

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Appellate Case No. 2013-002688
Case No. 2013-CP-23-5177

SEP 11 2015

S.C. Supreme Court

Opinion No. 2015- UP-236 (S.C. Ct. App. Filed May 6, 2015)

Beverley D. Wilson, Petitioner,

v.

Stephen P. Williams, Respondent.

APPENDIX INDEX FOR WRIT OF CERTIORARI

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THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Appellate Case No. 2013-002688
Case No. 2013-CP-23-5177

Opinion No. 2015- UP-236 (S.C. Ct. App. Filed May 6, 2015)

Beverley D. Wilson,

Petitioner
Appellant,

v.

Stephen P. Williams,

Respondent.

APPENDIX INDEX FOR WRIT PETITION

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* Note:

Letter to The Honorable Eric Holder July 6, 2012 was not included in this list of exhibits or presented to the Court or discussed in any court proceedings in this case and is thus barred from being included in the Designated Matter and is not included in the Record on Appeal.

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Issue 4: Trial Court erred in granting Williams’s Motion to Dismiss.

The South Carolina Court of Appeals affirmed Judge D. Harrison’s original order pursuant to Rule 220(b) SCACR and the above authorities.

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Pursuant to Rule 221, SCACR, Petitions for rehearing must be actually received by the SC Court of Appeals no later than fifteen days after the filing of an order, judgment, or decree of the Court. Per SC Rule 240, the petition for rehearing must state with particularity the points supposedly overlooked or misapprehended by the Court. Additionally, the SC Court of Appeals will not grant a petition for rehearing an order or motion unless the Court’s denying that petition effectively dismisses or finally decides that party’s appeal.

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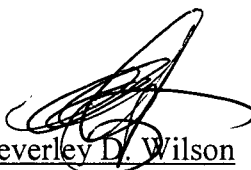
The South Carolina Court of Appeals denied Petitioner’s (formerly Appellant’s) Motion to Recall Remittur and Request Rehearing pursuant to *State vs. Keels*, 39 S.C.553, 17 S.E. (802) (1893.) – “A remittur cannot be recalled except upon “a very strong showing...that the remittur was sent down through some mistake or inadvertence on the part of the Court or its officer.” Absent such showing, the remittur is deemed properly sent and the Court no longer has jurisdiction over the case and cannot grant a motion to recall the remittur.

BASIS FOR JURISDICTION.....

Rules 240, 242

The South Carolina Supreme Court has both appellate and original jurisdiction in South Carolina and the right to review decisions of the South Carolina Court of Appeals by granting a petition for a Writ of Certiorari pursuant to Rule 242(a), SCACR. Pursuant to Rule 240(b), “A motion to dismiss an appeal...shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided.” Pursuant to 242(c) “A decision of the Court of Appeals is not final for the purpose of review by the Supreme Court until the petition for rehearing or reinstatement has been acted on by the Court of Appeals. A petition for writ of certiorari shall be... filed...within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals.” Petitioner timely filed Notice of Appeal December 18, 2013. The SC Court of Appeals Dismissed Petitioner’s Appeal February 19, 2014. Petitioner timely filed Motion for Reinstatement March 5, 2014. The SC Court of Appeals made final disposition on Petitioner’s Motion for Reinstatement by Dismissing the Appeal May 6, 2015. Petitioner respectfully contends that her petition for Writ of Certiorari presented to the Supreme Court of South Carolina for filing June 5, 2015 was appropriate and timely for filing following dispositioning of her Motion for Reinstatement by the South Carolina Court of Appeals May 6, 2015 and should have been received for filing on June 5, 2015 rather than Appellant being directed to file a petition for rehearing of the Appeal by the SC Court of Appeals. The wording of SCACR Rule 242(d)(2) is (potentially) ambiguous in that it states “Only those questions raised in the Court of Appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court.” Petitioner respectfully prays the South Carolina Supreme Court grants her Motion for Leave of Court to petition for Writ of Certiorari in this case.

Respectfully submitted this 27 day of September 2015



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RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2013-CP-23-5177
Appellate Case No. 2013-002688

Beverley D. Wilson,

Appellant,

v.

Stephen P. Williams,

Respondent.

RECORD ON APPEAL

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JUL 21 2014

SC Court of Appeals

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<u>CERTIFICATE OF APPELLANT</u>	179
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CERTIFICATE OF APPELLANT

I certify that the Record on Appeal contains all material proposed to be included by the Appellant and Respondent with the exception of Appellant's Letter to The Honorable Eric Holder which is inadmissible as an item to be included in the Designation of Matter as it was not presented to the Lower Courts or presented/discussed in any proceedings of the Lower Courts. No other material has been included in the Record on Appeal.

July 17, 2014

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STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

ORDER TO CHANGE VENUE TO
THE COUNTY OF GREENVILLE

2013 SEP 17 AM 10:44
JEANETTE W. McBRIDE
C.C.P. & G.S.

RICHLAND COUNTY
FILED

Defendant's Motion to Change Venue was served upon Plaintiff by mail on June 19, 2013. The Motion was filed by the Clerk of Court on June 24, 2013. The Motion was scheduled for hearing at 11:00 a.m. on Wednesday, August 28, 2013. Plaintiff appeared *pro se*. Defendant appeared through his attorney Michael D. Glenn of Anderson County, South Carolina.

Defendant's Motion was based upon the ground that Defendant is a resident of Greenville County, South Carolina and Plaintiff is a resident of Orangeburg County, South Carolina. SC Code Anno. §15-7-30 provides that proper venue is in the county of Defendant's domicile and residence.

Plaintiff argued that Defendant's law firm, Haynsworth Sinkler Boyd, PA

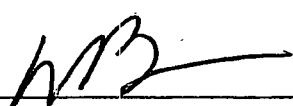
has a location in Columbia, South Carolina and Plaintiff contended that the firm office location allowed venue in Richland County.

I considered the arguments of the parties and determined that the law suit was not brought against Haynsworth Sinkler Boyd, PA but against Stephen P. Williams, individually.

I find that Defendant is entitled to be sued in the county of his residence and that venue should be changed.

NOW THEREFORE, IT IS ORDERED that venue of the within action be and the same is hereby transferred to the Court of Common Pleas in the County of Greenville, South Carolina. The Clerk of Court shall take necessary steps to transfer the venue in accord with this Order.

IT IS SO ORDERED THIS 16 DAY OF Sept, 2013.


DeAndrea Benjamin, Presiding Judge
Fifth Judicial Circuit

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-23-5177

ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS AND
DENYING PLAINTIFF'S MOTION
TO AMEND HER COMPLAINT TO
ADD AN EXPERT AFFIDAVIT

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENS
2013 SEP 11 11:14 AM

This case is before the Court after an Order Changing Venue to the Greenville County Court of Common Pleas was issued by the Richland County Court of Common Pleas.

The Complaint was originally filed in Richland County on May 22, 2013. Defendant's Answer and Motion to Dismiss were filed simultaneously on June 24, 2013. On that same date, Defendant filed a Motion to Change Venue to the Greenville County Court of Common Pleas.

On September 17, 2013, the Court granted the Motion to Change Venue to Greenville County but did not hear the Motion to Dismiss. After the Change of Venue, Defendant filed an identical Motion to Dismiss in this Court on October 3,

Plaintiff's claim expired on or about June 1, 2013. Under those circumstances, Plaintiff was not entitled to Amend her Complaint to add an Expert Affidavit and Defendant's Motion to Dismiss must be granted.

NOW THEREFORE, IT IS ORDERED:

1. Plaintiff's Motion to Amend her Complaint to add an Expert Affidavit is denied.
2. Defendant's Motion to Dismiss the Complaint is granted.

IT IS SO ORDERED THIS 18th DAY OF Nov., 2013.

D. Garrison Hill

D. Garrison Hill, Judge Thirteenth Judicial Circuit

STATE OF SOUTH CAROLINA)

FILED-CLERK OF COURT IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE)

PAUL B. WICKENSINER)

Case Number: 2013-CP-23-5177

Beverley D. Wilson)
2013 NOV 20 AM 11:14)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

ORDER DENYING PLAINTIFF'S
MOTION TO APPEAL CHANGE
OF VENUE

This case is before the Court after Venue was transferred from the Court of Common Pleas in Richland County to the Court of Common Pleas in Greenville County by Order of the Honorable DeAndrea Benjamin dated September 16, 2013 and filed September 17, 2013.

On November 7, 2013, Plaintiff filed a Motion to be allowed to appeal the Order Changing Venue. In Breland v Love Chevrolet Olds, Inc., 339 SC 89, 529 SE2d 11 (2000), the South Carolina Supreme Court held that an Order effecting Venue of a case is not immediately appealable and may be appealed only after the case is concluded in the Lower Court.

NOW THEREFORE, IT IS ORDERED that Plaintiff's Motion to appeal from the Order Changing Venue is denied.

IT IS SO ORDERED THIS 18 DAY OF Nov., 2013.

[Signature]

D. Garrison Hill, Judge Thirteenth Judicial Circuit

The South Carolina Court of Appeals

Beverley D. Wilson, Appellant,

v.

Stephen P. Williams, Respondent.

Appellate Case No. 2013-002688

The Honorable D. Garrison Hill
Greenville County
Trial Court Case No. 2013CP2305177

ORDER

Appellant has failed to serve and file the initial brief and designation of matter, as required by Rules 208 and 209 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

FILED
2013-02-19-14

cc:

Beverley D. Wilson

Michael D. Glenn, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:

BEVERLEY D. WILSON,)
)

Plaintiff,)
)

vs.)
)

STEPHEN P. WILLIAMS,)
)

Defendant.)
)

COMPLAINT

RICHLAND COUNTY
FILED
2013 MAY 22 PM 3:42
JEANETTE W. McBRIDE
C.C.P. & C.S.

Plaintiff, Beverley D. Wilson, complaining of Defendant, Stephen P. Williams,
would show unto this Honorable Court:

1. Plaintiff is a physician existing and practicing under the laws of the State of South Carolina, in Orangeburg County as Wilson Pediatrics, Inc.
2. Upon information and belief, Defendant is a resident of Greenville County and a citizen of the State of South Carolina.
3. In March 2008, South Carolina Department of Medicaid conducted an audit of Plaintiff's medical practice, Wilson Pediatrics, Inc. On this date, the Plaintiff, Beverley D. Wilson, contacted the South Carolina Medical Association (SCMA) for legal advice and was referred to the Defendant, Stephen P. Williams. SCMA had previously advised all of its member physicians to immediately contact them should the physician ever receive correspondence from South Carolina Medicaid regarding an audit or a site visit to conduct an audit by South Carolina Medicaid. Subsequently, SCMA referred the Plaintiff to its legal expert regarding South Carolina Medicaid audits, Stephen P. Williams.

4. Plaintiff contacted and conferred with Defendant Stephen P. Williams via telephone on that same date and subsequently retained Stephen P. Williams on or about June 20, 2008 as her attorney to represent the Plaintiff in the South Carolina Medicaid case.

5. The Plaintiff did not retain the Defendant to represent her in the Amick Millwork & Supply, Inc. case and was financially unable to secure legal representation for herself in the Amick Millwork & Supply, Inc. case. The Plaintiff sought unofficial advice regarding the Amick Millwork & Supply, Inc. case (Exhibit A) from Stephen P. Williams in November 2008 and trusted in and relied upon the advice of the Defendant. The Defendant told the Plaintiff "Though it is best to go to court even without an attorney, if you choose not to go, at worst the judge will grant Mr. Amick a judgment against you, which Mr. Amick will just hold against you like a lien until you are able to pay off the balance of your debt to him." As the Plaintiff trusted the Defendant's advice, the Plaintiff elected not to go to court as the worst case scenario would be a judgment rendered against her, which would not be executed but held as a lien against the Plaintiff until she paid the debt remaining with Amick Millwork and Supply, Inc.. On or about March 10, 2009, judgment was rendered and entered in favor of Amick Millwork & Supply, Inc. in the amount of \$240,757.35 (Exhibit B). Subsequent rule to show cause was received on or about January 7, 2012 (Exhibit C).

6. On or about January 9, 2009, Plaintiff was served with a complaint by Amick Millwork & Supply, Inc. for breach of contract demanding payment in full of the balance \$221,015.36 for custom millwork produced for her home in addition to costs for attorney's fees and collection activities to enforce the contract (Exhibit A).

7. The Defendant had a conflict of interest in representing the Plaintiff as he had been retained by The Regional Medical Center in the recent past. The Regional Medical Center had an adversarial relationship with the Plaintiff since January 1997 (Exhibit D). The Defendant also worked for Haynsworth, Sinkler, Boyd, P.A., a law firm that was retained by First Citizens Bank to represent First Citizens Bank in a lawsuit against the Plaintiff in the past. The Defendant possessed specialized legal expertise pertaining to the Plaintiff's present case against South Carolina Medicaid. The Plaintiff asked the Defendant if these conflicts of interest would impair his ability to fairly and impartially represent her interests in the South Carolina Medicaid case. The Defendant told the Plaintiff that the stated conflicts of interest would not interfere with his ability to fairly and impartially represent or defend the Plaintiff in her present case with South Carolina Medicaid.

8. The Plaintiff informed the Defendant that her main witness in her case against South Carolina Medicaid case was dead and the absence of this witness's testimony would be significant in mounting a defense for the Plaintiff. The Defendant advised the Plaintiff that it was in her best interest to enter a plea bargain agreement in the State of South Carolina vs. Beverley D. Wilson case (Exhibit E). The Defendant ordered examination of Plaintiff by the South Carolina Department of Mental Health stating same was requested by the South Carolina Attorney General. Dr. Richard Frierson, the examining physician and Chief of Psychiatry at the South Carolina Department of Mental Health, stated the Defendant ordered the mental health evaluation, not the South Carolina Attorney General. Dr. Frierson called the South Carolina

Attorney General's office and confirmed that it was the Defendant, and not the South Carolina Attorney General, who requested and ordered the mental health evaluation.

9. The Plaintiff asked the Defendant on several occasions for permission to accompany the Defendant when he was meeting with the South Carolina Attorney General or the Assistant South Carolina Attorney General regarding the Plaintiff's South Carolina Medicaid case, as the Plaintiff did not agree with the plea bargain as written and did not feel the Defendant was representing her best interest. The Defendant informed the Plaintiff that it was not possible for the Plaintiff to accompany the Defendant to meet with the South Carolina Attorney General or the Assistant South Carolina Attorney General and that the plea bargains were taken directly from statutes of law, were "carved in stone," and could not be changed.

10. The Plaintiff presented the Defendant with a document to present to the presiding judge, Judge Manning, the South Carolina Attorney General, and the Assistant South Carolina Attorney General prior to the State of South Carolina vs. Beverley D. Wilson on May 24, 2010 detailing conspiratorial information surrounding that case (Exhibit D). The Defendant told the Plaintiff "It would be best not to present that information to the judge right now. He's in a good mood and we wouldn't want to ruin that. Hold on to that information and use it in the appeal case." At the conclusion of the trial, the Defendant stated "I'm sure the South Carolina Attorney General is glad we pled your case as the South Carolina Attorney General was worried he didn't have a strong enough case to convict you." The Defendant never discussed that the South Carolina Attorney General had any misgivings regarding his ability to obtain a conviction in the South Carolina Medicaid case with the Plaintiff prior to the conclusion of the trial.

11. At the conclusion of the State of South Carolina vs. Beverley D. Wilson trial, Judge Manning ordered restitution of \$77,356.16, \$10,000 court cost, and 20 percent fee (See Exhibit F). The Plaintiff told the Defendant she would not be able to afford such payments and asked the Defendant to petition Judge Manning for leniency and a more affordable restitution as the Plaintiff had not billed South Carolina Medicaid since May 2008 and the Plaintiff's medical practice was approximately 80-85% Medicaid. The Defendant reiterated numerous options for employment of the Plaintiff that the Defendant had discussed with the Plaintiff prior to the State of South Carolina vs. Beverley D. Wilson trial and stated to the Plaintiff that all things would work out well financially.

12. The Defendant advised the Plaintiff that it would be in her best financial interest to close her practice and seek employment as an emergency room physician, locum tenens physician, or a physician at one of South Carolina's Health Departments, or an adjunct college professor in order to provide herself with income as the plea bargain would result in her exclusion from South Carolina Medicaid and the United States Department of Health and Human Services and these occupations would be the Plaintiff's best means of assuring financial viability.

13. One week following the conclusion of the said case, the Plaintiff contacted the Defendant for assistance in filing appeals with the South Carolina Court of Appeals and South Carolina Medicaid regarding the State of South Carolina vs. Beverley D. Wilson. The Defendant stated "Oh, you can do that on your own. It's simple. You won't need me for that." The Plaintiff related to the Defendant that she was not comfortable proceeding with the appeals without the Defendant's legal representation of

her. The Defendant responded similarly to the Plaintiff's request for the Defendant to accompany the Plaintiff to hearings regarding this case before the SCMA board.

14. The Plaintiff engaged in a contract February 17, 2011 with Heathwood Hall Episcopal School (Exhibit G) to pay the debt the Plaintiff owed Heathwood Hall Episcopal School based upon the advice of the Defendant that the Plaintiff would be easily able to be employed as mentioned previously. Unable to be employed as the Defendant had assured her, the Plaintiff defaulted on the agreement with Heathwood Hall Episcopal School, resulting in Heathwood Hall Episcopal School executing an Affidavit of Counsel (Exhibit H) and a Confession of Judgment (Exhibit G) on or about October 19, 2011. A Transcript of Judgment (Exhibit I) was rendered to Heathwood Hall Episcopal School on November 17, 2011.

15. The Defendant advised the Plaintiff to file bankruptcy on or about November 2008 and advised the Plaintiff not to tell anyone as it could be construed that the Defendant was advising the Plaintiff to file bankruptcy to avoid a South Carolina Medicaid judgment should one be rendered against the Plaintiff. After the Amick Millwork & Supply, Inc. judgment was executed in June 2009, the Plaintiff contacted the Defendant to obtain referrals regarding reputable bankruptcy firms. The Defendant referred the Plaintiff to bankruptcy attorney Jason Moss of Moss & Associates, P.A., and stated that he knew Mr. Moss well. The Defendant also stated he would personally call and speak to Mr. Moss on the Plaintiff's behalf, and that Mr. Moss would take care of the Plaintiff. The Plaintiff retained the services of Jason Moss in July 2009 with subsequent disastrous results amid disastrous legal malfeasances by Mr. Moss and his associates. The Plaintiff contacted the Defendant after the second bankruptcy case represented by Moss

& Associates was dismissed. The Defendant denied knowing Jason Moss and having referred Jason Moss to the Plaintiff.

FOR A FIRST CAUSE OF ACTION
(Legal Negligence)

16. Plaintiff incorporates herein by reference its allegations above.

17. Plaintiff and Defendant Stephen P. Williams entered into a binding contract.

18. Plaintiff had full expectation that the Defendant, an attorney who practices law within South Carolina, would adhere to the tenets of professional ethics and duties of legal professionalism and not proffer legal advice on an informal basis that was reckless or negligent or would place the Plaintiff in legal peril if she acted upon/followed that advice. Additionally, Plaintiff had the expectation that the Defendant in acting as her attorney would exercise due diligence in representing her interests with both vigor and expertise and provide effective counsel on her behalf.

19. As a result of the Plaintiff's following the Defendant's legally negligent informal advice, the Plaintiff did not present herself at the Amick Millwork and Supply, Inc. vs. Beverley Wilson, Marvin Wilson case (hereafter referred to as Amick Millwork and Supply, Inc. vs. Beverley Wilson and formerly referred to as the Amick Millwork and Supply, Inc. case), thereby, forfeiting her right to rebut the claims against her in that case or seek any counterclaims against Amick Millwork and Supply, Inc.

20. The Defendant's legal negligence also resulted in the Plaintiff subsequently suffering monetary losses and accrued debt in excess of \$250,000 in the cases of Amick Millwork & Supply, Inc. vs. Beverley Wilson, \$100,000 in the State of

South Carolina vs. Beverley D. Wilson, and \$45,000 in Heathwood Hall Episcopal School vs. Beverley D. Wilson.

21. The Defendant's legal negligence also placed the Plaintiff at risk of receiving legal judgments against her that could result in the Plaintiff losing her home, her medical practice, and/or result in her imprisonment.

FOR A SECOND CAUSE OF ACTION
(Breach of Fiduciary Duty)

22. Plaintiff incorporates herein by reference its allegations above.

23. Plaintiff had the right to expect a fiduciary duty from the Defendant in acting as the Plaintiff's attorney to act in good faith and candor to represent the Plaintiff's best interest. The Defendant also had the duty not to exert undue pressure upon the Plaintiff to agree to conditions of the plea agreement or otherwise not in her best interest.

24. As a result of the Defendant's breach of fiduciary duty: (1) The Plaintiff agreed to a plea agreement that was not in her best interest; (2) The Plaintiff was placed in a financially compromised position in which it was not feasible to meet the conditions of the restitution portion of the Plaintiff's plea agreement or the Plaintiff's other financial obligations; (3) The Plaintiff was placed at risk of default of the plea agreement and subsequent imprisonment; and (4) The Plaintiff was placed at risk of losing her home, her medical practice, and all that she owned.

FOR A THIRD CAUSE OF ACTION
(Ineffective Assistance of Counsel)

25. Plaintiff incorporates herein by reference its allegations above.

26. Plaintiff had the right to effective assistance of counsel from the Defendant in his representation of the Plaintiff as her attorney in the State of South

Carolina vs. Beverley D. Wilson case. Plaintiff had the right to fair and robust legal representation of her interests and a vigorous effort by the Defendant to seek an equitable judgment in the Plaintiff's best interest.

27. Lack of effective assistance of counsel by the Defendant resulted in: (1) The Plaintiff agreeing to a plea agreement that was not in her best interest; (2) The Plaintiff being placed in a financially compromised position in which it was not feasible to meet the conditions of the restitution portion of the Plaintiff's plea agreement or the Plaintiff's other financial obligations; (3) The Plaintiff being placed at risk of default of the plea agreement and subsequent imprisonment; and (4) The Plaintiff being placed at risk of losing her home, her medical practice, and all that she owned.

FOR A FOURTH CAUSE OF ACTION
(Legal Malpractice)

28. Plaintiff incorporates herein by reference its allegations above.

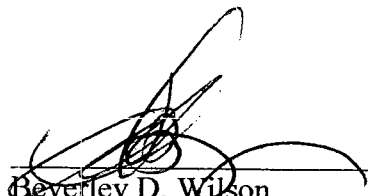
29. Plaintiff had the expectation and right to be represented fairly to the fullest extent possible with truth and integrity with full disclosure by the Defendant regarding any information pertaining to the outcome of her case. The aforementioned actions by the Defendant as referenced herein and above fall far short of the Plaintiff's reasonable expectations of professional duty by the Defendant, and display a lack of moral turpitude by the Defendant and constitute legal malpractice by the Defendant as the Defendant knowingly presented false information to the Plaintiff and misguided the Plaintiff on many occasions during his representation of the Plaintiff in the State of South Carolina vs. Beverley D. Wilson and while proffering informal legal advice to the Plaintiff regarding the Amick Millwork and Supply, Inc. vs. Beverley Wilson case.

30. As a result of the Defendant's legal malpractice, the Plaintiff has suffered significant financial loss, accrued significant financial debt totaling in excess of \$400,000, and has suffered significant emotional distress.

Wherefore, having fully set forth the basis for the claims for relief set forth herein, Plaintiff, Beverley D. Wilson, prays for judgment granting:

- A. Actual and punitive damages against the Defendant;
- B. Attorney's fees, costs, and any interest accrued on any monies owed on judgments for Amick Millwork & Supply, Inc. and Heathwood Hall Episcopal School and the South Carolina Medicaid restitution as these cases were directly affected by the Defendant's legal negligence, lack of moral turpitude, and legal malpractice. The Defendant's legal negligence and legal malpractice have directly contributed to the Plaintiff's inability to honor her financial obligations to the aforementioned entities; and
- C. Such other and further relief as the court deems just and proper.

May 22, 2013



Beverley D. Wilson
P.O. Box 2865
Orangeburg, SC 29116
Phone: (803)682-0697
Email: wilsonfam63@yahoo.com

LIST OF EXHIBITS
Beverley D. Wilson vs. Stephen P. Williams

Exhibit A	Amick Millwork & Supply, Inc. vs. Beverley D. Wilson January 9, 2009
Exhibit B	Amick Millwork & Supply, Inc. Judgment Order March 10, 2009
Exhibit C	Amick Millwork & Supply, Inc. Rule to Show Cause January 27, 2012
Exhibit D	Conspiracy Theory May 24, 2010
Exhibit E	Arrest Warrant (containing portion of Plea Agreement) September 21, 2009
Exhibit F	Sentence Sheet May 24, 2010
Exhibit G	Heathwood Hall Episcopal School Confession of Judgment February 17, 2011
Exhibit H	Heathwood Hall Episcopal School Affidavit of Counsel October 19, 2011
Exhibit I	Heathwood Hall Episcopal School Transcript of Judgment December 2, 2011

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Amick Millwork & Supply, Inc.,

v.

Reverley Wilson, Marvin Wilson,

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiffs

2009 CP - 38

2008-CP-38

Defendants

2009CP3200129

(Please Print)

Submitted By: D. Ryan McCabe

Address: Rogers, Townsend & Thomas, P.C.

P.O. Box 100200

Columbia, SC 29202-3200

SC Bar #: 16977

Telephone #: 803-771-7900

Fax #: 803-343-7017

Other:

E-mail: rmccabe@rtt-law.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR (certificate attached).

Contracts

- ☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☒ Breach of Contract (140)
☐ Other (199)

Torts - Professional Malpractice

- ☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
☐ Notice/ File Med Mal (230)
☐ Other (299)

Torts - Personal Injury

- ☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399)

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

Inmate Petitions

- ☐ PCR (500)
☐ Sexual Predator (510)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599)

Judgments/Settlements

- ☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Other (799)

Administrative Law/Relief

- ☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture (840)
☐ Other (899)

- ☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Administrative Law Judge (980)
☐ Public Service Commission (990)

Special/Complex /Other

- ☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699)
☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)

- ☐ Employment Security Comm (991)
☐ Other (999)

Submitting Party Signature:

D. Ryan McCabe

Date: January 8, 2009

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

2065346-1

FOR MANDATED ADR COUNTIES ONLY
Florence, Horry, Lexington, Richland, Greenville and Anderson

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN
ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

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

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Amick Millwork & Supply, Inc.

Plaintiff,

vs.

Beverley Wilson, Marvin Wilson,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2008-CP-38

COPY
FILED

2009 JAN -9 1:22

SUMMONS

TO: THE ABOVE NAMED DEFENDANT:

2009CP3200129

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint on the attorney for the aforesaid Plaintiff, on the Law Firm of Rogers, Townsend, & Thomas, PC, 220 Executive Center Drive, Suite 109, Post Office Box 100200, Columbia, South Carolina, 29202-3200, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

D. Ryan McCabe

D. Ryan McCabe
Rogers Townsend & Thomas, PC
220 Executive Center Drive, Suite 109
P.O. Box 100200
Columbia, South Carolina 29202-3200
Phone: (803) 771-7900
Fax: (803) 343-7017
Email: rmccabc@rtt-law.com
Attorneys for Plaintiff

Columbia, South Carolina
1-8, 2009

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Amick Millwork & Supply, Inc.

Plaintiff,

vs.

Beverley Wilson, Marvin Wilson

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER: 2008-CP-38

COPY

2009 JAN -9 1:22

COMPLAINT

2009CP3200129

Plaintiff, Amick Millwork & Supply, Inc., complaining of Defendants, Beverley Wilson and Marvin Wilson, would show unto this Honorable Court:

1. Plaintiff is a corporation organized and existing under the laws of the State of South Carolina, maintaining its principal place of business in Lexington County, South Carolina.

2. Upon information and belief, Defendants are residents of Orangeburg County and citizens of the State of South Carolina.

3. On or about July 6, 2007 Plaintiff and Defendant Beverley Wilson entered into a Contract whereby Plaintiff was to manufacture custom millwork for Defendants' home located at 1980 Broughton Street, Orangeburg, South Carolina (Exhibit A).

4. Plaintiff manufactured all the custom millwork in Lexington, South Carolina, and all fabricated materials are located in Lexington County.

5. Under the terms of the Contract, Defendant Beverley Wilson was to pay Plaintiff a total of \$582,215.36. The total amount was scheduled to be paid in monthly payments of \$25,773.13 starting April 16, 2007 through January 16, 2009. A final payment of \$19,206.50 was due on February 16, 2009.

6. The Contract further provides that Defendant Beverley Wilson will be responsible

for all costs and attorney's fees incurred by Plaintiff in any action to enforce the Contract.

7. Defendant Beverley Wilson made monthly payments of \$25,800 from April 2007 through May 2008 for a total payment of \$361,200, but made no further payments after May 2008.

FOR A FIRST CAUSE OF ACTION
(Breach of Contract)

8. Plaintiff incorporates herein by reference its allegations above.

9. Plaintiff and Defendant Beverley Wilson entered into a binding contract, which is attached as Exhibit A.

10. Defendant Beverley Wilson breached her duties under the Contract when she failed to make payments as required by the Contract.

11. As a result of Defendant's breach Plaintiff has suffered damages in excess of \$250,000.

FOR A SECOND CAUSE OF ACTION
(Violation of S.C. Code Ann. § 27-1-15)

12. Plaintiff incorporates by reference its allegations above.

13. Plaintiff made a due and just demand for payment for its services by letter sent by certified mail.

14. Pursuant to S.C. Code Ann. §27-1-15, Defendants had a duty to conduct a reasonable and fair investigation into the merits of the claim and to pay that portion of the claim which is valid within forty-five (45) days.

15. Defendants have failed to conduct an investigation into the merits of Plaintiff's claim.

16. Further, Defendants have failed to compensate Plaintiff for any portion of Plaintiff's claim.

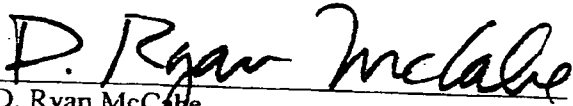
FOR A THIRD CAUSE OF ACTION
(Quantum Meruit)

12. Plaintiff incorporates herein by reference its allegations above.
13. Plaintiff conferred a benefit in the form of custom millwork to Defendants' home in performing its obligations pursuant to this agreement.
14. Defendants have realized this benefit but refuse to fully compensate Plaintiff for this benefit.
15. Under these circumstances it would be inequitable to allow Defendants to realize said benefit without remitting full payment to Plaintiff.

Wherefore, having fully set forth the basis for the claims for relief set forth herein, Plaintiff, Amick Millwork & Supply, Inc., prays for a judgment granting:

- A. Actual and consequential damages against the Defendants;
- B. Attorneys fees and costs and interest as authorized under agreement by Plaintiff and Defendant Beverley Wilson; and
- C. Such other and further relief as the court deems just and proper.

1-8, 2009


D. Ryan McCabe
Rogers Townsend & Thomas, PC
220 Executive Center Drive, Suite 109
P.O. Box 100200
Columbia, South Carolina 29202-3200
Phone: (803) 771-7900
Fax: (803) 343-7017
Email: rmccabe@rtt-law.com
Attorneys for Plaintiff

**NOTICE REQUIRED BY THE FAIR DEBT COLLECTION
PRACTICES ACT, (THE ACT),
15 U.S.C. SECTION 1601 AS AMENDED**

1. The total amount of the debt over \$250,000 for materials and labor supplied by Amick Millwork & Supply, Inc. for millwork performed at 1980 Broughton Street, Orangeburg, South Carolina.
2. The creditor is Amick Millwork & Supply, Inc.
3. The debt described in the letter attached hereto will be assumed to be valid by the Creditor's law firm unless, you, the debtor, within thirty (30) days after the receipt of this notice, dispute, in writing, the validity of the debt or some portion thereof.
4. If you, the debtor, notify the Creditor's law firm in writing within thirty (30) days of the receipt of this notice that the debt or any portion thereof is disputed, the Creditor's law firm will obtain verification of the debt and a copy of the verification will be mailed to you, the debtor, by the Creditor's law firm.
5. If the Creditor named in the attached letter is not the original Creditor, and if you make a written request to the Creditor's law firm within the thirty (30) days from the receipt of this notice, the name and address of the original Creditor will be mailed to you by the Creditor's law firm.
6. Written requests should be addressed to D. Ryan McCabe, Rogers Townsend & Thomas, PC, Post Office Box 100200, Columbia, South Carolina 29202-3200.
7. This notice should not be construed as a thirty (30) day grace period. Creditor may pursue collection efforts immediately and not wait thirty (30) days.

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

Amick Millwork & Supply, Inc.,

Plaintiff,

v.

Beverly Wilson and Marvin Wilson,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
C/A NUMBER: 09-CP-38-0577

ORDER

TO: ALL PARTIES AND COUNSEL

Judgment was rendered and entered in the referenced case on March 10, 2009 in favor of Plaintiff against Defendants Beverley Wilson and Marvin Wilson in the amount of \$240,757.35; and

A supplementary proceedings hearing was held before me on June 10, 2009. Plaintiff moved to have the Court appoint a Receiver pursuant to section 15-65-10 of the South Carolina Code ("Code") and Rule 66 of the South Carolina Rules of Civil Procedure.

Plaintiff has established a right to Defendants' property that is in Defendants' possession. S.C. Code Ann. § 15-65-10 (1976). Plaintiff has also established through Dr. Beverly Wilson's testimony that substantial assets exist to appoint a Receiver. Plaintiff may suffer irreparable harm if a receiver is not appointed immediately. The property may be sold or otherwise disposed of directly injuring Plaintiff.

James B. Jackson, Jr., Esquire of the firm Nester & Jackson, P.A. located in Santee, South Carolina has agreed to serve as Receiver. James B. Jackson is fully qualified to act as Receiver in this matter. Mr. Jackson is a member in good standing with the South Carolina Bar.

Code Section 15-65-10 and South Carolina Rule of Civil Procedure 66 govern the appointment of receivers. Section 15-65-10 provides:

A receiver may be appointed by a judge of the circuit court, either in or out of court:

- (2) After judgment, to carry the judgment into effect;
- (3) After judgment, to dispose of the property according to the judgment or to preserve it during the pendency of an appeal or when an execution has been returned unsatisfied and the judgment debtor refuses to apply his property in satisfaction of the judgment;

S.C. Code Ann. § 15-65-10.

Rule 66 provides:

- (a) An action in which a receiver has been appointed shall not be dismissed except by order of the court. The practice in the administration of the states by receivers or by other similar officers appointed by this court shall be in accordance with the laws of this state. In all other respects the action of which the appointment of receiver is sought or which is brought by or against a receiver is governed by these rules.
- (b) In addition to the powers conferred by law, every receiver of the property and effects of a debtor shall, unless restricted by order of the court, have general power and authority to sue for and collect debts, demands and rents belonging to the debtor, and to compromise and settle such as are of a conferred value. He may also sue and defend in the name of the debtor where it is necessary or proper for him to do so.

69/2
SCRCP 66.

THEREFORE, based on the arguments heard at the June 10, 2009 supplementary proceedings hearing, and with the consent of James B. Jackson, Esquire, it is

ORDERED, ADJUDGED AND DECREED THAT:

- a. James B. Jackson, Esq. be, and hereby is, appointed the Receiver for the real property located at 1980 Broughton Street, Orangeburg, SC 29115-4672, recorded in Book 00691, Page 00005 with the Register of Deeds of Orangeburg County, South Carolina, instrument number 1998001281;

b. The Receiver shall have all of the usual, normal, and statutory powers and authority of a receiver, including (but not limited to) the power and authority enter the premises and conduct inventory of all personal property therein;

c. The Receiver's powers and duties shall be effective for a period of six months or until Plaintiff's judgment against Defendants is satisfied in full, whichever is earlier; this Court may extend the duration of the receivership beyond six months upon motion by Plaintiff, Defendants, or the Receiver;

d. The Receiver shall be, and is hereby, authorized, without the need for any further Order of this Court, to insure and pay such reasonable expenses as may be necessary in carrying out his duties. For his services rendered, the Receiver, as Receiver and as attorney for the Receiver, shall be compensated at the rate of \$150.00 per hour;

e. The Receiver shall file with the Court, at reasonable intervals, reports of all of his activities taken pursuant to this Order, and she shall file such other reports as required by this Court.

f. The Defendant shall not dispose of any property without approval of the Receiver.

AND IT IS SO ORDERED.



Honorable O. Davie Burgdorf
Orangeburg County Master-in-Equity

Orangeburg, South Carolina

6/17, 2009.

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

Amick Millwork & Supply, Inc.,)

Plaintiff,)

vs.)

Beverly Wilson,)

Defendant.)

IN THE COURT OF COMMON PLEAS

CASE NO. 2009-CP-38-0577

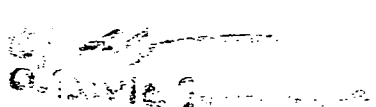
RULE TO SHOW CAUSE

TO: DEFENDANT, BEVERLY WILSON:

Based upon the attached Affidavit, it appears that you have not obeyed a certain Court Order, as described in the Affidavit. Therefore,

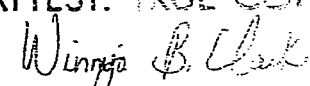
IT IS ORDERED that you appear before the Master-in-Equity for Orangeburg County, on **March 6, 2012, at 2:00 p.m.** then and there to be prepared to show cause, if any, why the relief requested in the Affidavit should not be granted and why you should not be held in contempt of court for such disobedience.

Date: Jan. 25, 2012
Orangeburg, SC



O. DAVIE BURG DORF
Master-in-Equity for Orangeburg County

ATTEST: TRUE COPY


CLERK OF COURT
ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF ORANGEBURG)

CASE NO. 2009-CP-38-0577

Amick Millwork & Supply, Inc.,)

Plaintiff,)

AFFIDAVIT

vs.)

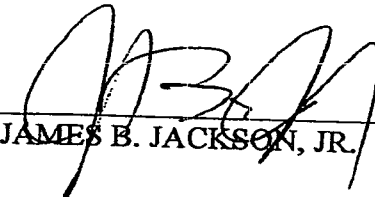
Beverly Wilson,)

Defendant.)

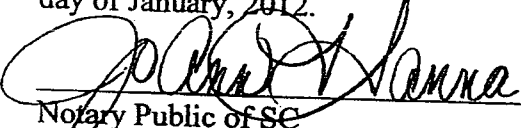
PERSONALLY APPEARED before me, James B. Jackson, Jr., who, being duly sworn, deposes and says as follows:

1. I am the court-appointed Receiver for Beverly Wilson in the above-entitled matter.
2. I have made efforts through correspondence and telephone calls to contact Dr. Wilson to seek her cooperation in trying to sell her home to pay the Plaintiff's debt. Dr. Wilson has been completely uncooperative in that effort.
3. As a result, the Receiver is in need of a hearing before the Court and is asking the Court for its Order requiring Dr. Wilson to provide a key to the Receiver and to cooperate with the Receiver in terms of listing and selling the home in order to pay the debt of the Plaintiff.

Date: Jan. 23, 2012
Santee, SC

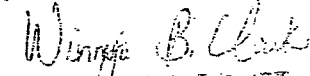

JAMES B. JACKSON, JR.

Sworn to before me this 23rd
day of January, 2012.


Notary Public of SC

My Commission Expires: 11-16-17

ATTEST: TRUE COPY


Winnie B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

May 24, 2010

A Case of Conspiracy

- Baby Boy Bolin dies late 1996. The spouse of the other pediatrician involved, a sitting South Carolina senator, asked TRMC president to keep his wife's name out of any lawsuits. The Orangeburg Family Health Center's Chief of Pediatrics asked me to agree to be the only defendant in the case. I refused. The other pediatrician and the newborn nursery nurses falsified their statements at TRMC's investigational meeting to conceal the facts around the case. The meeting was audio taped. When my attorney and I asked for a copy or transcription of the tape of the meeting, the hospital refused to make it available to us. I asked Orangeburg Family Health Center's Chief of Pediatrics if doctors in Orangeburg would purposely kill a patient or allow someone to die to frame another doctor. He stated, "Yes." The case against me was dismissed with prejudice, however TRMC was found liable and had to pay the family of Baby Boy Bolin \$1 million. Thus, my problems began and have continued to escalate over the years.
- Incessant obstacles were placed by TRMC and my pediatric colleagues to prohibit me from practicing medicine peacefully. (Incessant chart audits, quality assurance reviews, patients admitted gravely ill without my being informed, orders taken from my charts by nurses late, care given by nurses late and/or improperly.) Nurses informed me late regarding critical changes in patients' conditions.
- TRMC refused to assist me in recruitment efforts for a partner despite need for three additional pediatricians in the area in 2002, 2003, 2004, and 2005. Based on statistics demonstrating need for physicians, TRMC assisted other doctors recruit partners.
- Upon my attempt to purchase my office building in 2003, I informed 1 of the 3 Village Associates Owners that I desired to purchase my building. I told him that I was going to have Select Health advance me my payment for that week and the following week so that I could complete my down payment to secure a contract to purchase the building. Two weeks later, I ceased to receive any further payments from Select Health and my patients were transferred to a local family practitioner. It took one year for me to disenroll from Select Health in order that I might see and bill for services rendered to them.
- My computer system has been violated on numerous occasions by disloyal employees. My first office manager was referred to me by one of the three Village Associates owners. Her references checked out well, however soon after her employment, she displayed atypical employee behavior including entering patient data incorrectly into the computer, not billing for patients, and stealing funds from the office. She bragged to the drug representatives that she was not filing my patients' medical insurance claims. She was fired soon thereafter. The second office manager, who is now dead, offered much information regarding the actions of the first office manager. Throughout the years, I have had numerous disloyal staff including one front office receptionist in particular who has frequently

missed time from work leaving the office short staffed and blatantly attempted to advise patients to transfer to other offices. My patients were enraged and informed me of my employee's outrageous behavior. This same employee engaged in a very malicious, negative television campaign in July 2009 that has caused devastating damage to my medical practice. Over the years, it has been very difficult to be able to fully trust several employees whose behavior changed within months of being employed and due to computer malfunctions that continue to this day despite my computer vendor's attempts to correct them. Every claim submitted has to be meticulously checked manually to be certain they are all picked up and transmitted timely to prevent duplications/additional billings for services rendered upon my attempts to electronically refile "dropped claims" from the insurance claims transmissions. Needless to say, I drop refilled insurance claims to paper to avoid this problem even though it significantly delays my insurance reimbursement.

- I informed TRMC's paging operator, director of medical staff services, director of medical records, and emergency room director about the move of my medical practice to 795 Cook Rd. on June 29, 2009. I gave them my personal cell phone number and asked them to page me if my patients tried to contact me or provide them with my cell number if my patients needed to reach me prior to my new office's telephone lines being transferred to the new office. They stated that that would not be a problem and would be happy to do so. However, according to my patients, the TRMC officials and other staff purposely misguided my patients when they called TRMC telling them that I had left town without warning and didn't leave any information regarding my whereabouts or how I may be contacted. My patients stated that they were told that I was either in Texas, Las Vegas, California, or the Bahamas when in reality I was right down the street from TRMC.
- Bank SCBT administrative staff became very rude, consistently mishandled my account, refusing issuing timely credit for deposits/ electronic fund transfers by insurance agencies. I was frequently refused access to funds from my business and home mortgage equity line accounts. Most egregiously in 2004 when my son was gravely ill and required hospitalization at Duke University in North Carolina, I requested a 2 week extension on my home mortgage payment in order to attend to his needs. Instead of extending time for the payment, the bank foreclosed on my home after 30 days delinquency. The Orangeburg attorney I hired improperly confiscated nearly half of the payments made to him in trust for the home mortgage payments. I had to hire an attorney from Columbia and engage the assistance of Congressman James Clyburn to get my home out of foreclosure and have my credit report corrected as SCBT had maliciously filed my home mortgage payments late when they were timely paid. It took one and a half years to get my home out of foreclosure and correct my credit report.
- Eviction from medical office in June 2009 following reversal of landlord's decision 4 days earlier to allow me two additional weeks to make my office lease payment and make arrangements for past due payments. When I attempted to present the landlord with a cashier's check for the amount discussed previously, he told me that he had discussed it with his partners and that they now required

the full amount due as they did not agree with his decision to allow me to pay my May 2009 tuition for my children to allow my son to graduate. As my son was on full scholarship at USC's Honors College, he would have forfeited his enrollment at USC and his scholarship as Heathwood requires all graduating seniors clear their account balances to receive their diplomas. I am a member of the fourth graduating class of USC's Honors College. This would have proved financially and academically devastating to my son, me, and my family.

- SCBT closed my business and personal bank accounts in August 2009 and refused to reopen them despite my repeated requests and explanation that AT&T refused to relocate my telephone key system to my new office which effectively prohibited my ability to schedule and bill for patients seen. AT&T had repeatedly improperly serviced my answering system from early 2000 until the present time and, thus, prevented my patients and others from contacting me after hours. The telephone system also functioned improperly during business hours. In late 2003/early 2004 I informed AT&T's vice president and attorney that it would be unfair to pay them maintenance fees for my telephone system if they could not properly repair or replace my system so that it would function properly. AT&T's attorney expressed agreement with my decision, however stated he had no authority to approve it. The vice president refused to replace the system. I ceased making maintenance payments to AT&T in late 2003/early 2004. AT&T continued to service the telephone system when called (nearly every 2 to 4 weeks). AT&T refused to move the key system to the new office in July 2009 unless I paid them maintenance fees from 2003-2009. I engaged the services of an independent contractor from Columbia and moved my key system July 25, 2009. On early Sunday morning, July 26, 2009 I received a call from an AT&T serviceman asking to meet me at my new office to check the telephone system. When I asked him when they began Sunday service calls he stated they had been doing them for years. When I asked why we had never received a Sunday repair call before he said, "I don't know, but I'm here today to make sure your system is working well." When I told him the system was working fine and I didn't require a service visit, he stated the independent contractor had a question about the lines on the previous day. I informed him the independent contractor figured out the solution to his problem and that the lines were working well and that I didn't need a service call from him. Due to the AT&T serviceman's insistence, I met with him at 3 P.M. that day. He stated that two of my telephone lines were installed differently than on the diagram in the telephone control room. I returned to the reception area up front to verify the layout of the installment arrangement for the telephone lines and left the AT&T serviceman alone in the control room for 2-3 minutes. When I returned, the AT&T serviceman stated that the lines were installed the way I had been told. He then asked to go back up front and check the computer and telephone lines. The computer lines had been working well just after midnight on July 26, 2009 as confirmed by computer printout of same. Now, they were no longer working. The serviceman stated he couldn't repair the computer line and that I would have to call AT&T the next day to arrange for a service call. The service agents came out on Tuesday, effectively causing me to miss what would have been my first major insurance billing since June 2009.

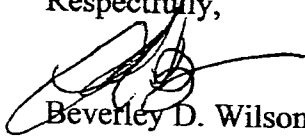
Subsequently, I was not able to make my office lease payment or bank payments to my personal and business accounts in a timely manner ultimately resulting in my eviction from my new office and closure of my business and personal accounts at SCB&T. It took 3 ½ weeks to reestablish my personal and business accounts at another bank. I had filed bankruptcy July 20, 2009. As bankruptcy payments must be made timely my bankruptcy was dismissed October 19, 2009 due to untimely payment.

- I filed an appeal to the eviction from my office on Cook Road. The appeal was done with a lawyer's guidance. That attorney and the Orangeburg Clerk of Court stated that the judge would notify me if a deposit would be required to file my appeal. My appeal was dismissed after 10 days due to lack of deposit. I received no notification from the judge requesting a deposit. When I asked the judge why I was not informed of the amount of deposit required he stated I, "need an attorney to file an appeal."
- My ex-spouse serially raped my son from the age of 5-12 years. Numerous expert witnesses from MUSC National Crime Victims Center, The Dee Norton Lowcountry Children's Center, pediatrics forensic specialists, and Duke University Childhood Psychiatry, Holly Hill Hospital Inpatient Psychiatry were ready to testify on my son's behalf. This case had been delayed repeatedly during the last 4 years. The third assistant district attorney for Richland County in concert with her counterparts from Lexington and Orangeburg County dismissed the case, stating it would be too expensive to litigate the case without a guaranteed successful outcome for the state. The case was dismissed in light of the fact that my ex husband's attorney requested an impartial expert witness in child and adolescent psychiatry interview my son, my husband, and myself in order to refute justification for the claims of sexual assault against him. His expert witness agreed with and corroborated the findings of our expert witnesses. His expert witness's report was never presented to the requesting judge or the assistant district attorney's office despite numerous requests. I contacted South Carolina Attorney General McMaster regarding the dismissal of my son's case and my ex-spouse's pediatric/adolescent psychiatry expert witness report's absence from the record. I was never given a satisfactory response as to why his case was dismissed. Despite the fact that my son was clearly capable of testifying on his behalf and there were numerous experts ready and willing to testify on his behalf as evidenced by a meeting called by the assistant district attorney's of Orangeburg, Richland, and Lexington Counties, the criminal case against my ex spouse was dismissed and I was told I could pursue the matter in civil court and pay for whatever costs were required to litigate the matter. In my 20 years of practicing pediatrics, I have never seen a pediatric sexual abuse case handled in this fashion. Of note, almost all of the information of my son's rape case had to be requested again from all of the expert witnesses in 2008 as only my ex spouse's expert witness reports were available in my son's case file, according to the Richland county assistant district attorney's office. We have not been given any reasonable explanation as to why only our expert witness information was lost.
- My eldest daughter was sexually molested by my ex-spouse in Lexington and Richland Counties during the same period of time my eldest son was raped.

Complaints were filed for criminal charges against my ex spouse. To this date, no charges have been filed against my ex-spouse regarding his sexual molestation of my eldest daughter.

- My eldest daughter was assaulted by gang members in the Orangeburg Wal-Mart in April 2008. One of four gang members dressed in red caps, athletic t-shirts, matching bead necklaces, and sagging jeans grabbed her by her arm and attempted to manhandle her to force her out of the store. She escaped their advances. As we were giving our incident report to the store manager, the Wal-Mart associate assisting us went on break and was herself assaulted by the same four gang members. Despite these individuals being captured on Wal-Mart's video security system, Orangeburg's Sheriff Department has yet to detain and arrest the individuals for accosting my daughter. This is the same Sheriff's Department that forced me to allow my children to have visitations with my ex spouse without assessing his home to ensure an appropriate environment for the children despite his repeated refusals in the past to provide adequate living arrangements during his visitation. The Sheriff's Department refused my concerns for my children's safety and stated that simply my ex-spouse's words that his living environment was appropriate were sufficient for them.
- My ex-spouse is a pedophile of the worst degree. If for any reason I am not able to care for my children, he could petition the courts for reinstatement of his parental rights. It is my firm belief that he would not hesitate in sexually abusing both of my girls given half the opportunity to do so. The degree of post-traumatic stress inflicted upon my son by my ex-spouse and his girlfriend were so severe that when my son was twelve, I was told by Columbia child psychiatrists he would never function at his previous high level of functioning and not be able to communicate effectively or meaningfully and that my best course of action would be to locate the best long term care facility for him. I staunchly disagreed with their assessment and sought more expert care elsewhere when his medical condition deteriorated.
- The plea agreement that I am asked to sign is not accurate and contains provisions subtly meant to intimidate me from filing lawsuits in the future to protect my interests against those who have either discriminated against me or refused to treat me fairly. Please delay this plea until further investigation of the above mentioned concerns. In 2005, a sitting judge from Columbia, acting as my attorney, investigated many of my concerns and informed me that there was a well orchestrated plan to make me leave Orangeburg at all costs. He further stated that this plan was deeply entrenched and involved members of TRMC administrative staff, my current landlords, SCBT, and some of the other pediatricians in Orangeburg.

Respectfully,



Beverley D. Wilson, MD, FAAP

34

ARREST WARRANT

1-937930

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Pontiac

THE STATE

against

Beverly D Wilson

Address:

Orangeburg, SC 29115-4672

Phone: _____ SSN: _____
Sex: F Race: B Height: 5 9 Weight: 149

DL State: SC DL #: _____

DOB: _____ Agency ORI #: 40016

Prosecuting Agency: Attorney General, Office Of The

Prosecuting Officer: Thomas E. Holliday, Sr. - T.H.

Offense: Computer / Computer Crime Act, value exceeds
\$10,000-First degree(formerly CDR 426)

Offense Code: 3110

Code/Ordinance Sec: 16-16-0020(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Pontiac Magistrate
10509 Two Notch Road
Elgin, SC 29045

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Pontiac

AFFIDAVIT

DEFENDANT
COPYForm Approved by
S.C. Attorney General
April 21, 2003
SCCA 9.18Personally appeared before me the affiant Thomas E. Holliday, Sr. who
being duly sworn deposes and says that defendant Beverly D Wilson
did within this county and state on or about 09/01/2005 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Pontiac)
in the following particulars:

DESCRIPTION OF OFFENSE Computer / Computer Crime Act, value exceeds \$10,000-First degree(formerly CDR 426)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on or between September 2005 and April 2008 while at Richland County, South Carolina, one Beverly D. Wilson did commit
the offense of Computer Crime, First Degree, Statute Number 16-16-20. It is believed the defendant committed the crime because
between September 2005 and April 2008, she did unlawfully submit claims to the South Carolina Medicaid Program for services not
rendered and utilized a computer device, which is the material fact for the offense of Computer Crime, First Degree. Those claims
were received by the South Carolina Medicaid Program, via computer, and those claims were processed and Beverly D. Wilson was
compensated on the basis of those submitted claims.These facts are believed to be true and pursuant to an investigation conducted by Special Investigator Thomas Holliday, Sr. of the
South Carolina Attorney General's Office.

Signature of Affiant

Thomas E. Holliday, Sr.

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Pontiac

Affiant's Address P. O. Box 11549
Columbia, SC 29211-Affiant's Telephone (803)734-3660

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/1/2005 defendant Beverly D Wilson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Pontiac) as set forth below:

DESCRIPTION OF OFFENSE: Computer / Computer Crime Act, value exceeds \$10,000-First degree(formerly CDR 426)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/21/2009*G. A. Surles* (L.S.)
Signature of Issuing Judge

G A Surles

Judge Code: 5039Judge's Address 10509 Two Notch RoadElgin, SC 29045-Judge's Telephone (803)576-2520Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

COUNTY OF RICHLAND
STATE

VS.

BEVERLEY WILSON

AKA:

Race: B

Sex: F

Age:

DOB:

SSN:

Address:

City, State, Zip: ORANGEBURG, SC 29115-4672

DL#

SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☐ CONVICTED OF or ☒ PLEADS

TO: COMPUTER CRIME, FIRST DEGREE

In violation of § 16-16-20

of the S.C. Code of Laws, bearing CDR Code # 3110

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Lana McCanna

SC Bar # 73777

Defendant

Stephen P. Williams

Attorney for Defendant

CEISE

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ 5,000.00; provided that upon the service of _____ days/months/years and or payment
 of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for 5
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
 incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☒ Ordered PTUP payment of restitution.Total: \$ 87,356.16 plus 20% fee: \$

days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED ☐

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning
Substance Abuse Counseling ☐

Random Drug/Alcohol Testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ Beginning
 \$ _____ Paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
 \$47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge
 Judge Code: 2061
 Sentence Date

5-24-10

*Fine:

\$14-1-206 (Assessments 107.5%)	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100
\$14-1-211 (A)(2)(DUI Surcharge)	\$100
\$56-5-2995 (DUI Assessment)	\$12
\$56-1-286 (DUI Breath Test)	\$25
\$47.12 (Public Def/Prob)	\$500
\$14-1-212 (Law Enforce. Funding)	\$25
\$14-1-213 (Drug Court Surcharge)	\$100
\$50-21-114 (BUI Breath Test Fee)	\$50
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea
\$90.7 (SCCA Surcharge)	\$5
3% to County (if paid in installments)	
TOTAL	

Clerk of Court/Deputy Clerk
 Court Reporter:

Jeannette W. McBride
M. Woods

SCCA/217 (11/2009)

WALTER B. TODD, JR., PC

COUNSELORS AND ATTORNEYS AT LAW

1709 DEVONSHIRE DRIVE
COLUMBIA, SOUTH CAROLINA 29204

POST OFFICE BOX 1549
COLUMBIA, SOUTH CAROLINA 29202-1549

WALTER B. TODD, JR.*
wbt@thw-law.com

*CERTIFIED MEDIATOR AND ARBITRATOR

TELEPHONE (803) 779-4383

FAX (803) 799-7604

NYSSA GOMES
nyssa@thw-law.com

November 30, 2011

FILED
V. WILSON
CLERK OF COURT
ORANGEBURG COUNTY
SOUTH CAROLINA

2011 DEC -2 PM 3:23

The Honorable Winnifa B. Clark
Clerk of Court for Orangeburg County
Post Office Box 9000
Orangeburg, South Carolina 29116

RE: Heathwood Hall Episcopal School vs. Beverley Wilson
Docket No.: 2011-CP-40-6957
Our File No.: 10-294

Dear Ms. Clark:

We are transcribing this Richland County judgment to Orangeburg County. Enclosed are the original and one copy of a Transcript of Judgment. Please file the original, clock the copy, affix the Orangeburg County Judgment Roll number to the top of the original and copy, and return the clocked copy to me in the envelope provided.

Also enclosed is an Execution Against Property. After you have entered up the judgment against Beverley Wilson in your County, please affix the Orangeburg County Judgment Roll number to the top of the Execution, sign the Execution, and return it along with the clocked copy of the Transcript.

Thank you for your attention to these matters.

Sincerely,

TODD & WARD, PC



Walter B. Todd, Jr.

WBT, Jr.:fsc
Enclosures

cc: Ms. Elizabeth E. Summers, w/copies of enclosures
Heathwood Hall Episcopal School

ATTEST: TRUE COPY

Winnifa B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

HEATHWOOD HALL EPISCOPAL
 SCHOOL,

Plaintiff,

vs

BEVERLEY WILSON,

Defendant.

TRANSCRIPT OF JUDGMENT
 Richland County Judgment Roll No.:
 2011-CP-40-6957

2011 DEC -2 PM 3:23

Party or Parties in Whose Favor Judgment
 Rendered

Heathwood Hall Episcopal School

Attorneys of Record:

Walter B. Todd, Jr.
 Post Office Box 1549
 Columbia, SC 29202

Party or Parties Against Whom Rendered

Beverley Wilson
 a/k/a Beverly Wilson

Attorneys of Record:

Amount of Judgment Rendered for principal, and interest if any **\$42,164.93**

Costs and Disbursements:
 None

Total judgment including costs and disbursements **\$42,164.93**

Office of Clerk of Court in and for the County of Richland and State aforesaid.

I hereby certify that the foregoing is a true and correct transcript from the Docket
 and Book of judgments kept in my office, this 17 day of November, 2011.

Jeannette W. McBride
 Jeannette W. McBride

Clerk of Court for Richland County

ATTEST: TRUE COPY

Wingia B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

HEATHWOOD HALL)
EPISCOPAL SCHOOL,)

Plaintiff,)

-vs-)

BEVERLY WILSON,)

Defendants.)

AFFIDAVIT OF COUNSEL

JEANETTE W. McBRIDE
C.C.P. & G.S.

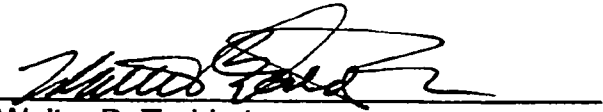
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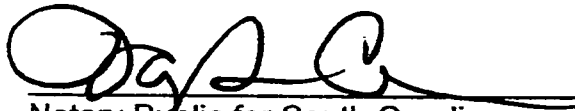
The undersigned, being first duly sworn, deposes and says:

1. I am the attorney for the Plaintiff in this action.
2. On February 17, 2011, the Defendant executed a Confession of Judgment agreeing to pay the Plaintiff's claim in the amount of Forty-Four Thousand One Hundred Sixty-Four and 93/100 Dollars (\$44,164.93) by making an initial lump sum payment of Five Thousand and No/100 Dollars (\$5,000.00) by March 7, 2011, and then by paying fifteen (15) monthly installments of no less than Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) each, beginning April 7, 2011, with a final installment of One Thousand Six Hundred Sixty-Four and 93/100 Dollars (\$1,664.93) on or before July 7, 2012, and agreeing that if she failed to make an installment, or failed to pay in full by August 7, 2012, the undersigned had the right, on behalf of the Plaintiff, to enter up the Confession of Judgment with the Richland County Clerk of Court, and seek to collect on it.
3. Thereafter, on March 21, 2011, the Defendant made one payment of Two Thousand and No/100 Dollars (\$2,000.00), to the undersigned's office, but she has failed to renew her installment payments despite demand.

4. The balance now due on the Confession of Judgment is Forty-Two Thousand One Hundred Sixty-Four and 93/100 Dollars (\$42,164.93).


Walter B. Todd, Jr.
Attorney for the Plaintiff

SWORN to before me this
18th day of October, 2011.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 02/11/2021

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

HEATHWOOD HALL)
EPISCOPAL SCHOOL,)

Plaintiff,)

-vs-)

BEVERLY WILSON,)

Defendants.)

CONFESSION OF JUDGMENT

JEANETTE W. McBRIDE
C.C.P. & G.S.

2011 OCT 19 PM 1:30

FILED

I, Beverly Wilson, do hereby confess judgment in favor of Heathwood Hall Episcopal School for the sum of Forty-Four Thousand One Hundred Sixty-Four and 93/100 Dollars (\$44,164.93), inclusive of interest through February 3, 2011.

This Confession of Judgment is for a debt justly due and owing to the Plaintiff for which I am personally liable. This indebtedness arises from my failure to pay the Plaintiff for tuition and other charges associated with the tuition for my children.

I hereby agree to satisfy the aforesaid debt by making an initial lump sum payment of Five Thousand and No/100 Dollars (\$5,000.00) by March 7, 2011; and thereafter, by making fifteen monthly installment payments of no less than Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) each, beginning April 7, 2011, and payable each successive month thereafter by the 7th day of the month in which it is due, with a final payment of One Thousand Six Hundred Sixty-Four and 93/100 Dollars (\$1,664.93) on or before July 7, 2012. All payments shall be made payable to Todd & Ward, PC, and sent to Post Office Box 1549, Columbia, South Carolina 29202-1549. Prepayment of the entire balance may be made at any time without penalty.

By this Confession of Judgment I hereby waive all rights to a judicial determination of the aforesaid debt.

Should I fail to pay any monthly installment within 30 days after its due date, or fail to pay in full by August ⁷/₁, 2012, I hereby authorize Todd & Ward, PC, the attorneys for the Plaintiff, Heathwood Hall Episcopal School, to enter, file, record, and index this Confession of Judgment for the balance then due and owing after crediting any payments made by me without further notice and to levy and collect thereon.

I agree that the acceptance of partial payment prior to the levy upon this Confession of Judgment shall not constitute a waiver of the right to collect upon this judgment for the balance due after credit for such payment, and I hereby waive any defense arising out of such payment.

This Confession of Judgment is hereby made and dated this 17th day of February, 2011.


Beverly Wilson

SWORN to before me this 17th
day of February, 2011.

Asmely Croshaw (L.S.)
Notary Public for South Carolina
My Commission Expires: ~~My Commission Expires~~ February 15, 2017
(NOTARIAL SEAL)

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

HEATHWOOD HALL EPISCOPAL SCHOOL,

Plaintiff(s)

vs.

BEVERLY WILSON

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2011-CP - 40-6957

(Please Print)

Submitted By: Walter B. Todd, Jr.

Address: Post Office Box 1549, Columbia, SC 29202

SC Bar #: 5593

Telephone #: 803-779-4383

Fax #: 803-799-7604

Other: fay@thw-law.com

E-mail: wbt@thw-law.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

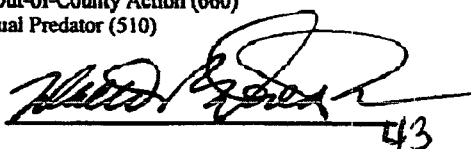
*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -CP- -
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Assault/Slander/Libel (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☒ Other (799) CONFESSION OF JUDGMENT | Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Commission (990)
☐ Employment Security Comm (991)
☐ Other (999) |
| Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) | | |

Submitting Party Signature:



Date: October 18, 2011

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

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

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

1 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
2 COUNTY OF RICHLAND) FOR THE FIFTH JUDICIAL CIRCUIT
3 BEVERLEY D. WILSON,) CIVIL ACTION NUMBER:
4) ~~2013-CP-40-3101~~
5)

6 Plaintiff,)
7 vs.)
8 STEPHEN P. WILLIAMS)
9 and)
10 HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
Codefendants.)

**AMENDED
COMPLAINT**

11 Plaintiff, Beverley D. Wilson, complaining of Codefendants, Stephen P. Williams
12 and Haynsworth, Sinkler, Boyd, P.A., would show unto this Honorable Court:

13 1. Plaintiff is a physician existing and practicing under the laws of the State
14 of South Carolina, in Orangeburg County as Wilson Pediatrics, Inc.

15 2. Upon information and belief, Codefendant Stephen P. Williams is a
16 resident of Greenville County and a citizen of the State of South Carolina.

17 3. Codefendant Stephen P. Williams was employed as an attorney by
18 Codefendant Haynsworth, Sinkler, Boyd, P.A. in March 2008 and the during the duration
19 of the time he was engaged by the Plaintiff to represent the Plaintiff in a legal capacity in
20 the State of South Carolina vs. Beverley D. Wilson case.

21 4. Codefendant Haynsworth, Sinkler, Boyd, P.A. has an office in Columbia,
22 South Carolina, in the County of Richland, South Carolina.

1 5. Codefendant Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer
2 relationship with Codefendant Stephen P. Williams and is vicariously responsible for the
3 conduct of Codefendant Stephen P. Williams according to S.C. Code Section 15-38-
4 15(C)(3)(a). As an employer of Codefendant Stephen P. Williams, Codefendant
5 Haynsworth, Sinkler, Boyd, P.A. had a duty to supervise, review, and provide oversight
6 of Codefendant Stephen P. Williams' legal activities.

7 6. The majority of the meetings between Plaintiff and Codefendant Stephen
8 P. Williams occurred in Codefendant Haynsworth, Sinkler, Boyd, P.A.'s Columbia,
9 South Carolina office, located in Richland County, South Carolina. As such, per S.C.
10 Code Section 15-7-30A(10) and S.C. Code Section 15-7-30A(11D1), Richland County,
11 South Carolina is the appropriate Venue for this case.

12 7. Codefendant Stephen P. Williams as a non-resident of Richland County,
13 South Carolina performed business while employed by a corporation in Richland County,
14 South Carolina while legally engaged by Plaintiff in the case of State of South Carolina
15 vs. Beverley D. Wilson which gave rise to the course of action in this matter. Therefore,
16 according to S.C. Code Section 15-7-100, Richland County, South Carolina is the proper
17 Venue for the present matter before the Court.

18 8. In March 2008, South Carolina Department of Medicaid conducted an
19 audit of Plaintiff's medical practice, Wilson Pediatrics, Inc. On this date, the Plaintiff,
20 Beverley D. Wilson, contacted the South Carolina Medical Association (SCMA) for legal
21 advice and was referred to the Codefendant, Stephen P. Williams who was employed as a
22 practicing attorney with Codefendant Haynsworth, Sinkler, Boyd, P.A.. SCMA had
23 previously advised all of its member physicians to immediately contact them should the

physician ever receive correspondence from South Carolina Medicaid regarding an audit or a site visit to conduct an audit by South Carolina Medicaid. Subsequently, SCMA referred the Plaintiff to its legal expert regarding South Carolina Medicaid audits, Codefendant Stephen P. Williams.

9. Plaintiff contacted and conferred with Codefendant Stephen P. Williams via telephone on that same date and subsequently retained Stephen P. Williams on or about June 2008 as her attorney to represent Plaintiff in the South Carolina Medicaid case.

10. Plaintiff did not retain Codefendant Stephen P. Williams to represent her in the Amick Millwork & Supply, Inc. case and was financially unable to secure legal representation for herself in the Amick Millwork & Supply, Inc. case. Plaintiff sought unofficial advice regarding the Amick Millwork & Supply, Inc. case (Exhibit A) from Codefendant Stephen P. Williams in November 2008 and trusted in and relied upon the advice of Codefendant Stephen P. Williams. Codefendant Stephen P. Williams told the Plaintiff "Though it is best to go to court even without an attorney, if you choose not to go, at worst the judge will grant Mr. Amick a judgment against you, which Mr. Amick will just hold against you like a lien until you are able to pay off the balance of your debt to him." Plaintiff trusted Codefendant Stephen P. Williams' advice and elected not to go to court as Plaintiff trusted the informal advice of Codefendant Stephen P. Williams that the worst case scenario would be a judgment rendered against her, which would not be executed but held as a lien against the Plaintiff until she paid the debt remaining with Amick Millwork and Supply, Inc.. On or about March 10, 2009, judgment was rendered and entered in favor of Amick Millwork & Supply, Inc. in the amount of \$240,757.35

(Exhibit B). Subsequent rule to show cause was received on or about January 7, 2012 (Exhibit C).

11. On or about January 9, 2009, Plaintiff was served with a complaint by Amick Millwork & Supply, Inc. for breach of contract demanding payment in full of the balance \$221,015.36 for custom millwork produced for her home in addition to costs for attorney's fees and collection activities to enforce the contract (Exhibit A).

12. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., had a conflict of interest in representing Plaintiff according to S.C. Rule 1.7(a) as Codefendant Stephen P. Williams had been retained by The Regional Medical Center in the recent past and the Regional Medical Center had an adversarial relationship with Plaintiff since January 1997 (Exhibit D). Codefendant Stephen P. Williams also worked for Codefendant Haynsworth, Sinkler, Boyd, P.A., a law firm that was retained by First Citizens Bank to represent First Citizens Bank in a lawsuit against the Plaintiff in the past. Codefendant Stephen P. Williams possessed specialized legal expertise pertaining to Plaintiff's present case against South Carolina Medicaid. Plaintiff asked Codefendant Stephen P. Williams if these conflicts of interest would impair his ability to fairly and impartially represent her interests in the South Carolina Medicaid case. Codefendant Stephen P. Williams told Plaintiff that the stated conflicts of interest would not interfere with his ability to fairly and impartially represent or defend the Plaintiff in her present case with South Carolina Medicaid.

13. Plaintiff informed Codefendant Stephen P. Williams that her main witness in her case against South Carolina Medicaid was dead and the absence of this witness's testimony would be significant in mounting a defense for Plaintiff. Codefendant Stephen

P. Williams advised Plaintiff that her case was changed to a criminal case and that he was not a criminal defense attorney and that he was not comfortable or qualified to represent her in a criminal defense case and that Plaintiff should retain a criminal defense attorney for legal counsel.

14. Plaintiff explored Codefendant Stephen P. Williams' advice regarding employing a criminal defense attorney to represent her and determined that she could not financially afford to retain a criminal defense attorney. Plaintiff discussed her inability to retain a criminal defense attorney due to her extreme financial limitations with Codefendant Stephen Williams. Plaintiff inquired of Codefendant Stephen P. Williams if he could refer her case to a criminal defense attorney within the law firm of Codefendant Haynsworth, Sinkler, Boyd, P.A. or jointly consult with a criminal defense attorney within the law firm of Codefendant Haynsworth, Sinkler, Boyd, P.A. to ensure that her case was properly dispositioned. Codefendant Stephen P. Williams stated he would do same.

15. Codefendant Stephen P. Williams advised the Plaintiff that it was in her best interest to enter a plea bargain agreement in the State of South Carolina vs. Beverley D. Wilson case (Exhibit E).

16. Codefendant Stephen P. Williams ordered examination of Plaintiff by the South Carolina Department of Mental Health stating same was requested by the South Carolina Attorney General. Dr. Richard Frierson, the examining physician and Chief of Psychiatry at the South Carolina Department of Mental Health, stated Codefendant Stephen P. Williams ordered the mental health evaluation, not the South Carolina Attorney General. Dr. Frierson called the South Carolina Attorney General's office and

confirmed that it was the Defendant, and not the South Carolina Attorney General, who requested and ordered the mental health evaluation. After reviewing Plaintiff's case file, Dr. Frierson stated to me "off the record" that the circumstances of my case and plea bargain arrangement did not properly correlate. Following the interview with Dr. Frierson, Plaintiff contacted Codefendant Stephen P. Williams via telephone. Plaintiff discussed her concerns following her conversation with Dr. Frierson. Codefendant Stephen P. Williams became enraged at Plaintiff, asked Plaintiff "Who 'she' (Plaintiff) 'was' going to believe? Him (Codefendant Stephen P. Williams) or some mental health doctor?" Codefendant Stephen P. Williams then pointedly asked Plaintiff if she wanted to dismiss him (Codefendant Stephen P. Williams) as her attorney.

17. Plaintiff asked Codefendant Stephen P. Williams on several occasions during the State of South Carolina vs. Beverley D. Wilson case for permission to accompany Codefendant Stephen P. Williams when he was meeting with the South Carolina Attorney General or the Assistant South Carolina Attorney General regarding Plaintiff's case or speak with the South Carolina Attorney General or his Assistant Attorney General via telephone conference, and again following the heated conversation with Codefendant Stephen P. Williams following the interview with Dr. Frierson. Plaintiff expressed to Codefendant Stephen P. Williams that she (Plaintiff) did not agree with the plea bargain as written and did not feel Codefendant Stephen P. Williams was representing her best interests. Codefendant Stephen P. Williams informed the Plaintiff that it was not possible for Plaintiff to accompany him to meet or telephonically communicate with the South Carolina Attorney General or the Assistant South Carolina Attorney General and that the plea bargains were taken directly from statutes of law,

were “carved in stone,” and could not be changed. Codefendant Stephen P. Williams’ and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.’s statements and actions in these instances were deceitful. Codefendant Stephen P. Williams’ and Codefendant Haynsworth, Sinkler, Boyd’s deceit is a direct violation of S.C. Code 8.4(d and e).

18. Plaintiff presented Codefendant Stephen P. Williams with a document to present to the presiding judge, Judge Manning, the South Carolina Attorney General, and the Assistant South Carolina Attorney General prior to the State of South Carolina vs. Beverley D. Wilson hearing on May 24, 2010 detailing conspiratorial information surrounding Plaintiff’s case (Exhibit D). Codefendant Stephen P. Williams told the Plaintiff “It would be best not to present that information to the judge right now. He’s in a good mood and we wouldn’t want to ruin that. Hold on to that information and use it in the appeal case.” Codefendant Stephen P. Williams’ failure to present this document to the presiding judge, South Carolina Attorney General, or Assistant South Carolina Attorney General was a violation of S.C. Rule 8.4(d and e) and S.C. Rule 3.4(a) and S.C. Rule 3.4(f)(2). Codefendant Stephen P. Williams’ statement that this document could be used in an appellate case was fraudulent and a direct violation of S.C. Rule 8.4(d and e). At the conclusion of the trial, Codefendant Stephen P. Williams stated “I’m sure the South Carolina Attorney General is glad we pled your case as the South Carolina Attorney General was worried he didn’t have a strong enough case to convict you.” Codefendant Stephen P. Williams never discussed that the South Carolina Attorney General had any misgivings regarding his ability to obtain a conviction in the South Carolina Medicaid case with Plaintiff prior to the conclusion of the trial.

19. At the conclusion of the State of South Carolina vs. Beverley D. Wilson hearing, Judge Manning ordered restitution of \$77,356.16, \$10,000 court cost, and 20 percent fee (See Exhibit F). Plaintiff told Codefendant Stephen P. Williams that she would not be able to afford such payments and asked Codefendant Stephen P. Williams to petition Judge Manning for leniency and a more affordable restitution as the Plaintiff had not billed South Carolina Medicaid since May 2008 and the Plaintiff's medical practice was approximately 80-85% Medicaid. Codefendant Stephen P. Williams reiterated numerous options for employment to Plaintiff that Codefendant Stephen P. Williams had discussed with Plaintiff prior to the State of South Carolina vs. Beverley D. Wilson hearing and stated to Plaintiff that all things would work out well financially. Codefendant Stephen P. Williams' failure to address the Plaintiff's financial inability to pay the proposed restitution with Judge Manning and petition Judge Manning for leniency for the Plaintiff as opposed to Codefendant Stephen P. Williams' and, by, extension, Haynsworth, Sinkler, Boyd's misrepresentations of Plaintiff's future options for employment are violations of S.C. Rule 8.4(d and e).

20. Codefendant Stephen P. Williams advised Plaintiff that it would be in her best financial interest to close her practice and seek employment as an emergency room physician, locum tenens physician, or a physician at one of South Carolina's Health Departments, or an adjunct college professor in order to provide herself with income as the plea bargain would result in her exclusion from South Carolina Medicaid and the United States Department of Health and Human Services and these occupations would be Plaintiff's best means of assuring financial viability. These statements by Codefendant

Stephen P. Williams and, by extension, Codefendant Haynsworth, Sinkler, Boyd, P.A. are misleading and fraudulent and violations of S.C. Rule 8.4 (d and e).

21. One week following the conclusion of the State of South Carolina vs. Beverley D. Wilson hearing, Plaintiff contacted Codefendant Stephen P. Williams via telephone to request assistance in filing appeals with the South Carolina Court of Appeals and South Carolina Medicaid regarding the State of South Carolina vs. Beverley D. Wilson case. Codefendant Stephen P. Williams stated to Plaintiff “Oh, you can do that on your own. It’s simple. You won’t need me for that.” Plaintiff related to the Codefendant Stephen P. Williams that she was not comfortable proceeding with the appeals without Codefendant Stephen P. Williams’ legal representation of her. Codefendant Stephen P. Williams responded in similar fashion to Plaintiff’s request for Codefendant Stephen P. Williams to accompany Plaintiff to hearings regarding Plaintiff’s case before the SCMA Board.

22. The South Carolina Court of Appeals, South Carolina Medicaid, South Carolina Department of Health and Human Services, as well as the federal offices for Medicaid and the Department of Health and Human Services all informed Plaintiff that there was no appeals process for plea bargains. Each of these entities stated any information that needed to be considered regarding Plaintiff’s case or plea bargain should have been brought up during the plea bargaining process, at the plea hearing, or during the context of a trial of that case. These statements, actions, and inactions herein listed in by Codefendant Stephen P. Williams and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A. are violations of S.C. Rule 8.4 (d) and S.C. Rule 3.9 and ABA-MRPC Rule 2.1.

23. Upon appearance of Plaintiff before the SCMA Board for an investigative hearing and review of the State of South Carolina vs. Beverley D. Wilson case, SCMA's legal counsel immediately inquired of Plaintiff why her legal counsel was not present. Plaintiff related her discomfort regarding Codefendant Stephen P. Williams' aforementioned response regarding the lack of need for Codefendant Stephen P. Williams and by extension Codefendant Haynsworth, Sinkler, Boyd, PA to assist Plaintiff in the appeal process for the South Carolina vs. Beverley D. Wilson case or appear with Plaintiff before SCMA or any other investigative bodies regarding Plaintiff's case and that Plaintiff was financially unable to retain other legal counsel to represent or accompany her/Plaintiff in matters regarding this case. These statements, actions, and inactions herein listed in by Codefendant Stephen P. Williams and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A. are violations of S.C. Rule 8.4 (d) and S.C. Rule 3.9 and ABA-MRPC Rule 2.1.

24. Plaintiff engaged in a contract February 17, 2011 with Heathwood Hall Episcopal School (Exhibit G) to pay the debt Plaintiff owed Heathwood Hall Episcopal School based upon the advice of Codefendant Stephen P. Williams that Plaintiff would be easily able to be employed as mentioned previously. Unable to be employed in capacities as Codefendant Stephen P. Williams and, by extension, Haynsworth, Sinkler, Boyd, P.A. had assured her, Plaintiff defaulted on the agreement with Heathwood Hall Episcopal School, resulting in Heathwood Hall Episcopal School executing an Affidavit of Counsel (Exhibit H) and a Confession of Judgment (Exhibit G) on or about October 19, 2011. A Transcript of Judgment (Exhibit I) was rendered to Heathwood Hall Episcopal School on November 17, 2011. Codefendant Stephen P. Williams and by extension Codefendant

Haynsworth, Sinkler, Boyd, P.A's conduct and actions in this matter are a violation of S.C. Rule 8.4(c and d).

25. Codefendant Stephen P. Williams advised Plaintiff to file bankruptcy on or about November 2008 and advised Plaintiff not to tell anyone as it could be construed that Codefendant Stephen P. Williams was advising Plaintiff to file bankruptcy to avoid a South Carolina Medicaid judgment should one be rendered against Plaintiff. After the Amick Millwork & Supply, Inc. judgment was executed in June 2009, Plaintiff contacted Codefendant Stephen P. Williams to obtain referrals regarding reputable bankruptcy firms. Codefendant Stephen P. Williams referred Plaintiff to bankruptcy attorney Jason Moss of Moss & Associates, P.A., and stated that he knew Mr. Moss well. Codefendant Stephen P. Williams also stated he would personally call and speak to Mr. Moss on Plaintiff's behalf, and that Mr. Moss "would take care of Plaintiff."

26. Plaintiff retained the services of Jason Moss in July 2009 with subsequent disastrous results amid disastrous legal malfeasances by Mr. Moss and his associates. Plaintiff contacted Codefendant Stephen P. Williams after the second bankruptcy case represented by Moss & Associates was dismissed due to negligent procedural filing errors by Mr. Moss and asked Codefendant Stephen P. Williams how well he knew Mr. Jason Moss as Mr. Moss appeared incompetent professionally. Codefendant Stephen P. Williams denied knowing Jason Moss or having referred Jason Moss to Plaintiff. Codefendant Stephen P. Williams and, by extension, Codefendant Haynsworth, Sinkler, Boyd, P.A conduct and actions are a violation of S.C. Rule 8.4(d).

FOR A FIRST CAUSE OF ACTION
(Legal Negligence)

27. Plaintiff incorporates herein by reference its allegations above.

28. Plaintiff and Codefendant Stephen P. Williams entered into a binding contract. Codefendant Stephen P. Williams was employed by Codefendant Haynsworth, Sinkler, Boyd, P.A. Codefendant Haynsworth, Sinkler, Boyd, P.A. was responsible for supervising, reviewing, and providing oversight for Codefendant Stephen P. Williams' conduct and actions according to S.C. Rule 5.1(a and b).

29. Plaintiff had full expectation that Codefendant Stephen P. Williams, an attorney employed by Codefendant Haynsworth, Sinkler, Boyd, P.A., would adhere to the tenets of professional ethics and duties of legal professionalism including honesty, good faith, integrity, and fidelity and not proffer legal advice on an informal or formal basis that was reckless or negligent or would place Plaintiff in legal peril if she acted upon/followed that advice. Additionally, Plaintiff had the expectation that Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., in acting as her attorney would exercise due diligence in representing her interests with both vigor and expertise and provide effective counsel on her behalf. Codefendants did not meet these professional tenets of professional ethics and duties, competence, vigor, and expertise and were therefore negligent in their representation of Plaintiff according to S.C. Rule 8.4(a, b, c, d, and e) and ABA-MRPC Rule 2.1.

30. As a result of Plaintiff's following Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, legally negligent informal advice, Plaintiff did not present herself at the Amick Millwork and Supply, Inc. vs. Beverley Wilson, Marvin Wilson case (formerly referred to as the Amick Millwork and Supply, Inc. case and hereafter referred to as the Amick Millwork and Supply, Inc. vs.

Beverley Wilson case), thereby, forfeiting her right to rebut the claims against her in that case or seek any counterclaims against Amick Millwork and Supply, Inc.

31. Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, legal negligence also resulted in Plaintiff subsequently suffering monetary losses and accrued debt in excess of \$250,000 in the cases of Amick Millwork & Supply, Inc. vs. Beverley Wilson, \$100,000 in the State of South Carolina vs. Beverley D. Wilson, and \$45,000 in Heathwood Hall Episcopal School vs. Beverley D. Wilson.

32. Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, legal negligence also placed Plaintiff at risk of receiving legal judgments against her that could result in Plaintiff losing her home, her medical practice, and/or result in her imprisonment.

FOR A SECOND CAUSE OF ACTION
(Breach of Fiduciary Duty)

33. Plaintiff incorporates herein by reference its allegations above.

34. Plaintiff had the right to expect a fiduciary duty from Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., in acting as Plaintiff's attorney to act in good faith and candor to represent Plaintiff's best interest. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., also had a duty not to exert undue pressure upon Plaintiff to agree to conditions of the plea agreement or otherwise not in her best interest. Codefendants breached their fiduciary duty to Plaintiff and this breach of fiduciary duty is in direct violation S.C. Rule 8.4(a, b, c, d, and e), S.C. Rule 2.1. By failing to avoid judgment or securing a less harsh judgment in the underlying State of South Carolina vs. Beverley D.

Wilson case, Codefendants placed Plaintiff at risk of financial peril greater than the risk of the underlying *prima facie* case (*Scognamillo vs. Olsen*, 795 P.2d 1357, 1361 (Colo. App. 1990)).

35. As a result of Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, breach of fiduciary duty: (1) Plaintiff agreed to a plea agreement that was not in her best interest legally, professionally, or financially; (2) Plaintiff was placed in a financially compromised position in which it was not feasible to meet the conditions of the restitution portion of Plaintiff's plea agreement or Plaintiff's other financial obligations; (3) Plaintiff was placed at risk of default of the plea agreement and subsequent imprisonment; and (4) Plaintiff was placed at risk of losing her home, her medical practice, and all that she owned.

FOR A THIRD CAUSE OF ACTION
(Ineffective Assistance of Counsel)

36. Plaintiff incorporates herein by reference its allegations above.

37. Plaintiff had the right to effective assistance of counsel from Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., in his/their representation of Plaintiff as her attorney in the State of South Carolina vs. Beverley D. Wilson case. Plaintiff had the right to fair and robust legal representation of her interests and a vigorous effort by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., to seek an equitable judgment in Plaintiff's best interest. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A, did not provide effective assistance of counsel to Plaintiff and violated S.C. Rule 8.4(a, b, c, d, and e) and S.C. Rule 5.1(a and b).

38. Lack of effective assistance of counsel by the Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., resulted in harm to Plaintiff. Specifically: (1) Plaintiff agreed to a plea agreement that was not in her best interest; (2) Plaintiff was placed in a financially compromised position in which it was not feasible to meet the conditions of the restitution portion of Plaintiff's plea agreement or Plaintiff's other financial obligations; (3) Plaintiff was placed at risk of default of the plea agreement and subsequent imprisonment; and (4) Plaintiff was placed at risk of losing her home, her medical practice, and all that she owned.

FOR A FOURTH CAUSE OF ACTION
(Legal Malpractice)

39. Plaintiff incorporates herein by reference its allegations above.

40. Plaintiff had a contract with Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.

41. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., had a duty to Plaintiff.

42. Plaintiff had the expectation and right to be represented fairly to the fullest extent possible with truth and integrity with full disclosure by Codefendants regarding any information pertaining to the outcome of her case. The aforementioned actions by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., as referenced herein and above fall far short of Plaintiff's reasonable expectations of professional duty and competence by the Codefendants, and display a lack of moral turpitude by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., and constitute a breach of duty and

represent a violation of S. C. Code 8.4(a, b, c, d, and e) and S. C. Code 5.1(a and b). This breach of duty by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., was grossly negligent in that Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A. knowingly presented false information to Plaintiff and misguided Plaintiff on many occasions during Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, representation of Plaintiff in the State of South Carolina vs. Beverley D. Wilson case - particularly while representing Plaintiff during the plea bargaining phase of the case – and the Codefendants' presentation of misguiding, false information while proffering informal legal advice to Plaintiff regarding the Amick Millwork & Supply, Inc. vs. Beverley Wilson case. False information provided by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., to Plaintiff regarding Plaintiff's employment capacity/opportunities was also negligent and led Plaintiff to engage in a contract with Heathwood Hall Episcopal School which could not be honored financially due to Plaintiff's inability to be employed and resulted in default of that contract with subsequent financial damages totaling \$45,000. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., knowingly provided false information to Plaintiff regarding the ability to appeal the plea bargain and implicitly implied that Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., would be available and able to assist Plaintiff with preparation of that appeal after the *prima facie* case State of South Carolina vs. Beverley D. Wilson. To this end, Plaintiff reluctantly agreed to the plea bargain agreement stipulated.

43. As a result of Codefendant Stephen P. Williams' breach of duty in failing to exercise the expected standards of conduct and competence and Codefendant Haynsworth, Sinkler, Boyd, P.A.'s failure to provide adequate oversight, review, and supervision of Codefendant Stephen P. Williams, Plaintiff has suffered significant financial loss, accrued significant financial debt totaling in excess of \$400,000, and has suffered significant emotional distress. Had Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., properly executed Plaintiff's *prima facie* case, Plaintiff's *prima facie* case could have been won or a more appropriate plea bargain agreement could have been entered wherein Plaintiff would not have been excluded from the South Carolina and Federal Medicaid programs and would have been able to honor her financial obligations.

Wherefore, having fully set forth the basis for the claims for relief set forth herein, Plaintiff, Beverley D. Wilson, prays for judgment granting:

A. Actual and punitive damages against the Codefendants Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A.;

B. Attorney's fees, costs, and any interest accrued on any monies owed on judgments for Amick Millwork & Supply, Inc. and Heathwood Hall Episcopal School and the South Carolina Medicaid restitution as these cases were directly affected by Codefendants' legal negligence, ineffective assistance of counsel, lack of moral turpitude, breach of fiduciary duty, and legal malpractice. Codefendants' legal negligence, ineffective assistance of counsel, lack of moral turpitude, breach of fiduciary duty, and

legal malpractice have directly contributed to Plaintiff's inability to honor her financial obligations to the aforementioned entities; and

C. Such other and further relief as the court deems just and proper.

_____, 2013

Beverley D. Wilson
P.O. Box 2865
Orangeburg, SC 29116
Phone: (803)682-0697
Email: wilsonfam63@yahoo.com

1	STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
		)	FOR THE FIFTH JUDICIAL CIRCUIT
2	COUNTY OF RICHLAND	)	CIVIL ACTION NUMBER:
			2013-CP-40-3101
3	BEVERLEY D. WILSON,	)	
		)	
4	Plaintiff,	)	<i>Proposed</i>
		)	AMENDED
5	vs.	)	COMPLAINT
		)	
6	STEPHEN P. WILLIAMS	)	
		)	
7	and	)	
		)	
8	HAYNSWORTH, SINKLER,	)	
	BOYD, P.A.,	)	
9		)	
	Codefendants.	)	
10			

11 Plaintiff, Beverley D. Wilson, complaining of Codefendants, Stephen P. Williams
12 and Haynsworth, Sinkler, Boyd, P.A., would show unto this Honorable Court:

13 1. Plaintiff is a physician existing and practicing under the laws of the State
14 of South Carolina, in Orangeburg County as Wilson Pediatrics, Inc.

15 2. Upon information and belief, Codefendant Stephen P. Williams is a
16 resident of Greenville County and a citizen of the State of South Carolina.

17 3. Codefendant Stephen P. Williams was employed as an attorney by
18 Codefendant Haynsworth, Sinkler, Boyd, P.A. in March 2008 and the during the duration
19 of the time he was engaged by the Plaintiff to represent the Plaintiff in a legal capacity in
20 the State of South Carolina vs. Beverley D. Wilson case.

21 4. Codefendant Haynsworth, Sinkler, Boyd, P.A. has an office in Columbia,
22 South Carolina, in the County of Richland, South Carolina.

1 / 5. Codefendant Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer
2 relationship with Codefendant Stephen P. Williams and is vicariously responsible for the
3 conduct of Codefendant Stephen P. Williams according to S.C. Code Section 15-38-
4 15(C)(3)(a). As an employer of Codefendant Stephen P. Williams, Codefendant
5 Haynsworth, Sinkler, Boyd, P.A. had a duty to supervise, review, and provide oversight
6 of Codefendant Stephen P. Williams' legal activities.

7 6. The majority of the meetings between Plaintiff and Codefendant Stephen
8 P. Williams occurred in Codefendant Haynsworth, Sinkler, Boyd, P.A.'s Columbia,
9 South Carolina office, located in Richland County, South Carolina. As such, per S.C.
10 Code Section 15-7-30A(10) and S.C. Code Section 15-7-30A(11D1), Richland County,
11 South Carolina is the appropriate Venue for this case.

12 7. Codefendant Stephen P. Williams as a non-resident of Richland County,
13 South Carolina performed business while employed by a corporation in Richland County,
14 South Carolina while legally engaged by Plaintiff in the case of State of South Carolina
15 vs. Beverley D. Wilson which gave rise to the course of action in this matter. Therefore,
16 according to S.C. Code Section 15-7-100, Richland County, South Carolina is the proper
17 Venue for the present matter before the Court.

18 8. In March 2008, South Carolina Department of Medicaid conducted an
19 audit of Plaintiff's medical practice, Wilson Pediatrics, Inc. On this date, the Plaintiff,
20 Beverley D. Wilson, contacted the South Carolina Medical Association (SCMA) for legal
21 advice and was referred to the Codefendant, Stephen P. Williams who was employed as a
22 practicing attorney with Codefendant Haynsworth, Sinkler, Boyd, P.A.. SCMA had
23 previously advised all of its member physicians to immediately contact them should the

physician ever receive correspondence from South Carolina Medicaid regarding an audit or a site visit to conduct an audit by South Carolina Medicaid. Subsequently, SCMA referred the Plaintiff to its legal expert regarding South Carolina Medicaid audits, Codefendant Stephen P. Williams.

9. Plaintiff contacted and conferred with Codefendant Stephen P. Williams via telephone on that same date and subsequently retained Stephen P. Williams on or about June 2008 as her attorney to represent Plaintiff in the South Carolina Medicaid case.

10. Plaintiff did not retain Codefendant Stephen P. Williams to represent her in the Amick Millwork & Supply, Inc. case and was financially unable to secure legal representation for herself in the Amick Millwork & Supply, Inc. case. Plaintiff sought unofficial advice regarding the Amick Millwork & Supply, Inc. case (Exhibit A) from Codefendant Stephen P. Williams in November 2008 and trusted in and relied upon the advice of Codefendant Stephen P. Williams. Codefendant Stephen P. Williams told the Plaintiff "Though it is best to go to court even without an attorney, if you choose not to go, at worst the judge will grant Mr. Amick a judgment against you, which Mr. Amick will just hold against you like a lien until you are able to pay off the balance of your debt to him." Plaintiff trusted Codefendant Stephen P. Williams' advice and elected not to go to court as Plaintiff trusted the informal advice of Codefendant Stephen P. Williams that the worst case scenario would be a judgment rendered against her, which would not be executed but held as a lien against the Plaintiff until she paid the debt remaining with Amick Millwork and Supply, Inc.. On or about March 10, 2009, judgment was rendered and entered in favor of Amick Millwork & Supply, Inc. in the amount of \$240,757.35

(Exhibit B). Subsequent rule to show cause was received on or about January 7, 2012 (Exhibit C).

11. On or about January 9, 2009, Plaintiff was served with a complaint by Amick Millwork & Supply, Inc. for breach of contract demanding payment in full of the balance \$221,015.36 for custom millwork produced for her home in addition to costs for attorney's fees and collection activities to enforce the contract (Exhibit A).

12. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., had a conflict of interest in representing Plaintiff according to S.C. Rule 1.7(a) as Codefendant Stephen P. Williams had been retained by The Regional Medical Center in the recent past and the Regional Medical Center had an adversarial relationship with Plaintiff since January 1997 (Exhibit D). Codefendant Stephen P. Williams also worked for Codefendant Haynsworth, Sinkler, Boyd, P.A., a law firm that was retained by First Citizens Bank to represent First Citizens Bank in a lawsuit against the Plaintiff in the past. Codefendant Stephen P. Williams possessed specialized legal expertise pertaining to Plaintiff's present case against South Carolina Medicaid. Plaintiff asked Codefendant Stephen P. Williams if these conflicts of interest would impair his ability to fairly and impartially represent her interests in the South Carolina Medicaid case. Codefendant Stephen P. Williams told Plaintiff that the stated conflicts of interest would not interfere with his ability to fairly and impartially represent or defend the Plaintiff in her present case with South Carolina Medicaid.

13. Plaintiff informed Codefendant Stephen P. Williams that her main witness in her case against South Carolina Medicaid was dead and the absence of this witness's testimony would be significant in mounting a defense for Plaintiff. Codefendant Stephen

66

P. Williams advised Plaintiff that her case was changed to a criminal case and that he was not a criminal defense attorney and that he was not comfortable or qualified to represent her in a criminal defense case and that Plaintiff should retain a criminal defense attorney for legal counsel.

14. Plaintiff explored Codefendant Stephen P. Williams' advice regarding employing a criminal defense attorney to represent her and determined that she could not financially afford to retain a criminal defense attorney. Plaintiff discussed her inability to retain a criminal defense attorney due to her extreme financial limitations with Codefendant Stephen Williams. Plaintiff inquired of Codefendant Stephen P. Williams if he could refer her case to a criminal defense attorney within the law firm of Codefendant Haynsworth, Sinkler, Boyd, P.A. or jointly consult with a criminal defense attorney within the law firm of Codefendant Haynsworth, Sinkler, Boyd, P.A. to ensure that her case was properly dispositioned. Codefendant Stephen P. Williams stated he would do same.

15. Codefendant Stephen P. Williams advised the Plaintiff that it was in her best interest to enter a plea bargain agreement in the State of South Carolina vs. Beverley D. Wilson case (Exhibit E).

16. Codefendant Stephen P. Williams ordered examination of Plaintiff by the South Carolina Department of Mental Health stating same was requested by the South Carolina Attorney General. Dr. Richard Frierson, the examining physician and Chief of Psychiatry at the South Carolina Department of Mental Health, stated Codefendant Stephen P. Williams ordered the mental health evaluation, not the South Carolina Attorney General. Dr. Frierson called the South Carolina Attorney General's office and

confirmed that it was the Defendant, and not the South Carolina Attorney General, who requested and ordered the mental health evaluation. After reviewing Plaintiff's case file, Dr. Frierson stated to me "off the record" that the circumstances of my case and plea bargain arrangement did not properly correlate. Following the interview with Dr. Frierson, Plaintiff contacted Codefendant Stephen P. Williams via telephone. Plaintiff discussed her concerns following her conversation with Dr. Frierson. Codefendant Stephen P. Williams became enraged at Plaintiff, asked Plaintiff "Who 'she' (Plaintiff) 'was' going to believe? Him (Codefendant Stephen P. Williams) or some mental health doctor?" Codefendant Stephen P. Williams then pointedly asked Plaintiff if she wanted to dismiss him (Codefendant Stephen P. Williams) as her attorney.

17. Plaintiff asked Codefendant Stephen P. Williams on several occasions during the State of South Carolina vs. Beverley D. Wilson case for permission to accompany Codefendant Stephen P. Williams when he was meeting with the South Carolina Attorney General or the Assistant South Carolina Attorney General regarding Plaintiff's case or speak with the South Carolina Attorney General or his Assistant Attorney General via telephone conference, and again following the heated conversation with Codefendant Stephen P. Williams following the interview with Dr. Frierson. Plaintiff expressed to Codefendant Stephen P. Williams that she (Plaintiff) did not agree with the plea bargain as written and did not feel Codefendant Stephen P. Williams was representing her best interests. Codefendant Stephen P. Williams informed the Plaintiff that it was not possible for Plaintiff to accompany him to meet or telephonically communicate with the South Carolina Attorney General or the Assistant South Carolina Attorney General and that the plea bargains were taken directly from statutes of law,

were “carved in stone,” and could not be changed. Codefendant Stephen P. Williams’s and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.’s statements and actions in these instances were deceitful. Codefendant Stephen P. Williams’ and Codefendant Haynsworth, Sinkler, Boyd’s deceit is a direct violation of S.C. Code 8.4(d and e).

18. Plaintiff presented Codefendant Stephen P. Williams with a document to present to the presiding judge, Judge Manning, the South Carolina Attorney General, and the Assistant South Carolina Attorney General prior to the State of South Carolina vs. Beverley D. Wilson hearing on May 24, 2010 detailing conspiratorial information surrounding Plaintiff’s case (Exhibit D). Codefendant Stephen P. Williams told the Plaintiff “It would be best not to present that information to the judge right now. He’s in a good mood and we wouldn’t want to ruin that. Hold on to that information and use it in the appeal case.” Codefendant Stephen P. Williams’ failure to present this document to the presiding judge, South Carolina Attorney General, or Assistant South Carolina Attorney General was a violation of S.C. Rule 8.4(d and e) and S.C. Rule 3.4(a) and S.C. Rule 3.4(f)(2). Codefendant Stephen P. Williams’ statement that this document could be used in an appellate case was fraudulent and a direct violation of S.C. Rule 8.4(d and e). At the conclusion of the trial, Codefendant Stephen P. Williams stated “I’m sure the South Carolina Attorney General is glad we pled your case as the South Carolina Attorney General was worried he didn’t have a strong enough case to convict you.” Codefendant Stephen P. Williams never discussed that the South Carolina Attorney General had any misgivings regarding his ability to obtain a conviction in the South Carolina Medicaid case with Plaintiff prior to the conclusion of the trial.

19. At the conclusion of the State of South Carolina vs. Beverley D. Wilson hearing, Judge Manning ordered restitution of \$77,356.16, \$10,000 court cost, and 20 percent fee (See Exhibit F). Plaintiff told Codefendant Stephen P. Williams that she would not be able to afford such payments and asked Codefendant Stephen P. Williams to petition Judge Manning for leniency and a more affordable restitution as the Plaintiff had not billed South Carolina Medicaid since May 2008 and the Plaintiff's medical practice was approximately 80-85% Medicaid. Codefendant Stephen P. Williams reiterated numerous options for employment to Plaintiff that Codefendant Stephen P. Williams had discussed with Plaintiff prior to the State of South Carolina vs. Beverley D. Wilson hearing and stated to Plaintiff that all things would work out well financially. Codefendant Stephen P. Williams' failure to address the Plaintiff's financial inability to pay the proposed restitution with Judge Manning and petition Judge Manning for leniency for the Plaintiff as opposed to Codefendant Stephen P. Williams' and, by, extension, Haynsworth, Sinkler, Boyd's misrepresentations of Plaintiff's future options for employment are violations of S.C. Rule 8.4(d and e).

20. Codefendant Stephen P. Williams advised Plaintiff that it would be in her best financial interest to close her practice and seek employment as an emergency room physician, locum tenens physician, or a physician at one of South Carolina's Health Departments, or an adjunct college professor in order to provide herself with income as the plea bargain would result in her exclusion from South Carolina Medicaid and the United States Department of Health and Human Services and these occupations would be Plaintiff's best means of assuring financial viability. These statements by Codefendant

Stephen P. Williams and, by extension, Codefendant Haynsworth, Sinkler, Boyd, P.A. are misleading and fraudulent and violations of S.C. Rule 8.4 (d and e).

21. One week following the conclusion of the State of South Carolina vs. Beverley D. Wilson hearing, Plaintiff contacted Codefendant Stephen P. Williams via telephone to request assistance in filing appeals with the South Carolina Court of Appeals and South Carolina Medicaid regarding the State of South Carolina vs. Beverley D. Wilson case. Codefendant Stephen P. Williams stated to Plaintiff “Oh, you can do that on your own. It’s simple. You won’t need me for that.” Plaintiff related to the Codefendant Stephen P. Williams that she was not comfortable proceeding with the appeals without Codefendant Stephen P. Williams’ legal representation of her. Codefendant Stephen P. Williams responded in similar fashion to Plaintiff’s request for Codefendant Stephen P. Williams to accompany Plaintiff to hearings regarding Plaintiff’s case before the SCMA Board.

22. The South Carolina Court of Appeals, South Carolina Medicaid, South Carolina Department of Health and Human Services, as well as the federal offices for Medicaid and the Department of Health and Human Services all informed Plaintiff that there was no appeals process for plea bargains. Each of these entities stated any information that needed to be considered regarding Plaintiff’s case or plea bargain should have been brought up during the plea bargaining process, at the plea hearing, or during the context of a trial of that case. These statements, actions, and inactions herein listed in by Codefendant Stephen P. Williams and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A. are violations of S.C. Rule 8.4 (d) and S.C. Rule 3.9 and ABA-MRPC Rule 2.1.

23. Upon appearance of Plaintiff before the SCMA Board for an investigative hearing and review of the State of South Carolina vs. Beverley D. Wilson case, SCMA's legal counsel immediately inquired of Plaintiff why her legal counsel was not present. Plaintiff related her discomfort regarding Codefendant Stephen P. Williams' aforementioned response regarding the lack of need for Codefendant Stephen P. Williams and by extension Codefendant Haynsworth, Sinkler, Boyd, PA to assist Plaintiff in the appeal process for the South Carolina vs. Beverley D. Wilson case or appear with Plaintiff before SCMA or any other investigative bodies regarding Plaintiff's case and that Plaintiff was financially unable to retain other legal counsel to represent or accompany her/Plaintiff in matters regarding this case. These statements, actions, and inactions herein listed in by Codefendant Stephen P. Williams and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A. are violations of S.C. Rule 8.4 (d) and S.C. Rule 3.9 and ABA-MRPC Rule 2.1.

24. Plaintiff engaged in a contract February 17, 2011 with Heathwood Hall Episcopal School (Exhibit G) to pay the debt Plaintiff owed Heathwood Hall Episcopal School based upon the advice of Codefendant Stephen P. Williams that Plaintiff would be easily able to be employed as mentioned previously. Unable to be employed in capacities as Codefendant Stephen P. Williams and, by extension, Haynsworth, Sinkler, Boyd, P.A. had assured her, Plaintiff defaulted on the agreement with Heathwood Hall Episcopal School, resulting in Heathwood Hall Episcopal School executing an Affidavit of Counsel (Exhibit H) and a Confession of Judgment (Exhibit G) on or about October 19, 2011. A Transcript of Judgment (Exhibit I) was rendered to Heathwood Hall Episcopal School on November 17, 2011. Codefendant Stephen P. Williams and by extension Codefendant

Haynsworth, Sinkler, Boyd, P.A's conduct and actions in this matter are a violation of S.C. Rule 8.4(c and d).

25. Codefendant Stephen P. Williams advised Plaintiff to file bankruptcy on or about November 2008 and advised Plaintiff not to tell anyone as it could be construed that Codefendant Stephen P. Williams was advising Plaintiff to file bankruptcy to avoid a South Carolina Medicaid judgment should one be rendered against Plaintiff. After the Amick Millwork & Supply, Inc. judgment was executed in June 2009, Plaintiff contacted Codefendant Stephen P. Williams to obtain referrals regarding reputable bankruptcy firms. Codefendant Stephen P. Williams referred Plaintiff to bankruptcy attorney Jason Moss of Moss & Associates, P.A., and stated that he knew Mr. Moss well. Codefendant Stephen P. Williams also stated he would personally call and speak to Mr. Moss on Plaintiff's behalf, and that Mr. Moss "would take care of 'Plaintiff.'"

26. Plaintiff retained the services of Jason Moss in July 2009 with subsequent disastrous results amid disastrous legal malfeasances by Mr. Moss and his associates. Plaintiff contacted Codefendant Stephen P. Williams after the second bankruptcy case represented by Moss & Associates was dismissed due to negligent procedural filing errors by Mr. Moss and asked Codefendant Stephen P. Williams how well he knew Mr. Jason Moss as Mr. Moss appeared incompetent professionally. Codefendant Stephen P. Williams denied knowing Jason Moss or having referred Jason Moss to Plaintiff. Codefendant Stephen P. Williams and, by extension, Codefendant Haynsworth, Sinkler, Boyd, P.A conduct and actions are a violation of S.C. Rule 8.4(d).

FOR A FIRST CAUSE OF ACTION
(Legal Negligence)

27. Plaintiff incorporates herein by reference its allegations above.

28. Plaintiff and Codefendant Stephen P. Williams entered into a binding contract. Codefendant Stephen P. Williams was employed by Codefendant Haynsworth, Sinkler, Boyd, P.A. Codefendant Haynsworth, Sinkler, Boyd, P.A. was responsible for supervising, reviewing, and providing oversight for Codefendant Stephen P. Williams' conduct and actions according to S.C. Rule 5.1(a and b).

29. Plaintiff had full expectation that Codefendant Stephen P. Williams, an attorney employed by Codefendant Haynsworth, Sinkler, Boyd, P.A., would adhere to the tenets of professional ethics and duties of legal professionalism including honesty, good faith, integrity, and fidelity and not proffer legal advice on an informal or formal basis that was reckless or negligent or would place Plaintiff in legal peril if she acted upon/followed that advice. Additionally, Plaintiff had the expectation that Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., in acting as her attorney would exercise due diligence in representing her interests with both vigor and expertise and provide effective counsel on her behalf. Codefendants did not meet these professional tenets of professional ethics and duties, competence, vigor, and expertise and were therefore negligent in their representation of Plaintiff according to S.C. Rule 8.4(a, b, c, d, and e) and ABA-MRPC Rule 2.1.

30. As a result of Plaintiff's following Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, legally negligent informal advice, Plaintiff did not present herself at the Amick Millwork and Supply, Inc. vs. Beverley Wilson, Marvin Wilson case (formerly referred to as the Amick Millwork and Supply, Inc. case and hereafter referred to as the Amick Millwork and Supply, Inc. vs.

Beverley Wilson case), thereby, forfeiting her right to rebut the claims against her in that case or seek any counterclaims against Amick Millwork and Supply, Inc.

31. Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, legal negligence also resulted in Plaintiff subsequently suffering monetary losses and accrued debt in excess of \$250,000 in the cases of Amick Millwork & Supply, Inc. vs. Beverley Wilson, \$100,000 in the State of South Carolina vs. Beverley D. Wilson, and \$45,000 in Heathwood Hall Episcopal School vs. Beverley D. Wilson.

32. Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, legal negligence also placed Plaintiff at risk of receiving legal judgments against her that could result in Plaintiff losing her home, her medical practice, and/or result in her imprisonment.

FOR A SECOND CAUSE OF ACTION
(Breach of Fiduciary Duty)

33. Plaintiff incorporates herein by reference its allegations above.

34. Plaintiff had the right to expect a fiduciary duty from Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., in acting as Plaintiff's attorney to act in good faith and candor to represent Plaintiff's best interest. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., also had a duty not to exert undue pressure upon Plaintiff to agree to conditions of the plea agreement or otherwise not in her best interest. Codefendants breached their fiduciary duty to Plaintiff and this breach of fiduciary duty is in direct violation S.C. Rule 8.4(a, b, c, d, and e), S.C. Rule 2.1. By failing to avoid judgment or securing a less harsh judgment in the underlying State of South Carolina vs. Beverley D.

Wilson case, Codefendants placed Plaintiff at risk of financial peril greater than the risk of the underlying *prima facie* case (*Scognamillo vs. Olsen*, 795 P.2d 1357, 1361 (Colo. App. 1990)).

35. As a result of Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, breach of fiduciary duty: (1) Plaintiff agreed to a plea agreement that was not in her best interest legally, professionally, or financially; (2) Plaintiff was placed in a financially compromised position in which it was not feasible to meet the conditions of the restitution portion of Plaintiff's plea agreement or Plaintiff's other financial obligations; (3) Plaintiff was placed at risk of default of the plea agreement and subsequent imprisonment; and (4) Plaintiff was placed at risk of losing her home, her medical practice, and all that she owned.

FOR A THIRD CAUSE OF ACTION
(Ineffective Assistance of Counsel)

36. Plaintiff incorporates herein by reference its allegations above.

37. Plaintiff had the right to effective assistance of counsel from Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., in his/their representation of Plaintiff as her attorney in the State of South Carolina vs. Beverley D. Wilson case. Plaintiff had the right to fair and robust legal representation of her interests and a vigorous effort by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., to seek an equitable judgment in Plaintiff's best interest. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., did not provide effective assistance of counsel to Plaintiff and violated S.C. Rule 8.4(a, b, c, d, and e) and S.C. Rule 5.1(a and b).

38. Lack of effective assistance of counsel by the Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., resulted in harm to Plaintiff. Specifically: (1) Plaintiff agreed to a plea agreement that was not in her best interest; (2) Plaintiff was placed in a financially compromised position in which it was not feasible to meet the conditions of the restitution portion of Plaintiff's plea agreement or Plaintiff's other financial obligations; (3) Plaintiff was placed at risk of default of the plea agreement and subsequent imprisonment; and (4) Plaintiff was placed at risk of losing her home, her medical practice, and all that she owned.

FOR A FOURTH CAUSE OF ACTION
(Legal Malpractice)

39. Plaintiff incorporates herein by reference its allegations above.

40. Plaintiff had a contract with Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.

41. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., had a duty to Plaintiff.

42. Plaintiff had the expectation and right to be represented fairly to the fullest extent possible with truth and integrity with full disclosure by Codefendants regarding any information pertaining to the outcome of her case. The aforementioned actions by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., as referenced herein and above fall far short of Plaintiff's reasonable expectations of professional duty and competence by the Codefendants, and display a lack of moral turpitude by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., and constitute a breach of duty and

represent a violation of S. C. Code 8.4(a, b, c, d, and e) and S. C. Code 5.1(a and b). This breach of duty by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., was grossly negligent in that Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A. knowingly presented false information to Plaintiff and misguided Plaintiff on many occasions during Codefendant Stephen P. Williams', and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A.'s, representation of Plaintiff in the State of South Carolina vs. Beverley D. Wilson case - particularly while representing Plaintiff during the plea bargaining phase of the case – and the Codefendants' presentation of misguiding, false information while proffering informal legal advice to Plaintiff regarding the Amick Millwork & Supply, Inc. vs. Beverley Wilson case. False information provided by Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., to Plaintiff regarding Plaintiff's employment capacity/opportunities was also negligent and led Plaintiff to engage in a contract with Heathwood Hall Episcopal School which could not be honored financially due to Plaintiff's inability to be employed and resulted in default of that contract with subsequent financial damages totaling \$45,000. Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., knowingly provided false information to Plaintiff regarding the ability to appeal the plea bargain and implicitly implied that Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., would be available and able to assist Plaintiff with preparation of that appeal after the *prima facie* case State of South Carolina vs. Beverley D. Wilson. To this end, Plaintiff reluctantly agreed to the plea bargain agreement stipulated.

43. As a result of Codefendant Stephen P. Williams' breach of duty in failing to exercise the expected standards of conduct and competence and Codefendant Haynsworth, Sinkler, Boyd, P.A.'s failure to provide adequate oversight, review, and supervision of Codefendant Stephen P. Williams, Plaintiff has suffered significant financial loss, accrued significant financial debt totaling in excess of \$400,000, and has suffered significant emotional distress. Had Codefendant Stephen P. Williams, and by extension Codefendant Haynsworth, Sinkler, Boyd, P.A., properly executed Plaintiff's *prima facie* case, Plaintiff's *prima facie* case could have been won or a more appropriate plea bargain agreement could have been entered wherein Plaintiff would not have been excluded from the South Carolina and Federal Medicaid programs and would have been able to honor her financial obligations.

Wherefore, having fully set forth the basis for the claims for relief set forth herein, Plaintiff, Beverley D. Wilson, prays for judgment granting:

A. Actual and punitive damages against the Codefendants Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A.;

B. Attorney's fees, costs, and any interest accrued on any monies owed on judgments for Amick Millwork & Supply, Inc. and Heathwood Hall Episcopal School and the South Carolina Medicaid restitution as these cases were directly affected by Codefendants' legal negligence, ineffective assistance of counsel, lack of moral turpitude, breach of fiduciary duty, and legal malpractice. Codefendants' legal negligence, ineffective assistance of counsel, lack of moral turpitude, breach of fiduciary duty, and

legal malpractice have directly contributed to Plaintiff's inability to honor her financial obligations to the aforementioned entities; and

C. Such other and further relief as the court deems just and proper.

_____, 2013

Beverley D. Wilson
P.O. Box 2865
Orangeburg, SC 29116
Phone: (803)682-0697
Email: wilsonfam63@yahoo.com

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

COPY

ANSWER

Defendant Stephen P. Williams, reserving issues raised in his Motion to Dismiss and Motion to Change Venue served simultaneously with this Answer, alleges:

FOR A FIRST DEFENSE

1. Defendant alleges that he is a citizen and resident of Greenville County, South Carolina and that venue is improper in this action in the Court of Common Pleas for the County of Richland.
2. Defendant alleges that this Court should change venue from the County of Richland to the County of Greenville, the domicile and residence of this Defendant.
3. South Carolina Code Anno. §15-7-30 provides that Defendant is

entitled to trial in the County of his domicile and residence.

FOR A SECOND DEFENSE

4. Defendant realleges all allegations set forth above and incorporates the same herein.
5. The facts stated in Plaintiff's Complaint fail to allege sufficient facts to constitute a cause of action or claim against Defendant and the Complaint should be dismissed.

FOR A THIRD DEFENSE

6. Defendant realleges all allegations set forth above and incorporates the same herein.
7. Plaintiff's Complaint should be dismissed since the Complaint fails to state facts sufficient to comply with SC Code Anno. §15-36-100(B) in that all causes of action stated in the Complaint allege professional negligence against Defendant who is a professional licensed by the State of South Carolina and is not listed in subsection (G) of said statute. Plaintiff has failed to file, as a part of her Complaint, an affidavit of an expert witness as required by subsection (B) or (C) of said statute.

FOR A FOURTH DEFENSE

8. Defendant denies each and every allegation of the Complaint except the allegations hereafter admitted, modified, or explained.
9. Defendant admits the allegations of Paragraphs One (1) and Two (2) of the Complaint.
10. In response to the allegations of Paragraph Three (3) of the Complaint, Defendant alleges that in March, 2008, and prior thereto, the South Carolina Department of Health and Human Services Agency (Medicaid) conducted an audit of Plaintiff's medical practice, Wilson Pediatric's, Inc. Defendant admits that he discussed the investigation with Plaintiff. In further answering said paragraph, Defendant has insufficient knowledge or information to form a belief as to the allegations concerning advice given to member physicians by SCMA but acknowledges that that organization often gives physician members the names of certain attorneys to consult.
11. As to the allegations of Paragraph Four (4) of the Complaint, Defendant admits that he discussed the investigation of Plaintiff by telephone and alleges that his representation agreement letter was signed by Defendant on June 3, 2008 and by Plaintiff on June 4,

2008.

12. As to the allegations of Paragraph Five (5) of the Complaint, Defendant admits that Plaintiff did not retain him to represent her in a case against her by Amick Millwork and Supply, Inc. Further answering said paragraph, Defendant alleges that on several occasions Plaintiff told Defendant about the pending lawsuit. Defendant advised Plaintiff that she should have an attorney to represent her and, on occasions, gave informal information to Plaintiff about the litigation with the understanding that Plaintiff clearly understood that Defendant did not have specific knowledge about the lawsuit and was not representing her or giving her advice for use in the litigation. Defendant denies the remaining allegations of said paragraph.
13. In response to the allegations of Paragraph Six (6) of the Complaint, Defendant has no knowledge or information to form a belief as to the truth or falsity thereof and therefore denies the same.
14. In response to the allegations of Paragraph Seven (7) of the Complaint, Defendant denies that he had any conflict of interest concerning the Regional Medical Center and alleges that he never

represented or had any official relationship with that center. Further answering said paragraph, Defendant denies that he had any knowledge that the lawfirm Haynsworth Sinkler Boyd, PA, had represented First Citizens Bank in a lawsuit against Plaintiff. Further answering, this Defendant alleges that his conflict of interest examination, prior to agreeing to represent Plaintiff, did not show such conflict. If the lawfirm had previously represented any party against Plaintiff, it is likely that Plaintiff had a different last name at the time of such representation. Further answering the paragraph, Defendant denies that Plaintiff discussed any conflicts of interest with Defendant and alleges that if said conflicts had been discussed, Defendant would have replied honestly and specifically to Plaintiff's concerns. Defendant denies the remaining allegations of said paragraph.

15. In response to the allegations of Paragraph Eight (8) of the Complaint, Defendant admits that Plaintiff was concerned about the defense of her Medicaid case and that she stated that one of her witnesses was deceased. Plaintiff asserted to Defendant that she was not guilty as charged and that she had seen every patient for which

she billed Medicaid by computer. Plaintiff contended that the billing was done in error but that she had actually seen every patient for which she billed Medicaid. Defendant alleges that the investigation and subsequent information provided by Plaintiff confirmed that Plaintiff's contention was untrue and that she had billed for patients for which she had not provided any services. With that information, Defendant alleges that he advised Plaintiff that it was in her best interest to negotiate a guilty plea. Further answering said paragraph, Defendant admits that he ordered a mental evaluation of Plaintiff after working with Plaintiff and believing that Plaintiff may not have fully comprehended the nature and seriousness of the charges against her. Defendant alleges that a mental evaluation was necessary to determine whether Plaintiff was competent to stand trial and/or competent to enter a guilty plea. Further answering said paragraph, Defendant alleges that he discussed the mental evaluation with a representative from the Attorney General's Office and decided to make the recommendation which was agreed to by the Attorney General's Office. This Defendant denies the remaining allegations of this paragraph.

16. In response to the allegations of Paragraph Nine (9) of the Complaint, Defendant admits that Plaintiff requested that she be allowed to accompany him when he had discussions with the South Carolina Attorney General's personnel. Defendant alleges, in connection therewith, that he had three (3) personal meetings with representatives of the Attorney General's Office and that Plaintiff was present during two (2) of the meetings. Further answering said paragraph, Defendant alleges that most of the negotiations concerning a guilty plea with the Attorney General's Office took place telephonically. Defendant alleges that his advice concerning the guilty plea was the proper advice and appropriate under the circumstances.
17. Defendant admits the allegations of Paragraph Ten (10) of the Complaint which allege that Plaintiff requested that Defendant give her detailed conspiratorial information to the sentencing judge in her case. Defendant contends that the conspiratorial information would have been detrimental to Plaintiff in the sentencing hearing. Further answering said paragraph, Defendant denies that he stated that the Attorney General was concerned about the State's case and that there

was insufficient evidence to convict Plaintiff. Defendant denies that he believed that the State could not convict Plaintiff.

18. In response to the allegations of Paragraph Eleven (11) of the Complaint, Defendant admits that Plaintiff had doubts of her ability to pay the restitution as Ordered. The Defendant denies the remaining allegations of said paragraph.
19. In response to the allegations of Paragraph Twelve (12) of the Complaint, Defendant alleges that he discussed with Plaintiff her medical practice and other options which were possible for her as a physician. The discussion was in an effort to assist Plaintiff in determining her future employment. Defendant denies the remaining allegations of said paragraph.
20. Defendant denies the allegations of Paragraph Thirteen (13) of the Complaint. Defendant alleges that Plaintiff requested that Defendant file an appeal on her behalf without payment of a fee. Defendant alleges that he informed the Plaintiff that he could not work without a fee and that he had completed the work for which he had been retained. Further answering said paragraph, Defendant alleges that he informed Plaintiff that he did not believe she could be successful on

an appeal.

21. In response to the allegations of Paragraph Fourteen (14) of the Complaint, Defendant has no knowledge or information to form a belief concerning said allegations and therefore denies the same.
22. In response to the allegations of Paragraph Fifteen (15) of the Complaint, Defendant admits that Plaintiff discussed with him her desire to file for bankruptcy. Defendant denies the remaining allegations of said paragraph and specifically denies that he has ever known Jason Moss or the lawfirm of Moss & Associates, PA.
23. In response to the allegations of Paragraph Sixteen (16) of the Complaint, this Defendant realleges all allegations set forth above.
24. In response to the allegations of Paragraph Seventeen (17) of the Complaint, this Defendant admits that he entered an agreement with Plaintiff to represent her in a criminal investigation which ultimately resulted in charges against Plaintiff.
25. In response to the allegations of Paragraph Eighteen (18) of the Complaint, this Defendant denies that he offered legal advice on an informal basis on any issue and alleges that he only responded to specific questions by Plaintiff in an informal way and with the

understanding that Defendant was not representing Plaintiff in the issues discussed. Further answering Paragraph Eighteen (18) of the Complaint, this Defendant alleges that he exercised due diligence in representing Plaintiff with both vigor and expertise and provided effective counsel on her behalf. Defendant denies the remaining allegations of said paragraph.

26. Defendant denies the allegations of Paragraph Nineteen (19) of the Complaint.
27. Defendant denies the allegations of Paragraphs Twenty (20) and Twenty-One (21) of the Complaint.
28. In response to the allegations of Paragraph Twenty-Two (22) of the Complaint, Defendant incorporates all allegations above.
29. In response to the allegations of Paragraph Twenty-Three (23) of the Complaint, Defendant admits that Plaintiff, as all other clients, had a right to expect that Defendant would act in a fiduciary capacity as Plaintiff's attorney and act in good faith and candor to represent her best interest. Defendant also agrees that an attorney should not exert undue pressure on a Plaintiff to agree to conditions of a plea agreement which are not in her best interest. Defendant alleges that

he fulfilled all of his fiduciary responsibility in representing Plaintiff.

30. Defendant denies the allegations of Paragraph Twenty-Four (24) of the Complaint.
31. In response to allegations of Paragraph Twenty-Five (25) of the Complaint, Defendant realleges all allegations set forth above.
32. Defendant admits the allegations of Paragraph Twenty-Six (26) of the Complaint.
33. Defendant denies the allegations of Paragraph Twenty-Seven (27) of the Complaint.
34. In response to the allegations of Paragraph Twenty-Eight (28) of the Complaint, Defendant realleges all allegations above.
35. Defendant admits that portion of Paragraph Twenty-Nine (29) of the Complaint which alleges that Plaintiff had the right to be represented fairly to the fullest extent possible with truth and integrity and full disclosure by Defendant. Defendant denies the remaining allegations of said paragraph and alleges that his representation of Plaintiff met all of Plaintiff's reasonable expectations and complied with the professional standards of the legal profession.
36. Defendant denies the allegations of Paragraph Thirty (30) of the

Complaint.

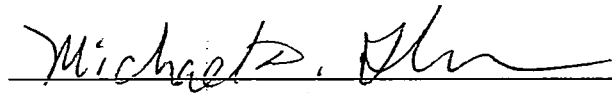
FOR A FIFTH DEFENSE

37. Defendant realleges all allegations set forth above and incorporates the same herein.
38. Any cause of action resulting from facts alleged in Paragraphs Five (5) and Six (6) of the Complaint are barred by the Statute of Limitations relative to such cause of action and should be dismissed.

WHEREFORE, Defendant prays:

1. That the Complaint be dismissed;
2. That the Court provide other and further relief as required by law.

GLENN, HAIGLER & STATHAKIS, LLP


Michael D. Glenn, #2147
Attorney for Defendant
121 West Benson Street
Anderson, South Carolina 29624
(864) 226-1885
(864) 226-0561, fax

June 19, 2013

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DEFENDANT DEMANDS A JURY TRIAL

GLENN, HAIGLER & STATHAKIS, LLP

Michael D. Glenn

Michael D. Glenn, #2147

Attorney for Defendant

121 West Benson Street

Anderson, South Carolina 29624

(864) 226-1885

(864) 226-0561, fax

June 19, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

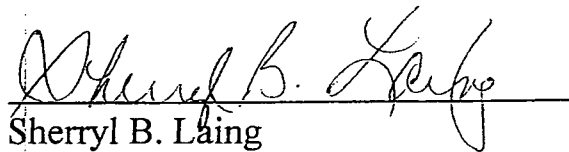
COPY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Answer, Motion to Change Venue, and Motion to Dismiss in the above action has been served upon opposing counsel by depositing same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereon, addressed as follows:

Ms. Beverley D. Wilson
P.O. Box 2865
Orangeburg, South Carolina 29116

This 19th Day of June, 2013.


Sherryl B. Laing

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Beverley D. Wilson,)
)
Plaintiff,)
)
vs.)
)
Stephen P. Williams,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

AMENDED
ANSWER

COPY

Defendant Stephen P. Williams, reserving issues raised in his Motion to Dismiss and Motion to Change Venue served prior to this Answer, now files this Amended Answer and alleges:

FOR A FIRST DEFENSE

1. Defendant alleges that he is a citizen and resident of Greenville County, South Carolina and that venue is improper in this action in the Court of Common Pleas for the County of Richland.
2. Defendant alleges that this Court should change venue from the County of Richland to the County of Greenville, the domicile and residence of this Defendant.
3. South Carolina Code Anno. §15-7-30 provides that Defendant is

entitled to trial in the County of his domicile and residence.

FOR A SECOND DEFENSE

4. Defendant realleges all allegations set forth above and incorporates the same herein.
5. The facts stated in Plaintiff's Complaint fail to allege sufficient facts to constitute a cause of action or claim against Defendant and the Complaint should be dismissed.

FOR A THIRD DEFENSE

6. Defendant realleges all allegations set forth above and incorporates the same herein.
7. Plaintiff's Complaint should be dismissed since the Complaint fails to state facts sufficient to comply with SC Code Anno. §15-36-100(B) in that all causes of action stated in the Complaint allege professional negligence against Defendant who is a professional licensed by the State of South Carolina and is not listed in subsection (G) of said statute. Plaintiff has failed to file, as a part of her Complaint, an affidavit of an expert witness as required by subsection (B) or (C) of said statute.

2008.

12. As to the allegations of Paragraph Five (5) of the Complaint, Defendant admits that Plaintiff did not retain him to represent her in a case against her by Amick Millwork and Supply, Inc. Further answering said paragraph, Defendant alleges that on several occasions Plaintiff told Defendant about the pending lawsuit. Defendant advised Plaintiff that she should have an attorney to represent her and, on occasions, gave informal information to Plaintiff about the litigation with the understanding that Plaintiff clearly understood that Defendant did not have specific knowledge about the lawsuit and was not representing her or giving her advice for use in the litigation. Defendant denies the remaining allegations of said paragraph.
13. In response to the allegations of Paragraph Six (6) of the Complaint, Defendant has no knowledge or information to form a belief as to the truth or falsity thereof and therefore denies the same.
14. In response to the allegations of Paragraph Seven (7) of the Complaint, Defendant denies that he had any conflict of interest concerning the Regional Medical Center and alleges that he never

represented or had any official relationship with that center. The law firm which employed Defendant has represented Regional Medical Center in the past but Defendant was not personally involved in such representation. Such representation by other members of the firm was not a conflict to prevent Defendant from representing Plaintiff in the action against her by the South Carolina Department of Health and Human Services Agency (Medicaid). Further answering said paragraph, Defendant denies that he had any knowledge that the lawfirm Haynsworth Sinkler Boyd, PA, had represented First Citizens Bank in a lawsuit against Plaintiff. Further answering, this Defendant alleges that his conflict of interest examination, prior to agreeing to represent Plaintiff, did not show such conflict. If the lawfirm had previously represented any party against Plaintiff, it is likely that Plaintiff had a different last name at the time of such representation. Further answering the paragraph, Defendant denies that Plaintiff discussed any conflicts of interest with Defendant and alleges that if said conflicts had been discussed, Defendant would have replied honestly and specifically to Plaintiff's concerns. Defendant denies the remaining allegations of said paragraph.

15. In response to the allegations of Paragraph Eight (8) of the Complaint, Defendant admits that Plaintiff was concerned about the defense of her Medicaid case and that she stated that one of her witnesses was deceased. Plaintiff asserted to Defendant that she was not guilty as charged and that she had seen every patient for which she billed Medicaid by computer. Plaintiff contended that the billing was done in error but that she had actually seen every patient for which she billed Medicaid. Defendant alleges that the investigation and subsequent information provided by Plaintiff confirmed that Plaintiff's contention was untrue and that she had billed for patients for which she had not provided any services. With that information, Defendant alleges that he advised Plaintiff that it was in her best interest to negotiate a guilty plea. Further answering said paragraph, Defendant admits that he ordered a mental evaluation of Plaintiff after working with Plaintiff and believing that Plaintiff may not have fully comprehended the nature and seriousness of the charges against her. Defendant alleges that a mental evaluation was necessary to determine whether Plaintiff was competent to stand trial and/or competent to enter a guilty plea. Further answering said paragraph,

Defendant alleges that he discussed the mental evaluation with a representative from the Attorney General's Office and decided to make the recommendation which was agreed to by the Attorney General's Office. This Defendant denies the remaining allegations of this paragraph.

16. In response to the allegations of Paragraph Nine (9) of the Complaint, Defendant admits that Plaintiff requested that she be allowed to accompany him when he had discussions with the South Carolina Attorney General's personnel. Defendant alleges, in connection therewith, that he had three (3) personal meetings with representatives of the Attorney General's Office and that Plaintiff was present during two (2) of the meetings. Further answering said paragraph, Defendant alleges that most of the negotiations concerning a guilty plea with the Attorney General's Office took place telephonically. Defendant alleges that his advice concerning the guilty plea was the proper advice and appropriate under the circumstances.

17. Defendant admits the allegations of Paragraph Ten (10) of the Complaint which allege that Plaintiff requested that Defendant give

her detailed conspiratorial information to the sentencing judge in her case. Defendant contends that the conspiratorial information would have been detrimental to Plaintiff in the sentencing hearing. Further answering said paragraph, Defendant denies that he stated that the Attorney General was concerned about the State's case and that there was insufficient evidence to convict Plaintiff. Defendant denies that he believed that the State could not convict Plaintiff.

18. In response to the allegations of Paragraph Eleven (11) of the Complaint, Defendant admits that Plaintiff had doubts of her ability to pay the restitution as Ordered. The Defendant denies the remaining allegations of said paragraph.
19. In response to the allegations of Paragraph Twelve (12) of the Complaint, Defendant alleges that he discussed with Plaintiff her medical practice and other options which were possible for her as a physician. The discussion was in an effort to assist Plaintiff in determining her future employment. Defendant denies the remaining allegations of said paragraph.
20. Defendant denies the allegations of Paragraph Thirteen (13) of the Complaint. Defendant alleges that Plaintiff requested that Defendant

file an appeal on her behalf without payment of a fee. Defendant alleges that he informed the Plaintiff that he could not work without a fee and that he had completed the work for which he had been retained. Further answering said paragraph, Defendant alleges that he informed Plaintiff that he did not believe she could be successful on an appeal.

21. In response to the allegations of Paragraph Fourteen (14) of the Complaint, Defendant has no knowledge or information to form a belief concerning said allegations and therefore denies the same.
22. In response to the allegations of Paragraph Fifteen (15) of the Complaint, Defendant admits that Plaintiff discussed with him her desire to file for bankruptcy. Defendant denies the remaining allegations of said paragraph and specifically denies that he has ever known Jason Moss or the lawfirm of Moss & Associates, PA.
23. In response to the allegations of Paragraph Sixteen (16) of the Complaint, this Defendant realleges all allegations set forth above.
24. In response to the allegations of Paragraph Seventeen (17) of the Complaint, this Defendant admits that he entered an agreement with Plaintiff to represent her in a criminal investigation which ultimately

resulted in charges against Plaintiff.

25. In response to the allegations of Paragraph Eighteen (18) of the Complaint, this Defendant denies that he offered legal advice on an informal basis on any issue and alleges that he only responded to specific questions by Plaintiff in an informal way and with the understanding that Defendant was not representing Plaintiff in the issues discussed. Further answering Paragraph Eighteen (18) of the Complaint, this Defendant alleges that he exercised due diligence in representing Plaintiff with both vigor and expertise and provided effective counsel on her behalf. Defendant denies the remaining allegations of said paragraph.
26. Defendant denies the allegations of Paragraph Nineteen (19) of the Complaint.
27. Defendant denies the allegations of Paragraphs Twenty (20) and Twenty-One (21) of the Complaint.
28. In response to the allegations of Paragraph Twenty-Two (22) of the Complaint, Defendant incorporates all allegations above.
29. In response to the allegations of Paragraph Twenty-Three (23) of the Complaint, Defendant admits that Plaintiff, as all other clients, had a

right to expect that Defendant would act in a fiduciary capacity as Plaintiff's attorney and act in good faith and candor to represent her best interest. Defendant also agrees that an attorney should not exert undue pressure on a Plaintiff to agree to conditions of a plea agreement which are not in her best interest. Defendant alleges that he fulfilled all of his fiduciary responsibility in representing Plaintiff.

30. Defendant denies the allegations of Paragraph Twenty-Four (24) of the Complaint.
31. In response to allegations of Paragraph Twenty-Five (25) of the Complaint, Defendant realleges all allegations set forth above.
32. Defendant admits the allegations of Paragraph Twenty-Six (26) of the Complaint.
33. Defendant denies the allegations of Paragraph Twenty-Seven (27) of the Complaint.
34. In response to the allegations of Paragraph Twenty-Eight (28) of the Complaint, Defendant realleges all allegations above.
35. Defendant admits that portion of Paragraph Twenty-Nine (29) of the Complaint which alleges that Plaintiff had the right to be represented fairly to the fullest extent possible with truth and integrity and full

disclosure by Defendant. Defendant denies the remaining allegations of said paragraph and alleges that his representation of Plaintiff met all of Plaintiff's reasonable expectations and complied with the professional standards of the legal profession.

36. Defendant denies the allegations of Paragraph Thirty (30) of the Complaint.

FOR A FIFTH DEFENSE

37. Defendant realleges all allegations set forth above and incorporates the same herein.
38. Any cause of action resulting from facts alleged in Paragraphs Five (5) and Six (6) of the Complaint are barred by the Statute of Limitations relative to such cause of action and should be dismissed.

WHEREFORE, Defendant prays:

1. That the Complaint be dismissed;
2. That the Court provide other and further relief as required by law.

GLENN, HAIGLER & STATHAKIS, LLP



Michael D. Glenn, #2147
Attorney for Defendant
121 West Benson Street
Anderson, South Carolina 29624

(864) 226-1885
(864) 226-0561, fax

July 16, 2013

DEFENDANT DEMANDS A JURY TRIAL

GLENN, HAIGLER & STATHAKIS, LLP

Michael D. Glenn
Michael D. Glenn, #2147
Attorney for Defendant
121 West Benson Street
Anderson, South Carolina 29624
(864) 226-1885
(864) 226-0561, fax

July 16, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

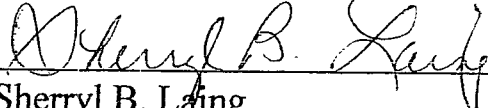
Case Number: 2013-CP-40-3101

CERTIFICATE OF SERVICE

I hereby certify that a copy of the AMENDED ANSWER in the above action has been served upon opposing counsel by depositing same in the United States Mail in a properly addressed envelope with sufficient postage affixed thereon, addressed as follows:

Ms. Beverley D. Wilson
P.O. Box 2865
Orangeburg, South Carolina 29116

This 16th Day of July, 2013.


Sherryl B. Laing

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

AFFIDAVIT

2013 SEP 26 PM 2:45
EMMETT P. W. MCNEIL
C.C.P. & G.S.

NOW COMES Michael J. Virzi, and states, under oath, the following:

1. I am offering this affidavit, pursuant to S.C. Code Ann. § 15-36-100(b), as an expert witness on behalf of the plaintiff, Beverley D. Wilson, (hereinafter "Plaintiff") to support her Complaint against defendants Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A., (hereinafter "Defendants") for professional negligence.

2. My qualifications to give expert testimony include the following:

- A. I am a lawyer licensed to practice law in South Carolina, and my practice focuses exclusively on matters of legal malpractice, ethics, and lawyer discipline.
- B. I am a former Assistant Disciplinary Counsel to the South Carolina Supreme Court, I serve on the South Carolina Bar's Ethics Advisory and Professional Responsibility Committees, and I served a three-year term as Chair of the Ethics Advisory Committee.
- C. I have authored three published articles, numerous Ethics Advisory Opinions, and a book chapter on matters involving lawyer ethics and malpractice. I have provided expert testimony on matters involving lawyer ethics and malpractice on more than 50 occasions either in court, in deposition, or by affidavit.
- D. I have taught courses at the University of South Carolina School of Law in Professional Responsibility and Fundamentals of Law Practice and Professionalism, and I am a frequent CLE speaker and law school guest lecturer on the topics of lawyer malpractice, ethics, and lawyer discipline. I am also one of six instructors for the South Carolina Bar and Supreme Court's ongoing Legal Ethics and Practice Program.
- E. I am a member of the South Carolina Association of Ethics Counsel, the Association of Professional Responsibility Lawyers, the National Institute for

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Teachers of Ethics and Professionalism, and the ABA Center for Professional Responsibility.

- E. I am familiar with the standard of care applicable to lawyers in the circumstances involved in this case.

3. My opinions herein are based on review of the proposed Amended Complaint captioned Beverley D. Wilson, Plaintiff, vs. Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A., Codefendants, Civil Action Number 2013-CP-40-3101.

4. Based on my experience, education, training, and knowledge of the standard of care for lawyers, it is my opinion that the Amended Complaint alleges actions and omission by Defendants, in their representation of Plaintiff, that fell below the standard of care for lawyers.

5. Plaintiff's Amended Complaint alleges that Defendants agreed to consult with her and her criminal counsel about a criminal case against her, and that when she later hired no criminal counsel, Defendants gave her substantive legal advice about how to proceed in the criminal case. Such advice would create an attorney-client relationship even though Defendants did not make a formal appearance in that case.

6. Specifically, Plaintiff's Amended Complaint alleges that Defendants:

a) stated to her that the Attorney General's Office had requested a mental health evaluation of Plaintiff when that was not true;

b) advised her that a document not made part of the record in her criminal case could be used to her benefit on appeal when that was not true;

c) failed to inform her until after her plea agreement and conviction that the Attorney General had previously stated to Defendant Williams that its criminal case against Plaintiff was not strong enough to get a conviction; and

MIV

d) advised her that she could appeal her criminal conviction and that doing so was a

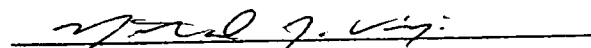
“simple” matter for which she did not need the assistance of counsel.

Such statements, advice, and omissions would amount to breaches of Defendants’ duties of honesty, communication, competence, and diligence to Plaintiff and fall below the standard of care for lawyers.

7. As a result, it is my opinion that the Amended Complaint alleges actions and omissions by Defendants that fall below the degree of care, skill, knowledge and judgment usually possessed and exercised by members of the legal profession in South Carolina.

8. The opinions in this affidavit are given to a reasonable degree of certainty based on the evidence listed above. I reserve the right to alter, amend, modify, reduce, or expand these opinions if and when additional information is presented.

Further affiant sayeth naught.


Michael J. Virzi, Esq.

State of South Carolina
County of Richland

Sworn and subscribed before me

This 21st day of September, 2013


Notary Public

My Commission Expires : Jan 04, 2016

AUGUST 28, 2013

THE COURT: You are Mr. Glenn?

MR. GLENN: Yes, ma'am.

THE COURT: And you are Ms. Wilson.

It is your motion, sir?

MR. GLENN: Yes, sir.

THE COURT: Motion to dismiss and -- they are both your motions, Mr. Glenn?

MR. GLENN: My thought is if the Court grants the change of venue, then the new venue would hear the motion to dismiss. And, if not, we can hear that today too.

THE COURT: I'll hear the motion to change venue first. If you can give me a little background on the case, I would appreciate it.

MS. WILSON: I have since retained counsel, and counsel, because of scheduling conflicts, cannot be here.

THE COURT: Who is counsel?

MS. WILSON: Mr. Joshua Edgeworth.

THE COURT: Well, he needs to contact the Court.

My understanding is you object to the motion for continuance?

MR. GLENN: The motion I received yesterday

1 from Wilson Pediatrics was for wanting a
2 continuance. I don't think it mentioned another
3 counsel. And I didn't get it until 1:00 o'clock
4 yesterday. The motions had been scheduled for
5 about a week.

6 MS. WILSON: May I speak, Your Honor?

7 THE COURT: You can.

8 MS. WILSON: I hired him as of this week. I
9 was not able due to financial constraints until
10 that time.

11 THE COURT: I understand that, but he has to
12 send me something to continue the case.

13 MS. WILSON: Okay.

14 THE COURT: And I don't have that.

15 MS. WILSON: Right.

16 THE COURT: And he is a lawyer. Lawyers know
17 that they are supposed to -- was he aware there was
18 a hearing schedule?

19 MS. WILSON: Not as of this morning. The
20 problem is that until I officially tender him the
21 retainer, he cannot represent me.

22 THE COURT: You have not retained him?

23 MS. WILSON: Yes, I have a copy of a cashier's
24 check.

25 THE COURT: Well, I mean, I don't have

1 anything from him, so, I mean --

2 MS. WILSON: Until a few minutes ago he would
3 not have been able to on my behalf. He does not do
4 pro bono, ma'am.

5 THE COURT: Was he aware of this hearing?

6 MS. WILSON: When I spoke with him about 25
7 minutes ago before the court date, he is not in the
8 vicinity to even be able to be here. He had other
9 things on his schedule.

10 THE COURT: And lawyers don't usually take it
11 if it is 25 minutes before a hearing is supposed to
12 happen.

13 MS. WILSON: Ma'am, he let me know along the
14 way I had to tender his retainer before he could
15 officially step forward as my attorney.

16 THE COURT: I understand that, but if there is
17 a hearing scheduled --

18 MS. WILSON: He is not familiar with that.
19 That was the problem, is what I'm telling you. In
20 fact, he apologized when I spoke with him just a
21 few moments ago, because I was hoping, out of the
22 kindness of his heart, he would have been here just
23 on my interest and behalf. And therefore he asked
24 me to ask you for a continuance so that I can have
25 legal counsel with me on the case.

1 THE COURT: What is the motion to change
2 venue? Because if it is a motion to change venue,
3 the motion to dismiss can be heard wherever it
4 needs to be. Are you objecting to the motion?

5 MS. WILSON: Yes, ma'am, I object to any
6 presentation without my counsel being present. I
7 have a right to counsel. I would request --

8 THE COURT: I don't have a notice of
9 appearance, ma'am, from your counsel. That is the
10 problem. There is a procedure that lawyers have to
11 follow, and I don't have anything from your counsel
12 saying that he is representing you. Nothing. Not
13 a fax, not an e-mail, not a phone call. Anything.

14 MS. WILSON: May I be allowed to call him and
15 ask him whatever it is that he needs to tender that
16 and do that quickly to you?

17 THE COURT: That's fine. But, I mean, I can't
18 continue a case based on somebody -- you are saying
19 that you retained him. If he is an attorney, he
20 knows what the proper procedure is for him
21 appearing in a case, and that is a notice of
22 appearance. Or he could have faxed over something
23 requesting a continuance.

24 MS. WILSON: May I ask for a curative
25 procedure until that may be provided, that

1 information, to give him -- so he can do it
2 properly? I'm not familiar with law to that
3 extent. I am a pediatrician, ma'am.

4 THE COURT: He should be. If he is asking for
5 a continuance, he needs --

6 MS. WILSON: He asked me to request on his
7 behalf because he cannot physically be here. If
8 you could provide me with the numbers I need to
9 give him so he can make his own representation of
10 what his role in this case is on my behalf.

11 THE COURT: Do you have a number for him,
12 ma'am? I'll call him. I'll call him when we take
13 a break.

14 MS. WILSON: His telephone number is
15 (843)314-9384.

16 THE COURT: What is his name?

17 MS. WILSON: Joshua Edgeworth. William Foster
18 Edgeworth. Edgeworth.

19 MR. GLENN: Thank you.

20 MS. WILSON: You are welcome.

21 THE COURT: If you step outside, I'll handle
22 the next matter, and I'll call him after I handle
23 that.

24 All right. Thank you.

25 MS. WILSON: Thank you, ma'am.

***** (BREAK) *****

1
2 THE COURT: All right. We're back on the
3 record on Beverley Wilson v. Stephen Williams.

4 I spoke with Mr. Edgeworth; and, ma'am, he
5 tells me that you have been in communication with
6 him, but that you have not formally retained him.

7 MS. WILSON: I have the funds right here,
8 ma'am.

9 THE COURT: I understand that, ma'am, but that
10 is not retaining. I guess you have to sign a
11 contract. He does not have the funds. He says
12 that he has talked to you, that you indicated that
13 to him, but you have not -- that you have not
14 formally retained him. That is why he has not made
15 an appearance in the case as of today.

16 What I'm going to do is I'll hear the motion
17 to change venue. If it is granted or denied, the
18 motion to -- what I told him is on the motion to
19 dismiss, I will continue that to give you an
20 opportunity, ma'am, to hire him or hire an
21 attorney, him or someone else, to handle the motion
22 to dismiss as to the motion to change venue.

23 I'll be glad to hear from Mr. Glenn; and,
24 ma'am, you may respond.

25 Yes, sir?

1 MR. GLENN: Your Honor, the motion is based
2 upon the fact that the Defendant is a resident of
3 Greenville County. He was employed there as an
4 attorney to represent Dr. Wilson in this case. And
5 she, according to her complaint, appears to live in
6 Orangeburg County, not Richland County.

7 There are no other allegations in the
8 complaint that I see that would provide for venue
9 in any county other than the Defendant's county of
10 residence, and so that is the basis of our motion.
11 It is based on --

12 THE COURT: Yes, ma'am?

13 MR. GLENN: Based on 15-7-30.

14 THE COURT: Yes, ma'am?

15 MS. WILSON: Mr. Williams was not retained in
16 Greenville. In fact, most of our communications
17 occurred via telephone or he came to my office,
18 which was in Orangeburg, and we only had a few
19 meetings, one meeting in Orangeburg in my office,
20 two if not three meetings in Richland County, which
21 is where the main office was that I communicated
22 with the Defendant. And therefore all of the
23 proceedings have been based in Richland. Charges
24 were filed in Richland. The case was heard in
25 Richland County.

1 And, also, the Defendant does have an office
2 here, and that is where all the paperwork was taken
3 that needs to be reviewed by him, et cetera.

4 I request that it remain in Richland County as
5 it was requested on the complaint.

6 THE COURT: Now, when you served him, you
7 served him in Taylors, South Carolina?

8 MS. WILSON: I was told I had to serve him
9 where he resided. And when I contacted the
10 Columbia office, they told me that he no longer
11 worked with them, he had recently retired. That is
12 why he was not served in the Richland office;
13 otherwise, that would have been my preferred method
14 of serving him. Everything I have done with him
15 pretty much except one meeting has been in Richland
16 County.

17 THE COURT: It is usually where the Defendant
18 resides.

19 MR. ALLEN: I am just going to say that
20 Mr. Williams, as far as I know, resides in
21 Greenville County. Many years ago he practiced
22 with the Haynesworth Sinkler Boyd firm, but his
23 office has always been in Greenville. It has never
24 been listed in the Columbia office. His residence
25 and his work was in Greenville County.

1 MS. WILSON: May I make a statement, Your
2 Honor?

3 THE COURT: Yes, ma'am.

4 MS. WILSON: They have multiple offices
5 throughout the state. And when the case was taken,
6 he pretty much told me he would be primarily in the
7 Richland office. I assumed therefore that was his
8 primary offices. There are numerous attorneys who
9 reside in one county but work predominantly in
10 other counties. That is not an uncommon
11 experience.

12 And therefore it was my impression in fact
13 that was the main office because we had so much of
14 our interactions in the office right here in
15 Columbia.

16 THE COURT: You sued in an individual
17 capacity?

18 MS. WILSON: I presented the lawsuit against
19 him directly because he provided all of my
20 representation, but he -- because he no longer
21 worked with the firm I figured that was something
22 that the attorney would advise me upon retention.
23 Haynesworth Sinkler and Boyd employed him and
24 because he can choose to work at multiple offices,
25 that is not something I have enough knowledge of to

1 see someone that was not the person who was with me
2 during the case. I don't have enough knowledge to
3 know.

4 THE COURT: Well, I mean, and that is why you
5 probably need to go and retain --

6 MS. WILSON: Yes, ma'am. When I leave here I
7 will be driving the check to him personally. It is
8 not my intention to be disruptive or rude, it is
9 just that I didn't have the funds, ma'am.

10 THE COURT: The hearing is scheduled. He
11 drove here -- where are you from, Anderson?

12 MS. WILSON: I made every attempt to avoid
13 that once I knew. I was almost there. I tried to
14 make -- I could not list him as my attorney because
15 he had not been officially retained. It would have
16 been -- I had no attempt to be disruptive as long
17 as I left -- I faxed it to his office to him. As I
18 stated, I would -- and I placed it in the U.S. mail
19 return receipt. There is no attempt to be --

20 THE COURT: What I'm going to do is, it
21 appears -- because you are suing him in his
22 individual capacity -- it appears that he is a
23 resident of Greenville. That is where he was
24 served. I have even looked in the desk book, and
25 the old ones, and they have him down as Greenville,

1 South Carolina.

2 Now, if you were suing the firm, that would be
3 different because they have businesses, but you are
4 suing him individually.

5 Yes, ma'am?

6 MS. WILSON: The lawsuit is going to be
7 amended and we can include that in that lawsuit, so
8 that will be --

9 THE COURT: The attorney will take care of
10 that.

11 MS. WILSON: That's correct.

12 THE COURT: For purposes of today, it is --
13 the case is proper in Greenville County as it is
14 captioned today. The way he is sued is as Stephen
15 P. Williams. He lives in Greenville. He was
16 served in Greenville. And so I am going to grant
17 the motion to change venue.

18 As to the motion to dismiss, he'll have to
19 refile that. That will give you an opportunity to
20 get your lawyer on board.

21 MS. WILSON: May I ask a question? It will be
22 appropriate then at that point in time that my
23 attorney can file an appeal to the motion to
24 include the law firm once they make those
25 decisions, is what you are stating?

1 THE COURT: I can't give you legal advice.
2 Your attorney will know exactly what he needs to
3 do.

4 MS. WILSON: All right. Thank you so much.

5 THE COURT: Thank you. The way it is written,
6 the way the lawsuit is -- because it is him
7 individually, then it needs to be in Greenville
8 County.

9 MS. WILSON: That is, again, a part of me not
10 knowing. I am a lay person. Fully, in fact.

11 THE COURT: That's fine.

12 MS. WILSON: When they told me he was retired,
13 I wasn't certain how to proceed. Not that I didn't
14 think about it. I didn't know, didn't --

15 THE COURT: That's fine. It is okay. It is
16 okay.

17 Yes, sir?

18 MR. GLENN: Should I prepare an order, Your
19 Honor?

20 THE COURT: The motion to dismiss is --

21 MR. ALLEN: It will be transferred
22 automatically with --

23 THE COURT: I don't think so. If there is a
24 motion to change venue to Greenville, I'm granting
25 the motion to change venue. I think you have to

1 refile it in Greenville, is that right?

2 THE CLERK: I think so.

3 THE COURT: It moves the whole file. That
4 will take a while, so that will give you an
5 opportunity to get with Mr. Edgeworth.

6 All right.

7 (WHEREUPON, the proceedings were concluded.)
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(END OF TRANSCRIPT)

P R O C E E D I N G S

1
2 THE COURT: This is Beverly D. Wilson v. Stephen P
3 Williams, 2013-CP-23-5177. This is Ms. Wilson's motion to
4 appeal change of venue, and to amend complaint to add
5 affidavit of an expert witness.

6 Is there any objection to the motion to amend?

7 MR. GLENN: Yes.

8 THE COURT: Okay. Yes, ma'am, Ms. Wilson.

9 MS. BEVERLEY WILSON: Good morning, Your Honor.

10 THE COURT: Good morning.

11 MS. BEVERLEY WILSON: The request was made to amend
12 the actual motion that was filed due to the fact that I
13 did not have the affidavit at the time it was filed due to
14 lack of sufficient funds. And, also, because it took a
15 while to acquire, first of all, the expert witness, but
16 more so to accrue the funds necessary to retain him due to
17 the -- that I had as a result of the judgment that was
18 rendered in the case that resulted and now filed in this
19 motion before the Court.

20 And so that particular affidavit was acquired as soon
21 as possible. I do have two adult children that are in
22 college, the oldest of which requires a substantial amount
23 of assistance because of injuries sustained that were due
24 to sexual abuse by his biological father, my ex-husband.
25 And he is now in his fifth year at USC. And a substantial

1 portion of his ability to stay on campus and attend
2 classes has to come from me. I have a very diminished
3 earning capacity.

4 But the affidavit will show that there was sufficient
5 cause to pursue the case. And it would be at the
6 discretion of the Judge to allow the original complaint to
7 be amended to include the affidavit, as well as the law
8 firm that the Defendant is employed by.

9 THE COURT: Okay. How would I have any jurisdiction
10 to consider an appeal of the change of venue motion signed
11 by Judge Benjamin back in September?

12 MS. BEVERLEY WILSON: In terms of the original
13 complaint was filed only against the Defendant. The
14 amended complaint would, also, include the law firm. And
15 the law firm that I most frequented was in Richland
16 County. All of the actions were in Richland County. And
17 as I had most of my meetings -- the few we had were in
18 Richland County. I'm asking that the venue be changed
19 back to Richland County as it appears only proper.

20 THE COURT: All right. Thank you, ma'am.

21 MS. BEVERLEY WILSON: Thank you.

22 THE COURT: Mr. Glenn.

23 MR. GLENN: If Your Honor please.

24 The -- on the issue of venue, the case was originally
25 filed in Richland County. And we filed a motion to change

1 venue to Greenville, the home of the -- of Mr. Wilson [sic],
2 and, also, motion to dismiss because of the failure to
3 include the expert affidavit in the complaint. Those
4 motions were scheduled in Columbia and argued before Judge
5 Benjamin, who granted the motion to change venue.

6 She did not hear the motion to dismiss since the
7 venue was being changed to Greenville. I was unsure as to
8 whether that motion would stay alive, so I filed another
9 identical motion to dismiss after the case was moved to
10 Greenville.

11 THE COURT: Okay.

12 MR. GLENN: So far as the venue is concerned, the --
13 Breland v. Love Chevrolet Olds, Inc., in that case, the
14 Supreme Court held that a venue order is not appealable
15 until after the trial of the case. There's no appeal
16 after that order unless the case is finished. So we
17 believe that that's not a proper thing. Of course, the
18 proper procedure at any rate would be to file an appeal,
19 not ask the Court to allow an appeal.

20 The other part -- the statute dealing with the expert
21 affidavit is the basis of our motion to dismiss. Dr. Wilson
22 now seeks to amend -- to add that affidavit. The statute
23 sets out time limits. And all the time limits that she
24 could have had have passed. The statute of limitations,
25 we believe, has run. And that happened -- along about the

1 first of June of this year, the statute ran.

2 The statute requires the filing of an affidavit and
3 it sets out certain things that have -- that can be done.
4 If someone forgets to file, they can get more time. If
5 they file just before the statute runs and allege that
6 they didn't have time, then they can get another 30 days
7 or so. But all of the time limits in that statute have
8 run. The motion of the Plaintiff to file the affidavit --
9 it was filed here on November the 7th, it appears. So
10 that was long after the time had passed.

11 We believe the case should be dismissed under the
12 statute. There was, certainly, a failure to comply with
13 it. The statute of limitations has run, and all of the
14 time that could have been granted have [sic] run also.

15 THE COURT: Thank you.

16 Ms. Wilson.

17 MS. BEVERLEY WILSON: Yes, sir.

18 I concede that the Defendant's attorney is correct in
19 his statements. However, the statutes of South Carolina
20 and the Code of Laws do make a provision that if there's
21 sufficient reasons that there's a potential great
22 miscarriage of justice in terms of not allowing an
23 affidavit that was not timely submitted to be amended --
24 that that would occur. That there is an exception that
25 the Judge, Your Honor, at his discretion could allow the

1 affidavit to be added after the date that is past the
2 statute of limitations.

3 The original paperwork was submitted, of course,
4 prior to the statute turning as far as the actual
5 complaint itself. And then, of course, it was filed in
6 Richland County in September. Judge Benjamin had thought
7 it was possible to file those requests to have the
8 affidavit and, also, the attorney firm hired. Upon her
9 review, it was determined that she did not have sufficient
10 jurisdiction. And, therefore, I present to you today to
11 ask, also, at your discretion to, please, allow it to be
12 added as an amended complaint.

13 Thank you.

14 THE COURT: So this -- what was the date of the
15 filing of the initial complaint? May 2013? May --

16 MR. GLENN: May 24, I believe it is, Your Honor.

17 THE COURT: And this arises out of a sentence that
18 was imposed on May 24th, 2010; is that right?

19 MR. GLENN: The -- I believe May 24th, 2010, was the
20 day of the guilty plea. I believe that's right.

21 MS. BEVERLEY WILSON: Corrected, sir.

22 It was done -- the actual deliverance of it to
23 Mr. Williams himself was on the 23rd. And everything was
24 filed immediately after as far as once I received my
25 certificate of service stating the date the certificate of

1 service was entered. But the original complaint was, you
2 know, done and served prior to the expiration of the
3 statute.

4 MR. GLENN: The filing date stamped on the original
5 complaint is May 22.

6 THE COURT: Do you have a copy of Section 15-36-100?

7 MR. GLENN: Yes, sir.

8 THE COURT: Part of the great recession --

9 MR. GLENN: It has some markings on it, but just
10 places to point me to.

11 THE COURT: They took all of our copies of the code
12 out of the courtroom, budget constraints.

13 (Pause.)

14 THE COURT: All right. Thank you for your arguments.

15 As to the motion to appeal the change of venue, I
16 find that it is denied. Procedurally, Judge Benjamin is
17 the one that signed the order changing venue. There does
18 not appear to be any motion to reconsider. Any appeal to
19 another circuit judge would not be proper. Even if it
20 were on the merits, it's clear there's no basis to change
21 the ruling.

22 As to the motion to dismiss, I find that the statute,
23 15-36-100(b) sets forth the requirements of filing an
24 affidavit with a complaint. Subsection F provides that if
25 the defendant raises the failure to file the affidavit by

1 the motion to dismiss filed contemporaneously with an
2 initial answer, then the complaint cannot be renewed if
3 the statute expires, unless the Court determines the
4 Plaintiff had the affidavit within the time required
5 pursuant to Section 15-36-100, and failed to file it as a
6 result of mistake. I find that neither of those
7 conditions are at issue in this case. And, consequently,
8 the motion to dismiss must be granted.

9 So, Mr. Glenn, if you'd just submit a proposed order
10 and copy Ms. Wilson, I'll review it.

11 Thank you very much.

12 MR. GLENN: Thank you, Your Honor.

13 THE COURT: I'll give this back to you.

14 MS. BEVERLEY WILSON: Your Honor.

15 THE COURT: Yes, ma'am.

16 MS. BEVERLEY WILSON: I was petitioning for a leave
17 of court to allow it to be granted. I understand that the
18 statute has expired as he stated in the bylaws that you
19 just read. I was requesting leave of court for
20 consideration to have it amended.

21 THE COURT: Right.

22 MS. BEVERLEY WILSON: To have the affidavit.

23 THE COURT: Yes, ma'am.

24 I understand what your request was. And I'm just
25 ruling based on the law. And the law in this situation

1 requires me to grant their motion to dismiss.

2 Thank you.

3 MS. BEVERLEY WILSON: Okay. So, basically, the leave
4 of Court is denied?

5 THE COURT: Yes, ma'am.

6 Thank you.

7 *****END OF TRANSCRIPT OF RECORD*****
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STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

COPY

MOTION TO DISMISS

Defendant, Stephen P. Williams moves pursuant to Rule 12(b)(6), SCRCP, to dismiss the Complaint of Beverley D. Wilson for the reasons set forth below:

1. Plaintiff's Complaint fails to state facts sufficient to comply with South Carolina Code Anno. §15-36-100(B) in that all causes of action stated in the Complaint allege professional negligence against Defendant who is a professional licensed by the State of South Carolina and is not listed in sub-section (G) of said statute. Plaintiff has failed to file, as a part of her Complaint, an affidavit of an expert as required by sub-section (B) or (C) of §15-36-100.
2. Based upon the foregoing, Williams requests that the Court enter an

Order pursuant to the above mentioned statute and pursuant to Rule
12(b)(6) SCRCP dismissing the Complaint, with prejudice.

GLENN, HAIGLER & STATHAKIS, LLP

Michael D. Glenn

Michael D. Glenn, #2147

Attorney for Defendant

121 West Benson Street

Anderson, South Carolina 29624

(864) 226-1885

(864) 226-0561, fax

June 19, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

COPY

MOTION TO CHANGE VENUE

Defendant, Stephen P. Williams moves pursuant to Rule 12(b)(6), SCRCPP, for an Order requiring the Change of Venue of the within action from the County of Richland to the County of Greenville, South Carolina for the reasons set forth below:

1. Defendant is a citizen and resident of the County of Greenville, South Carolina. This action was filed in the County of Richland, South Carolina. South Carolina Code Anno. §15-7-30 provides that proper venue is in the county of Defendant's domicile and residence.
2. Based upon the foregoing, Williams respectfully requests that the

Court enter an Order changing venue of the within action to the
Court of Common Pleas in Greenville County, South Carolina.

GLENN, HAIGLER & STATHAKIS, LLP

Michael D. Glenn

Michael D. Glenn, #2147

Attorney for Defendant

121 West Benson Street

Anderson, South Carolina 29624

(864) 226-1885

(864) 226-0561, fax

June 19, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)
)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
2013-CP-40-3101

for Leave of Court for Motion
**MOTION TO AMEND
COMPLAINT, TO ADD
AFFIDAVIT OF EXPERT
WITNESS**

DEANETTE W. NEBRIDE
C.C.P. & G.S.

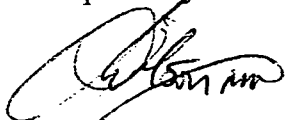
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RICHLAND COUNTY
FILED

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

Motion for
Plaintiff respectfully requests Leave of Court in her Motion to Amend her
Complaint originally filed May 22, 2013, *to* include the affidavit of expert witness
Michael J. Virzi, Esquire. *9/24/13*

Respectfully submitted,


Beverley D. Wilson

Submitted September 26, 2013

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
FILED CLERK OF COURT) FOR THE FIFTH JUDICIAL CIRCUIT
GREENVILLE CO. S.C.) CIVIL ACTION NUMBER:
COUNTY OF RICHLAND)
PAUL B. WICKENLIER)
2013 CP 40-3101

BEVERLEY D. WILSON

2013 OCT 30 AM 9 08

Plaintiff,

vs.

STEPHEN P. WILLIAMS,

and

HAYNSWORTH, SINKLER,
BOYD, P.A.,

Codefendants.

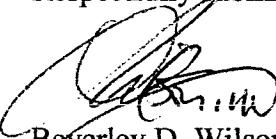
for Leave of Court for Motion
**MOTION TO AMEND
COMPLAINT, TO ADD
AFFIDAVIT OF EXPERT
WITNESS**

2013 SEP 26 PM 2:36
J. C. P. & U.S.
HENDERSON

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

Motion for
Plaintiff respectfully requests Leave of Court in her Motion to Amend her
Complaint originally filed May 22, 2013, to include the affidavit of expert witness
Michael J. Virzi, Esquire.

Respectfully submitted,


Beverley D. Wilson

Submitted September 26, 2013

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

AFFIDAVIT

NOW COMES Michael J. Virzi, and states, under oath, the following:

1. I am offering this affidavit, pursuant to S.C. Code Ann. § 15-36-100(b), as an expert witness on behalf of the plaintiff, Beverley D. Wilson, (hereinafter "Plaintiff") to support her Complaint against defendants Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A., (hereinafter "Defendants") for professional negligence.

2. My qualifications to give expert testimony include the following:

- A. I am a lawyer licensed to practice law in South Carolina, and my practice focuses exclusively on matters of legal malpractice, ethics, and lawyer discipline.
- B. I am a former Assistant Disciplinary Counsel to the South Carolina Supreme Court, I serve on the South Carolina Bar's Ethics Advisory and Professional Responsibility Committees, and I served a three-year term as Chair of the Ethics Advisory Committee.
- C. I have authored three published articles, numerous Ethics Advisory Opinions, and a book chapter on matters involving lawyer ethics and malpractice. I have provided expert testimony on matters involving lawyer ethics and malpractice on more than 50 occasions either in court, in deposition, or by affidavit.
- D. I have taught courses at the University of South Carolina School of Law in Professional Responsibility and Fundamentals of Law Practice and Professionalism, and I am a frequent CLE speaker and law school guest lecturer on the topics of lawyer malpractice, ethics, and lawyer discipline. I am also one of six instructors for the South Carolina Bar and Supreme Court's ongoing Legal Ethics and Practice Program.
- E. I am a member of the South Carolina Association of Ethics Counsel, the Association of Professional Responsibility Lawyers, the National Institute for

Teachers of Ethics and Professionalism, and the ABA Center for Professional Responsibility.

E. I am familiar with the standard of care applicable to lawyers in the circumstances involved in this case.

3. My opinions herein are based on review of the proposed Amended Complaint captioned Beverley D. Wilson, Plaintiff, vs. Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A., Codefendants, Civil Action Number 2013-CP-40-3101.

4. Based on my experience, education, training, and knowledge of the standard of care for lawyers, it is my opinion that the Amended Complaint alleges actions and omission by Defendants, in their representation of Plaintiff, that fell below the standard of care for lawyers.

5. Plaintiff's Amended Complaint alleges that Defendants agreed to consult with her and her criminal counsel about a criminal case against her, and that when she later hired no criminal counsel, Defendants gave her substantive legal advice about how to proceed in the criminal case. Such advice would create an attorney-client relationship even though Defendants did not make a formal appearance in that case.

6. Specifically, Plaintiff's Amended Complaint alleges that Defendants:

a) stated to her that the Attorney General's Office had requested a mental health evaluation of Plaintiff when that was not true;

b) advised her that a document not made part of the record in her criminal case could be used to her benefit on appeal when that was not true;

c) failed to inform her until after her plea agreement and conviction that the Attorney General had previously stated to Defendant Williams that its criminal case against Plaintiff was not strong enough to get a conviction; and

MIV

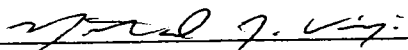
d) advised her that she could appeal her criminal conviction and that doing so was a "simple" matter for which she did not need the assistance of counsel.

Such statements, advice, and omissions would amount to breaches of Defendants' duties of honesty, communication, competence, and diligence to Plaintiff and fall below the standard of care for lawyers.

7. As a result, it is my opinion that the Amended Complaint alleges actions and omissions by Defendants that fall below the degree of care, skill, knowledge and judgment usually possessed and exercised by members of the legal profession in South Carolina.

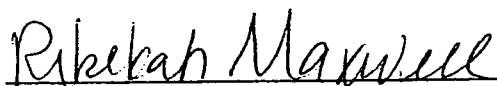
8. The opinions in this affidavit are given to a reasonable degree of certainty based on the evidence listed above. I reserve the right to alter, amend, modify, reduce, or expand these opinions if and when additional information is presented.

Further affiant sayeth naught.


Michael J. Virzi, Esq.

State of South Carolina
County of Richland

Sworn and subscribed before me
This 20th day of September, 2013


Notary Public

My Commission Expires : Jan 04, 2016

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
BEVERLEY D. WILSON,)
Plaintiff,)
vs.)
STEPHEN P. WILLIAMS,)
Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number:
2013-CP-23-5177

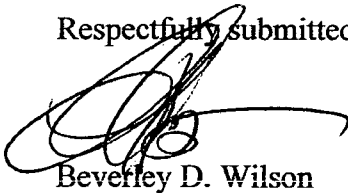
**MOTION FOR LEAVE OF
COURT FOR MOTION
TO AMEND COMPLAINT, ADD
AFFIDAVIT OF EXPERT
WITNESS**

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL E. MAXWELL
2013 NOV 7 AM 10 25

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR GREENVILLE
COUNTY, SOUTH CAROLINA**

Plaintiff objects to the Defendant's Motion to Dismiss and respectfully requests Motion for Leave of Court for Motion to Amend her Complaint originally filed May 22, 2013 to include the Affidavit of expert witness Michael J. Virzi, Esquire. Please see the attached Memorandum in support of the Motion for Leave of Court for Motion to Amend Complaint, add Affidavit of expert witness.

Respectfully submitted,



Beverley D. Wilson

Submitted November 7, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
2013-CP-40-3101

**MOTION TO AMEND
COMPLAINT TO ADD
HAYNSWORTH, SINKLER,
BOYD, P.A. AS CODEFENDANT
ALONG WITH CODEFENDANT
STEPHEN P. WILLIAMS** *TO THE COMPLAINT*

9/24/13

9/24/13

CLERK OF COURT
C.C.P. & J.S.

2013 SEP 26 PM 2:38

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

add a codefendant to

Plaintiff motions to ~~amend~~ ^{*add a codefendant to*} her Complaint filed May 22, 2013 to include

Haynsworth, Sinkler, Boyd, P.A. as a Codefendant along with Codefendant Stephen P.

Williams. Please see the attached Memorandum in Support of the Motion to ~~Amend~~

~~Complaint~~ to Add Haynsworth, Sinkler, Boyd, P.A. as Codefendant along with

to the complaint

Codefendant Stephen P. Williams and Motion to Change Venue.

Respectfully submitted,



Beverley D. Wilson

Submitted September 26, 2013

9/24/13

9/24/13

STATE OF SOUTH CAROLINA)
)
COUNTY OF ~~RICHLAND~~)

BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
~~2013-CP-40-3101~~

**MOTION TO AMEND
COMPLAINT TO ADD** (Bw) 9/26/13
**HAYNSWORTH, SINKLER,
BOYD, P.A. AS CODEFENDANT
ALONG WITH CODEFENDANT
STEPHEN P. WILLIAMS TO COMPLAINT**

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

add a codefendant to
Plaintiff motions to ~~amend~~ her Complaint filed May 22, 2013 to include

Haynsworth, Sinkler, Boyd, P.A. as a Codefendant along with Codefendant Stephen P.

Williams. Please see the attached Memorandum in Support of the Motion to ~~Amend~~

~~Complaint~~ to Add Haynsworth, Sinkler, Boyd, P.A. as Codefendant along with

to the Complaint
Codefendant Stephen P. Williams and Motion to Change Venue.

Respectfully submitted,



Beverley D. Wilson

Submitted September 26, 2013

2013 SEP 26 PM 2:38
C.C.P. 5th Cir.
(Bw) 9/26/13
(Bw) 9/26/13

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
Defendant.)
)
)
)

IN THE COURT OF COMMON PLEAS

Case Number:
2013-CP-23-5177

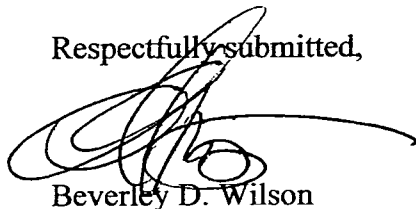
**MOTION FOR LEAVE OF
COURT FOR MOTION TO ADD
HAYNSWORTH, SINKLER,
BOYD, P.A. AS CODEFENDANT
ALONG WITH DEFENDANT
STEPHEN P. WILLIAMS TO
COMPLAINT**

FILED IN COURT OF COMMON PLEAS
GREENVILLE CO. S.C.
PAUL E. WILSON, CLERK
2013 NOV 7 AM 10 25

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR GREENVILLE
COUNTY, SOUTH CAROLINA**

Plaintiff objects to the Defendant's Motion to Dismiss and respectfully requests Motion for Leave of Court for Motion to add Haynsworth, Sinkler, Boyd, P.A. as a Codefendant along with Defendant Stephen P. Williams to her Complaint filed May 22, 2013. Please see the attached Memorandum in Support of the Motion for Leave of Court for Motion to Add Haynsworth, Sinkler, Boyd, P.A. as Codefendant along with Defendant Stephen P. Williams to the Complaint and Motion to Change Venue.

Respectfully submitted,



Beverley D. Wilson

Submitted November 7, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
2013-CP-40-3101

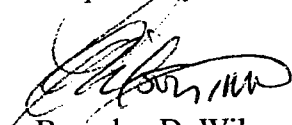
**MOTION TO APPEAL CHANGE
OF VENUE**

RECEIVED
SEP 26 2013
PM 2:39
C.C.P. & G.S.

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

Plaintiff motions to appeal Motion to Change Venue granted Codefendants
Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A. August 28, 2013 on the basis
of the Amended Complaint filed by Plaintiff on September 26, 2013, which lists
as Codefendants Stephen P. Williams and the law firm of Haynsworth, Sinkler, Boyd,
P.A. Please see the attached memorandum in support of this motion to appeal Change of
Venue granted August 28 2013 along with Plaintiff's Certificate of Service.

Respectfully submitted,


Beverley D. Wilson

Submitted September 26, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF ~~RICHLAND~~)

BEVERLEY D. WILSON,)
)
Plaintiff,)

vs.)

STEPHEN P. WILLIAMS,)
)
and)

HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
~~2013 CP 40-3101~~

**MOTION TO APPEAL CHANGE
OF VENUE**

2013 SEP 26 PM 2:39
C.C.P. & G.S.

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

Plaintiff motions to appeal Motion to Change Venue granted Codefendants
Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A. August 28, 2013 on the basis
of the Amended Complaint filed by Plaintiff on September 26, 2013, which lists
as Codefendants Stephen P. Williams and the law firm of Haynsworth, Sinkler, Boyd,
P.A. Please see the attached memorandum in support of this motion to appeal Change of
Venue granted August 28 2013 along with Plaintiff's Certificate of Service.

Respectfully submitted,


Beverley D. Wilson

Submitted September 26, 2013

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL E. WICKENSIMMER
2013 NOV 7 AM 10 25

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
BEVERLEY D. WILSON,)
Plaintiff,)
vs.)
STEPHEN P. WILLIAMS,)
Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number:
2013-CP-23-5177

**MOTION TO APPEAL CHANGE
OF VENUE**

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR GREENVILLE
COUNTY, SOUTH CAROLINA**

Plaintiff motions to appeal Motion to Change Venue granted Defendant Stephen P. Williams August 28, 2013 on the basis that should the Honorable Judge grant the Plaintiff a Leave of Court to add the Affidavit of the expert witness and add Haynsworth, Sinkler, Boyd, P.A. as a Codefendant with Defendant Stephen P. Williams to the original Complaint, Richland County would be the appropriate venue for the case to be heard. Please see the attached Memorandum in support of this Motion to Appeal Change of Venue granted August 28, 2013.

Respectfully submitted,



Beverly D. Wilson

Submitted November 7, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-23-5177

COPY

MOTION TO DISMISS

Defendant, Stephen P. Williams moves pursuant to Rule 12(b)(6), SCRPC, to dismiss the Complaint of Beverley D. Wilson for the reasons set forth below:

1. Plaintiff's Complaint fails to state facts sufficient to comply with South Carolina Code Anno. §15-36-100(B) in that all causes of action stated in the Complaint allege professional negligence against Defendant who is a professional licensed by the State of South Carolina and is not listed in sub-section (G) of said statute. Plaintiff has failed to file, as a part of her Complaint, an affidavit of an expert as required by sub-section (B) or (C) of §15-36-100.
2. Based upon the foregoing, Williams requests that the Court enter an

Order pursuant to the above mentioned statute and pursuant to Rule
12(b)(6) SCRCPP dismissing the Complaint, with prejudice.

GLENN, HAIGLER & STATHAKIS, LLP

Michael D. Glenn
Michael D. Glenn, #2147
Attorney for Defendant
121 West Benson Street
Anderson, South Carolina 29624
(864) 226-1885
(864) 226-0561, fax

Sept. 30, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-40-3101

COPY

MEMORANDUM IN SUPPORT
OF DEFENDANT'S
MOTION TO DISMISS

TO: Presiding Judge, Court of Common Pleas, County of Richland, South
Carolina:

Defendant Stephen P. Williams files this Memorandum in Support of his
Motion to Dismiss the Complaint in the within action and in support thereof
shows the following:

1. South Carolina Code Anno. §15-36-100(B) provides that in an action for
damages alleging professional negligence against a professional licensed by
or registered with the State of South Carolina, . . . “the Plaintiff must file as
part of the Complaint an Affidavit of an expert witness which must specify
at least one (1) 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.” Subsection G of the statute provides that the statute is applicable to Attorneys at Law.

2. Plaintiff’s Complaint alleges four (4) Causes of Action: (1) legal negligence; (2) breach of fiduciary duty; (3) ineffective assistance of counsel; and (4) legal malpractice. It is clear that each Cause of Action alleges that the Defendant is guilty of professional negligence.
3. Plaintiff’s Complaint does not contain an Affidavit of an expert witness specifying at least one negligent act or omission claimed to exist and the factual basis for each claim.
4. Subsection F of §15-36-100 provides that if a Plaintiff fails to file the necessary Affidavit and Defendant raises the failure to file the Affidavit by Motion to Dismiss, filed contemporaneously with the initial responsive pleading, the Complaint is not subject to renewal after the expiration of the applicable period of limitation unless the Court determines that the Plaintiff had the requisite Affidavit within the time required pursuant to this section and the failure to file the Affidavit as the result of a mistake. Defendant contends that no such showing has been made nor could be made in this case. The record shows that Defendant’s Motion to Dismiss was filed on June 24, 2013.

5. Plaintiff's Complaint does not comply with SC Code Anno. §15-36-100 and Defendant's Motion to Dismiss should be granted.

Respectfully submitted,

GLENN, HAIGLER & STATHAKIS, LLP



Michael D. Glenn, #2147

Attorney for

121 West Benson Street

Anderson, South Carolina 29624

(864) 226-1885

(864) 226-0561, fax

August 20, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF ~~RICHLAND~~)
)
BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
2013-CP-40-3101

**MEMORANDUM IN SUPPORT
OF MOTION TO AMEND
COMPLAINT, TO ADD
AFFIDAVIT OF EXPERT
WITNESS**

9/24/13

2013 SEP 26 PM 2:37

9/24/13

C.C.P. & G.S.

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

Motion For

Plaintiff respectfully requests Leave of Court to respectfully request Motion to Amend her original Complaint filed May 22, 2013. Plaintiff is a practicing pediatrician with limited knowledge of civil law and procedures and has had exceedingly great difficulty retaining legal counsel to coordinate and present her case and offer expert witness testimony and opinion due to the sheer paucity of attorneys who specialize in legal malpractice litigation in South Carolina. This scarcity of legal malpractice experts in South Carolina, numerous exclusions among those attorneys who do specialize or engage in legal malpractice litigation in South Carolina due to conflicts of interest or simple reticence to act as opposing counsel or yield expert witness testimony against a fellow attorney along with the near inability to retain a legal malpractice specialist from a state neighboring South Carolina due to astronomical increases in the amount of financial

resources required to retain and sustain the costs of litigation from those specialists have hindered Plaintiff from retaining legal counsel.

Encumbrances directly related to Plaintiff's gravely diminished financial resources subsequent and consequent to the alleged legal negligence, breach of fiduciary duty, ineffective assistance of counsel, and legal malpractice committed by Codefendants Stephen P. Williams and Haynsworth, Sinkler, Boyd, P.A. as alleged in the Amended Complaint have made it difficult for Plaintiff to pursue legal redress for her legal claims. Plaintiff has retained an expert witness to provide an affidavit to amend her original Complaint.

Plaintiff originally filed her Complaint pro se. Due to Plaintiff's limited knowledge of civil law and procedures, Plaintiff originally filed her complaint without the Affidavit of an expert witness to prevent the statute of limitation from expiring in her case because she incorrectly believed that the Affidavit of the expert witness could be added to her Complaint by a Motion to Amend her Complaint as long as her case had not been placed on the trial roster prior to a Motion to Amend and Plaintiff duly wanted to obtain a lead counsel legal malpractice litigation specialist to represent her case and coordinate the expert witness' affidavit and testimony. Plaintiff profusely apologizes to the Judge, Court of Common Pleas Richland County, Defense Counsel and Codefendants for her error and lack of knowledge regarding this procedural requirement and her error in filing her complaint procedurally incorrectly and prays for your forgiveness.

At the time of the hearing for the Motion to Dismiss and Motion to Change Venue on August 28, 2013, Plaintiff stated she was finalizing retention of legal counsel.

Unfortunately, administrative differences in the manner in which the lead counsel would allocate trust funds prohibited Plaintiff's retention of this attorney for lead legal counsel.

Plaintiff prays the PRESIDING JUDGE will grant her ^{Motion for} Leave of Court and allow Plaintiff's Motion to Amend Complaint and include the attached Affidavit of her expert witness and allow Plaintiff's case to proceed.

Respectfully requested,


Beverley D. Wilson

Submitted September 26, 2013

FILED - CLERK OF COURT
GREENVILLE CO. S.C.
PAUL E. VICKENSIEMER
2013 NOV 7 AM 10 25

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
BEVERLEY D. WILSON,)
Plaintiff,)
vs.)
STEPHEN P. WILLIAMS,)
Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number:
2013-CP-23-5177

**MEMORANDUM IN SUPPORT
OF MOTION FOR LEAVE OF
COURT FOR MOTION TO
AMEND COMPLAINT TO ADD
AFFIDAVIT OF EXPERT
WITNESS**

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR GREENVILLE
COUNTY, SOUTH CAROLINA**

Plaintiff respectfully requests Motion for Leave of Court to respectfully request Motion to Amend her original Complaint filed May 22, 2013. Plaintiff is a practicing pediatrician with limited knowledge of civil law and procedures and has had exceedingly great difficulty retaining legal counsel to coordinate and present her case and offer expert witness testimony and opinion due to the sheer paucity of attorneys who specialize in legal malpractice litigation in South Carolina. This scarcity of legal malpractice experts in South Carolina, numerous exclusions among those attorneys who do specialize or engage in legal malpractice litigation in South Carolina due to conflicts of interest or simple reticence to act as opposing counsel or yield expert witness testimony against a fellow attorney along with the near inability to retain a legal malpractice specialist from a state neighboring South Carolina due to astronomical increases in the amount of financial resources required to retain and sustain the costs of litigation from those specialists have hindered Plaintiff from retaining legal counsel.

Encumbrances directly related to Plaintiff's gravely diminished financial resources subsequent and consequent to the alleged legal negligence, breach of fiduciary duty, ineffective assistance of counsel, and legal malpractice committed by Defendant Stephen P. Williams, an employee of Haynsworth, Sinkler, Boyd, P.A., as alleged in the Complaint have made it difficult for Plaintiff to pursue legal redress for her legal claims. Plaintiff has retained an expert witness to provide an affidavit to amend her original Complaint.

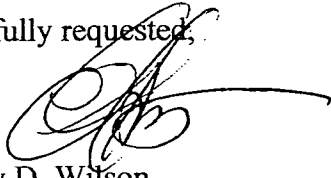
Plaintiff originally filed her Complaint pro se. Due to Plaintiff's limited knowledge of civil law and procedures, Plaintiff originally filed her complaint without the Affidavit of an expert witness to prevent the statute of limitation from expiring in her case because she incorrectly believed that the Affidavit of the expert witness could be added to her Complaint by a Motion to Amend her Complaint as long as her case had not been placed on the trial roster prior to a Motion to Amend and Plaintiff duly wanted to obtain a lead counsel legal malpractice litigation specialist to represent her case and coordinate the expert witness' affidavit and testimony. Plaintiff profusely apologizes to the Judge, Court of Common Pleas Greenville County, Defense Counsel and Defendant Stephen P. Williams for her error and lack of knowledge regarding this procedural requirement and her error in filing her complaint procedurally incorrectly and prays for forgiveness. Without Leave of Court to amend the original Complaint to include the Affidavit of the expert witness, expiration of the statute of limitation would prohibit my Complaint from being refiled if it was dismissed.

At the time of the hearing for the Motion to Dismiss and Motion to Change Venue on August 28, 2013, Plaintiff stated she was finalizing retention of legal counsel.

Unfortunately, administrative differences of opinion between the Plaintiff and intended legal counsel regarding the manner in which the lead counsel would allocate trust funds prohibited Plaintiff's retention of this attorney for lead legal counsel.

Plaintiff prays the PRESIDING JUDGE will grant her Motion for Leave of Court and allow Plaintiff's Motion to Amend Complaint and include the attached Affidavit of her expert witness and allow Plaintiff's case to proceed.

Respectfully requested,

A handwritten signature in black ink, appearing to read 'Beverley D. Wilson', with a long horizontal flourish extending to the right.

Beverley D. Wilson

Submitted November 7, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
2013-CP-40-3101

MEMORANDUM IN SUPPORT
OF MOTION TO AMEND ^{BS 9/26/13}
~~COMPLAINT TO ADD~~
HAYNSWORTH, SINKLER,
BOYD, P.A. AS CODEFENDANT
ALONG WITH CODEFENDANT
STEPHEN P. WILLIAMS ^{TO COMPLAINT}
AND ^{BS 9/26/13}
MOTION TO APPEAL CHANGE
OF VENUE

TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA

ADD TO
Plaintiff MOTIONS TO AMEND THE COMPLAINT filed May 22, 2013 to
~~include~~ Haynsworth, Sinkler, Boyd, P.A. as a Codefendant along with Codefendant
Stephen P. Williams. Plaintiff entered a legally binding contract with Codefendant
Stephen P. Williams to represent Plaintiff as her attorney in the case of State of South
Carolina vs. Beverley D. Wilson on or about June 2008. Codefendant Stephen P.
Williams was employed as an attorney by Haynsworth, Sinkler, Boyd, P.A. at the time of
his employment by Plaintiff and for duration of the case State of South Carolina vs.
Beverley D. Wilson. Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer
relationship with Codefendant Stephen P. Williams and is vicariously responsible for the
conduct of Codefendant Stephen P. Williams according to S.C. Code 15-38-15(c)3(a) and
should be added, therefore, as a Codefendant to this Complaint.

Haynsworth, Sinkler, Boyd, P.A.'s Columbia office in Richland County, South Carolina was the office where the majority of the meetings occurred between Plaintiff and Codefendant Stephen P. Williams. S.C. Code Section 15-7-100 provides that the Court may change the trial Venue to the place where the nonresident and noted Codefendant conducted business.

Further, the subject matter in the State of South Carolina vs. Beverley D. Wilson case was in Richland County, South Carolina. S.C. Code Section 15-7-10 provides that actions must be tried where the subject matter is situated.

Finally, as Haynsworth, Sinkler, Boyd, P.A.'s Columbia office is located in Richland County, South Carolina. S.C. Code Section 15-7-11D1 stipulates that a civil action brought against a nonresident individual Codefendant must be brought and tried in the county in which the most substantial part of the alleged act or omission giving rise to the Cause of Action occurred. The most substantial part of Codefendant Stephen P. Williams' alleged acts and omission giving rise to the Cause of Action occurred in Richland County, South Carolina.

Plaintiff respectfully requests her Complaint ~~be so amended as to~~ include BW 9/26/13 Haynsworth, Sinkler, Boyd, P.A. as a Codefendant to the original Complaint against Defendant Stephen P. Williams.

Respectfully submitted,



Beverley D. Wilson

Submitted September 26, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF ~~RICHLAND~~)
)
BEVERLEY D. WILSON,)
)
Plaintiff,)
)
vs.)
)
STEPHEN P. WILLIAMS,)
)
and)
)
HAYNSWORTH, SINKLER,)
BOYD, P.A.,)
)
Codefendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CIVIL ACTION NUMBER:
~~2013-CP-40-3101~~

**MEMORANDUM IN SUPPORT
OF MOTION TO AMEND
~~COMPLAINT TO ADD~~
HAYNSWORTH, SINKLER,
BOYD, P.A. AS CODEFENDANT
ALONG WITH CODEFENDANT
STEPHEN P. WILLIAMS
AND
MOTION TO APPEAL CHANGE
OF VENUE**

(12) 9/24/13

TO COMPLAINT
(12) 9/26/13

FILED
C.C.P. & G.S. 15-38-15
13 SEP 26 PM 2:38

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR RICHLAND
COUNTY, SOUTH CAROLINA**

ADD To
Plaintiff MOTIONS TO ~~AMEND~~ THE COMPLAINT filed May 22, 2013 to ~~to~~ (12) 9/24/13
~~include~~ Haynsworth, Sinkler, Boyd, P.A. as a Codefendant along with Codefendant
Stephen P. Williams. Plaintiff entered a legally binding contract with Codefendant
Stephen P. Williams to represent Plaintiff as her attorney in the case of State of South
Carolina vs. Beverley D. Wilson on or about June 2008. Codefendant Stephen P.
Williams was employed as an attorney by Haynsworth, Sinkler, Boyd, P.A. at the time of
his employment by Plaintiff and for duration of the case State of South Carolina vs.
Beverley D. Wilson. Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer
relationship with Codefendant Stephen P. Williams and is vicariously responsible for the
conduct of Codefendant Stephen P. Williams according to S.C. Code 15-38-15(c)3(a) and
should be added, therefore, as a Codefendant to this Complaint.

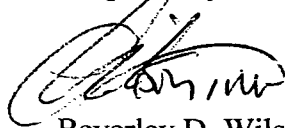
Haynsworth, Sinkler, Boyd, P.A.'s Columbia office in Richland County, South Carolina was the office where the majority of the meetings occurred between Plaintiff and Codefendant Stephen P. Williams. S.C. Code Section 15-7-100 provides that the Court may change the trial Venue to the place where the nonresident and noted Codefendant conducted business.

Further, the subject matter in the State of South Carolina vs. Beverley D. Wilson case was in Richland County, South Carolina. S.C. Code Section 15-7-10 provides that actions must be tried where the subject matter is situated.

Finally, as Haynsworth, Sinkler, Boyd, P.A.'s Columbia office is located in Richland County, South Carolina. S.C. Code Section 15-7-11D1 stipulates that a civil action brought against a nonresident individual Codefendant must be brought and tried in the county in which the most substantial part of the alleged act or omission giving rise to the Cause of Action occurred. The most substantial part of Codefendant Stephen P. Williams' alleged acts and omission giving rise to the Cause of Action occurred in Richland County, South Carolina.

Plaintiff respectfully requests her Complaint ~~be so amended as to include~~ 22 9/26/13 Haynsworth, Sinkler, Boyd, P.A. as a Codefendant to the original Complaint against Defendant Stephen P. Williams.

Respectfully submitted,



Beverley D. Wilson

Submitted September 26, 2013

IN THE COURT OF COMMON PLEAS

Case Number:
2013-CP-23-5177

BEVERLEY D. WILSON,)
)
 Plaintiff,)

VS.

STEPHEN P. WILLIAMS,)
)
 Defendant.)

**MEMORANDUM IN SUPPORT
OF MOTION FOR LEAVE OF
COURT FOR MOTION TO ADD
HAYNSWORTH, SINKLER,
BOYD, P.A. AS CODEFENDANT
ALONG WITH DEFENDANT
STEPHEN P. WILLIAMS TO
COMPLAINT
AND
MOTION TO APPEAL CHANGE
OF VENUE**

**TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR GREENVILLE
COUNTY, SOUTH CAROLINA**

Plaintiff respectfully requests Motion for Leave of Court to add Haynsworth, Sinkler, Boyd, P.A. as a Codefendant.along with Defendant Stephen P. Williams to the Complaint filed May 22, 2013. Plaintiff entered a legally binding contract with Defendant Stephen P. Williams to represent Plaintiff as her attorney in the case of State of South Carolina vs. Beverley D. Wilson on or about June 2008. Defendant Stephen P. Williams was employed as an attorney by Haynsworth, Sinkler, Boyd, P.A. at the time of his employment by Plaintiff and for duration of the case State of South Carolina vs. Beverley D. Wilson. Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer relationship with Defendant Stephen P. Williams and is vicariously responsible for the conduct of Defendant Stephen P. Williams according to S.C. Code 15-38-15(c)3(a) and should be added, therefore, as a Codefendant to this Complaint.

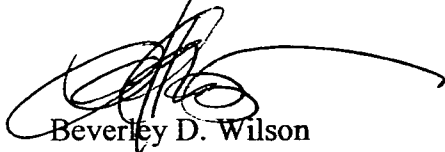
Haynsworth, Sinkler, Boyd, P.A.'s Columbia office in Richland County, South Carolina was the office where the majority of the meetings occurred between Plaintiff and Defendant Stephen P. Williams. S.C. Code Section 15-7-100 provides that the Court may change the trial Venue to the place where the nonresident and noted employing entity conducted business.

Further, the subject matter in the State of South Carolina vs. Beverley D. Wilson case was in Richland County, South Carolina. S.C. Code Section 15-7-10 provides that actions must be tried where the subject matter is situated.

Finally, as Haynsworth, Sinkler, Boyd, P.A.'s Columbia office is located in Richland County, South Carolina. S.C. Code Section 15-7-11D1 stipulates that a civil action brought against a nonresident individual Defendant must be brought and tried in the county in which the most substantial part of the alleged act or omission giving rise to the Cause of Action occurred. The most substantial part of Defendant Stephen P. Williams' alleged acts and omission giving rise to the Cause of Action occurred in Richland County, South Carolina.

Plaintiff respectfully requests her Complaint include Haynsworth, Sinkler, Boyd, P.A. as a Codefendant to the original Complaint against Defendant Stephen P. Williams.

Respectfully submitted,



Beverley D. Wilson

Submitted November 7, 2013

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

Beverley D. Wilson,)

Plaintiff,)

vs.)

Stephen P. Williams,)

Defendant.)

IN THE COURT OF COMMON PLEAS

Case Number: 2013-CP-23-5177

COPY

MEMORANDUM IN SUPPORT
OF DEFENDANT'S
MOTION TO DISMISS

TO: Presiding Judge, Court of Common Pleas, County of Greenville, South
Carolina:

Defendant Stephen P. Williams files this Memorandum in Support of his
Motion to Dismiss the Complaint in the within action and in support thereof
shows the following:

1. South Carolina Code Anno. §15-36-100(B) provides that in an action for
damages alleging professional negligence against a professional licensed by
or registered with the State of South Carolina, . . . "the Plaintiff must file as
part of the Complaint an Affidavit of an expert witness which must specify
at least one (1) 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.” Subsection G of the statute provides that the statute is applicable to Attorneys at Law.

2. Plaintiff's Complaint alleges four (4) Causes of Action: (1) legal negligence; (2) breach of fiduciary duty; (3) ineffective assistance of counsel; and (4) legal malpractice. It is clear that each Cause of Action alleges that the Defendant is guilty of professional negligence.
3. Plaintiff's Complaint does not contain an Affidavit of an expert witness specifying at least one negligent act or omission claimed to exist and the factual basis for each claim.
4. Subsection F of §15-36-100 provides that if a Plaintiff fails to file the necessary Affidavit and Defendant raises the failure to file the Affidavit by Motion to Dismiss, filed contemporaneously with the initial responsive pleading, the Complaint is not subject to renewal after the expiration of the applicable period of limitation unless the Court determines that the Plaintiff had the requisite Affidavit within the time required pursuant to this section and the failure to file the Affidavit as the result of a mistake. Defendant contends that no such showing has been made nor could be made in this case. The record shows that Defendant's Motion to Dismiss was filed on June 24, 2013.

5. Plaintiff's Complaint does not comply with SC Code Anno. §15-36-100
and Defendant's Motion to Dismiss should be granted.

Respectfully submitted,

GLENN, HAIGLER & STATHAKIS, LLP

Michael D. Glenn
Michael D. Glenn, #2147
Attorney for Defendant
121 West Benson Street
Anderson, South Carolina 29624
(864) 226-1885
(864) 226-0561, fax

October 8, 2013

COPY

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	
	)	Case Number: 2013-CP-23-5177
Beverley D. Wilson,	)	
	)	
Plaintiff,	)	DEFENDANT'S MEMORANDUM
	)	IN OPPOSITION TO PLAINTIFF'S
vs.	)	MOTIONS TO AMEND THE
	)	COMPLAINT TO ADD INFORMATION
Stephen P. Williams,	)	CONCERNING AN EXPERT WITNESS
	)	AND TO ADD HAYNSWORTH
Defendant.	)	SINKLER BOYD PA AS A
_____	)	CO-DEFENDANT

TO: PRESIDING JUDGE, COURT OF COMMON PLEAS FOR
GREENVILLE COUNTY, SC

Defendant opposes Plaintiff's Motions to amend her Complaint. Plaintiff's Complaint was filed on May 22, 2013 alleging four (4) Causes of Action, all of which amount to Legal Negligence or Legal Malpractice. Defendant's Answer was filed and served on June 24, 2013. In his Second Defense, Defendant alleged that the Complaint fails to state facts sufficient to constitute a Cause of Action. In his Third Defense, Defendant contends that the Complaint fails to comply with the requirements of SC Code Anno. §15-36-100(B) and (G) in that Plaintiff failed to file, as a part of her Complaint, an Affidavit of an expert witness as required by the statute.

Simultaneous with filing of the Answer, Defendant filed a Motion to

Dismiss the Complaint because of Plaintiff's failure to comply with the requirements of the Code Section. At the same time, Defendant filed a Motion to Change Venue of the case from the Richland County Court of Common Pleas to the Greenville County Court of Common Pleas. The Motion to Change Venue and the Motion to Dismiss were scheduled by the Court for 11:00 a.m. on August 28, 2013. Plaintiff appeared at the hearing and opposed the Motion to Change Venue. The Court granted the Motion to Change Venue to the Greenville County Court of Common Pleas and did not rule upon Defendant's Motion to Dismiss. The Court's Order granting the Change of Venue was filed on September 17, 2013.

Following the Change of Venue to the Greenville County Court of Common Pleas, Defendant again filed his Motion to Dismiss the Complaint because of Plaintiff's continued failure to comply with the provisions of SC Code Anno. §15-36-100(B) and (G). That Motion was filed on October 3, 2013. The Court scheduled the Motion to Dismiss for hearing on November 12, 2013. Defendant served Plaintiff with the Notice of Hearing by letter dated October 8, 2013. On November 7, 2013, Plaintiff faxed her Motions to Amend her Complaint to Defendant's attorney. The copies of the Motions faxed to Defendant's attorney do not show that they had been filed with the Court.

Defendant opposes the Amendments Plaintiff seeks to make to her

Complaint. There seems to be no question that Plaintiff knew and understood that Defendant Stephen P. Williams was employed as an attorney at Haynsworth Sinkler Boyd, PA in its Greenville office. He was so employed throughout his representation of Plaintiff. The Professional Association could have been made a party at the time the Complaint was filed or any time before that that a suit was filed. Plaintiff failed to add the employer as a party. It is clear that Plaintiff knew, at the hearing on the Motion to Change Venue and upon receipt of the Court's Order Changing Venue, that she had not included Haynsworth Sinkler Boyd, PA as a party to the action. Even with that knowledge, Plaintiff made no effort to amend the Complaint until the present Motions were served and/or filed. The time for adding a party has long since passed without any effort to do so on Plaintiff's part. Her Motion should now be denied.

In addition, it is clear that Plaintiff was informed of the requirement to file an Affidavit from an expert along with the Complaint seeking recovery for Professional Negligence. Plaintiff was informed of that fact in the Answer filed by Defendant and in his Motion to Dismiss, both of which were filed on June 24, 2013. Even with that information provided in the pleadings, Plaintiff failed to remedy her failure for more than 4 months. Code Sections 15-30-100(C),(D),(E), and (F) provide certain relief for the failure to follow the statutory requirement of

filing the expert Affidavit. Indeed, subsection (E) provides a Plaintiff the right to cure an alleged defect within 30 days of service of the Motion alleging that the Affidavit is defective. Here, Plaintiff learned of the defect in her Complaint on June 24, 2013 and filed her Motion to Amend on November 7, 2013, long after the expiration of the Statute of Limitations.

Plaintiff's Motions to Amend her Complaint should be denied.

Respectfully submitted,

GLENN, HAIGLER & STATHAKIS, LLP



Michael D. Glenn, #2147
Attorney for Defendant
121 West Benson Street
Anderson, South Carolina 29624
(864) 226-1885
(864) 226-0561, fax

Nov. 7, 2013

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2013-CP-23-5177

Beverley D. Wilson,

Appellant,

v.

Stephen P. Williams,

Respondent.

NOTICE OF MOTION TO REINSTATE APPEALS

Beverley D. Wilson motions for reinstatement of the appeals of the orders of the Honorable D. Garrison Hill dated November 18, 2013. Appellant received written notice of entry of these orders on November 26, 2013 and originally filed her Notice of Appeal on December 18, 2013. The Court of Appeals granted Appellant the right to appeal, however, due to extreme, extenuating circumstances, the Appellant was not able to timely file and serve the initial brief and designation of matter as required by Rules 208 and 209 of the South Carolina Appellate Court Rules. Appellant was robbed at gunpoint while leaving her office December 17, 2013. Due to extreme emotional trauma associated with this event and an inability to acquire adequate police surveillance security to ensure a safe working environment, it was necessary for the Appellant to close her medical practice in Orangeburg, South Carolina and reestablish her medical practice in a new locality sufficiently far removed from Orangeburg, South Carolina to ensure her emotional and physical safety. This process has been arduous and emotionally draining and has prevented Appellant sufficient opportunity to access the records associated with this case to timely file the requisite initial brief and designation of matter as required by Rules 208 and 209 of the South Carolina Appellate Court Rules. Appellant begs the Court's pardon and respectfully submits this Memorandum in support of her Motion to Reinstate Appeals.

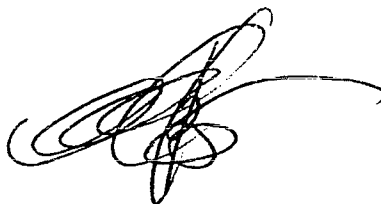
This 5 Day of March, 2014

s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, South Carolina 29116
(803) 682-0697
Pro Se Appellant

Other Counsel of Record:
Michael D. Glenn
Glenn, Haigler, and Stathakis, LLP

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SC Court of Appeals

121 West Benson Street
Anderson, South Carolina 29624
Attorney for Respondent
(864) 226-1885
(864) 224-9677

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2013-CP-23-5177

Beverley D. Wilson,

Appellant,

v.

Stephen P. Williams,

Respondent.

Memorandum in Support
NOTICE OF MOTION TO REINSTATE APPEALS

Beverley D. Wilson motions for reinstatement of the appeals of the orders of the Honorable D. Garrison Hill dated November 18, 2013. Appellant received written notice of entry of these orders on November 26, 2013 and originally filed her Notice of Appeal on December 18, 2013. The Court of Appeals granted Appellant the right to appeal, however, due to extreme, extenuating circumstances, the Appellant was not able to timely file and serve the initial brief and designation of matter as required by Rules 208 and 209 of the South Carolina Appellate Court Rules. Appellant was robbed at gunpoint while leaving her office December 17, 2013. Due to extreme emotional trauma associated with this event and an inability to acquire adequate police surveillance security to ensure a safe working environment, it was necessary for the Appellant to close her medical practice in Orangeburg, South Carolina and reestablish her medical practice in a new locality sufficiently far removed from Orangeburg, South Carolina to ensure her emotional and physical safety. This process has been arduous and emotionally draining and has prevented Appellant sufficient opportunity to access the records associated with this case to timely file the requisite initial brief and designation of matter as required by Rules 208 and 209 of the South Carolina Appellate Court Rules. Appellant begs the Court's pardon and respectfully submits this Memorandum in support of her Motion to Reinstate Appeals.

This 5 Day of March, 2014

Other Counsel of Record:
Michael D. Glenn
Glenn, Haigler, and Stathakis, LLP

s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, South Carolina 29116
(803) 682-0697
Pro Se Appellant

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Attorney for Respondent
(864) 226-1885
(864) 224-9677



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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2013-CP-23-5177

Beverley D. Wilson, Appellant,

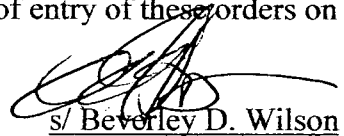
v.

Stephen P. Williams, Respondent.

NOTICE OF APPEAL

Beverley D. Wilson appeals the orders of the Honorable D. Garrison Hill dated November 18, 2013. Appellant received written notice of entry of these orders on November 26, 2013.

This 7th Day of December, 2013


s/ Beverley D. Wilson

Beverley D. Wilson
Post Office Box 2865
Orangeburg, South Carolina

29116

(803) 682-0697
Pro Se Appellant

Other Counsel of Record:
Michael D. Glenn
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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2013-CP-23-5177

Beverley D. Wilson,

Appellant,

v.

Stephen P. Williams,

Respondent.

NOTICE OF MOTION TO REINSTATE APPEALS

Beverley D. Wilson motions for reinstatement of the appeals of the orders of the Honorable D. Garrison Hill dated November 18, 2013. Appellant received written notice of entry of these orders on November 26, 2013 and originally filed her Notice of Appeal on December 18, 2013. The Court of Appeals granted Appellant the right to appeal, however, due to extreme, extenuating circumstances, the Appellant was not able to timely file and serve the initial brief and designation of matter as required by Rules 208 and 209 of the South Carolina Appellate Court Rules. Appellant respectfully submits this Notice of Motion to Reinstate Appeals and includes Memorandum in support of her Motion to Reinstate Appeals.

This 5 Day of March, 2014

s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, South Carolina
29116
(803) 682-0697
Pro Se Appellant

Other Counsel of Record:
Michael D. Glenn
Glenn, Haigler, and Stathakis, LLP
121 West Benson Street
Anderson, South Carolina 29624
Attorney for Respondent

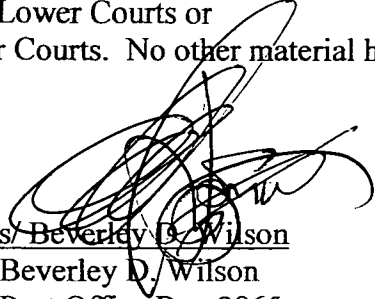
(864) 226-1885
(864) 224-9677

A handwritten signature in black ink, featuring a large, stylized 'S' or 'C' shape with a long horizontal stroke extending to the right.

CERTIFICATE OF APPELLANT

I certify that the Record on Appeal contains all material proposed to be included by the Appellant and Respondent with the exception of Appellant's Letter to The Honorable Eric Holder which is inadmissible as an item to be included in the Designation of Matter as it was not presented to the Lower Courts or presented/discussed in any proceedings of the Lower Courts. No other material has been included in the Record on Appeal.

July 17, 2014



s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, SC 29116
(803) 682-0697
Pro Se Appellant

Other Counsel of Record:
Michael D. Glenn
GLENN, HAIGLER, AND
STATHAKIS, LLP
121 West Benson Street
Anderson, SC 29624
Attorney for Respondent
(864) 226-1885
(864) 224-9677

BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Case No. 2013-CP-23-5177
Appellate Case No. 2013-002688

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SC Court of Appeals

Stephen P. Williams,

Respondent

v

Beverley D. Wilson,

Appellant

FINAL BRIEF OF APPELLANT

s/ Beverley D. Wilson
Beverley D. Wilson
Post Office Box 2865
Orangeburg, South Carolina 29116
(803) 682-0697
Pro Se Appellant

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SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

1. IN THE WILSON VS. WILLIAMS CASE, DID THE HONORABLE JUDGE D. GARRISON HILL ERR IN EXERCISING JUDICIAL DISCRETION BY NOT GRANTING APPELLANT'S MOTION FOR LEAVE OF COURT TO ADD AFFIDAVIT OF APPELLANT'S EXPERT WITNESS?
2. DID THE HONORABLE JUDGE D. GARRISON HILL'S DISMISSAL OF APPELLANT'S COMPLAINT RESULT IN A MISCARRIAGE OF JUSTICE?
3. DID THE HONORABLE JUDGE D. GARRISON HILL ERR BY DISMISSING APPELLANT'S COMPLAINT AND NOT CONSIDERING APPELLANT'S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT IN THE WILSON VS. WILLIAMS CASE SUPPORT A MISCARRIAGE OF JUSTICE?
4. DID THE HONORABLE JUDGE D. GARRISON HILL ERR BY NOT GRANTING APPELLANT'S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT IN THE WILSON VS. WILLIAMS CASE OR ORDERING A CHANGE OF VENUE FOR THE WILSON VS. WILLIAMS CASE?

STATEMENT OF THE CASE

Appellant filed original Complaint in Richland County Court of Common Pleas on May 22, 2013. Respondent filed an Answer to Complaint and a Motion to Dismiss along with a Motion to Change Venue to the Greenville County Court of Common Pleas on June 24, 2013.

On September 17, 2013, (sic) Order filed for hearing held August 28, 2013 before the Honorable Judge DeAndrea J. Benjamin of the Richland County Court of Common Pleas. The Court granted the Respondent's Motion to Change Venue from Richland to Greenville County, but did not hear the Respondent's Motion to Dismiss.

Respondent filed a Motion to Dismiss the Complaint with the Greenville County Court of Common Pleas on October 3, 2013.

Appellant filed Motions for Leave of Court along with Memoranda in Support of Motions for Leave of Court to Amend Complaint, Add Affidavit of Expert Witness along with Motion and Memorandum in Support of Motion to Appeal Change of Venue with the Greenville County Court of Common Pleas on November 6, 2013.

Hearing was held November 12, 2013 in Greenville County Court of Common Pleas before the Honorable Judge D. Garrison Hill. The Court denied Appellant's Motion to Amend Complaint, Add Affidavit of Expert Witness along with Appellant's Motion to Appeal Change of Venue. The Court granted the Respondent's Motion to Dismiss the Complaint.

On November 18, 2013, Orders were filed with the Greenville County Court of Common Pleas. On November 26, 2013, Appellant received written notification of the Orders filed with the Greenville County Court of Common Pleas.

Appellant filed Notice of Appeal on December 18, 2013 with the South Carolina Court of Appeals. The South Carolina Court of Appeals granted Appellant the right to appeal. Extreme extenuating circumstances prevented Appellant from timely complying with Rules 208 and 209 of the South Carolina Appellate Court Rules to file and serve the Initial Brief and Designation of Matter.

On February 19, 2014, the South Carolina Court of Appeals dismissed Appellant's Appeal due to Appellant's failure to timely comply with Rules 208 and 209 of the South Carolina Appellate Court Rules.

On March 5, 2014, Appellant filed Motion for Reinstatement of Appeals due to extreme extenuating circumstances that prohibited timely compliance with Rules 208 and 209 of the South Carolina Appellate Court Rules.

On April 11, 2014, Appellant submitted request for court transcripts from the court transcribers from Richland and Greenville Counties Courts of Common Pleas.

On April 23, 2014, payments were tendered by Appellant to the court transcribers from Richland and Greenville Counties Courts of Common Pleas. Transcripts were received from the court transcribers from Richland and Greenville Counties Courts of Common Pleas on April 28, 2014.

Appellant filed Initial Brief and Designation of Matter on May 28, 2014.

Amount ultimately involved on appeal should the honorable members of the South Carolina Court of Appeals grant the Appellant's petitions and this case concludes successfully for the Appellant is \$400,000 with any additional relief as the Court deems fit.

ARGUMENTS

1. RESPONDENT'S LEGAL COMPETENCE, CONDUCT, AND ACTIONS IN HIS LEGAL REPRESENTATION AND ADVISING OF THE APPELLANT FELL FAR BELOW THE STANDARD OF CARE EXPECTED FOR SOUTH CAROLINA ATTORNEYS AND ROSE TO THE LEVEL OF LEGAL NEGLIGENCE AND LEGAL MALPRACTICE.

Appellant has a limited understanding of legal malpractice litigation in all its many aspects, including statutes of limitation and Leaves of Court. It is reasonable to assume that an attorney as astute in legal knowledge and training as Respondent would be aware that his callous and unconscionable actions while representing and advising Appellant in matters related to Appellant's criminal case and other legal matters not related to the criminal case including future employment, appeals of her criminal case, restitution payments, and financial viability following her plea agreement, were unethical, grossly negligent, and could be disastrous to Appellant's legal, professional, financial, emotional, and overall wellbeing (See Appellant's Proposed Amended Complaint, pp. 3-8 (R.

pp. 47-52 and R. pp. 65-70), S.C. Rule 8.4(d and e), S.C. Rule 3.4(a), and S.C. Rule 3.4(f)(2)). Respondent placed Appellant at risk of financial peril greater than the risk of the underlying *prima facie* case (*Scognamillo vs. Olsen*, 795 P.2d 1357, 1361 (Colo. App. 1990)). It is reasonable to conclude that Respondent's legally negligent and morally reprehensible failure to properly represent and advise Appellant in her criminal case rose to a level sufficient to constitute legal malpractice (See Affidavit of Expert Witness (R. pp. 109-111), pp. 3-13 of Appellant's Proposed Amended Complaint (R. pp. 47-57, R. pp. 65-75), Exhibit E (R. p. 35), S.C. Rule 3.4(a), S.C. Rule 3.9, S.C. Rule 8.4(c, d, and e), and ABA-MRPC Rule 2.1).

2. THE GREENVILLE COUNTY COURT OF COMMON PLEAS ERRED IN NOT CONSIDERING THE EXTENT TO WHICH THE RESPONDENT'S ACTIONS AND MISCONDUCT CREATED EXTREME MITIGATING CIRCUMSTANCES FOR THE APPELLANT. THESE EXTREME MITIGATING CIRCUMSTANCES SHOULD HAVE BEEN GIVEN GREATER DELIBERATION IN THE GREENVILLE COUNTY COURT OF COMMON PLEAS' CONSIDERATION OF APPELLANT'S MOTIONS FOR LEAVE OF COURT TO AMEND HER COMPLAINT, ADD AFFIDAVIT OF EXPERT WITNESS, AND ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT AND HER MOTION TO (SIC APPEAL) CHANGE VENUE OF THE WILSON VS. WILLIAMS CASE FROM GREENVILLE TO RICHLAND COUNTY.

It is reasonable to assume that the Presiding Judge hearing this case would find that the alleged actions of Respondent were legally, morally, and ethically flawed and were sufficient to constitute legal negligence and malpractice. Respondent's legally, ethically, and morally reprehensible actions greatly contributed to Appellant's extreme mitigating circumstances, and should have compelled the Presiding Judge to grant Appellant a Leave of Court to Amend her Complaint and Add the Affidavit of her Expert Witness to her Complaint. Failure to grant Appellant Leave of Court given these extreme mitigating circumstances, despite the expiration of the statute of limitation, would result in a tremendous miscarriage of justice given the magnitude of Respondent's professional incompetence and negligence in his legal representation and advisement of Appellant (See Proposed Amended Complaint, pp. 3-17 (R. pp. 47-61 and R. pp. 65-79), S.C. Rule 8.4(a, b, c, d, and e), ABA-MRPC Rule 2.1).

3. THE GREENVILLE COUNTY COURT OF COMMON PLEAS' DISMISSAL OF APPELLANT'S COMPLAINT EXHIBITED A LACK OF JUDICIAL DISCRETION AND RESULTED IN A MISCARRIAGE OF JUSTICE.

As noted in discussion of Argument 2 above, the factors constituting legal negligence and malpractice by the Respondent and the subsequent extreme mitigating circumstances visited upon Appellant as a consequence of Respondent's reprehensible ethical, moral, and legal misconduct begs additional

judicial consideration be afforded Appellant despite the expiration of the statute of limitation to allow Appellant's Complaint be tried in court. Failure of the Greenville County Court of Common Pleas to grant Appellant Leave of Court given these extreme mitigating circumstances, despite the expiration of the statute of limitation, would result in a tremendous miscarriage of justice given the magnitude of Respondent's professional incompetence and negligence in his legal representation and advisement of Appellant (See Proposed Amended Complaint, pp. 3-17 (R. pp. 47-61 and R. pp. 65-79), S.C. Rule 8.4(a, b, c, d, and e), ABA-MRPC Rule 2.1).

4. THE GREENVILLE COUNTY COURT OF COMMON PLEAS' DENIAL OF APPELLANT'S MOTION TO ADD HAYNSWORTH, SINKLER, BOYD, P.A. AS A CODEFENDANT TO APPELLANT'S COMPLAINT FURTHER CONTRIBUTED TO THE MISCARRIAGE OF JUSTICE.

Haynsworth, Sinkler, Boyd, P.A. employed Respondent at the time of Respondent's legal representation of Appellant. Haynsworth, Sinkler, Boyd, P.A. had a supervisory employer relationship with Respondent at the time of Respondent's legal representation of Appellant and was vicariously responsible for the legal actions and conduct of Respondent (S.C. Code Section 15-38-15(C)(3)(a)). As an employer of Respondent, Haynsworth, Sinkler, Boyd, P.A. had a duty to supervise, review, and provide oversight of Respondent's legal activities (See Appellant's Proposed Amended Complaint, pp. 1-2 (R. p. 45, lines 17-22; R. p. 46, lines 1-17 and R. p. 63, lines 17-22; R. p. 64, lines 1-17)). The majority of the meetings between Appellant and Respondent occurred in Haynsworth, Sinkler, Boyd, P.A.'s Columbia, South Carolina office, located in Richland County, South Carolina. Therefore, per S.C. Code Section 15-7-30A(10) and S.C. Code Section 15-7-30A(11D1), Richland County, South Carolina is the appropriate Venue for this case (See Appellant's Proposed Amended Complaint, pp. 2 (R. p. 46, lines 7-11 and R. p. 64, lines 7-11)). Respondent as a non-resident of Richland County, South Carolina performed business while employed by Haynsworth, Sinkler, Boyd, P.A., a corporation in Richland County, South Carolina, while legally engaged by Appellant in the case of State of South Carolina vs. Beverley D. Wilson, which gave rise to the course of action in this matter. Therefore, according to S.C. Code Section 15-7-100, Richland County, South Carolina is the proper Venue for this case (See Appellant's Proposed Amended Complaint, pp. 2 (R. p. 46, lines 12-17 and R. p. 64, lines 12-17)).

CONCLUSION

Appellant respectfully prays the Honorable Members of the South Carolina Court of Appeals would reverse the Honorable Judge D. Garrison Hill's Dismissal of Appellant's Complaint and grant the Appellant Leave of Court to Add Affidavit

of Appellant's Expert Witness to Appellant's Complaint and Amend Appellant's Complaint to Add Haynsworth, Sinkler, Boyd, P.A. as a Codefendant in Appellant's Amended Complaint and grant Appellant permission to Change the Venue of the case from the Greenville County Court of Common Pleas to the Richland County Court of Common Pleas and allow Appellant the opportunity to have the issues raised in her Complaint be tried before a jury.

Respectfully Submitted,

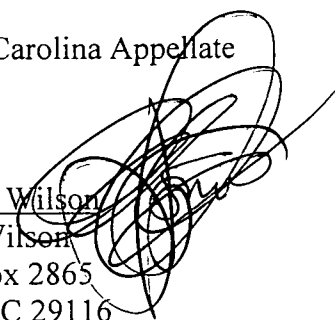
August 4, 2014

s/ Beverley D. Wilson
Beverley D. Wilson
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Pro Se Appellant

CERTIFICATE OF APPELLANT

I certify that the Final Brief of the Appellant complies with South Carolina Appellate Court Rule 211 (b).

August 4, 2014


s/ Beverley D. Wilson

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UNIT OF STUDY: CIVILIZATION
IN THE MIDDLE EAST

1. The first part of the unit
deals with the early
history of the Middle East
and the development of
the various civilizations
which have flourished
in that region.

2. The second part of the
unit deals with the
history of the Jews and
the Christians in the
Middle East.

3. The third part of the
unit deals with the
history of the Moslems
in the Middle East.

4. The fourth part of the
unit deals with the
history of the various
civilizations which have
flourished in the Middle
East.

5. The fifth part of the
unit deals with the
history of the various
civilizations which have
flourished in the Middle
East.

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Statement of Issues on Appeal

1. Was the Lower Court correct in granting Respondent's Motion to Dismiss?
2. Was the Lower Court correct in denying Appellant's Motion to Amend her Complaint to add an expert affidavit?
3. Was the Lower Court correct in denying Appellant's Motion to Appeal the Change of Venue?
4. Was the Lower Court correct in failing to allow Appellant to amend her Complaint to add a party Defendant?

STATEMENT OF THE CASE

Appellant commenced this action by filing a summons and complaint (R.p. 7) on May 22, 2013 in the Court of Common Pleas for Richland County, South Carolina. In her complaint Appellant sought damages from Respondant, an attorney who had previously represented Appellant. Appellant alleged four causes of action, all of which amount to legal negligence or legal malpractice.

In his answer (R.p. 81), Respondant denied the material allegations of the complaint, alleged that the complaint fails to state facts sufficient to constitute a cause of action, and in his third defense, contends that the complaint fails to comply with the requirements of SC Code Anno. Section 15-36-100(B) and (G) and that Appellant failed to file, as a part of her complaint, an affidavit of an expert witness which is required by the statute.

Contemporaneously with filing of the answer, Respondent filed a Motion to Dismiss the Complaint (R.p. 133) because of Appellant's failure to comply with the requirements of the code section. At the same time Respondent filed a Motion to Change Venue from the Richland County Court of Common Pleas to the Greenville County Court of Common Pleas.

(R.p. 135). The Motion to Change Venue and the Motion to Dismiss were scheduled for hearing at 11:00 a.m. on August 28, 2013. Appellant appeared at the hearing and opposed the Motion to Change Venue. The court granted Respondent's Motion to Change Venue to the Greenville County Court of Common Pleas. The Court did not consider, and did not rule upon, Respondent's Motion to Dismiss. The order granting the Change of Venue was filed on September 17, 2013. (R.p. 1).

Following the change of venue to Greenville County, Respondent again filed his Motion to Dismiss the complaint (R.p. 149) because of Appellant's failure to comply with the provisions of SC Code Anno §15-36-100(B) and (G). That motion was filed on October 3, 2013. The Court scheduled the motion for hearing on November 12, 2013. On November 7, 2013 Appellant filed a Motion to Amend her Complaint (R.p. 142) to add the affidavit of an expert witness, a Motion to Amend her Complaint to add Haynsworth Sinkler Boyd P.A. as a Defendant, (R.p. 143), and a Motion to Appeal the Change of Venue. (R.p. 146).

The motions were heard by the Honorable D. Garrison Hill on November 12, 2013. The Court issued an Order granting Respondent's Motion to Dismiss and denying Appellant's Motion to Amend her

Complaint to add an expert affidavit. (R.p. 3). The Court also issued an Order denying Appellant's Motion to Appeal the change of venue. (R.p. 5). Both orders were signed on November 18, 2013 and filed on November 20, 2013.

Appellant's Notice of Appeal was filed and served on December 18, 2013.

ARGUMENT

Standard of Review

In an appeal from an order of a trial court granting a Motion to Dismiss or Denying a Motion to Amend the Complaint, the lower court decision will only be reversed upon a showing of an error of law. Ranucci vs. Crain, 397 S.C. 168, 723 S.E. 2d 242 (S.C. App., 2012).

1. Was the Lower Court correct in granting Respondent's Motion to Dismiss?

Appellant's complaint was filed on May 22, 2013 alleging four causes of action, all of which amount to legal negligence or legal malpractice. Respondent's answer was filed and served on June 24, 2013. In

his second defense, respondent alleges that the complaint failed to state facts sufficient to constitute a cause of action. In his third defense, Respondent contended that the complaint failed to comply with the requirements of SC Code Anno §15-36-100(B) and (G) in that Appellant failed to file as a part of her complaint an affidavit of an expert witness as required by the statute.

Contemporaneously with filing the answer, Respondent filed a Motion to Dismiss the complaint because of appellant's failure to comply with the requirements of the code section. Subsequently, venue was changed to the Greenville County Court of Common Pleas where Respondent filed an identical Motion to Dismiss.

Appellant contends that since she is a *pro se* Plaintiff, she should be excused for her failure to comply with the requirement to file an expert affidavit. Code sections 15-30-100(C), (D), (E), and (F) provide certain relief for the failure to meet statutory requirements of filing an expert affidavit. Here Appellant learned of the defect in her complaint on June 24, 2013 when Respondent filed his Answer and Motion to Dismiss. Even with that knowledge, Appellant did not attempt to amend her complaint until she filed her Motion to Amend on November 7, 2013, more than 4 months after

learning of the defect and long after the expiration of the Statute of Limitations.

2. Was the Lower Court correct in denying Appellant's Motion to Amend her Complaint to add an expert affidavit?

Appellant's contention that she should now be allowed to file an expert affidavit uses the same logic and reasoning as used to support her Motion to Amend her Complaint. The motion to file the expert affidavit was made along with her motion to amend the complaint. Under the statute the time was long past for the filing of the affidavit. Respondent contends that the lower court was correct in its ruling.

3. Was the Lower Court correct in denying Appellant's Motion to Appeal the Change of Venue?

In Breland v Love Chevrolet Olds., Inc, 339 SC 2d 89, 529 SE 2d 11(2000), the South Carolina Supreme Court held that an Order effecting venue of a case is not immediately appealable and may be appealed only after the case is concluded in the Lower Court.

In addition, an order to change venue by a circuit court is subject to a Motion for Reconsideration but in no case is such an order subject to appeal in another circuit court. It is clear that the lower court's denial of the motion

to appeal the change of venue is correct.

4. Was the Lower Court correct in failing to allow Appellant to amend her Complaint to add a party defendant?

Appellant's Motion to Amend her Complaint to add Haynsworth Sinkler Boyd, PA as a Defendant was made, along with her Motion to Amend by adding an expert affidavit. Both motions were made on November 7, 2013, long after the filing of the complaint. In the argument of her motion, Appellant conceded that she knew that Defendant Stephen P. Williams was an attorney employed by Haynsworth Sinkler Boyd, PA when she hired Mr. Williams and when she filed her complaint for legal malpractice against Mr. Williams on June 17, 2013.

Since the court determined that Appellant's Motion to Amend to include an expert affidavit should not be allowed, the case was dismissed. There was no reason for the court to consider allowing the addition of a party Defendant when the case was to be dismissed.

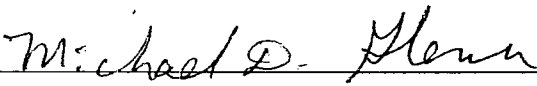
The lower court was correct in denying the motion.

CONCLUSION

Respondent contends that all of the lower court rulings on motions filed by Appellant and Respondent were correct and supported by the law of South Carolina. The lower court dismissal of the complaint should be sustained.

Respectfully submitted,

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August 7, 2014

Certificate of Counsel

The undersigned certifies that the Brief of Respondent complies with Rule 211(b), Appellate Court Rules.

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August 7, 2014

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Beverley D. Wilson, Appellant,

v.

Stephen P. Williams, Respondent.

Appellate Case No. 2013-002688

Appeal From Greenville County
D. Garrison Hill, Circuit Court Judge

Unpublished Opinion No. 2015-UP-236
Submitted February 1, 2015 – Filed May 6, 2015

AFFIRMED

Beverley D. Wilson, of Orangeburg, pro se.

Michael D. Glenn, of Glenn, Haigler & Stathakis, LLP,
of Anderson, for Respondent.

PER CURIAM: Beverley Wilson sued her former attorney, Stephen P. Williams, for professional negligence. Wilson appeals the trial court's dismissal of her case, arguing it erred in (1) not considering her motion to add Haynsworth, Sinkler, Boyd, P.A., as a codefendant, (2) denying her motion to appeal the change of venue, (3) denying her motion to amend her complaint to add an expert affidavit,

and (4) granting Williams's motion to dismiss. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the denial of Wilson's motion to add Haynsworth, Sinkler, Boyd, P.A., as a codefendant: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("[A]n issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); *West v. Newberry Elec. Coop.*, 357 S.C. 537, 543, 593 S.E.2d 500, 503 (Ct. App. 2004) (stating where the trial court did not explicitly rule on the appellant's argument and the appellant did not raise the issue in a Rule 59(e), SCRCR, motion to alter or amend the judgment, the issue was not preserved); Rule 59(e), SCRCR ("A motion to alter or amend the judgment shall be served not later than 10 days after receipt of written notice of the entry of the order.").

2. As to the denial of Wilson's motion to appeal the change of venue: *Breland v. Love Chevrolet Olds, Inc.*, 339 S.C. 89, 93-95, 529 S.E.2d 11, 13-14 (2000) (finding an order affecting the venue of a case is not immediately appealable and may be appealed only after the case is concluded in the trial court).

3. As to the denial of Wilson's motion to amend her complaint to add an expert affidavit and the granting of Williams's motion to dismiss: *Rydde v. Morris*, 381 S.C. 643, 646, 675 S.E.2d 431, 433 (2009) ("On appeal from the dismissal of a case pursuant to Rule 12(b)(6), [SCRCR,] an appellate court . . . construe[s] the complaint in a light most favorable to the nonmovant and determine[s] if the facts alleged and the inferences reasonably deducible from the pleadings would entitle the plaintiff to relief on any theory of the case." (internal citations and quotation marks omitted)); *Duncan v. CRS Sirrine Eng'rs, Inc.*, 337 S.C. 537, 542, 524 S.E.2d 115, 118 (Ct. App. 1999) ("Courts have wide latitude in amending pleadings and '[w]hile this power should not be used indiscriminately or to prejudice or surprise another party, the decision to allow an amendment is within the sound discretion of the trial court and will rarely be disturbed on appeal. The trial [court's] finding will not be overturned without an abuse of discretion or unless manifest injustice has occurred.'" (citation omitted) (quoting *Berry v. McLeod*, 328 S.C. 435, 450, 492 S.E.2d 794, 802 (Ct. App. 1997))); S.C. Code Ann. § 15-36-100(B) (Supp. 2014) ("[I]n an action for damages alleging professional negligence against a professional licensed by or registered with the State of South Carolina . . . , 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."); S.C. Code Ann. 15-

36-100(G) (Supp. 2014) (stating section 15-36-100 applies to attorneys at law); S.C. Code Ann. § 15-36-100(F) (Supp. 2014) (stating if a plaintiff fails to file the required expert affidavit and, contemporaneously with its initial responsive pleading, the defendant files a motion to dismiss the complaint for failure to file the affidavit, the complaint cannot be renewed after the applicable period of limitation expires "unless a court determines that the plaintiff had the requisite affidavit within the time required pursuant to [section 15-36-100] and the failure to file the affidavit is the result of a mistake").

AFFIRMED.¹

SHORT, LOCKEMY, and McDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

The South Carolina Court of Appeals

Beverley D. Wilson, Appellant,

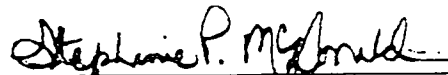
v.

Stephen P. Williams, Respondent.

Appellate Case No. 2013-002688

ORDER

The decision of the trial court was affirmed on May 6, 2015. No petition for rehearing was filed as of May 27, 2015, and this Court sent down the remittitur on that day. Appellant has now filed a motion to recall the remittitur and for an extension of time to file a petition for rehearing. A remittitur cannot be recalled except upon "a very strong showing . . . that the remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellant has failed to make such a showing. Because Appellant failed to timely file a petition for rehearing with this Court, the remittitur was properly sent, and this Court no longer has jurisdiction over the case. Appellant's motion, therefore, is denied.


FOR THE COURT

Columbia, South Carolina

FILED

8-6-15

cc:

Beverley D. Wilson

Michael D. Glenn, Esquire

The Honorable Paul B. Wickensimer

The Honorable D. Garrison Hill

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 19 2015

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

SC Court of Appeals

D. Garrison Hill, Circuit Court Judge

Appellate Case No: 2013-002688
Original Case No. 2013-CP-23-5177

Stephen P. Williams, Respondent,

v.

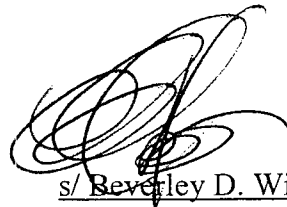
Beverley D. Wilson, Appellant.

MOTION FOR LEAVE OF COURT TO

1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION
REHEARING OF APPEAL

I, Appellant Beverley D. Wilson, respectfully submit this Motion Leave of Court to Request Motion for Recall of Remittitur and Request Motion for Extension of Time to Petition Rehearing of Appeal in the above referenced case Affirmed by the South Carolina Court of Appeals May 6, 2015.

This 19th Day of June, 2015



s/ Beverley D. Wilson
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RECEIVED

JUN 19 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

D. Garrison Hill, Circuit Court Judge

Appellate Case No: 2013-002688
Original Case No. 2013-CP-23-5177

Stephen P. Williams, Respondent,

v.

Beverley D. Wilson, Appellant.

MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE OF COURT TO

1. REQUEST MOTION FOR RECALL OF REMITTITUR AND
2. REQUEST MOTION FOR EXTENSION OF TIME TO PETITION
REHEARING OF APPEAL

I, Appellant Beverley D. Wilson, respectfully submit this Memorandum in Support of Motion for Leave of Court to Request Motion for Recall of Remittitur and Request Motion for Extension of Time to Petition Rehearing of Appeal in the above referenced case Affirmed by the South Carolina Court of Appeals May 6, 2015.

Appellant did not timely file Motion for Rehearing of Appeal per Rule 221 SCACR due to extreme extenuating personal circumstances, stringent time constraints to file legal documents in a concurrent legal case in which I am a Pro Se Plaintiff, now Pro Se Appellant, extremely limited finances stressed further secondary to preparing for a

jury trial April 22, 2015 in that case, in addition to being unaware that a rehearing of the denied appeal by the SC Court of Appeals was a mandatory requisite to Petition for a Writ of Certiorari from the SC Supreme Court per Rule 242 (c).

Briefly, Appellant had requested and had been assured a jury trial by the presiding judge of the concurrent case which was originally filed November 2013. On the first day of trial, April 22, 2015, the presiding judge reversed her granting of a jury trial and attempted to proceed with a bench trial. I adamantly objected, declined to proceed with the bench trial, and began diligent legal research to determine the most appropriate course(s) of action to secure my right to a jury trial and appeal my case to address other contended issues during court proceedings prior to the trial date.

In addition to intensely researching, presenting, and defending the merits of this concurrent case as a Pro Se litigant, Appellant is also the sole provider for three adult children, all of whom are in college with the oldest two graduating and preparing for graduate school. The eldest child requires additional care and assistance with all of his living expenses due to a recent exacerbation of his Post-Traumatic Stress Disorder. None of the children receive child support and our family is tremendously financially encumbered and disadvantaged. These expenses and the unexpected additional expenses required to file an appeal, request court transcripts and recordings of all proceedings and hearings in this concurrent case as well as time required to perform a thorough review of the appropriate legal statutes and tenets to properly prepare an appeal and perform a thorough review of the record, legal statutes and tenets for a petition by Appellant for possible sanctions of the judge in the concurrent

case for abuse of judicial process, denial of Appellant's right to a jury trial, judicial misconduct, and possible collusion with the Defendants while simultaneously:

(1) readying a Pro Se Petition for Writ of Certiorari to the South Carolina Supreme Court of the final order entered by the South Carolina Court of Appeals May 6, 2015 (same completed, but was unable to be filed with South Carolina Supreme Court June 5, 2015 due to absence of documentation of Denial of Rehearing per verbal communication with SC Supreme Court Clerk of Court office personnel per Rule 242(d)(1) SCACR); (2) preparing, filing, and litigating a separate case between myself as Pro Se plaintiff versus my ex-spouse/children's biological father early April to early May of 2015, following the conclusion of which in early May 2015, their biological father and his attorney asked Plaintiff if he could reinitiate contact with the now adult children of their union, the eldest two of whom he sexually abused. (Upon my presentation of their biological father's request to my children, each was significantly distressed emotionally for the ensuing several days as, for the last ten years, Plaintiff and her children have lived under the protection of a strict restraining order prohibiting all forms of contact physical, electronic or otherwise between my ex-spouse/their biological father as we have struggled to recover

from the devastating effects of years of sexual abuse and rape of the eldest child resulting in PTSD and severe anxiety in the second eldest child secondary to molestation by their biological father and his ex-girlfriend); (3) addressing concerns and disturbing effects of senile dementia in my elderly adopted father who has engaged of recent in very destructive behavior towards me and members of my immediate family; (4) ensuring emotional stability of my eldest child as he battles with PTSD, aggravated of recent, while struggling to complete his undergraduate degree and graduate this summer and attend graduate school this fall; (5) continuing to manage my relocated medical practice in Columbia, SC following armed robbery of my former medical practice December 2013 while living in Orangeburg, SC; and (6) preparing for the five year judicial review and dispositioning of the *prima facie* case in this appellate case which concluded May 24, 2010

have taken a very exacting toll emotionally and physically upon the Plaintiff resulting in emotional exhaustion and marked hypertension which, in addition to greatly diminished/strained finances, have limited Appellant's ability to complete the aforementioned tasks and timely present a Motion for Rehearing of my appeal to the South Carolina Court of Appeals.

Appellant solemnly petitions the SC Court of Appeals for Motion for Leave of Court to Request Motion to Recall Remittitur and Request Motion for Rehearing of my Appeal per Rule 221 (c) SCACR on the basis that the SC Court of Appeals misapprehended the facts of my case and the Issues and Arguments raised in Appellant's Appeal and that the SC Court of Appeal's Affirming of the lower court's decision would effectively Dismiss/end my case. Appellant begs the Court's Rehearing of all of the Issues as stated in the Appeal while reiterating all of the Arguments as stated in the Appeal and stating with emphasis that the Causes of Action cited in the Complaint along with the Respondent's actions/lack of action, lack of appropriate, effective legal representation significantly contributed to Appellant losing the *prima facie* case in this appeal, constituted legal malpractice, and placed Appellant in a greatly disadvantaged financial state making it nearly impossible for Appellant to timely pursue legal action and timely procure an Expert Witness and Affidavit from that Expert Witness in order to timely perfect her Complaint. The merits of Appellant's case are sound and, in the interest of justice, demand a jury trial to allow full adjudication of this case and the South Carolina Appeals Court should not allow Respondent to escape justice by benefit of the artifice of creating such a financially disadvantaged client (Appellant), that that client would not be able to seek legal remedy with a fully perfected Complaint (i.e., including attached Affidavit of Expert Witness) for the wrongs committed by Respondent prior to expiration of the statute of limitations in this case.

Appellant solemnly begs the Court's forgiveness for being unaware a Petition for Rehearing by the Court was absolutely mandatory in this case and prays the South Carolina Court of Appeals grants her Petition for Rehearing of her Appeal and Reverses the Ruling of the lower court.

This 19th Day of June, 2015



s/ Beverley D. Wilson

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