Brenda G. Harmon**

**2110 Woodfield Drive**

**Columbia, South Carolina 29223**

**(803) 865 - 1922**

**Pro' Se / Appellant**

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

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Initial Brief

Designation of matter

-----

Appellant Case No. 2015-000061

Law Offices;

McKay, Cauthen, Sattana & Stublely, P. A.

C/O Kelli Sullivan Representative for

Joel E. Johnson, D. M. D.

v.

Brenda G. Harmon, Pro Se'

COPY

Respondent,

Appellant

List of Documents and Items to be used;

1. Self (Mouth/Gums)
2. Pictures
3. Notes of daily suffering (3 yrs.)
4. Medical Documents.

Dr. Greg W. McKenzie, D. D. S. (Expert),

Dr. Greg W. McKenzie, D. D. S.

Dr. Greg W. McKenzie

124 Alpine Circle  
Columbia, S. C. 29223

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APR 28 2015

SC Court of Appeals

5. Carolina Neurological, Clinic, LLP 125 Doughty Street, Suite 460,  
Charleston, S. C. 29403

Dr. Hamid R. Bahadori, (specialist /expert)

Dr. Hamid R. Bahadori, (specialist / expert)

Dr. Hamid R. Bahardori, (specialist /expert)

Dr. Hamid R. Bahadori, (specialist / expert) 3 pages.

6. Transcript Record, Case # 2014-CP-40-2507 (18 pages), from

Hilda M. Jordan, CVR-M

Circuit Court Reporter

7. Cases:

1.) IN THE SUPREME COURT OF SOUTH CAROLINA

Vicki L. Wilkinson, Appellant, v. East Cooper Community Hospital,  
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Surgery Institute, P. A., and Thomas X. Hahm, M. D.

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Delta Apparel, Inc., Respondent, V. Daniel G. Farina, Appellant

Appellant Case No. 2012-205467

3.) IN THE COURT OF APPEALS OF SOUTH CAROLINA

Wells Fargo Bank, N. A., successor-in-interest to Wachovia  
Bank, National Association, Plaintiff, v. Marion Amphitheater,  
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

4.) IN THE SUPREME COURT OF VIRGINIA

Alyssa Chalifoux v. Radiology Associates of Richmond, Inc.

Record No. 100052

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

&

8. 40 medication Bottles, given and prescribed in a 2 year period.
9. "Charters of Freedom" The Bill Of Rights, (1, page.)

Brenda G. Harmon, Pro Se'

~~January 27, 2015~~

April 27, 2015

THE STATE OF SOUTH CAROLINA

(In The Court of Appeals)

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APR 28 2015

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Proof of Service

SC Court of Appeals

Appellants Initial Brief

-----  
*And Designation of Matter*

Appellant Case No. 2015-000061

-----  
Brenda G. Harmon, Pro Se'

Appellant

v.

Law Offices:

McKay, Cauthen, Settana & Stublely, P. A.

C/O Klli Sullivan, Representative for

Dr. Joel E. Johnson, D. M. D.....Respondents

COPY

I the above named appellant, duly swear to the South Carolina Court of Appeals, that I have served, Kelli Sullivan, Attorney representing Dr. Joel E. Johnson, by the use of service from The South Carolina Court of Appeals.

Brenda G. Harmon, Pro Se'

*Brenda G. Harmon*

*4-27-2015*

FORM 7

PROOF OF SERVICE OF A NOTICE OF APPEAL

**RECEIVED**  
JAN 23 2015  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY  
COURT OF COMMON PLEAS

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

-----  
Case No. 2014-CP-02507  
-----

Kelli Sullivan, as Personal

Representative of Joel E Johnson, DMD

Respondent

v.

Brenda G. Harmon

Appellant

-----  
PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Joel E. Johnson, DMD, by depositing a copy of it in the United States Mail, postage prepaid, on January 23, 2015.

*BR*

*43.*

**COPY**

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APR 28 2015

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

---

SC Court of Appeals

Certificate of Counsel  
On Designation of Matter

-----  
Appellate Case No.  
2015-000061

Brenda G. Harmon, Pro Se'

Appellant

v.

Law Offices:

McKay, Cauthen, Settana & Stublely, P. A.

C/O Kelli Sullivan, Representative for

Joel E. Johnson, D. M. D.

Respondents

I, the above named Appellant, duly swears to the SOUTH CAROLINA COURT OF APPEALS, that I have served the proper papers for which counsel need to be served. *The Designation of Matter contains no matter which is irrelevant to the Appeal.*

Brenda G. Harmon, Pro Se'

April 27, 2015

*Brenda G. Harmon*

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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MAY 26 2015

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

Appellate Case No. 2015-000061

Brenda G. Harmon,..... Appellant,

v.

Joel E. Johnson, D.M.D.,..... Respondent.

**INITIAL BRIEF OF RESPONDENT**

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Attorneys for Respondent

COPY

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STATEMENT OF ISSUES ON APPEAL

1. Did the Circuit Court err in dismissing Appellant's summons and complaint based on Appellant's failure to file a Notice of Intent and expert affidavit as is required by S.C. Code Ann. 15-79-125(A) (Supp. 2010)?
  
2. Did the Circuit Court err in dismissing the Appellant's summons and complaint based on the Appellant's failure to engage in presuit mediation as is required by S.C. Code Ann. 15-79-125(C) (Supp. 2010)?
  
3. Did the Circuit Court err in denying Appellant's Motion for Default Judgment?

## STATEMENT OF THE CASE

Appellant filed her Summons and Complaint alleging dental malpractice on April 17, 2014 and served Respondent on May 22, 2014 (Complaint, p. 1-3). Appellant did not file a Notice of Intent to File suit as is required by S.C. Code Ann. 15-79-125 (Supp. 2010). Appellant failed to include with the Summons and Complaint an affidavit by an expert witness detailing any breach of the standard of care by Respondent. Along with the summons and complaint, Appellant filed a signed affidavit detailing the date upon which the statute of limitations was to run and asserted that because of the imminent statute of limitations, she was entitled to a 45-day extension in which to file an expert affidavit. (Affidavit of Brenda Harmon, p.1).

Respondent filed a Motion to Dismiss pursuant to Rule 12(b)(6), SCRCPP on May 30, 2014 that was denied with leave to re-file by Judge Alison Lee on August 11, 2014. (First Motion to Dismiss p.1-3, Judge Lee Order p.1). Respondent then filed an Answer and served discovery on August 12, 2014 in which Respondent denied every allegation in the Complaint with the exception of paragraphs 1, 2, and 3. (Answer p. 1-3). Respondent received an unstamped "Response to Representatives of Defendant's Denial" from Appellant dated August 21, 2014 in which Appellant acknowledged Respondent's denial of claims in Respondent's Answer and Appellant refused to respond to discovery. (Plaintiff's Response, p. 1-3).

Respondent filed a second Motion to Dismiss pursuant to Rule 12(b)(6), SCRCPP on September 23, 2014 due to Appellant's failure to provide an affidavit of an expert witness as is required by S.C. Code Ann. 15-79-125 and 15-36-100 (Supp. 2010). (Second Motion to Dismiss p.1-5). Appellant then sent an unstamped document entitled

“Willful Disrespect & Disregard for This Case and Time to Reply. Default” to Respondent’s counsel in which she again acknowledged her receipt of Respondent’s Discovery. (Plaintiff’s “Willful Disrespect & Disregard for This Case” document, p. 1). Despite Respondent’s filing and service of an Answer and discovery and Appellant’s acknowledgment of the receipt of these pleadings, Appellant filed a Motion for Default Judgment on November 10, 2014. (Plaintiff’s Motion for Default Judgment p. 1-3).

In a hearing on the Motion to Dismiss and Motion for Default Judgment Judge DeAndrea Benjamin found that Respondent had timely answered the Summons and Complaint and that Appellant failed to produce an expert witness affidavit supporting her Complaint. (Transcript p. 9-10, 14-15). Judge DeAndrea Benjamin then entered an Order of Dismissal on January 6, 2015, dismissing Appellant’s Complaint with prejudice. (Order of Dismissal, p.1). On the same day, Judge Benjamin entered an Order Denying Plaintiff’s Motion for Default Judgment because Respondent’s Answer was timely filed with the court and there was a Certificate of Service noting that the Answer was served on Respondent at her last known address. (Order Denying Motion for Default Judgment, p. 1). This appeal followed.

## ARGUMENTS

### **I. BECAUSE APPELLANT FAILED TO FILE A NOTICE OF INTENT AND EXPERT AFFIDAVIT PURSUANT TO S.C. CODE ANN. 15-36-100 AND 15-79-125 (SUPP. 2010) WITHIN THE PRESCRIBED TIME PERIOD, THE ORDER DISMISSING APPELLANT'S CLAIM SHOULD BE AFFIRMED.**

Section 15-79-125(A) of the South Carolina Code imposes pre-litigation filing requirements upon individuals intending to file suit for malpractice. One requirement is that the plaintiff must file a Notice of Intent accompanied by an affidavit of an expert witness. The affidavit is subject to the requirements established in S.C. Code Ann. 15-36-100 (Supp. 2010).

Section 15-36-100 of the South Carolina Code provides the requirements for filing a complaint in an action for damages based upon professional negligence. Professional negligence includes dental malpractice, the basis of Appellant's Complaint. Pursuant to S.C. Code Ann. 15-36-100 (Supp. 2010), "the plaintiff must file as part of the complaint an affidavit of an expert witness which must specify at least one negligent act or omission claimed to exist and the factual basis for each claim based on the available evidence at the time of the filing of the affidavit."

The South Carolina Supreme Court recently clarified the expert affidavit requirements in Ranucci v. Crain, 409 S.C. 493, 763 S.E.2d 189 (2014). The Supreme Court held that the intention of S.C. Code Ann. 15-36-100 (Supp. 2010) was to promote tort reform, make the adjudication of professional negligence cases more efficient, and discourage the filing of frivolous claims. To that end, a plaintiff must file an affidavit of

an expert witness along with a Notice of Intent to File suit. If the statute of limitations will expire within 10 days, the plaintiff has an additional 45 days after the filing of the summons and complaint to procure an affidavit. S.C. Code Ann. 15-36-100(C)(1) (Supp. 2010).

Appellant claims that Dr. Johnson acted negligently in the placement of a crown on her tooth on April 26, 2011. The statute of limitations on that claim should then run on April 27, 2014. Appellant filed her Summons and Complaint on April 17, 2014 without an expert affidavit, but she signed an affidavit on her own that indicated she knew she was filing within 10 days of the statute of limitations and had an extension of 45 days in which to file an expert affidavit. (Affidavit of Brenda Harmon, p. 1). Appellant had therefore until June 8, 2014 to file an expert affidavit. She failed to file an expert affidavit by June 8, 2014. As of the date of the hearing on this matter, Appellant did not possess an affidavit as is required by statute. Appellant obviously knew of the affidavit requirement because she acknowledged it in her original filing. Appellant has chosen to ignore the expert affidavit requirements despite being additionally informed of her deficient complaint through Respondent's two motions to dismiss.

**II. BECAUSE APPELLANT FAILED TO PARTICIPATE IN A PRE-LITIGATION MEDIATION CONFERENCE AS REQUIRED UNDER S.C. CODE ANN. 15-79-125(C) (SUPP. 2010), THE ORDER DISMISSING THE APPELLANT'S CLAIM SHOULD BE AFFIRMED**

In Ross v. Waccamaw Community Hosp., 404 S.C. 56, 744 S.E.2d 547 (2013), the Supreme Court concluded that the time period for pre-litigation mediation set forth in

S.C. Code Ann. 15-79-125 (Supp. 2010) was not intended to place limitations on the circuit court's subject matter jurisdiction. However, the court further held that the 120-day time period is not meaningless, and the failure to comply with the 120-day time period "could result in dismissal but as a function of the court's discretion based on the facts and circumstances..."*Id.* at 66.

Appellant filed her Complaint on April 17, 2014. Assuming the 120-day period was applicable to the date she filed her suit, pre-litigation mediation should have been scheduled by August 15, 2014. S.C Code Ann. 15-79-125(E)(1) (Supp. 2010) allows a plaintiff to file a summons and complaint only after the mediator determines "that the mediation is not viable, that an impasse exists, or that the mediation should end."

Through the time the case was dismissed with prejudice on January 6, 2015, Appellant made no effort to engage in pre-suit mediation and consequently no mediator has found that mediation was not viable, that an impasse exists, or that the mediation should end as required by S.C. Code Ann. 15-79-125(E)(1) (Supp. 2010).

**III. BECAUSE RESPONDENT PROPERLY FILED AND SERVED AN ANSWER TO APPELLANT'S COMPLAINT, THE ORDER DENYING PLAINTIFF'S MOTION FOR A DEFAULT JUDGMENT SHOULD BE AFFIRMED.**

Appellant served her Summons and Complaint on May 22, 2014. On May 30, 2014 Respondent filed a Motion to Dismiss under Rule 12(b)(6), SCRCPP for failure to comply with the Notice of Intent requirements set forth in S.C. Code Ann. 15-79-125 (Supp. 2010). Pursuant to Rule 12(a), SCRCPP the filing and service of a motion to dismiss alters the time requirements for the filing of an answer. Once a Rule 12 motion is

filed and served, the responsive pleading is due either 15 days after notice of the Court's denial of the motion or, in the case of a motion for a more definite statement, 15 days after the service of the more definite statement.

Respondent filed and served his motion under Rule 12(b)(6), SCRCP on May 30, 2014, less than eight days after service of the summons and complaint. The initial Motion to Dismiss was denied by Judge Alison Lee on August 11, 2014. The Respondent then filed and served an Answer on August 12, 2014, one day after the Motion to Dismiss was denied. In addition, a second Motion to Dismiss was filed on September 23, 2014.

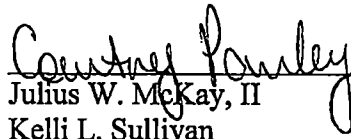
Appellant claims to have not received the Answer filed and served on August 12, 2014. There is, however, a Certificate of Service attached to the Answer, stamped by the clerk of court that evidences that the Answer was mailed to Appellant's last known address on August 12, 2014. (Certificate of Service, p. 1, Answer p.1-3). Service of the answer to the Appellant's last known address via U.S. Mail is proper pursuant to Rule 5(b)(1), SCRCP and the use of certified mail is not required. Wiggins v. Todd, 296 S.C. 432, 373 S.E.2d 704 (1988). Further, the two documents sent by Appellant to Respondent's counsel indicate that Appellant received both the Answer and discovery requests. (Plaintiff's Response, p.1-3, "Willful Disrespect & Disregard for This Case" document, p.1).

#### CONCLUSION

For the reasons stated, this Court should affirm the Order of Dismissal and Order Denying Plaintiff's Motion for Default Judgment of the Circuit Court.

**SIGNATURE ON FOLLOWING PAGE**

Respectfully Submitted,



Juhus W. McKay, II

Kelli L. Sullivan

Courtney R. Pawley

McKay, Cauthen, Settana & Stublely, P.A.

1303 Blanding Street (29201)

P.O. Drawer 7217

Columbia, SC 29202

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[jmckay@mckayfirm.com](mailto:jmckay@mckayfirm.com)

[ksullivan@mckayfirm.com](mailto:ksullivan@mckayfirm.com)

[cpawley@mckayfirm.com](mailto:cpawley@mckayfirm.com)

Attorneys for Respondent

Columbia, South Carolina  
May 26, 2015

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

MAY 26 2015

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

Appellate Case No. 2015-000061

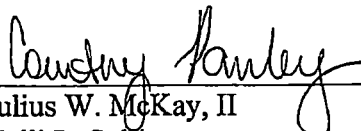
Brenda G. Harmon,..... Appellant,

v.

Joel E. Johnson, D.M.D.,..... Respondent.

**PROOF OF SERVICE**

I certify that I have served the Initial Brief of Respondent upon Appellant, Brenda G. Harmon, by depositing a copy of it in the United States Mail, postage prepaid, on May 26, 2015, addressed to Brenda G. Harmon, 2110 Woodfield Drive, Columbia, SC 29223.

  
\_\_\_\_\_  
Julius W. McKay, II  
Kelli L. Sullivan  
Courtney R. Pawley  
McKay, Cauthen, Settana & Stubley, P.A.  
1303 Blanding Street (29201)  
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[jmckay@mckayfirm.com](mailto:jmckay@mckayfirm.com)  
[ksullivan@mckayfirm.com](mailto:ksullivan@mckayfirm.com)  
Attorneys for Respondent

COPY

Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

MAY 26 2015

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

Appellate Case No. 2015-000061

Brenda G. Harmon,..... Appellant,

v.

Joel E. Johnson, D.M.D.,..... Respondent.

**DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent proposes the following be included in the Record on Appeal:

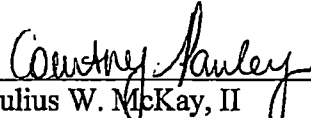
1. Complaint filed April 17, 2014.
2. Affidavit of Brenda Harmon signed on April 17, 2014.
3. Defendant's First Motion to Dismiss filed on May 30, 2014.
4. Judge Alison Lee's Order dated August 11, 2014.
5. Defendant's Answer filed on August 12, 2014.
6. Certificate of Service filed with Answer dated August 12, 2014.
7. Plaintiff's "Response" signed on August 21, 2014.
8. Defendant's Second Motion to Dismiss filed on September 23, 2014.
9. Plaintiff's "Willful Disrespect & Disregard for This Case" document received on September 25, 2014.
10. Transcript of January 6, 2015 hearing on Motion for Default Judgment and Motion to Dismiss.
11. Form 4 Order signed by Judge Benjamin on January 6, 2015.
12. Order Denying Plaintiff's Motion for Default Judgment entered on January 6, 2015.

COPY

**SIGNATURE ON FOLLOWING PAGE**

I certify that this designation contains no matter which is irrelevant to this appeal.

May 26, 2015

  
\_\_\_\_\_  
Julius W. McKay, II  
Kelli L. Sullivan  
Courtney R. Pawley  
McKay, Cauthen, Settana & Stublely, P.A.  
1303 Blanding Street (29201)  
P.O. Drawer 7217  
Columbia, SC 29202  
(803) 256-4645 - Phone  
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[jmckay@mckayfirm.com](mailto:jmckay@mckayfirm.com)  
[ksullivan@mckayfirm.com](mailto:ksullivan@mckayfirm.com)  
[cpawley@mckayfirm.com](mailto:cpawley@mckayfirm.com)  
Attorneys for Respondent

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

MAY 26 2015

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

**SC Court of Appeals**

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

Appellate Case No. 2015-000061

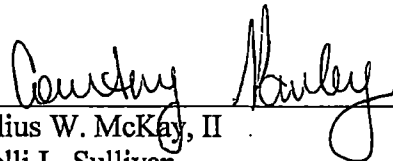
Brenda G. Harmon,..... Appellant,

v.

Joel E. Johnson, D.M.D.,..... Respondent.

**PROOF OF SERVICE**

I certify that I have served the Designation of Matter to be Included in the Record on Appeal upon Appellant, Brenda G. Harmon, by depositing a copy of it in the United States Mail, postage prepaid, on May 26, 2015, addressed to Brenda G. Harmon, 2110 Woodfield Drive, Columbia, SC 29223.

  
\_\_\_\_\_  
Julius W. McKay, II  
Kelli L. Sullivan  
Courtney R. Pawley  
McKay, Cauthen, Settana & Stublely, P.A.  
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[jmckay@mckayfirm.com](mailto:jmckay@mckayfirm.com)  
[ksullivan@mckayfirm.com](mailto:ksullivan@mckayfirm.com)  
Attorneys for Respondent

**COPY**

Columbia, South Carolina

RECEIVED

JUN 01 2015

SC Court of Appeals

PRO SE'  
BRENDA G, HARMON

---

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

---

DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

---

Case No. 2015 – 000061

*Reply*  
~~Final Brief~~ – rule # 208 / 2<sup>nd</sup>, Designation of Matter

---

Brenda G. Harmon

Appellant

v.

Joel E, Johnson. D.M.D.

Respondent *2*

Brenda G. Harmon; Pro Se'

COPY

I, Brenda G. Harmon, received a response from the Law Firm, McKay, Cauthen, Settana & Stubley, P. A., 1303 Blanding Street, Columbia, South Carolina 29201, representatives for the above named respondent. On Thursday, May 25, 2015, via U. S. Mail. It is a reply to the Initial Brief that I wrote for the basis of my appeal. In this response, on pg. # 6, it is written that I had only ten days left to file. That is a Given. That is a right provided to me by the court. The Representatives for the defendant is suggesting that you take away that right. By the same token of having equality, the Constitution Says I have the same rights as their client, to live free. I am not free from daily pains, daily swelling or headaches from the defendant's mal-practice. When this Dentist saw that other Doctors was not going to take the blame for his mistake, he tried to blame another doctor simply because he was black. Through- out these proceedings, the defendant/representative, It is A fact, not just a claim. I request to the Court of Appeals to read the transcript in its entirety, 18 pages, and read the response. This response will be used by me, the appellant at the time I am required to appear. You cannot go to a meeting of arbitration if that meeting has been canceled. When I was notified by the Courts that my hearing, which was scheduled for December, 2014, but changed to January 6, 2015, I immediately sent a letter informing Attorney Sullivan, of the new date that was given. On Pg. # 5, of the response from the Defendant's Attorneys, Their claim was that I failed to appear at the meeting for arbitration, this is a lie. I called, Mr. Tucker S. Player, (803) 772-8008, informing him that a Court date had been set before the arbitration, the hearing was canceled. Please look at the date it was scheduled. I went to Court on January 6, 2015, for which Judge Benjamin, threw out the entire case. The meeting for arbitration was scheduled for Feb. 2015. Where is the logic? Every item that required me to reply, I did. This is what I tried to get Judge Benjamin to see, but she didn't want to see nor did she show any interest in me receiving justice, in my opinion, Judge Benjamin had made her decision before the case had started, from what she was told and not what she read. Certainly, And I hope, she didn't make her decision from the information that was sent to me from The Law Firm, McKay, Cauthen, Settana & Stubley, P. A.

I am still a patient of Dr. Hamid Bahadori, M.D., of Carolina Neurology Medical Center, 125 Doughty Street, Suite 460, Charleston, S. C. 29403, therefore what he diagnosed cannot be void. Tactics are used every day by Attorneys who just want to win and win by attrition, never seeing the pain that their client caused. This Doctor, Joel E. Johnson Knows that he has done irreparable damage to my body, but still to this day won't say he's sorry. He rather crawl up like a snake and use the law because to him it is un-ethical to say so to a black female. My pain is evitable, it can only be quiet with medication for the rest of my life.

Again what constitute an "affidavit?" It is a written diagnosis of a patient from a medical Doctor. The law is a set of rules guided by facts and logic. I shall not be deprive of my rights because of my race, gender or age. The Laws from cases used in my Initial Brief, Are laws that are written.

No person, has the right to willfully take away the life of another person. I ache all the time, due to medical negligence. What was sent to me, via U. S. Mail a child can depict the lies that is written. In America you cannot do bodily harm to another person as you please, especially being a licensed person. That license, is given by the state, stating you know what you are doing. I did not in any circumstance pay you money to harm my face.

This is a second designation of matter / Final Brief. It is written.

#### Conclusion

For reasons provided in the initial Brief and my reply to their Response, is the reason my case should continue. I ask the Appeals Court to settle this case using the law the right way, A. Settlement, B. Arbitration, or C. Court Trial- Trial by Jury

THE STATE SOUTH CAROLINA COURT

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

**RECEIVED**

JUN 01 2015

SC Court of Appeals

BRENDA G. HARMON/PRO SE'

2110 Woodfield Drive

Columbia, S. C. 29223

June 1, 2015

Law Offices

McKay, Cauthen, Settana & Stublely, P. A.

C/O Kelli Sullivan

1303 Blanding Street

Columbia, South Carolina 29201

Re: Brenda G. Harmon v. Joel E. Johnson, DMD

Appellant Case No. 2015-000061

Dear Attorney Sullivan:

Enclose is a copy of the Final Brief/2<sup>nd</sup> Designation of Matter, and served included in the Record of Appeal which is filed with the Courts on the above date. It is delivered to you by way of the South Carolina Sheriff Department.

Respectfully  
Brenda Harmon  
June 1, 2015

**Deliver To:**

**Law Offices**

**McKay, Cauthen, Settana & Stublely, P. A.**

**C/O Kelli Sullivan**

**1303 Blanding Street**

**Columbia, S. C. 29201**



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

June 02, 2015

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia SC 29223

Ms. Kelli Lister Sullivan, Esquire  
PO Box 7217  
Columbia SC 29202

Mr. Julius W. McKay, II, Esquire  
PO Box 7217  
Columbia SC 29202

Ms. Courtney Renee Pawley, Esquire  
1303 Blanding Street  
Columbia SC 29201

Re: Brenda Harmon v. Joel Johnson  
Appellate Case No. 2015-000061

COPY

Dear Counsel and Ms. Harmon:

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate

Court Rules, but should not be bound. You may secure the originals with paper clips, binder clips, rubber bands, by placing them in large envelopes, or by any other similar means that will keep the pages together without binding or hole-punching. All COPIES of the record on appeal and final briefs should be bound as specified in the South Carolina Appellate Court Rules.

We suggest that large parcels such as copies of final briefs and the record on appeal be sent directly to the Court via the street address: 1220 Senate Street, Columbia, S.C. 29201. Thank you for your attention to this.

According to our records, the correct caption for this appeal should read as follows on the record on appeal and all final briefs:

Brenda G. Harmon, Appellant,

v.

Joel E. Johnson, D.M.D., Respondent.

Furthermore, the Court anticipates that the attorney information for all attorneys receiving a copy of this letter will appear on the cover of the record on appeal. The attorney information for the party submitting the brief should appear on the final briefs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
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FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

June 03, 2015

Brenda G. Harmon  
2110 Woodfield Drive  
Columbia SC 29223

Re: Brenda Harmon v. Joel Johnson  
Appellate Case No. 2015-000061

Dear Ms. Harmon:

Upon reviewing your initial reply brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your case will be dismissed:

- The accompanying proof of service is not in compliance with the SCACR. Your proof of service should be substantially in the format shown by Form 7 in Appendix C to part II of the SCACR. You have provided what appears to be a copy of a letter sent to the respondent's attorney. Instead, please provide a proof of service as referenced above.
- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the document you provided would be called the initial reply brief.
- The document has not been signed as required by Rule 267(b), SCACR.

COPY

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Kelli Lister Sullivan, Esquire  
Julius W. McKay, II, Esquire  
Courtney Renee Pawley, Esquire

Case#  
2014CP4002507

**CAROLINA NEUROLOGICAL CLINIC, LLP**

125 DOUGHTY STREET, SUITE 460 • CHARLESTON, SC 29403

(843) 723-0202 • Fax: (843) 723-1052

1346209129

JAMES L. BUMGARTNER, M.D.

AB824111 • SC 8828

1477522845

THOMAS H. DUKES, III, M.D.

AD 8224230 • SC 8748

1679542278

ROY W. KING, D.O.

BK9916529 • SC 13804

1861447443

CHARLES S. JERVEY, M.D.

BJ1907990 • SC 15014

1801865265

AMID R. BAHADORI, M.D.

FB0304244 • SC MD24898

1861571887

Name Brenda Harmon Date 5/13/14

Address \_\_\_\_\_

Rx	mg	No.	Signature	Refill
ENT consult & rx				
Dx: Head pain				

*[Signature]* M.D.  
 Dispense As Written       Substitution Permitted  
 Number of Medications       Label All Medications  
 form #92422

Received from Circuit Court Fri; May 29, 2015.

Levaks  
for

**CAROLINA NEUROLOGICAL CLINIC, LLP**

125 DOUGHTY STREET, SUITE 460 • CHARLESTON, SC 29403

(843) 723-0202 • Fax: (843) 723-1052

1346209129

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AB824111 • SC 8828

1477522845

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1679542278

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BK9916529 • SC 13804

1861447443

CHARLES S. JERVEY, M.D.

BJ1907990 • SC 15014

1801865265

AMID R. BAHADORI, M.D.

FB0304244 • SC MD24898

1861571887

Name Brenda Harmon Date 5/13/14

Address \_\_\_\_\_

Rx	mg	No.	Signature	Refill
MRI - head w/wo cont				
Dx: Trigeminal neuralgia				

*[Signature]* M.D.  
 Dispense As Written       Substitution Permitted  
 Number of Medications       Label All Medications  
 form #92422

Neurologist visit this, own diagnosis

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014CP4002507

Brenda Harmon

Joel Johnson

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

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

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

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

**ORDER INFORMATION**

*Motion to Dismiss is dismissed for failure to prosecute.*  
This order  ends  does not end the case.  
Additional Information for the Clerk : \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge *Alfred Lee* Judge Code 2118 Date 8/11/2014

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 15 day of Aug, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Brenda Harmon

Kelli Lister Sullivan

Brenda Harmon

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court *Jeanette W. McBride*

**Brenda Harmon**  
**2110 Woodfield Drive**  
**Columbia, SC 29223**

Expert

GREGG W. MCKENZIE, D.D.S.

124 ALPINE CIRCLE  
COLUMBIA, SOUTH CAROLINA 29223  
(803) 788-0900  
FAX 788-0637

PRACTICE LIMITED TO PERIODONTICS

DIPLOMATE AMERICAN BOARD OF PERIODONTOLOGY

May 2, 2011

Via fax: 788-2554

Dr. Joel Johnson  
9 Office Park Court  
Columbia, SC 29223

Re: Brenda Harmon

Dear Joel:

I saw Mrs. Harmon on April 29<sup>th</sup> for emergency evaluation relative to #7.  
Please evaluate and let's resolve this matter as quickly as possible in the best possible way. Her symptoms point to a fracture, but I did not note one on the radiograph.

If you have any questions, please let me know.

Sincerely,



Gregg W. McKenzie, D.D.S.

GWMcK: pg 15934

---

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
May 2	9:35am	Sent	7882554	0:27	1	OK

---

GREGG W. MCKENZIE, D.D.S.

124 ALPINE CIRCLE  
COLUMBIA, SOUTH CAROLINA 29223  
(803) 788-0900  
FAX 788-0637

PRACTICE LIMITED TO PERIODONTICS

DIPLOMATE AMERICAN BOARD OF PERIODONTOLOGY

June 10, 2011

Via fax: 788-2554

Dr. Joel Johnson  
9 Office Park Court  
Columbia, SC 29223

Re: Brenda Harmon

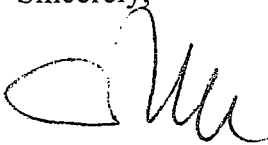
Dear Joel:

I saw Mrs. Harmon on June 8<sup>th</sup> for evaluation. There is clinical and radiographic evidence of endodontic involvement on #8. I have referred her to Dr. Trent Gillespie for care.

I indicated that an implant is needed in position #7. This area will require bone graft prior to implant placement. At this point, she is only interested in pursuing the root canal therapy on #8, and will revisit the implant issue with #7 at a later date.

If you have any questions, please let me know.

Sincerely,



Gregg W. McKenzie, D.D.S.

GWMcK: pg 15934

---

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jun 10	10:16am	Sent	7882554	0:26	1	OK

---

May 19, 2011

Patient was seen for surgical extraction #7. Under local anesthesia, a full thickness flap was elevated. No. 7 was removed. Communication through buccal plate. Drainage noted. Tooth definitely fractured. 4-0 plain gut suture utilized for closure.

HILDA M. JORDAN  
803-807-1667  
206 HENDRIX ST  
LEXINGTON, SC 29072

2103  
67-7873/2539  
16

3/23/15 Date

PAY to the order of Brenda C Harmon \$ 71.50  
Seventy one dollars and 50/100 Dollars

*gll*  
STATE CREDIT UNION  
SC State Credit Union www.sscu.com

For TRANSCRIPT REFUND Hilda M Jordan MP  
[REDACTED]

Halifax Clarke

COLONIAL CLASS

96.

Hilda M. Jordan, CVR-M  
Post Office Box 435  
Lexington, South Carolina 29071  
1.803.807.1667 cell or 1.803.359.9466 fax

March 27, 2015

Brenda G. Harmon, Pro Se  
2110 Woodfield Drive  
Columbia, SC 29223

Re: Brenda Harmon v. Joel Johnson  
2014-CP-40-2507

Invoice #15-005  
Complete Transcript of record  
January 6, 2015  
Estimate of costs received from Ms. Harmon       \$ 130.00  
Cost of transcript at \$3.25 for 18 pages       \$ 58.50

-----  
TOTAL AMOUNT REFUND:                               \$ 71.50

NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT REPORTER SHALL RECEIVE THE FEE OF \$.75 PER PAGE FOR FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT."

ALL REQUESTS FOR COPIES OF THE ABOVE REFERENCED TRANSCRIPT FROM OPPOSING PARTY OR NON-PARTIES SHOULD BE SENT TO ME AT THE ABOVE ADDRESS.

hmj



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I N D E X

MOTION HEARING

WITNESS/DESCRIPTION

PAGE NO.

EXHIBITS:

NO EXHIBITS WERE MARKED TO THIS PROCEEDING

Certificate of Court Reporter ..... 18

1 January 6, 2015

2 THE COURT: All right. Ms. Sullivan, are you ready?

3 MS. SULLIVAN: Yes, ma'am.

4 THE COURT: All right. Ms. Harmon.

5 MS. HARMON: Yes.

6 THE COURT: All right. Before we get started, all  
7 right, this is a Motion for Default Judgment filed by the  
8 plaintiff, Ms. Harmon. This is case number  
9 2014-CP-40-2507. The case is Brenda Harmon versus Joel  
10 Johnson. This is a -- Ms. Harmon is represented -- is pro  
11 se and Joel Johnson is represented by Ms. Kelli Sullivan.

12 All right. Let's see -- All right, the motion that we  
13 have is a Motion for Default.

14 Is that correct, Ms. Harmon?

15 MS. HARMON: Yes, ma'am.

16 THE COURT: All right, and then there is another motion  
17 that was filed.

18 MS. SULLIVAN: It's defendant's Motion to Dismiss, Your  
19 Honor.

20 THE COURT: All right. Defendant has a Motion to  
21 Dismiss.

22 Ma'am, you have any objection to us hearing this today?

23 MS. HARMON: No, ma'am.

24 THE COURT: All right. You understand you have the  
25 right to have notice of today's hearing.

1 MS. HARMON: I understand.

2 THE COURT: All right. You want to go forward?

3 MS. HARMON: Yes, ma'am.

4 THE COURT: All right. And you've been served with a  
5 copy of the motion; is that correct?

6 MS. HARMON: Yes, Your Honor.

7 THE COURT: Okay. All right. I'll be glad to hear  
8 from you.

9 MS. HARMON: I went to Dr. Joel dentist to have four  
10 crowns put in my mouth. The initial proceedings he did very  
11 well. He told me that he would notify me when the crowns  
12 come in. When the crowns came in I went back to him. It  
13 was -- make sure I get the correct date --

14 THE COURT: Let me ask you this, this is a Motion for  
15 Default Judgment?

16 MS. HARMON: Yes, ma'am.

17 THE COURT: All right.

18 MS. HARMON: The reason I asked for default judgment is  
19 because the last time we appeared in court they didn't show,  
20 nobody showed up.

21 THE COURT: Did they answer the Complaint?

22 MS. HARMON: No, ma'am.

23 THE COURT: There is an Answer in here. When did you  
24 serve them? Did they timely answer the Complaint?

25 MS. SULLIVAN: I have the date handy if that would

1 help?

2 THE COURT: Okay. It looks like there's an Answer in  
3 her file, August 12, 2014. Now, I'm trying to see when she  
4 --

5 MS. SULLIVAN: Your Honor, the Summons and Complaint  
6 was filed April of 2014 and was served the end of May, 2014.  
7 There was a Motion to Dismiss, a previous Motion to Dismiss  
8 that is filed in May, 2014. There was a hearing on that  
9 motion that we were never notified of so we didn't attend.  
10 Judge Lee dismissed our original Motion to Dismiss with  
11 leave to re-file. Contemporaneous with that is our Answer  
12 and then a second Motion to Dismiss.

13 So that's kind of the general order of things.

14 MS. HARMON: Ma'am, I have receipts where I went to the  
15 post office and mailed anything pertaining to this case that  
16 they needed to know.

17 THE COURT: Well, a Motion for Default means that they  
18 did not answer the Complaint.

19 MS. HARMON: They didn't.

20 THE COURT: There is one in the file. *where !!*

21 MS. HARMON: Well, maybe they filed it later. They  
22 didn't answer in a timely manner.

23 THE COURT: All right. Yes, ma'am.

24 MS. SULLIVAN: Your Honor, the original Complaint that  
25 was filed at the end of May -- served May 22, 2014, was

1 answered by a general denial and Motion to Dismiss filed May  
2 30.

3 MS. HARMON: Okay.

4 MS. SULLIVAN: That was then scheduled for a hearing in  
5 August that we didn't get notice of. We found out later  
6 that same day that the hearing had occurred, we then filed  
7 an answer. Our original Motion to Dismiss was dismissed on  
8 August 15, but we had already filed our answer on August 12.  
9 So all of the allegations in this case have been timely  
10 answered at one time or another, either the original Motion  
11 to Dismiss or the subsequent general denial Answer.

12 THE COURT: All right. I see on May 30 --

13 MS. SULLIVAN: That's our first Motion to Dismiss.

14 THE COURT: Yes, ma'am.

15 MS. SULLIVAN: Our first Motion to Dismiss, we had some  
16 scheduling problems with that August hearing date. Our  
17 office was not notified of that hearing so we did not know  
18 to be here.

19 THE COURT: All right. Is that the one with Judge Lee?

20 MS. SULLIVAN: Judge Lee dismissed our Motion to  
21 Dismiss with leave to re-file and contemporaneous with that,  
22 basically the same day, I filed an answer in the case.

23 MS. HARMON: Ma'am, Judge, Your Honor, I didn't receive  
24 it.

25 THE COURT: Okay.

1 MS. SULLIVAN: I have a certificate of service, Your  
2 Honor.

3 MS. HARMON: In a timely manner, I did not receive it.

4 THE COURT: All right. Well, it was filed with the  
5 Court.

6 Let me see your certificate of service.

7 MS. SULLIVAN: Yes, ma'am. May I approach, Your Honor?

8 THE COURT: Yes.

9 MS. SULLIVAN: My original file copy. Here's the  
10 Answer, here's the certificate of service that was stamped  
11 by the clerk.

12 THE COURT: Now, she's saying in May you filed --

13 MS. SULLIVAN: I thought she said she didn't have the  
14 Answer.

15 THE COURT: From May, which is --

16 MS. SULLIVAN: Well, there was a Motion to Dismiss --

17 THE COURT: -- Yeah, in 30 days. Okay.

18 MS. SULLIVAN: Do you need to see that, too?

19 THE COURT: No, it's in here, in the file.

20 MS. SULLIVAN: Oh. Okay.

21 THE COURT: Okay. Here you go.

22 I do have a copy of the certificate of service where  
23 the Answer was filed.

24 When was the Motion for Default Judgment filed?

25 MS. SULLIVAN: Oh, that was recently.

1 MS. HARMON: December -- let me see. Motion to  
2 Dismiss?

3 MS. SULLIVAN: No, ma'am. Motion to Default.

4 MS. HARMON: Motion to Default?

5 THE COURT: Yeah, I have it. That was November 10,  
6 2014.

7 MS. SULLIVAN: Yes, ma'am, just recently.

8 THE COURT: Ma'am, they had already filed a Motion to  
9 May 30 to Dismiss, looks like they filed an Answer on August  
10 12, according to this filing and then the certificate of  
11 service is also in the file. And they -- where they mailed  
12 it to you, and then you filed an Affidavit of Default on  
13 November 10, but by that time an Answer, a Motion to Dismiss  
14 had been filed and also an Answer had been filed, but I'll  
15 be glad to hear from you.

16 MS. HARMON: Judge, Your Honor, the grounds that they  
17 have to dismiss, there is no grounds.

18 THE COURT: All right. Let me hear from you first -- I  
19 want to hear from you first regarding your Motion for  
20 Default.

21 MS. HARMON: Well, the Motion for Default is I didn't  
22 receive it in a timely manner. They can say what they want  
23 to say. I didn't receive it.

24 THE COURT: Okay.

25 MS. HARMON: If they filed it, I don't know.

1 THE COURT: Okay.

2 MS. HARMON: But it wasn't sent to me.

3 THE COURT: All right.

4 MS. HARMON: If -- if they felt that it was so  
5 important that they had -- I would have went to the person's  
6 house and gave it to them. You can't deny on that term.

7 THE COURT: Okay. All right.

8 MS. HARMON: As for dismiss --

9 THE COURT: Hold on. Let me get -- Yes, ma'am, any  
10 response to the Motion to Default other than the date that I  
11 set forth?

12 *Put next* + MS. SULLIVAN: Your Honor, We're under no obligation to  
13 send these things certified mail. We sent it regular mail  
14 to the address that Ms. Harmon has been using. I have a  
15 clocked certificate of service for the Answer and the  
16 various motions that were served. In addition, her Motion  
17 for Default was filed well after all of my other motions.  
18 So on those grounds, Your Honor, I think we are well with  
19 our timely answering requirements.

20 THE COURT: All right. So the Motion to -- for Default  
21 Judgment is -- The Motion for Default Judgment is denied. I  
22 find that the Complaint was filed April 17, 2014, and an  
23 Answer was filed -- I don't have a certificate of service  
24 saying when she was served. The Answer was filed on May --  
25 the Motion to Dismiss was filed on May 30, 2014. An Answer

stopped  
4-26-15

1 was filed August 12, 2014, and then this Affidavit of  
2 Default was filed November 10, about three months after they  
3 had already filed the Answer.

4 So I find that the defendant is not in default, that a  
5 proper Answer has been filed, timely filed, so therefore I  
6 will deny the Motion for Default judgement.

7 All right. Now, the next motion is --

8 MS. SULLIVAN: My motion.

9 THE COURT: Yes, ma'am.

10 Let me hear from her and then you can respond, okay.

11 MS. HARMON: Uh-huh. (Affirmative response.)

12 MS. SULLIVAN: Your Honor, this is an alleged dental  
13 malpractice case. What I've been able to kind of piece  
14 together from the Summons and Complaint and various things  
15 that have been filed was that Joel Johnson, a dentist here  
16 in South Carolina, did some work for Ms. Harmon that  
17 included some crowns on her teeth, and that she is alleging  
18 some kind of damage resulting thereof, maybe breaking bones  
19 and significant nerve damage. I'm not quite sure exactly  
20 what she's alleging, but the bottom line is Dr. Johnson did  
21 this work April 26, 2011. Therefore the statute of  
22 limitations would run more or less April 27, 2014, a three  
23 year statute of limitations. This Summons and Complain was  
24 filed April 17, 2014. so basically 10 days short of the  
25 statute. The Summons and Complaint -- there was no Notice

right

1 of Intent filed as is required by the Medical Malpractice  
2 Act. There wasn't a disclosure of any expert witness  
3 contemporaneous with the filing. There was no expert  
4 witness affidavit. All of that was -- I'm sure you're  
5 familiar, Your Honor, with the Renetche (sp) verses Crane  
6 case that has come up and down. I have a copy if you need  
7 it, but essentially what Renetche (sp) held was it was the  
8 way you read the expert witness affidavit statute, but the  
9 bottom line of Renetche (sp) even after it went up to the  
10 Supreme Court was if the statute of limitations was run  
11 within 10 days when the plaintiff filed her Notice of Intent  
12 they can get an extra 45 days to file their expert witness  
13 affidavit. That's kind of the upshot.

14 So if you do the math, then assuming that the statute  
15 -- that she filed her Summons and Complaint on April 17,  
16 2014, 45 days after that is June 8, 2014. So that's an  
17 additional 45 days. I have never seen an expert witness  
18 affidavit in this case accompanying the Summons and Complain  
19 -- I'm sorry, accompanying the Answer that was filed in  
20 August, with discovery sent to Ms. Harmon which we have not  
21 gotten an answer to, asking for any expert witness  
22 affidavit. I have not received any information about the  
23 expert witness. Ms. Harmon did hand me, a moment ago, what  
24 looks to be a prescription from a Dr. Bahadori,  
25 B-a-h-a-d-o-r-I, and a letter from Dr. Bahadori dated

1 January 2, 2015, that attributes her condition of trigeminal  
2 neuralgia to a fractured bone. However, he does not define  
3 any breach of any standard of care, any causation, any of  
4 the elements of medical malpractice or dental malpractice on  
5 the part of anyone. I will note that Dr. Bahadori appears  
6 to be a neurologist, not a dentist.

7 So to the extent that Ms. Harmon is trying to claim  
8 that this is some type of expert witness affidavit that gets  
9 her over the requirements of 15-36-100, I would say, first  
10 of all, it's six-plus months after she was required to have  
11 done this, under 15-36-100, and it does not set forth any  
12 violations of the standard of care on the part of Dr.  
13 Johnson, nor am I even sure that a neurologist can opine on  
14 the standard of care of a dentist in placing crowns.

15 Therefore, Your Honor, since the plaintiff has failed  
16 to meet her burden under 15-36-100, of providing an expert  
17 witness affidavit within 45 days of the filing of her  
18 Summons and Complaint, I ask that this matter be dismissed  
19 with prejudice.

20 THE COURT: All right.

21 Yes, ma'am. Your turn.

22 MS. HARMON: I -- as she stated, I went to see Dr. Joel  
23 Johnson on April 27, which he had already taken out the  
24 teeth to insert the crowns. At the time when he was working  
25 on me something snapped in my mouth, and he -- we heard it

1 because there was a student there and he heard it as well,  
2 and Dr. Joel Johnson asked me did that hurt. I told him,  
3 yeah, that hurt, but the prior tooth on that same day, Dr.  
4 Joel Johnson kept leaving me in the chair, coming back with  
5 breath mint as if he was drinking and yes he did damage that  
6 day.

7 So my face swoll and I kept trying to get in contact  
8 with him, which he was closed at that time on Friday. So  
9 they told me to come in Monday. In the meantime, my face  
10 had enlarged, my throat, everything was hurting. I went  
11 back to Dr. Joel Johnson, he gave me a shot. He gave me  
12 like eight shots in the face and sent me home. I stayed  
13 high the whole time I was under Joel Johnson, so I went to  
14 another doctor which I knew was a friend of his. And that  
15 one, he told me the bones was broken. The paper right there  
16 I just hand her. It was on that paper as well.

17 THE COURT: Ma'am, do you have an affidavit from -- do  
18 you have an affidavit from a doctor --

19 MS. HARMON: I have one --

20 THE COURT: -- a sworn affidavit from a doctor alleging  
21 that Dr. Johnson committed malpractice?

22 MS. HARMON: Well, I have -- can I approach the bench  
23 -- medical records.

24 (Documents passed to the Court through the bailiff.)

25 THE COURT: Do you have an affidavit?

1 MS. HARMON: I don't have an affidavit. I have medical  
2 records.

3 THE COURT: All right. Ma'am, the statute -- I have the  
4 medical records. I see your medical records. We have to  
5 have an affidavit from -- you have to have an affidavit,  
6 when you file your Complaint, from a medical professional or  
7 doctor stating that the other doctor committed malpractice.  
8 Without that the case cannot go forward. The statute says  
9 you have to have it. You didn't have to have it maybe six,  
10 seven years ago. They changed it, but you have to have it  
11 now in order to file a Complaint in the state for medical --  
12 for professional malpractice. Anytime malpractice, you have  
13 to have an affidavit sworn and notarized by a notary by a  
14 medical professional stating that the doctor breached the  
15 standard of care or committed malpractice.

16 Do you have anything like that?

17 MS. HARMON: I have what you have and what I just gave  
18 him earlier.

19 THE COURT: All right. And that's -- there is no  
20 affidavit in there.

21 MS. HARMON: There is no affidavit but are you saying  
22 it's too late for me to get an affidavit?

23 THE COURT: Yes, ma'am. Because you were supposed to  
24 have it within 45 days. It's supposed to be normally filed  
25 with the Complaint and because of the statute time, you had

1 45 days to get it which would have been in June after you  
2 filed it. So it's too late to have it, to get one at this  
3 point. So unfortunately I'm going to have to grant the  
4 Motion to Dismiss unless you can produce an affidavit today  
5 because the statute says that you have to have it.

6 MS. HARMON: I don't have one today.

7 THE COURT: Well, you would have had to file it back  
8 last summer.

9 All right.

10 MS. HARMON: Well, according --

11 MR. HARMON: Excuse me.

12 THE COURT: Who are you, sir?

13 MR. HARMON: I'm her --

14 MS. HARMON: He's my husband.

15 MR. HARMON: That's my wife.

16 THE COURT: All right. You can't speak, sir, unless  
17 you're a lawyer. You can't speak on her behalf.

18 MR. HARMON: I can't?

19 THE COURT: They changed the statute and added that in  
20 there, but it's a must have. The cases that have gone up to  
21 the Court, it's a must have.

22 MS. HARMON: I don't have a statute.

23 THE COURT: An affidavit, you mean?

24 MS. HARMON: I don't have an affidavit. I'm sorry. I  
25 don't have an affidavit.

1 THE COURT: Well, all right. All right. that's what  
2 I'm going to have to do.

3 MS. SULLIVAN: You need an order, Your Honor, or you've  
4 got one?

5 THE COURT: You send me an order, too, and then I'll do  
6 a Form Four, also.

7 MS. HARMON: Are you saying the case is closed?

8 THE COURT: I'm going to have to grant the Motion to  
9 Dismiss, ma'am. You don't have the affidavit, and I think  
10 even in their interrogatories they asked for the affidavit.  
11 I saw in here somewhere something about an affidavit,  
12 acknowledging that you needed to have one. But the case  
13 can't go forward without the affidavit.

14 MS. HARMON: Ma'am, Judge, we looking at murder here.

15 THE COURT: Ma'am.

16 MS. HARMON: No matter how you look at it that's  
17 murder.

18 THE COURT: All right.

19 MS. HARMON: This man have derogatory my body.

20 THE COURT: I understand, ma'am.

21 MS. HARMON: That's murder. He's a doctor, he's  
22 licensed to do -- and drinking on behalf of that.

23 THE COURT: I understand, ma'am, but I -- you have to  
24 have the affidavit. I don't have -- I didn't write the  
25 statute. I just have to follow the statute. I have to

1 follow it, you have to follow it, Ms. Sullivan has to follow  
2 it. I didn't write the statute. You have to have an  
3 affidavit. That's what the law says that you have to have  
4 an affidavit from a medical professional stating -- a sworn  
5 affidavit stating that he breached some standard of care and  
6 committed medical malpractice. If you don't -- if you don't  
7 like the statute all I can do it tell you to talk to your  
8 representative about it, but that's who wrote it, those  
9 people down at the state house. That is the law of this  
10 state that you have the affidavit.

11 All right. Thank you.

12 MS. SULLIVAN: Your Honor, would you prefer an email  
13 order?

14 THE COURT: To my law clerk.

15 MS. SULLIVAN: Is Word okay?

16 THE COURT: That's fine.

17 All right.

18 MR. HARMON: Can I say something. She's going to be put  
19 in the hospital.

20 THE COURT: I'm sorry, sir. I didn't write the statute.  
21 Y'all need to talk to your legislators about it. They wrote  
22 it. Plaintiff's attorneys weren't happy about it, lot of  
23 people weren't happy about it, but that's what they did.

24 MR. HARMON: That's not right.

25 (This proceeding was concluded.)

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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE MOTION HEARING IN THE CAPTIONED CAUSE, IN THE COURT OF COMMON PLEAS FOR RICHLAND COUNTY, SOUTH CAROLINA, ON THE 6 DAY OF JANUARY, 2015.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

---

Hilda M. Jordan, CVR-M

MARCH 26, 2015

Hilda M. Jordan, CVR-M  
Post Office Box 435  
Lexington, South Carolina 29071  
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March 27, 2015

Brenda G. Harmon, Pro Se  
2110 Woodfield Drive  
Columbia, SC 29223

Re: Brenda Harmon v. Joel Johnson  
2014-CP-40-2507

Invoice #15-005  
Complete Transcript of record  
January 6, 2015  
Estimate of costs received from Ms. Harmon       \$ 130.00  
Cost of transcript at \$3.25 for 18 pages       \$ 58.50

-----  
TOTAL AMOUNT REFUND:                               \$ 71.50

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hmj

**Patient Name: Brenda G Harmon**  
**Visit Date: 05/13/2014**  
**Status: Complete.**  
**Visit Last Changed: 08/06/2014 11:03 AM**

**CC / HPI:**

It was a pleasure to see Mrs. Harmon for her facial discomfort. She is a very pleasant 61 year old female with the problem that started 3 years ago. She said she had dental work and they corrected her upper jaw and she had a crown placed that broke the next day. She went back and the dentist tried to fix it and later she developed facial swelling. She saw another dentist that told her she has upper jaw fracture and gait gingival flap twice. She seen a third dentist that treated her with drilling and again she developed facial swelling. She went back to the second dentist and had another gingival flap. She said it seems that since all this dental work she has had shooting pain from her upper lip and jaw to her nose and right eye and back to her upper jaw. She said the pain is triggered by cold drink, chewing and eating. She said the pain lasts long and has intense aching and sometimes sharp pain. She said the pain is 7/10. She did not try pain medication for this. She did not have this problem before dental work.

**Current Medication:**

Crestor oral  
Metaglip oral  
Carbatrol 200 mg capsule, extended release, 1 Capsule(s), PO, BID, 30 days, 2 refills, for a total of 60, start on May 13, 2014, end on August 10, 2014 and week 1-2 take 1 pill PO daily, from week 3 take 1 pill PO BID. 05/13/2014 JMS.  
Onglyza oral  
Review of history:

I reviewed the documented family, social and medication histories.

**ROS:**

Musculoskeletal: The patient complained of **neck pain, muscle pain, thoracic spine pain, shooting Pain, weakness, numbness, tingling, burning sensation, ankle swelling, jerk, spasm/cramp, myalgia, twitching** and **myoclonus** but denied back pain.

**VITAL SIGNS:**

**Weight:** 172 lbs  
**Height:** 5' 5"  
**BMI:** 28.622  
**HR:** 100 bpm  
**BP:** 150/88 mmHg

**PE:**

Physical Examination:  
Vitals: Reviewed from this visit.  
General: Pt is alert, oriented x 4, and in no acute distress.  
HEENT: Oral cavity clear, sclera clear.  
Neck: No carotid bruits bilaterally.

Brenda G Harmon DOB:04/07/1953

Heart: Regular rate and rhythm.  
Lungs: Clear to auscultation b/L.  
Extremities: No edema.

**Neurological Examination:**

Mental status: alert, oriented, speech fluent.  
Cranial nerves II-XII grossly intact. Pupil equal round reactive to light, extraocular muscle intact, optic disc sharp bilaterally, visual field intact in both eyes. face symmetric, tongue midline, sensation on the face intact.  
Motor: Normal tone/bulk/strength in all 4 extremities.  
Coordination: Finger-to-nose intact.  
DTRs: Symmetric and 1+ throughout.  
Sensation: Intact to all modalities.  
Gait: Normal.

**Dx:**

TRIGEMINAL NEURALGIA  
Neuritis

**Rx:**

**Services Performed:**

99244 CONSULT COMPREHENSIVE, MODERATE COMPLEXITY

**Plan:**

Trigeminal neuritis, facial pain. Patient developed facial pain in territory of trigeminal nerve after several dental work that was done on her upper jaw. Triggering factor for her pain are suggestive of trigeminal neuralgia. Her neurological exam was unremarkable. I would consider MRI of the brain with contrast for further evaluation of her symptom. I will start her on Carbatrol ER 200 mg p.o. daily and after 2 weeks increase it to b.i.d. Side effects including nausea, sleepiness, double vision discussed. I talked to her about the skin rash and in that case I want her to stop the medication. I reviewed refer her to ENT for their input on the possible cause of her symptoms.

c.c.Dr. E. Murphy,  
A return visit is indicated in 6 weeks.

**Patient History As Of This Visit**

**Medication History:**

Carbatrol 200 mg capsule, extended release, 1 Capsule(s), PO, BID and 30 days. Active  
Crestor oral Active  
Metaglip oral Active  
Neurontin 100 mg capsule, 4 Capsule(s), PO, SEE COMMENTS and 30 days. Active  
Onglyza oral Active  
Neurontin 100 mg capsule, 4 Capsule(s), PO, SEE COMMENTS and 30 days. Inactive

**Problem History:**

Neuritis Onset: 5/13/2014 Status: Active  
TRIGEMINAL NEURALGIA Onset: 5/13/2014 Status: Active

Generated on 8/6/2014

Family History:

Relationship: Mother Recorded Date: May 13, 2014 Notes: 11/12/2013

Relationship: Father Recorded Date: May 13, 2014 Notes: 1983

Relationship: Brother Recorded Date: May 13, 2014 Notes: 2009 complications from Vietnam, 2004 complications from Vietnam

Relationship: Sister Recorded Date: May 13, 2014 Notes: 2002

Social History:

Question	Answer	Notes	Recorded
Caffeine	Yes	coffee	5/13/2014
Marital status	Married		5/13/2014
Education level	College Graduate		5/13/2014
Employment	Disabled		5/13/2014
Tobacco history	Former smoker	quit 2/23/2002	5/13/2014
Alcohol history	Never drinks alcohol		5/13/2014
Has the patient ever used illegal drugs?	Has never used illegal drugs		5/13/2014



Hamid Bahadori MD

**Record: 1****Title:** Trigeminal Neuralgia.**Authors:** Developed by RelayHealth**Source:** CRS - Senior Health Advisor. Oct2010, p1-1. 1p.**Document Type:** Article**Subjects:** TRIGEMINAL neuralgia  
TRIGEMINAL nerve -- Diseases  
FACIAL pain  
FACIAL neuralgia  
PAIN**Author-Supplied Keywords:** face  
face pain  
nerves  
neuralgia  
tic douloureux  
trigeminal neuralgia**Abstract:** Trigeminal neuralgia means nerve pain in the face, teeth, mouth, or nose. Attacks of pain may occur on one or both sides of the face. Trigeminal neuralgia is also called tic douloureux.

[ABSTRACT FROM AUTHOR]

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**Full Text Word Count:** 556**Accession Number:** 36253787**Database:** Health Source - Consumer Edition**Notes:** This title is not held locally

### **Trigeminal Neuralgia**

**What is trigeminal neuralgia?**

Trigeminal neuralgia means nerve pain in the face, teeth, mouth, or nose. Attacks of pain may occur on one or both sides of the face. Trigeminal neuralgia is also called tic douloureux.

Trigeminal neuralgia occurs most often in women over age 40, although it may occur in men or women of any age.

Some people may find pain is reduced or relieved by acupuncture, chiropractic adjustment, self-hypnosis, or meditation.

**How long will the effects last?**

The problem appears suddenly and may get better on its own. It may also disappear for months or years and then come back.

**How can I help take care of myself?**

Keeping a pain diary may help you to see which activities or conditions cause your pain. Then you will know what you need to avoid.

Treating pain at the very first symptom may keep it from becoming as severe, and the pain may last a shorter time.

**How can I help prevent trigeminal neuralgia?**

There are no known ways to prevent trigeminal neuralgia.

For more information, contact:

- The Trigeminal Neuralgia Association (TNA) Phone: 800-923-3608 Web site: <http://www.tna-support.org>.

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This content is reviewed periodically and is subject to change as new health information becomes available. The information is intended to inform and educate and is not a replacement for medical evaluation, advice, diagnosis or treatment by a healthcare professional.

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By Developed by RelayHealth

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**Source:** CRS - Senior Health Advisor

Expert

**CAROLINA NEUROLOGICAL CLINIC, L.L.P.**

125 Doughty Street, Suite 460 • Charleston, SC 29403 • (843) 723-0202 • Fax (843) 723-1052

HAMID R. BAHADORI, M.D.  
JAMES L. BUMGARTNER, M.D.

THOMAS H. DUKES, III, M.D.  
CHARLES S. JERVEY, M.D.  
ROY W. KING, D.O.

January 2, 2015

RE: Ms. Brenda G. Harmon  
DOB: 4/07/1953

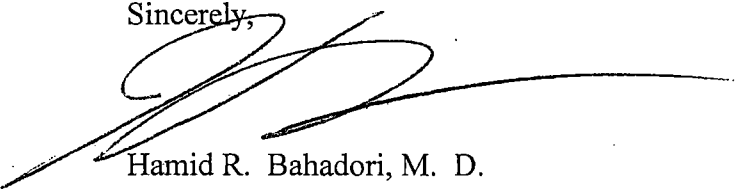
To Whom It May Concern:

The above named patient was seen by me on May 13, 2014. At this examination, I felt that she had trigeminal neuralgia that was caused, most probably by fractured bones in the upper right side of the mouth.

Of note, the patient was also seen by Dr Gregg W. McKenzie, D.D.S. on 5/2/2011 and he had the same opinion about the care of Ms. Harmon's facial pain.

Hoping you will find this information satisfactory, I am,

Sincerely,



Hamid R. Bahadori, M. D.

HRB/dmg

**CAROLINA NEUROLOGICAL CLINIC, LLP**

125 DOUGHTY STREET, SUITE 460 • CHARLESTON, SC 29403

(843) 723-0202 • Fax (843) 723-1052

1346209129

**JAMES L. BUMGARTNER, M.D.**

AB8524111 • SC 8828

1477522845

**THOMAS H. DUKES, III, M.D.**

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1679542278

**CHARLES S. JERVEY, M.D.**

BI1907990 • SC 15014

1801865365

**ROY W. KING, D.O.**

BR9916529 • SC DO804

1861447443

**HAMID R. BARADOR, M.D.**

FB0304244 • SC MD24398

1861571887

Name Brenda Harmon

Date 1/2/15

Address \_\_\_\_\_

| Rx                             | mg | No. | Signature | Refill |
|--------------------------------|----|-----|-----------|--------|
| <i>oral surgery end of day</i> |    |     |           |        |
| <i>Oral gum infection/dise</i> |    |     |           |        |
|                                |    |     |           |        |
|                                |    |     |           |        |

*[Handwritten Signature]*

Dispense As Written

M.D.

Substitution Permitted

M.D.

( ) Number of Medications

Label all Medications

form #92422

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CASE # 2014CP4002507

BRENDA G. HARMON

MEMORANDUM TO: MOTION TO

PLAINTIFF

2014 DEC -5 AM 9:11  
DISMISSED  
JENNIFER W. MCBRIDE  
C.C.P. & G.S.

RICHLAND COUNTY  
FILED

VS.

JOEL E. JOHNSON, DMD

DEFENDANT

MY FIRST ENCOUNTER WITH THE DEFENDANT'S REPRESENTATION OF LEGAL EXPERTS, REQUESTED THE SAME MOTION FOR CASE TO BE DISMISSED, STATING THAT THE CASE WAS FRIVOLOUS. HOWEVER, THE CASE WAS PREVAILED IN- PART DUE TO DEFENDANT'S FAILURE TO APPEAR. NEVERTHELESS, THE PLAINTIFF WON. SINCE THAT TIME, THERE HAVE BEEN AN ON-GOING OF DENIAL FROM THE DEFENDANT, EVEN THOU THE PLAINTIFF HAVE SHOWN EVIDENCE TO SUPPORT HER CLAIM THAT THE DEFENDANT, FRACTURED THE BONES IN HER MOUTH, CAUSING THE PLAINTIFF TO HAVE TRIGEMINAL NEURALGIA, A NERVE DIS-ORDER OF THE FACE/HEAD, THAT IS PERMANENT, LEAVING THE PLAINTIFF TO HAVE SEVERE PAINS FOR THE REST OF HER LIFE. IF BY ANY LAW OF GOVERNMENT, FEEL THAT A PERSON WHO HAVE HAD ELEVEN SURGERIES IN THE SAME AREA OF THE MOUTH IS FRIVOLOUS, OR FEEL THAT THIS CASE SHOULD BE DISMISSED, THEN WHERE IS THE LAW FOR THE VICTIM. AS FOR MY RESPONSE TO THIS MOTION , THAT WILL BE HEARD ON 12/16/2014, THERE IS NO PRESCIDENT, OR REASON FOR THE COURT TO DISMISS THIS CASE. IT IS NOT A JUDGEMENT WRITTEN THAT I COULD FIND. THE CONDITION, THAT PLAINTIFF HAVE, WAS CAUSED BY THE HANDS OF THE DEFENDANT.

BRENDA G. HARMON / PRO' SE

*Brenda G. Harmon*

Current Section: [Duhaime.org](http://www.duhaime.org) » Legal Dictionary

## Default Judgment Legal Definition:

An order of the Court striking a claim because no appearance, answer, reply or defence has been filed within the applicable deadlines.

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Also known as *judgment by default*.

In *Cole v. Metropolitan Council* , Justice Forsberg of the Court of Appeals of Minnesota wrote:

"A default judgment is ... a judgment entered against a defendant who has failed to plead or otherwise defend against the plaintiff's claim, often by failing to appear at trial. A judgment by default is just as conclusive an adjudication between parties as any other. "

A default judgment is entered without any judicial assessment or trial on the merits of the action.<sup>1</sup>

Note this important distinction as articulated by Justice Burke of the Supreme Court of Alaska in *Hertz v. Berzanske* :

"The default entry is simply an interlocutory order that in itself determines no rights or remedies, whereas the default judgment is a final judgment that terminates the litigation and decides the dispute. Setting aside a final judgment may be more disruptive to the judicial process and to the parties, who may have relied thereon, than setting aside an interlocutory order. In addition, a default judgment typically involves a much greater commitment of judicial resources, because recovery determinations, complicated hearings and jury trials often take place."

In conclusion, consider these wise words of Justice Davis in the 1965 Illinois Appellate Court decision, *Mieszkowski v. Norville* :

"The entry of a default judgment against a party litigant is a harsh and drastic action. Frequently, the default is visited upon the litigant, as a vicarious punishment, for the acts or omissions of his counsel. While we recognize that rules of court must be observed if dockets are to be kept current, yet courts must, in a proper case, yield the procedural exactitudes to the more basic rules of fundamental fairness.

"The setting aside of such judgment should be tested by the principle of fundamental fairness, and should be an exercise of the court's discretion, wherein it seeks the prevention of injury and the furtherance of justice. In exercising this discretion, it is essential that the court ascertain if some reason exists for the failure to present a defense in apt time; that the court decide whether some meritorious defense exists so that vacating the judgment will not be a patently useless act; and that the court determine if some particular hardship will result to the plaintiff. These determinations should be made, however, within the framework of the legal philosophy that litigation should be determined on its merits, if possible, and according to the substantive rights of the parties. Rights should be determined by default only as a last resort."

### REFERENCES:

- *Cole v. Metropolitan Council Housing and Redevelopment Authority* , 686 NW 2d 334 (2004)
- *Hertz v. Berzanske* , 704 P. 2d 767 (1985)

- **Mieszkowski v. Norville** , 209 NE 2d 358
- **Unknown Heirs at Law of Blair v. Blair** , 601 So. 2d 848 (1992, Supreme Court of Mississippi, *NOTE 1*)

### Categories & Topics:

- **Duhaime's Civil Litigation & Evidence Law Dictionary**

*Unless otherwise noted, this page was written by Lloyd Duhaime of Duhaime.org*

*Always looking up definitions? Save time with our search provider (modern browsers only)*

*If you find an error or omission in Duhaime's Law Dictionary, or if you have suggestion for a legal term, we'd love to hear from you!*

**Top**

PRO SE'  
BRENDA G, HARMON

**RECEIVED**  
JUN 01 2015  
SC Court of Appeals

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

-----  
DeAndrea G. Benjamin, Fifth Judicial Circuit Court Judge

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Case No. 2015 – 000061  
Final Brief – rule # 208 / 2<sup>nd</sup>, Designation of Matter

Brenda G. Harmon

Appellant

v.

Joel E, Johnson. D.M.D.

Respondent

Brenda G. Harmon; Pro Se'



**COPY**

I, Brenda G. Harmon, received a response from the Law Firm, McKay, Cauthen, Settana & Stublely, P. A., 1303 Blanding Street, Columbia, South Carolina 29201, representatives for the above named respondent. On Thursday, May 25, 2015, via U. S. Mail. It is a reply to the Initial Brief that I wrote for the basis of my appeal. In this response, on pg. # 6, it is written that I had only ten days left to file. That is a Given. That is a right provided to me by the court. The Representatives for the defendant is suggesting that you take away that right. By the same token of having equality, the Constitution Says I have the same rights as their client, to live free. I am not free from daily pains, daily swelling or headaches from the defendant's mal-practice. When this Dentist saw that other Doctors was not going to take the blame for his mistake, he tried to blame another doctor simply because he was black. Through- out these proceedings, the defendant/representative, It is A fact, not just a claim. I request to the Court of Appeals to read the transcript in its entirety, 18 pages, and read the response. This response will be used by me, the appellant at the time I am required to appear. You cannot go to a meeting of arbitration if that meeting has been canceled. When I was notified by the Courts that my hearing, which was scheduled for December, 2014, but changed to January 6, 2015, I immediately sent a letter informing Attorney Sullivan, of the new date that was given. On Pg. # 5, of the response from the Defendant's Attorneys, Their claim was that I failed to appear at the meeting for arbitration, this is a lie. I called, Mr. Tucker S. Player, (803) 772-8008, informing him that a Court date had been set before the arbitration, the hearing was canceled. Please look at the date it was scheduled. I went to Court on January 6, 2015, for which Judge Benjamin, threw out the entire case. The meeting for arbitration was scheduled for Feb. 2015. Where is the logic? Every item that required me to reply, I did. This is what I tried to get Judge Benjamin to see, but she didn't want to see nor did she show any interest in me receiving justice, in my opinion, Judge Benjamin had made her decision before the case had started, from what she was told and not what she read. Certainly, And I hope, she didn't make her decision from the information that was sent to me from The Law Firm, McKay, Cauthen, Settana & Stublely, P. A.

I am still a patient of Dr. Hamid Bahadori, M.D., of Carolina Neurology Medical Center, 125 Doughty Street, Suite 460, Charleston, S. C. 29403, therefore what he diagnosed cannot be void. Tactics are used every day by Attorneys who just want to win and win by attrition, never seeing the pain that their client caused. This Doctor, Joel E. Johnson Knows that he has done irreparable damage to my body, but still to this day won't say he's sorry. He rather crawl up like a snake and use the law because to him it is un-ethical to say so to a black female. My pain is evitable, it can only be quiet with medication for the rest of my life.

Again what constitute an "affidavit?" It is a written diagnosis of a patient from a medical Doctor. The law is a set of rules guided by facts and logic. I shall not be deprive of my rights because of my race, gender or age. The Laws from cases used in my Initial Brief, Are laws that are written.

No person, has the right to willfully take away the life of another person. I ache all the time, due to medical negligence. What was sent to me, via U. S. Mail a child can depict the lies that is written. In America you cannot do bodily harm to another person as you please, especially being a licensed person. That license, is given by the state, stating you know what you are doing. I did not in any circumstance pay you money to harm my face.

This is a second designation of matter / Final Brief. It is written.

### Conclusion

For reasons provided in the initial Brief and my reply to their Response, is the reason my case should continue. I ask the Appeals Court to settle this case using the law the right way, A. Settlement, B. Arbitration, or C. Court Trial- Trial by Jury

THE STATE SOUTH CAROLINA COURT  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

RECEIVED

JUN 01 2015

SC Court of Appeals

BRENDA G. HARMON/PRO SE'

2110 Woodfield Drive

Columbia, S. C. 29223

June 1, 2015

Law Offices

McKay, Cauthen, Settana & Stublely, P. A.

C/O Kelli Sullivan

1303 Blanding Street

Columbia, South Carolina 29201

Re: Brenda G. Harmon v. Joel E. Johnson, DMD

Appellant Case No. 2015-000061

Dear Attorney Sullivan:



COPY

Enclose is a copy of the Final Brief/2<sup>nd</sup> Designation of Matter, and served included in the Record of Appeal which is filed with the Courts on the above date. It is delivered to you by way of the South Carolina Sheriff Department.

Respectfully,  
Brenda Harmon  
June 1, 2015

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

Case No. 2015-000061

Certificate of Counsel

Brenda G. Harmon

v.

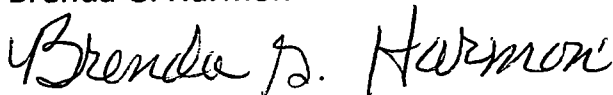
Joel E. Johnson, DMD

Re: Kelli L. Sullivan, Esquire

I, Brenda G. Harmon, certify to the Courts that the Record of Appeal contain all information, that will be used by what is stated in Record of Appeal. All materials that is mentioned in the Record of Appeal and will be used for the purpose of Court. However, I, the Appellant have not provided the Courts with 2, items that is mentioned on the appeal, but will provide them in my final brief.

Respectfully

Brenda G. Harmon



June 24, 2015

THE SOUTH CAROLINA COURT OF APPEALS

In The Court of Appeals

Case No. 2015 - 000061

Certificate of Service

**RECEIVED**  
JUN 25 2015  
SC Court of Appeals

Brenda G. Harmon

v.

Joel E. Johnson, DMD

Re: Kelli L. Sullivan, Esquire

I, Brenda G. Harmon, duly swears to the Court of Appeals that I have served, Attorney Kelli L. Sullivan, Poof of Service via S. C. Sheriff Dept., on June 24, 2015

Respectfully

Brenda G. Harmon

*Brenda G. Harmon*

1. June 24, 2015

2. July 18, 2015