

(5)
THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-00-01981

Martha Lewin Argoe,

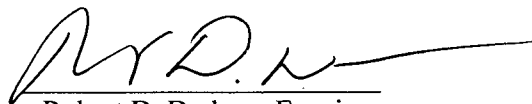
v.

Appellant,

Three Rivers Behavioral Health,
LLC and Psychiatric Solutions,
Inc., its successor; Phyllis Bryan-
Mobley, MD; David A. Steiner,
MD; Cheryl C. Dodds, MD;
Doris Ann Burrell, RN; and
Carolina Care Plan,

Respondents,

RECORD ON APPEAL
VOLUME V



Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: 803.252.2600
Facsimile: 803.771.2259
Attorney for Appellant

April 1, 2015
Columbia, South Carolina

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SC Court of Appeals

Andrew N. Cole, Esquire
Christian Stegmaier, Esquire
Collins & Lacy
PO Box 12487
Columbia, SC 29211
(803) 771-4484
Attorney for Respondents, Three Rivers Behavioral
Health, LLC and Doris Ann Burrell, RN

William H. Davidson, II, Esquire
Andrew F. Lindemann, Esquire
Davidson & Lindemann, P.A.
PO Box 8568
Columbia, SC 29202
(803) 806-8222
Attorney for Respondents, Phyllis Bryan Mobley, MD

James E. Parham, Jr., Esquire
Law Office of James E. Parham, Jr.
PO Box 1576
Irmo, SC 29063
(803) 749-8555
Attorney for Respondent, Cheryl C. Dodds, MD

Kenneth Norman Shaw, Esquire
J. Ben Alexander, Esquire
Sarah Patrick Spruill, Esquire
Haynsworth Sinkler Boyd, P.A.
PO Box 2048
Greenville, SC 29602
(864) 240-3200
Attorney for Respondent, Cheryl C. Dodds, MD

Elloree A. Ganes, Esquire
Mary Angles Hood Craig, Esquire
Deborah Harrison Sheffield, Esquire
Hood Law Firm, LLC
PO Box 1508
Charleston, SC 29402
(843) 577-4435
Attorney for Respondent, David A. Steiner, MD

INDEX

VOLUME I PP. 00001-00584

I. ORDERS

1. Order Granting Summary Judgment as to David A. Steiner, MD, filed 3/21/2014..... Pages 00001-00011
2. Order Granting Partial Summary Judgment in Favor of Defendants Three Rivers Behavioral Health, LLC, Phyllis Bryant-Mobley, MD, and Cheryl C. Dodds, MD, filed 3/7/2014..... Pages 00012-00023
3. Order Granting Summary Judgment in Favor of Defendant Doris Ann Burrell, RN, filed 3/21/2014..... Pages 00024-00031
4. Order on Reconsideration, filed 6/9/2014..... Pages 00032-00035
5. Argoe v. Three Rivers Behavioral Ctr. & Psychiatric Solutions, Op. No. 26844; 388 S.C. 394, 697 S.E.2d 551(2010) [Argoe I].....Pages 00036-00041
6. Argoe v. Three Rivers Behavioral Health, L.L.C., Op. No. 26978; 392 S.C. 462, 710 S.E.2d 67 (2011) [Argoe II].....Pages 00042-00049
7. Order, dated 12/28/2011.....Pages 00050-00054

8. Order, filed 1/5/2010.....	Pages 00055-00071
9. Order, filed 7/3/2008.....	Pages 00072-00090
10. Order, filed 8/25/2008.....	Pages 00091-00098
11. Order, filed 1/22/2007.....	Pages 00099-00102
12. Notification of Emergency Admission Appointment of Designated Examiners, filed 6/13/2005.....	Page 00103
13. Order for Continued Hospitalization and for Hearing, dated 6/13/2005.....	Pages 00104-00105
14. Judgment and Order, dated 6/21/2005.....	Page 00106
15. Order of Detention, dated 6/6/2005.....	Page 00107

II. PLEADINGS

1. Summons and Complaint, filed 6/6/2007.....	Pages 00108-00147
2. Second Amended Complaint, filed 1/10/2012.....	Pages 00148-00161
3. Defendant David A. Steiner, M.D.'s Answer to Plaintiff's Second Amended Complaint (Jury Trial Requested), dated 1/23/2012.....	Pages 00162-00167

4. Answer to Plaintiff's Second Amended Complaint by Defendants Three Rivers Behavioral Health, LLC and Doris Ann Burrell, RN (Jury Trial Demanded), dated 1/23/2012.....Pages 00168-00176
5. Answer to Second Amended Complaint on Behalf of Phyllis Bryant-Mobley, M.D., dated 1/19/2012.....Pages 00169-00185
6. Answer to Second Amended Complaint on Behalf of Defendant Cheryl C. Dodds, M.D., dated 1/13/2012.....Pages 00186-00191
7. Answer to Second Amended Complaint (Jury Trial Demanded), dated 2/3/2012.....Pages 00192-00211

III. MOTIONS

1. Defendant David A. Steiner, M.D.'s Notice of Motion and Motion for Summary Judgment, dated 1/3/2013.....Pages 00212-00214
2. Defendant David A. Steiner, M.D.'s Motion for Summary Judgment, filed 4/3/2008.....Pages 00215-00218
3. Motion for Summary Judgment on Behalf of Defendants Three Rivers Behavioral Health, LLC, and Doris Ann Burrell, R.N., dated November 26,

2012.....	Pages 00219-
00222	
4. Motion for Summary Judgment on Behalf of Defendant, Cheryl C. Dodds, M.D., dated October 1, 2012.....	Pages 00223-
00227	
5. Plaintiff's Motion for Reconsideration (Pertaining to Order Granting Summary Judgment as to David A. Steiner, M.D.), filed 4/7/2014.....	Pages 00228-
00238	
6. Plaintiff's Motion for Reconsideration (Pertaining to Order Granding [sic] Summary in favor of Defendant Doris Ann Burrell, RN), filed 4/7/2014.....	Pages 00239-
00245	
7. Plaintiff's Motion for Reconsideration, filed 3/24/2014.....	Pages 00246-
00256	
8. Motion to Substitute Counsel, filed 9/13/2011.....	Pages 00257-
00261	
9. Motion to File Second Amended Complaint, dated 10/31/2011.....	Pages 00262-
00284	
10. Petition to Vacate Commitment Based Upon Lack of Subject Matter Jurisdiction, dated 3/25/2008.....	Pages 00285-
00308	

11. Notice of Motion and Motion for Summary Judgment, filed	
1/23/2013.....	Pages 00309-
00312	

IV. MEMORANDUM OF LAW

1. Defendants Three Rivers Behavioral Center's and Doris Ann Burrell, RN's	
Memorandum in Support of Motion for Summary Judgment, filed	
8/29/2013.....	Pages 00313-
00326	
2. Memorandum in Support of Defendant David A. Steiner, M.D.'s Motion for	
Summary Judgment, dated 8/29/2013.....	Pages 00327-
00334	
3. Memorandum in Support of Motion for Summary Judgment on Behalf of	
Defendant Phyllis Bryant-Mobley, M.D., dated 8/29/2013.....	Pages 00335-
00413	
4. Memorandum of Law in Opposition to Defendants' Motions for Summary	
Judgment, filed 8/29/2013.....	Pages 00414-
00428	
5. Supplemental Memorandum of Law in Opposition to Defendants' Motions for	
Summary Judgment, dated 10/7/2013.....	Pages 00429-
00438	
6. Memorandum in Opposition of Plaintiff's Motion to File Second Amended	
Complaint, dated 12/5/2011.....	Pages 00439-
00543	

7. Reply to Plaintiff's Motion for Reconsideration of the Grant of Summary
Judgment in Favor of David A. Steiner, MD, dated
4/17/2014.....Pages 00544-
00550
8. Reply to Plaintiff's Motion for Reconsideration of the Grant of Summary
Judgment in Favor of Defendant Doris Ann Burrell, RN, dated
4/10/2014.....Pages 00551-
00563
9. Response to Judge Keesley's Email Dated October 4, 2013 by Defendants, dated
10/7/2013.....Pages 00564-
00584

VOLUME II PP. 00585-01043

V. TRANSCRIPT OF HEARING

1. Motions Hearing Before the Honorable William P. Keesley, Judge, dated
8/29/2013.....Pages 00585-
00671

VI. DEPOSITION TRANSCRIPTS

1. Deposition of Martha Lewin Argoe.....Pages 00672-
01043
Direct Examination by Elore
Ganes, Counsel for Defendant Page 00676
Direct Examination by Shelton
Haile, Counsel for Defendant Page 00785

Direct Examination	by Andrew	
Cole, Counsel for Defendant.....		Page 00789
Direct Examination	by William	
Davidson, Counsel for Defendant.....		Page 00897
Direct Examination	by James	
Parham, Counsel for Defendant.....		Page 00926
Direct Examination	by Andrew	
Richardson, Counsel for Defendant.....		Page 00948
Direct Examination	by Noah Hicks,	
Counsel for Defendant		Page 00952
Re-Examination	by Elore	
Ganes, Counsel for Defendant.....		Page 00954
Re-Examination	by Andrew	
Cole, Counsel for Defendant.....		Page 00958
Re-Examination	by William	
Davidson, Counsel for Defendant.....		Page 00962
Re-Examination	by Andrew	
Richardson, Counsel for Defendant.....		Page 00962

VOLUME III PP. 01044-01570

2. Deposition of Dave Davis, M.D.....		Pages 01044-
		01239
Cross-Examination.....	by Elore	
Ganes, Counsel for Defendant		Page 01048

Cross-Examination.....	by Shelton
Haile, Counsel for Defendant	Page 01096
Cross-Examination.....	by Noah Hicks,
Counsel for Defendant	Page 01096
Cross-Examination.....	by Andrew
Cole, Counsel for Defendant	Page 01097
Cross-Examination.....	by James Davis,
Counsel for Defendant	Page 01161
Cross-Examination.....	by James
Parham, Counsel for Defendant	Page 01188
Recross-Examination	by Elorece
Ganes, Counsel for Defendant	Page 01208
Recross-Examination	by James Davis,
Counsel for Defendant	Page 01208
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01211
Recross-Examination	by James
Parham, Counsel for Defendant	Page 01214
Further Recross-Examination	by James Davis,
Counsel for Defendant	Page 01233
Recross-Examination	by Andrew
Cole, Counsel for Defendant	Page 01235

3. Deposition of Lucinda L. DeBruce.....	Pages 01240-
01385	
Direct Examination	by Andrew
Cole, Counsel for Defendant	Page 01246
Direct Examination	by James
Parham, Counsel for Defendant	Page 01247
Direct Examination	by Elore
Ganes, Counsel for Defendant	Page 01335
Direct Examination	by George
Beighley, Counsel for Defendant	Page 01335
Direct Examination	by David
Demasters, Counsel for Defendant	Page 01335
Direct Examination	by Noah Hicks,
Counsel for Defendant	Page 01336
4. Deposition of Frank Quinn, Ph.D.....	Pages 01386-
01570	
Direct Examination	by James
Parham, Counsel for Defendant	Page 01390
Direct Examination	by Elore Ganes,
Counsel for Defendant	Page 01452
Direct Examination	by Shelton Haile,
Counsel for Defendant	Page 01470

Re-Examination	by Eloreë Ganes,
Counsel for Defendant	Page 01486
Direct Examination	by William
Davidson, Counsel for Defendant	Page 01488
Re- Examination	by James
Parham, Counsel for Defendant	Page 01510
Direct Examination	by Andrew Cole,
Counsel for Defendant	Page 01548

VOLUME IV PP. 01571-02073

5. Deposition of David A. Steiner, M.D.....	Pages 01571-
01712	
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01575
Direct Examination	by Noah Hicks,
Counsel for Defendant	Page 01670
Direct Examination	by Andrew Cole,
Counsel for Defendant	Page 01671
6. Deposition of Doris Ann Burrell, R.N.....	Pages 01713-
01785	
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01717
Direct Examination	by Andrew
Richardson, Counsel for Defendant	Page 01771

Re-Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01774
Direct Examination	by Andrew Cole,
Counsel for Defendant	Page 01779
7. Deposition of Phyllis M. Mobley, M.D.....	Pages 01786-
01955	
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01790
Direct Examination	by Andrew Cole,
Counsel for Defendant	Page 01894
Direct Examination	by Noah Hicks,
Counsel for Defendant	Page 01896
Re-Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01896
8. Deposition of Cheryl C. Dodds, M.D.....	Pages 01956-
02037	
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 01960
9. Deposition of Barbara Ann Seignious.....	Pages 02038-
02073	
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 02041

Direct Examination	by James
Parham, Counsel for Defendant	Page 02053
Direct Examination	by Shelton Haile,
Counsel for Defendant	Page 02058
Direct Examination	by Noah Hicks,
Counsel for Defendant	Page 02058
Direct Examination	by Andrew
Richardson, Counsel for Defendant	Page 02059
Direct Examination	by Brian
Johnson, Counsel for Defendant	Page 02060
Direct Examination	by Andrew Cole,
Counsel for Defendant	Page 02061
Further Examination	by James
Parham, Counsel for Defendant	Page 02071

VOLUME V PP. 02074-02632

10. Deposition of Kent Whitfield.....	Pages 02074-
02115	

Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 02077
Direct Examination	by Shelton Haile,
Counsel for Defendant	Page 02092
Direct Examination	by David
Demasters, Counsel for Defendant	Page 02093

Direct Examination	by Brian Johnson, Counsel for Defendant	Page 02095
Direct Examination	by Andrew Cole, Counsel for Defendant	Page 02096
Direct Examination	by Tracy Dubey, Counsel for Defendant	Page 02107
Direct Examination	by Noah Hicks, Counsel for Defendant	Page 02111
11. Deposition of Gregg J. Colle, M.D.....		Pages 02116-02176
Direct Examination	by Robert Dodson, Counsel for Plaintiff	Page 02120
Direct Examination	by Andrew Cole, Counsel for Defendant	Page 02139
Direct Examination	by Elizabeth Ballentine, Counsel for Defendant	Page 02144
Direct Examination	by James Parham, Counsel for Defendant	Page 02145
Direct Examination	by Shelton Haile, Counsel for Defendant	Page 02149
Direct Examination	by David Demasters, Counsel for Defendant	Page 02149

Direct Examination	by Noah Hicks,
Counsel for Defendant	Page 02150
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 02151
Direct Examination	by James
Parham, Counsel for Defendant	Page 02152
12. Deposition of George Lewis Argoe, Jr.....	Pages 02177-
02285	
Direct Examination	by Jan Warner,
Counsel for Plaintiff	Page 02180
Direct Examination	by Kenneth
Barfield, Counsel for Defendant	Page 02263
Direct Examination	by J. Rice
Ferrelle, Jr., Counsel for Defendant	Page 02271
Direct Examination	by Michael
Pauley, Counsel for Defendant	Page 02272
Re-Examination	by Jan Warner,
Counsel for Plaintiff	Page 02275
Re-Examination	by Michael
Pauley, Counsel for Defendant	Page 02280
Re-examination	by Kenneth
Barfield, Counsel for Defendant	Page 02282

13. Deposition of George Lewis Argoe, III.....	Pages 02286-
02387	
Direct Examination	by Jan Warner,
Counsel for Plaintiff	Page 02289
Direct Examination	by Kenneth
Barfield, Counsel for Defendant	Page 02373
Direct Examination	by J. Rice
Ferrrelle, Jr., Counsel for Defendant	Page 02381
Direct Examination	by Michael
Pauley, Counsel for Defendant	Page 02382
Re-Examination	by Jan Warner,
Counsel for Plaintiff	Page 02384
Re-Examination	by Kenneth
Barfield, Counsel for Defendant	Page 02385
14. Deposition of Donna Marie Schwartz-Watts, M.D.....	Pages 02388-
02510	
Direct Examination	by Robert
Dodson, Counsel for Plaintiff	Page 02391

VII. AFFIDAVITS

1. Affidavit of Dave M. Davis, M.D. filed on Behalf of Plaintiff....	Pages 02511-
02543	
2. Affidavit of Glenn Hooker, M.D.....	Pages 02544-
02547	

3. Affidavit of Phyllis Bryant-Mobley, M.D.....Pages 02548-02557
4. Affidavit of Cheryl C. Dodds, M.D.....Pages 02558-02561

VIII. OTHER MAERIALS OR DOCUMENTS

1. Notice of Appearance, filed 9/13/2011.....Pages 02562-02564
2. Consent Order of Dismissal, filed 7/9/2013.....Pages 02565-02566
3. Joint Stipulation of Dismissal with Prejudice of Carolina Care Plan, Inc., filed 10/2/2013.....Pages 02567-02569
4. Stipulation of Dismissal with Prejudice as to Defendant Psychiatric Solutions, Inc., filed 11/9/2012.....Pages 02570-02571
5. Application for Involuntary Emergency Hospitalization for Mental Illness, dated 6/6/2005.....Pages 02572-02573
6. Certificate of Licensed Physician Examination for Emergency Admission.....Pages 02574-02575

7. Notice of Hearing Appointment of Counsel Appointment of Guardian ad Litem Appointment of Designated Examiners, dated 6/14/2005.....	Pages 02576- 02577
8. Email from Judge William P. Keesley, dated 10/4/2013.....	Pages 02578- 02586
9. Notice of Appeal, filed 7/1/2014.....	Pages 02587- 02627
10. Amended Notice of Appeal, dated 7/15/2014.....	Pages 02628- 02631
IX. CERTIFICATE OF COUNSEL.....	Page 02632

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) FOR THE ELEVENTH JUDICIAL CIRCUIT
) CIVIL ACTION NO.: 2007-CP-32-1981

MARTHA LEWIN ARGOE,)

PLAINTIFF,)

VS.)

THREE RIVERS BEHAVIORAL HEALTH,)
LLC, AND PSYCHIATRIC SOLUTIONS,)
INC., ITS SUCCESSOR, PHYLLIS)
BRYAN-MOBLEY, MD, GLENN HOOKER,)
MD, AIKEN REGIONAL MEDICAL)
CENTER-AURORA PAVILION, DAVID)
A. STEINER, MD, CHERYL C. DODDS)
MD, DORIS ANN BURRELL, RN, AND)
CAROLINA CARE PLAN,)

DEFENDANTS.)

DEPOSITION

OF

KENT WHITFIELD

COPY

DEPOSITION OF KENT WHITFIELD, TAKEN BEFORE LORI
BOGGS REILLY, PROFESSIONAL VERBATIM REPORTER, AND NOTARY
PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT
THE HOUR OF 11:00 A.M., TUESDAY, THE 20TH DAY OF NOVEMBER,
2012, AT COLLINS AND LACY, 1330 LADY STREET, 6TH FLOOR,
COLUMBIA, SOUTH CAROLINA.

 *Verbatim, Inc.*
Professional Court Reporters
info@verbatiminc.com
(803) 787-7242

APPEARANCES

FOR THE PLAINTIFF

ROBERT D. DODSON, ESQUIRE
LAW OFFICES OF ROBERT DODSON, PA
1722 MAIN STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

FOR THE DEFENDANT

CHERYL C. DODDS, MD
TRACY S. DUBEY, ESQUIRE
ATTORNEY AT LAW
220 MINISTRY DRIVE
IRMO, SOUTH CAROLINA 29063

FOR THE DEFENDANT

GLENN HOOKER, MD AND PHYLLIS BRYAN-MOBLEY, MD
DAVID DEMASTERS, ESQUIRE
DAVIDSON & LINDEMANN, PA
1611 DEVONSHIRE DRIVE, SECOND FLOOR
COLUMBIA, SOUTH CAROLINA 29202-8568

FOR THE DEFENDANT

AIKEN REGIONAL MEDICAL CENTERS
SHELTON W. HAILE, ESQUIRE
RICHARDSON PLOWDEN
1900 BARNWELL STREET
COLUMBIA, SOUTH CAROLINA 29201

FOR THE DEFENDANT

CAROLINA CARE PLAN
NOAH M. HICKS, II, ESQUIRE
LAW OFFICES OF NOAH HICKS, II, LLC
1722 MAIN STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

RENEE BOUYE
MEDICAL MUTUAL
LITIGATION MANAGEMENT ANALYST
201 EXECUTIVE CENTER DRIVE
COLUMBIA, SOUTH CAROLINA 29210

FOR THE DEFENDANT
DR. DAVID STEINER
 BRIAN E. JOHNSON, ESQUIRE
 HOOD LAW FIRM, LLC
 172 MEETING STREET
 CHARLESTON, SOUTH CAROLINA 29401

FOR THE DEFENDANT
THREE RIVERS BEHAVIORAL HEALTH
DORIS ANN BURRELL, RN
 ANDREW COLE, ESQUIRE
 COLLINS AND LACY
 1330 LADY STREET, 6TH FLOOR
 COLUMBIA, SOUTH CAROLINA 29201

ALSO PRESENT
 MARTHA LEWIN ARGOE

INDEX

STIPULATIONS-----	4
EXAMINATION BY MR. DODSON-----	4
EXAMINATION BY MR. HAILE-----	19
EXAMINATION BY MR. DEMASTERS-----	20
EXAMINATION BY MR. JOHNSON-----	22
EXAMINATION BY MR. COLE-----	23
EXAMINATION BY MS. DUBEY-----	34
EXAMINATION BY MR. HICKS-----	38
CERTIFICATE-----	41

EXHIBITS

PLAINTIFF'S EXHIBIT NUMBER 1	
INVOLUNTARY EMERGENCY HOSPITALIZATION FOR MENTAL	
ILLNESS-----	16

STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE
RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED
UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE
QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO THE
SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

— — — —

THE READING AND SIGNING OF THIS DEPOSITION IS
WAIVED BY THE DEPONENT AND COUNSEL FOR THE
RESPECTIVE PARTIES.

WHEREUPON, KENT WHITFIELD, BEING DULY SWORN
AND CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND
NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. DODSON:

Q Mr. Whitfield, good morning. My name is Robert Dodson.
I introduced myself to you earlier. We spoke on the
phone --

A Yes, sir.

Q -- for a couple of minutes several weeks ago, but I'm going to just go through some of the rules for a deposition for you. Have you ever given a deposition before?

A No.



1 Q Okay. So let me kind of tell you what a deposition is
2 and about the procedure here today: A deposition is a
3 sworn statement. I'll be asking you questions. You'll
4 be giving me answers under oath. Because it is under
5 oath, you have to understand my question which means I
6 have to ask a good question and sometimes I ask bad
7 questions. So if I -- if you don't understand a
8 question that I ask, just let me know. I'm happy to
9 rephrase it. I'm not here to try to trick you or
10 anything like that.

11 A Well, I won't go to jail after this, right? So --

12 Q No, you're not going to jail.

13 A I'm good to go. I'm good to go, then. I'm good to go.

14 Q Okay. No, you're not going to jail. If it is, it's
15 not anything I did, so. If you need to take a break
16 for any reason, we can do that. Once I'm done asking
17 you questions, the other lawyers around the table may
18 have some questions for you. If you don't understand
19 one of their questions, let them know and they'll --
20 and they'll rephrase it too. Okay?

21 A I got you.

22 Q How do you know Martha Argoe?

23 A I'm a manager at Applebee's, and one of our daily
24 duties is to actually go out and meet and greet people.
25 So I know her from Applebee's as being a frequent



1 luncheoner actually. She just normally came to do
2 lunch.

3 Q Okay.

4 A During that time, as a manager, you want to go through
5 and instruct your employees on how to entertain guests
6 and do everything that they're supposed to do.

7 Q All right.

8 A One of the things that we pointed out about Martha is
9 she always came in and drank a sweet tea and an
10 oriental salad.

11 Q Okay.

12 A No one knew her name. No one even talked to her.
13 Because when she came in, they would greet her, how are
14 you doing, what's going on. They would take her to a
15 table. She would already, pretty much already know
16 exactly what she was going to eat. And I pointed that
17 out in one of our power shifts. And our power shifts
18 are how are we going to get our shift going and
19 whatever -- one of the things that we want to do. Like
20 our new campaign now is "See you tomorrow." No one
21 knew her name. So I pointed that out. I said, we know
22 what she'll eat, we'll know what she'll tip, we'll know
23 what she'll do, and we'll know what she'll drink but no
24 one knows her name. So I made it a point, myself, to
25 actually go up and talk to her.

1 Q Okay.

2 A To show the employees that we could do that. And
3 that's how we became, I would say, lunch friends.

4 Q Okay. All right.

5 A So I knew her -- I knew her from that.

6 Q So she was a regular customer --

7 A Uh-huh.

8 Q -- at Applebee's?

9 A Yes, sir.

10 Q Okay. And I want to ask you some questions about
11 Martha going back to the year 2004 and kind of the
12 first month -- first six months of 2005. How often
13 during that time would Martha come into the restaurant?

14 A I would say a minimum of one to two times, sometimes
15 maybe three, but normally about one or two times a
16 week.

17 Q Okay. Okay. Was her husband, Lou, ever with her when
18 she came in?

19 A They came in a couple times during the evening time,
20 which was -- which was usually a shift. At that time I
21 was either getting ready to leave --

22 Q Okay.

23 A -- or -- or going. And that's how I met him.

24 Q Okay. Did Martha ever order any alcohol when she was
25 in the restaurant?

1 A Never.

2 Q Okay. What about her husband, Lou? Did Lou ever order
3 alcohol?

4 A A couple of times here or there. At minimum about --
5 probably every time he came in, but a minimum of at
6 least two to three sometimes.

7 Q Okay. Okay. And so a minimum of two to three drinks
8 every time he'd come in?

9 A About two. Yeah, about two. Usually as soon as he sat
10 down.

11 Q And did you ever witness Lou becoming belligerent in
12 the restaurant?

13 A Lou -- when you and -- of course it's my job to
14 actually say something. And I knew her, and that's how
15 I met him, but when you went to the table --
16 oftentimes, sometimes you were called to the table.
17 You weren't -- you didn't just drive by and say, hey,
18 how are you doing today --

19 Q Right.

20 A -- usually you were called to the table. And during
21 those times it was usually just to say hello, wanted to
22 know if I was there, and we talked but normally he
23 would always take control of the conversation. So
24 whatever Lou wanted to talk about was what we talked
25 about.

- 1 Q Did Lou ever create any kind of disturbance in the
2 restaurant?
- 3 A Just -- just in tone, becoming louder, trying to take
4 control. Like I said, if you were to go in there and
5 say hey, what's up, and then it would be his -- he
6 would just be center stage, I guess is what you would
7 say. Not -- it's not as far as, like, you know, having
8 to throw him out or anything like that.
- 9 Q Right.
- 10 A No, it was never like that.
- 11 Q Okay. Did Martha ever get out of line when she was in
12 the restaurant?
- 13 A Never.
- 14 Q Okay.
- 15 A That was one of the key points about nobody knowing her
16 name is because we like to take people out of their
17 environment, bring them into our environment. It's
18 kind of what we try to do. It's a bar and grill. And
19 she would have the -- a headset on --
- 20 Q Uh-huh.
- 21 A -- and -- and you'd -- you usually didn't want to
22 interrupt her because she was listening to -- a lot of
23 it was inspirational stuff is what she was listening
24 to. Because I asked her what kind of book she was
25 reading one time, and she told me the bible and some

1 other things like that. But, no, never -- never did
2 she ever order alcohol, but the conversations were
3 never her conversations either.

4 Q Okay. Can you explain what you mean by that?

5 A When you went to the table, you talked to Lou. She --
6 you would always try and get the table to talk, and
7 then you'd ask her a question and it was back to him.
8 Back, you know, the conversation back.

9 Q Did you ever see Martha brandish a gun inside the
10 restaurant --

11 A Never.

12 Q -- or outside the restaurant?

13 A Never.

14 Q Did you ever see Martha point a gun at any -- at anyone
15 at any time?

16 A I'm going to be honest with you. I'd probably call the
17 cops. And being an ex-Marine, I probably would have
18 done a little bit more.

19 Q Did Martha ever show you a handgun?

20 A Never.

21 Q Did she ever even tell you that she had a handgun?

22 A Never.

23 Q Did you know Martha had a handgun?

24 A Never.

25 Q Okay. When Martha was in the restaurant, did she ever

1 threaten to kill anyone?

2 A No.

3 Q Did she ever threaten to hurt anyone?

4 A No.

5 Q Did she ever threaten to kill herself?

6 A No.

7 Q When you would talk to her, did she ever talk about
8 suicide in general?

9 A No. The happy disposition that I saw when I walked in
10 and she said, "Hello, Kent, you haven't seen me for a
11 while," is the same Martha I remember from back then.

12 Q Had she ever talked to you at all about not wanting to
13 live, or the world would be a better place without her,
14 or anything like that?

15 A No. A cheery disposition is what she always
16 maintained.

17 Q Okay. Did Martha ever talk about hurting herself?

18 A No, sir.

19 Q Did you ever witness Martha engaging in any kind of
20 unreasonable or dangerous activities?

21 A No.

22 Q Okay. Did you ever witness Martha engaged in any kind
23 of self-destructive activities like drugs or alcohol
24 abuse or anything like that?

25 A No, sir.

1 Q Okay. Did Martha's disposition seem angry or like she
2 wanted to harm another person, based on your
3 observations?

4 A No, sir.

5 Q Based on your personal observations of Martha in 2004
6 and the first six months of 2005, did it ever seem to
7 you that she was a danger to herself or other people?

8 A No, sir.

9 MR. COLE: Object to form.

10 BY MR. DODSON:

11 Q And if you hear, and I didn't tell you this earlier.
12 If you hear the other lawyers make an objection, you
13 can still answer the question. They're just putting
14 that on the -- the record.

15 A Oh, okay.

16 Q Okay. In your interactions with Martha, did she ever
17 seem suspicious?

18 A No, sir.

19 Q Did she seem paranoid?

20 A No, sir.

21 Q Did she believe that people were out to get her or out
22 to hurt her?

23 A I doubt she'd go out in public, sir.

24 Q Did she ever tell you that she thought people were
25 spying on her?

- 1 A No. No, not at all.
- 2 Q Did she ever tell you people were bugging her house?
- 3 A No, sir.
- 4 Q Did she ever seem like she was overly fearful of
- 5 people?
- 6 A No, sir.
- 7 Q Do you know what the term hallucination means?
- 8 A Yes, sir.
- 9 Q Okay. Did Martha ever do anything, did you ever
- 10 observe anything in her behavior that would indicate
- 11 she was hallucinating?
- 12 A No, sir.
- 13 Q Okay. Did she ever claim to see witches and warlocks?
- 14 A No, sir.
- 15 Q Did she ever even mention the term witches and warlocks
- 16 to you?
- 17 A No, sir.
- 18 Q When you interacted with Martha, how was her personal
- 19 hygiene? Did she appear neat and clean like she is
- 20 today or did she appear unkept and disheveled?
- 21 A Her hair was a lot shorter than that. It was more of a
- 22 -- what do you call it? I want to say a bob. I don't
- 23 know the hair names, but it was more of a thing and
- 24 actually a lot thicker back then. But, yeah, it was
- 25 more of in a bob and it was always perfect, I would --

1 Q Okay.

2 A -- would actually say.

3 Q Okay. So did she always appear neat and tidy to you?

4 A Uh-huh. Uh-huh. Actually, dressed like a
5 businesswoman. I didn't know -- we'd never really --
6 never really got that far. It was usually her lunch
7 break and -- and that's what I always assumed with her.

8 Q Okay. Did you ever witness any behavior from Martha
9 that you thought was odd or unusual?

10 A No, and she normally sat with the same server. They
11 would rotate sections but usually it was the same
12 daytime crowd. I couldn't remember any of their names
13 back then but, yes, she was -- she would have said --
14 they would have noticed it too. They would have said
15 something to me.

16 Q Okay. Did anyone ever say anything to you about her
17 behavior?

18 A Never.

19 Q In your personal observations of Martha, did she seem
20 rational and sane to you?

21 A Yes.

22 MR. COLE: Object to the form.

23 BY MR. DODSON:

24 Q Did you ever personally witness any behavior that you
25 thought was irrational or insane?

1 A No, sir.

2 Q And based on your observations of Martha, do you think
3 that she needed to be locked up because she was a
4 danger to herself or other people?

5 A No, sir.

6 MR. COLE: Object to the form.

7 MS. DUBEY: Object to form.

8 BY MR. DODSON:

9 Q And can you tell me why not?

10 A On a normal, everyday basis, I'm usually very busy, but
11 again, like we're supposed to walk around the dining
12 room and just -- and talk with the -- the guests.
13 Every time she came in, she patiently waited at the
14 door. If the server knew who she was by face and by
15 her coming in and ordering the same thing every day,
16 they would normally point to the same table and she
17 would automatically go to basically the same table
18 every time. It's a little two-top right at the top,
19 good lighting right there because you have both lights
20 coming in right there, and they would come in there.
21 Sometimes they would automatically bring her sweet tea
22 to her and -- but if there was nobody at the front
23 door, she would wait patiently until she was sat.

24 Q Okay.

25 MR. DODSON: (TO COURT REPORTER) I want you



1 to mark this as Exhibit 1. This is just the
2 application for involuntary emergency hospitalization
3 for mental illness.

4 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 1 FOR IDENTIFICATION
5 PURPOSES, INVOLUNTARY EMERGENCY HOSPITALIZATION FOR
6 MENTAL ILLNESS)

7 BY MR. DODSON:

8 Q Mr. Whitfield, I'm going to show you what I've marked
9 as Plaintiff's Exhibit Number 1. You've probably never
10 seen this so just take some time if you would. And I
11 specifically want to direct your attention to the part
12 in the middle of the page that's handwritten in there.
13 If you would just read that where it starts, "Martha
14 carries a handgun."

15 A Oh, okay. That's where I was. That was -- so stop
16 there?

17 Q Well, you can read -- yeah, you can read the whole
18 thing if you want to. You can keep that for now.

19 A Oh.

20 Q And my question is, you've had time to look at what is
21 written about Martha.

22 A Yeah.

23 Q And I'll represent to you this was completed by her
24 husband, Lou. Did the things that are written in here
25 -- did those sound true to you based on your

1 observations of Martha?

2 A It wouldn't even be the same person. I don't know who
3 this person would be.

4 Q Okay. Did anyone ever call you and ask you if the
5 things that are written on this paper, Exhibit 1, were
6 true?

7 A No, sir.

8 Q What about Dr. David Steiner? Did Dr. Steiner ever
9 contact you and ask you about any of these things that
10 are written on this paper?

11 A No, sir.

12 Q And what about Dr. Phyllis Mobley? Did somebody named
13 Dr. Mobley ever call you and ask you about the things
14 that are written on this paper?

15 A No, sir.

16 Q What about a doctor named Cheryl Dodds? Did Dr. Dodds
17 ever call you and ask you about the things that were
18 written on this paper?

19 A No, sir.

20 Q Did a nurse named Doris Ann Burrell, did she ever ask
21 you about the things that are written on this paper and
22 whether they were true?

23 A No, sir.

24 Q Did you ever get a call of any kind from any of the
25 doctors or the nurses from Aurora Pavilion or Three

1 Rivers about what's written on this paper?

2 A No, sir.

3 Q Had anybody called you on the telephone and asked you
4 about these things and asked you if these things were
5 true, what would you have told them back then?

6 A I would -- first of all, I would have looked at myself
7 in a legal standpoint and probably wouldn't have
8 answered any questions anyway.

9 Q Okay.

10 A You know, it's just not -- that's not something that we
11 would do.

12 Q Okay. If somebody had asked you sort of like we're
13 doing here today if these things are true, in a court-
14 type proceeding, if you had been subpoenaed or
15 something in a court-type proceeding, what would you
16 have told them about whether these things are true or
17 not?

18 A You mean if I had to raise my hand and say I'd tell the
19 truth, the whole truth?

20 Q Yes, sir.

21 A I would say I don't even know who this person that
22 you're talking about is. It's not the Martha I know.

23 Q Okay. Thank you, sir. I don't think I have any
24 further questions for you but some of the other lawyers
25 may.

1 A No problem.

2 MS. DUBEY: I'll go, later.

3 EXAMINATION

4 BY MR. HAILE:

5 Q Mr. Whitfield, my name is Shelton Haile. I represent
6 the Aiken Regional Medical Centers in this lawsuit.

7 A Okay.

8 Q Do you have any knowledge of Ms. Argoe's involuntary
9 commitment back in 2005?

10 A Not until after the fact. Not until like a month ago.

11 Q When you say a month ago, is that when you talked to
12 Mr. Dodson on the phone?

13 A Yeah.

14 Q What did you all talk about?

15 A He just wanted to know if I would do a deposition, if I
16 remembered her from -- from Applebee's.

17 Q Have you ever -- I think you answered this, but I want
18 to make sure. Have you ever spoken to anyone from
19 Aiken Regional Medical Centers about Ms. Argoe?

20 A No, sir.

21 Q When is the last time you saw Ms. Argoe before June the
22 8th, 2005?

23 A 2005? I never saw her anywhere else but Applebee's.

24 Q No, I mean, you know, time. When is the last time you
25 saw her before that date, if you know? Was it a week

1 before, a month before, two months before, or do you
2 have any idea?

3 A No, she just stopped coming in for lunch.

4 Q Okay. Did you ever interact with Ms. Argoe outside of
5 the Applebee's Restaurant?

6 A No, sir.

7 Q Never?

8 A Never.

9 Q Do you have any idea what her behavior was like when
10 she wasn't inside the Applebee's Restaurant?

11 A No, sir. I don't.

12 MR. COLE: Those are the only questions I
13 have for you. Thank you.

14 EXAMINATION

15 BY MR. DEMASTERS:

16 Q Good afternoon, Mr. Whitfield. My name is David
17 Demasters and I represent Dr. Mobley. Do you have any
18 training in psychology, psychiatry, or mental health
19 counseling?

20 A No, sir.

21 Q Have you ever been licensed in any kind of specialty?

22 A No. Just been given courses as far as when -- what to
23 do and what not to do under combat. I was in Desert
24 Shield/Desert Storm.

25 Q Thank you for your service.

1 A Yeah.

2 Q Before today, when was the last time you'd seen Ms.
3 Argoe?

4 A Again, back 2005'ish.

5 Q So you haven't had any communication with Ms. Argoe
6 since her release?

7 A No -- I did have a phone call. To be honest with you,
8 I did have a phone call only asking if I would give
9 this deposition and if I remembered her, and that was
10 it.

11 Q Okay. Now, when Ms. Argoe came into Applebee's, how
12 much time did you spend talking to her each time she
13 came in there?

14 A I would say, average, it could be -- depending on the
15 business now because, you know, we get busy.

16 Q Right.

17 A So it could be five minutes, but then again, if it was
18 slow, and back then it was -- you know, it was kind of
19 slow. Based on what day she would come in, I could
20 spend, shoot, 30 minutes talking to her. Because
21 normally I would just -- if I had -- if I had to get
22 anything out of a beer cooler or anything like that
23 during lunch, it was never really an issue. So I never
24 really had to leave the front of the house dining room.
25 We had another manager in the back during the kitchen

1 time, making sure the food came out. So really, all I
2 had to do was be out in front.

3 Q Thank you.

4 A Uh-huh.

5 Q Have you ever heard of Dr. Phyllis Mobley before today?

6 A No, sir.

7 Q Do you know what kind of role she played in Ms. Argoe's
8 care?

9 A No, sir.

10 MR. DEMASTERS: Okay. Thank you. That's all
11 the questions I have for you.

12 EXAMINATION

13 BY MR. JOHNSON:

14 Q Good morning, Mr. Whitfield. I'm Brian Johnson. I
15 represent Dr. David Steiner, and I'll try not to repeat
16 any of the previous questions. I take it you do not
17 know who Dr. David Steiner is?

18 A No, sir.

19 Q And do not know what his role was in Ms. Argoe's care?

20 A No.

21 Q Do you recall approximately when you first met Ms.
22 Argoe?

23 A It could have been as early as 2003. I've been in that
24 store -- I was in -- I was at that store for ten years.
25 I started in 19- -- March 4th. I started with this

1 company March 4th of 1999, and then I hadn't left there
2 -- I have just returned back to that store probably
3 three, maybe four months ago -- about four months ago -
4 - and was still working for Applebee's, but I had moved
5 to the Columbia, Broad River Road location, the
6 Applebee's there, and I was there for approximately
7 four years. So I had -- realistically, I haven't had
8 any contact with anybody, you know, except for the
9 last, you know, months or so. I did leave -- like I
10 said, I left 2006, 2007 -- 2007, I guess. Because I
11 was there about three, four years.

12 MR. JOHNSON: I think that's all the
13 questions I have. Thank you.

14 EXAMINATION

15 BY MR. COLE

16 Q Good morning -- or afternoon.

17 A Good morning, sir.

18 Q I'll be quick. My name is Andrew Cole and I'm here on
19 behalf of Three Rivers Behavioral Health, as well as
20 Nurse Burrell. First, I would expect you do not know
21 Nurse Burrell?

22 A Correct, sir.

23 Q Okay. Do you know Three Rivers?

24 A I've only heard of it just in, like, maybe a couple of
25 commercials here or there, but I've never --

1 Q Do you know where it is?

2 A No, sir.

3 Q And you don't know what they do there?

4 A I mean -- I'm going to be honest with you, if I'm not
5 mistaken, Three Rivers is a rehabilitation center as
6 far as I would -- I would have liked to have thought
7 that it dealt with drug abuse or, you know, alcohol
8 abuse is what I thought it did.

9 Q I think they can do all sorts of things, and that's one
10 of those.

11 A Right.

12 Q You probably saw a commercial about that.

13 A Well, you can read into some of the commercials when
14 they say that you need help and --

15 Q Yes.

16 A -- you know someone that needs help.

17 Q I want to get a little bit more of your background.
18 After you graduated from high school, is that when you
19 went into the military?

20 A No, sir. I actually experienced in drug, sex, and rock
21 and roll for about two years, sir.

22 Q Okay.

23 A I was 18. I was 18. I -- I graduated mid -- I
24 graduated mid-term from Southport High School. I was
25 expected to go into the military right after that. Had

1 a breakup with my girlfriend, had a good time. On a
2 fluke, went down to Florida with my roommate. I
3 started grouting and then realized that I was getting
4 nowhere in life quick, so I went to the Marine
5 recruiter. I actually called them and said when can I
6 get on the next bus. So I got on the next bus, and
7 that was early -- I would say '85 -- about '85, 1985.

8 I went in, like I said, went through barracks duty
9 training in Puerto Rico, then went to Camp Pendleton,
10 California, for the Fleet Marine Force. As soon as I
11 walked in the door, became the -- we would call them
12 the company jerk, but I was the company clerk. Went on
13 a WESTPAC, which is going across overseas. Came back
14 from that. Was promoted to battalion training NCO.
15 Did training records for over 1,300 marines. After
16 that, we did Desert Shield/Desert Storm. When I got
17 back from that, Division ISMO came by and they are the
18 Information Services Management Office, G6's,
19 communications. G6'd a battalion inspection of all of
20 our computer gear when it came back off of the WESTPAC,
21 Desert Shield/Desert Storm.

22 Their main thing is just to make sure that we
23 don't have any illegal software, that we're running
24 everything that we're supposed to do. I've got top-
25 notch and, again, got promoted to G6, Division ISMO,

1 where I trained generals and lieutenants and gunnery
2 sergeants who didn't know where to press the
3 (INAUDIBLE) key.

4 Q Okay.

5 A And after that, I went to Quantico. I completed a
6 computer training course. I tried to get a change over
7 into my MOS to get into communications, into computers.
8 They wouldn't do it, said I had to either go to
9 recruiting or the drill field. And at that time I had
10 a two-year-old son, didn't feel like missing anymore of
11 his life, got out, and then got divorced because my
12 wife really liked the military life. Instead of me not
13 being home, she kind of liked me away from home I
14 guess.

15 So -- and now I've been remarried. I have a total
16 of four children. Been working for Applebee's for --
17 on and off now. I joined Ryan's Family Steakhouse when
18 it was a first concept, got promoted from general
19 manager -- or I got promoted from the Fayetteville
20 store in Raleigh, North -- or Fayetteville, North
21 Carolina. Got promoted from an assistant manager to a
22 general manager and given a brand new store in
23 Orangeburg, South Carolina, as a general manager. I
24 was with Ryan's for two and a half years. I probably
25 have one of the best track records any manager's ever

1 had.

2 Went from there, and we have all kinds of courses
3 there dealing with guests, dealing with good -- good
4 customers, bad customers. How to deal with drunk
5 customers. How to deal with crying babies. You know,
6 they -- they do get -- we do get a few courses here and
7 there. And now I have left Ryan's, went to Applebee's.
8 Within three years, I actually asked to be general
9 manager. Left that Applebee's, went to Lone Star to
10 see if I could try and get, you know, a jump in raise
11 and make more money, and realized that Applebee's was
12 my place to be, so reconnected with Applebee's in South
13 Carolina. I've lived in the same location for 15
14 years.

15 Q Is that St. Matthews?

16 A St. Matthews.

17 Q And your high school, was that in Indiana?

18 A Indiana. Yes, sir.

19 Q And your -- you were just basically a young kid,
20 playing around, and you sounded like you were doing
21 like construction, low level construction work --

22 A Yes, sir. I'd been working since I was 15. I helped
23 grout and tile inside of a Waffle House when they first
24 -- and I thought they were going to hire me because I
25 was 15, and when they opened they said we no longer

1 have a position for you. So -- then I realized at an
2 early age I was never going to make the money I was
3 going to make at, you know, 16 without -- 17, 18
4 without a high school -- you know, without a college
5 degree.

6 My brother went to Annapolis, so he got the free
7 ride. I didn't get the free ride, and decided that I
8 was going to go my grandfather's way and, you know,
9 work my way through and make my money just putting in a
10 hard day's work.

11 Q So after high school, no formal education?

12 A No. Never stepped on a college campus --

13 Q All right.

14 A -- unless it was a keg party or something.

15 Q These courses you said you took, I guess at Ryan's and
16 Applebee's, those were training courses --

17 A Uh-huh.

18 Q -- that you were describing?

19 A Yeah. They had -- they give you -- they're like three-
20 day counseling -- you know, three-day seminars on how
21 to deal with people and all that, but no -- no real
22 formal education. To answer anybody's question, I
23 don't have a degree in anything except a high school
24 diploma, and I've got a DD 214 that lets me know I did
25 my service to the United States Marine Corps.

1 Q Honorable discharge?

2 A Oh, yes, sir. Yes, sir.

3 Q For these courses that you took, did you get
4 certificates or anything like that?

5 A No, sir. Just signed off, you don't have to come to
6 these courses ever again, and then they bring in the
7 next group of managers that come in and do the same
8 thing. It's to keep us up because we have to do, like
9 -- responsible service of alcohol, if you have -- and I
10 know -- I don't know how the -- the newspaper for
11 lawyers works but whenever you have third-party
12 liability, that becomes a big deal to a restaurant.
13 And so they really want you to take these courses over
14 and over again because you have to be able to know that
15 you left -- or let that person leave in good condition
16 or in bad condition.

17 And I've not been part of, but I've been in a
18 restaurant that did over-serve and a person did get
19 into an accident and they did win some money, and they
20 should have because they -- they were over-served. But
21 they were -- the bartender was told that, "Hey, I'm --
22 I'm leaving with this guy, this guy is my ride," and
23 ended up coming back for his car, and that's where we
24 really dropped the ball on that one. We should have
25 made sure there was no way he could drive his car.

1 Q And my understanding is that Ms. Argoe was a regular
2 lunch visitor at your Applebee's that you were the
3 manager of in Orangeburg?

4 A Yes, sir.

5 Q Okay. Where exactly is that? Is that the one just off
6 the highway or is that --

7 A When you go into Orangeburg, it's actually in the --
8 like in the weirdest location. When you come in,
9 there's two ways to get there. You can come in off of
10 Old Columbia Road. So if you were driving from 26 from
11 Columbia, you'd get off at Exit, like, 139, and then
12 you'd turn there, and that's Old Columbia Road, and
13 just go straight and then you'd turn left -- turn
14 right. But if you went all the way to the Orangeburg
15 Exit, you would go to Exit, I think, 145 and then it's
16 way off the beaten path. You pass Ruby Tuesday --
17 you'd pass too many places to eat. You wouldn't even
18 find -- you wouldn't even stop, you'd just -- let's
19 just eat here. You wouldn't even find us off the -- of
20 the -- off the main highway. We were the third
21 restaurant in Orangeburg.

22 Orangeburg -- I don't know if anybody knows.
23 Orangeburg is made of old money. It's a -- it's got a
24 fence around it. It's like a weird place to live.
25 They -- they have their own way of life there and when

1 -- when Orangeburg -- when -- Orangeburg is like -- I'm
2 going to be honest with you. If you came from places
3 I've been -- I've lived in New York, New Jersey,
4 Colorado, you know, California when I was in the
5 marines, and I've traveled all over, I lived in
6 Florida, and then I've traveled all over the -- the
7 world, and Orangeburg is like the weirdest place in the
8 world. I'm going to be honest with you. I'm going to
9 be honest with you.

10 And the first restaurant that was in there was --
11 you know, and I know you've seen them. Lizard's
12 Thicket was one of the first ones. The old time
13 Quincy's was in there, the buffet style restaurant.
14 Those were the two main restaurants. And then you had
15 Chestnut Grill, and they're owned by the Albergotti's
16 and the Albergotti's are out from Beaufort area. Those
17 were like the three main restaurants. Red Lobster
18 moves in, then Applebee's moves in, and then I moved in
19 with Ryan's. Lizard's Thicket had a death, so they
20 closed the restaurant. They had a shooting in the
21 parking lot. Quincy's --

22 Q How far away is that from your Applebee's?

23 A That's -- I want to say it was probably about four or
24 five miles from our Applebee's, but then the Quincy's
25 was on the -- way on the other side of town, and when

1 Ryan's opened up, Quincy's went to the wayside. They
2 turned into another restaurant and, yeah, so with --
3 with, you know, the way Applebee's -- or the way Ryan's
4 ran businesses, they owned everything as soon as they
5 walked in. So as soon as they opened up their door,
6 they were making a profit.

7 Q You didn't have any shootings at your Applebee's then?

8 A No. No, sir. No, sir. Usually I try to stop the -- I
9 get -- I get a little bit more -- I want to say irate
10 when it becomes more of a club than it becomes a
11 restaurant, and I know our guests appreciate the fact
12 that we try to keep the language, we try to keep the
13 patrons down at the bar to a minimum. We want them to
14 have fun but we don't want to have fun at the expense
15 of a five-year-old girl who was there that just heard
16 you throw out a couple of MF'ers and --

17 Q Uh-huh.

18 A -- F-bombs. We kind of want to stay away from that.

19 Q Is that in a good or one of the not-so-safe parts of
20 town?

21 A No, that -- that's where Walmart is. So wherever
22 Walmart's at, you're going to find a good
23 establishment. That side of town is -- again, it's
24 surrounded by the old neighborhoods. Ryan -- Red
25 Lobster, Applebee's, and -- that's the good -- that's

1 the good side of town. I'm going to be honest with
2 you, the -- if you were to buy a house, the real estate
3 there is more expensive. That's what I mean. It's not
4 -- regardless you still have a diversified, you know,
5 community there.

6 Q So other than your experience seeing Ms. Argoe for
7 lunch and occasionally at dinner, you don't know her
8 outside of that environment?

9 A No, but like I said, we're talking -- you know, in my
10 mind it was a year or so that she came in for lunch
11 every -- ever other day or every -- you know, at least
12 two or three times a day to actually see her. So
13 outside of it, no. No idea.

14 Q Since 2005, have you seen her other than seeing her
15 today?

16 A It's my very first time I've seen her.

17 Q And when you were having the conversation with Mr.
18 Dodson, what did he tell you was the reason for that,
19 that that he wanted you to testify?

20 A He wanted me to testify on how I remembered her.
21 Basically that was about it. He did mention that there
22 was -- I want to say that there was a legality issue as
23 far as -- and did I -- or did I know anything about her
24 medically, and that was about it.

25 Q And you said you don't?

1 A I haven't talked to anybody except for - (TO MR.
2 DODSON) your secretary. I don't know who that is.
3 Tracy or something like that.

4 Q And prior to June of 2005, you don't recall about what
5 time period before that you might have seen her?

6 A No. I mean, not -- I mean, I couldn't ever put down a
7 date or anything like that, or a month or anything like
8 that.

9 MR. COLE: Okay. Thank you. That's all the
10 questions I have.

11 EXAMINATION

12 BY MS. DUBEY:

13 Q Mr. Whitfield, my name is Tracy Dubey and I am here on
14 behalf of Dr. Dodds, who is one of doctors named in the
15 complaint. I have a couple questions for you. Earlier
16 you mentioned that Mr. Argoe, when he would come in, he
17 would bring the conversation back to himself.

18 A Uh-huh.

19 Q And I got the impression that Ms. Argoe gave you a
20 different impression of herself. Can you explain to me
21 a little bit more about how your conversations with Ms.
22 Argoe were different than Mr. Argoe's conversations?

23 A Well, hers were normally just about everyday things,
24 like what's going on, how have you been, what's -- what
25 -- you know, what book are you reading. Things like

1 that on a normal -- you know, normal -- you know, is
2 everything being -- doing all right, things like that,
3 just out of the blue. It could have been about
4 flowers, it could have been about anything. But I
5 heard more about Lou's boat than I ever wanted to hear
6 about a boat, and the long travels that it took for him
7 to bring it, and the amount of money that it took to
8 spend. And it's just tiresome on that.

9 Q Okay.

10 A The conversation was always much more happier --

11 Q With Ms. Argoe?

12 A Yes.

13 Q Okay.

14 A Yes, yes. They were -- well, they were varied. You
15 know, it could have been about shopping, it could have
16 been about Christmas time, it could have been about any
17 of those things. It wasn't just over, you know, how
18 you been, what's going on, then walk away. Usually it
19 was -- it was, you know, did you hear about -- we'd
20 talked about the news, you know, a lot of things. We
21 had -- if I'm not mistaken, we had an ice storm not too
22 -- around that time, we've had -- you know, and I'm
23 kind of like, you know, myself, where we would talk,
24 and I would always bring up the -- you know, my kids,
25 things that go along with that. So those were our

1 conversations.

2 Q Did she ask you a lot of things about your personal
3 life?

4 A She never -- no, she never -- like, prying or anything
5 like that, no. You never -- she never got to the point
6 of where -- it would just be -- things that would never
7 go further than, you know, four walls at our -- at an
8 Applebee's. You know, how's it going, you know -- you
9 know, did you read the news today, you know, or -- you
10 know, did you hear about that. But, you know, we
11 didn't get onto -- like I couldn't tell you who her
12 favorite football team was or anything like that.

13 Q Okay. Did she ever talk to you about her relationship
14 with her husband?

15 A No. I mean, not -- not -- you could just see the --
16 the only time that I ever knew anything really about
17 her relationship with her husband is just her demeanor
18 in the restaurant versus when I saw her for lunch,
19 versus the demeanor that I saw with her and her
20 husband, different. Different atmosphere, not the same
21 person that I talked to for lunch, but it wasn't -- I
22 mean, it wasn't -- it wasn't something that I would
23 walk away from the table and -- and -- you know, one
24 time I remember walking my -- head -- and shook my head
25 away from the table is after I -- you know, a very long

1 discussion with Lou, and that was it.

2 Q Okay. And did Ms. Argoe ever tell you -- you mentioned
3 earlier that she would come in and you got the
4 impression that she was dressed professionally. Did
5 you know where she worked?

6 A No, I did not.

7 Q Did you know if she had a job outside the home?

8 A No, just know you -- she always -- it was -- I want to
9 say that it was always a -- pretty much the same time
10 every time, lunch time. It wasn't like it was at 3:00
11 one day and 1:00 the next day or 11:00. It was pretty
12 prompt. And like I said, the conversations were just,
13 hey, how's it -- how's it going, and if she could talk
14 longer, she would talk longer. But if we didn't have
15 the time or I didn't have the time, we'd -- I got to go
16 back to work now.

17 Q Okay. How about her son? Did you know Ms. Argoe had a
18 son?

19 A No, ma'am.

20 Q And did she ever tell you where she lived or --

21 A No, ma'am.

22 Q -- no?

23 A Well, I mean, it was -- you know, we knew -- I knew she
24 lived in Orangeburg. But I didn't know that -- she
25 knew I lived in St. Matthews. That was it.

1 Q Okay.

2 A You know, it's --

3 Q Would you say that you -- would you characterize your
4 relationship with her as knowing her well?

5 A No. I wouldn't say I know her better than -- I mean,
6 she probably knows a lot of people. I mean, a lot of
7 other people probably know her a lot better than I do.
8 Again, we're talking casual conversations in the
9 restaurant. She's trying to eat lunch. You're trying
10 to just gain her attention until her food comes and
11 then after lunch is finished if you have time to talk,
12 you have time to talk.

13 Q Okay. All right. And do you know -- are you familiar
14 with Dr. Dodds or have anything -- any knowledge about
15 the care or treatment Dr. Dodds provided Ms. Argoe?

16 A No, ma'am.

17 Q That's all the questions I have. Thank you.

18 A You're welcome.

19 EXAMINATION

20 BY MR. HICKS:

21 Q I'm here in the back. My name is Chip Hicks. I
22 represent Carolina Care Plan. Do you know what
23 Carolina Care Plan is?

24 A I think I've got it on my -- well, I've got a Preferred
25 Blue, but I think I've seen Carolina Care Plan on there

1 too.

2 Q The health benefits?

3 A Yeah. Yes, sir.

4 Q And I'll be real brief. Do you recall whether Ms.
5 Argoe came into your restaurant with friends from time
6 to time or was her -- do you remember? Did she have
7 dining companions on a regular basis?

8 A No, sir. No, sir.

9 Q Okay. And I think Mr. Cole may have gone over this,
10 but can you just briefly explain to me how you can be
11 sure to pin down the time that you remember seeing her
12 last?

13 A Like I said, I can't tell you if it was in 2004 or
14 2005. I can just say that she just stopped coming.
15 That's all I know. You know, and sometimes, you know,
16 we just have people -- you know, God forbid, we've --
17 I've had other people come in two and three years later
18 and found out that their spouse died, and it's taken
19 them that long to come back to Applebee's so, you know.

20 Q I got you. And do you recall, generally, in terms of
21 the servers and the folks that worked with Ms. Argoe,
22 do you recall any impressions that you may have gotten
23 from those folks?

24 A I mean, as far as anything out of the ordinary than a
25 normal lunch experience? No, sir.

1 Q All right.

2 A Yes, sir.

3 MR. HICKS: No other questions.

4 MR. DODSON: I have no other questions.

5 MS. DUBEY: No questions.

6 (WHEREUPON, THE DEPOSITIONS CONCLUDED AT 11:50 A.M.)

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CERTIFICATE

This is to certify that the foregoing deposition of KENT WHITFIELD, consisting of 40 pages is a true and correct transcript of the testimony given by said deponent after first being duly sworn; said deposition was reported by method of Stenomask utilizing speech recognition with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 4TH day of DECEMBER, 2012.



Lori Boggs Reilly
Professional Verbatim
Reporter

Notary in and for the State of South Carolina
My Commission Expires: May 14, 2014

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APPLICATION FOR INVOLUNTARY EMERGENCY HOSPITALIZATION
FOR MENTAL ILLNESS

Complete in Triplicate)
STATE OF SOUTH CAROLINA
COUNTY OF Orangeburg

FOR HOSPITAL USE ONLY	
Date Admitted	
Hospital Register No.	
Approval of Hospital Official	
Signature	Date

IN THE MATTER OF:

Martha L. Argoe F 62 W Married
 Person alleged to be mentally ill Sex Birthdate Age Race Marital Status
1155 Putter Path Orangeburg SC 29115 568-2111 Since 1983
 Street Address City State Zip Phone # Length of Time
 Residing There

TO THE HOSPITAL DIRECTOR:

Application is hereby made for the INVOLUNTARY EMERGENCY ADMISSION of the above-named person to a SCDMH Psychiatric Hospital

or to

NAME OF NON-SCDMH HOSPITAL

the following reasons:

That the undersigned believes that the above-named person is mentally ill, and because of this mental condition is likely to cause serious harm to self or others if not immediately hospitalized.

1. The specific type of serious harm thought probable is:

Martha carries a handgun on her left hip all the time.
Martha is a danger to herself and others. She is suspicious of others and as a result has moved silverware and other items out of the house. She refuses to touch or clean anything in the house. She locks herself in the room at night. She is fidgety and drives late at night.
That the applicant bases his/her belief on the following grounds:

Martha is fearful of people. She is paranoid. She stated that her house is bugged. She has hallucinations of seeing witches and warlocks. She spends money excessively. She accuses her husband of having an affair and of having another family. Clothes are stacked everywhere.
 3. That the applicant understands that for Involuntary Emergency Admission to occur that the said person must be examined and certified by at least one licensed physician (Part II, Certificate of Licensed Physician for Mental Illness) as required by Section 44-17-410, S.C. Code, 1976, as amended. If the said person has not been examined, listed below are the reasons:

Martha refuses treatment.4. That next-of-kin of allegedly mental ill person is G. Lewis Argoe

Relation Husband Whose address is 1155 Putter Path Orangeburg, SC 29115 568-2111
 RPO or Street City and State Zip Phone Number

In case of next-of-kin cannot be contacted, notify George Argoe

Relation Son Address 7 Glen Court Greer, SC 29645 901-4600
 City and State Zip Phone Number

SWORN to before me this

6th day of June, 2005Nancy H. Jacobs
Notary Public for South Carolina (Probate Judge)Commission Expires: 07/07/2008

WHEREFORE, the undersigned requests that the person named above be admitted to a psychiatric hospital for treatment as authorized by law.

G. Lewis Argoe Jr.
Applicant's SignatureG. Lewis Argoe Jr.

Name of Applicant (typed or printed)

1155 Putter Path Orangeburg, SC

Address of Applicant

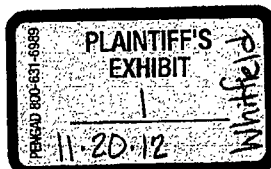
Business 803-568-2111 Cell- 803-575-485

Telephone Number of Applicant

Spouse

Relation to Patient or Title, if any

(See reverse side which must be completed)

SCDMH FORM
APR 88 REV. DEC. 97 44-130 pg. 1 of 2 JCG 12/89
44-122-27456-N-014
CONFIDENTIAL

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) FOR THE ELEVENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2007-CP-32-1981

MARTHA LEWIN ARGOE,)
)
 PLAINTIFF,)
)
 VS.)

DEPOSITION

OF

THREE RIVERS BEHAVIORAL HEALTH,)
LLC, AND PSYCHIATRIC SOLUTIONS,)
INC., ITS SUCCESSOR, PHYLLIS)
BRYAN-MOBLEY, MD, GLENN HOOKER,)
MD, AIKEN REGIONAL MEDICAL)
CENTER-AURORA PAVILION, DAVID)
A. STEINER, MD, CHERYL C. DODDS)
MD, DORIS ANN BURRELL, RN, AND)
CAROLINA CARE PLAN,)
)
 DEFENDANTS.)

GREGG J. COLLE, M.D.

DEPOSITION OF GREGG J. COLLE, M.D., TAKEN BEFORE LORI
BOGGS REILLY, PROFESSIONAL VERBATIM REPORTER, AND NOTARY
PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA, COMMENCING AT
THE HOUR OF 5:00 P.M., WEDNESDAY, THE 9TH DAY OF JANUARY,
2013, AT HILLCREST DERMATOLOGY, 1719 VILLAGE PARK DRIVE,
ORANGEBURG, SOUTH CAROLINA.

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(803) 787-7242

APPEARANCES

FOR THE PLAINTIFF

ROBERT D. DODSON, ESQUIRE
LAW OFFICES OF ROBERT DODSON, PA
1722 MAIN STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

FOR THE DEFENDANT

THREE RIVERS BEHAVIORAL HEALTH
DORIS ANN BURRELL, RN
ANDREW COLE, ESQUIRE
COLLINS AND LACY
1330 LADY STREET, 6TH FLOOR
COLUMBIA, SOUTH CAROLINA 29201

APPEARANCE VIA TELEPHONE

FOR THE DEFENDANT

DR. DAVID STEINER
ELIZABETH WELLS BALLENTINE, ESQUIRE
HOOD LAW FIRM, LLC
POST OFFICE BOX 1508
CHARLESTON, SOUTH CAROLINA 29402

FOR THE DEFENDANT

CHERYL C. DODDS, MD
JAMES E. PARHAM, ESQUIRE
ATTORNEY AT LAW
P.O. BOX 1576
IRMO, SOUTH CAROLINA 29063

FOR THE DEFENDANT

AIKEN REGIONAL MEDICAL CENTERS
SHELTON HAILE, ESQUIRE
RICHARDSON PLOWDEN & ROBINSON, P.A.
1900 BARNWELL STREET
COLUMBIA, SOUTH CAROLINA 29201

FOR THE DEFENDANT

GLENN HOOKER, MD AND PHYLLIS BRYAN-MOBLEY, MD
DAVID DEMASTERS, ESQUIRE
DAVIDSON & LINDEMANN, PA
1611 DEVONSHIRE DRIVE, SECOND FLOOR
COLUMBIA, SOUTH CAROLINA 29202-8568

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**FOR THE DEFENDANT
CAROLINA CARE PLAN**

NOAH M. HICKS, II, ESQUIRE
LAW OFFICES OF NOAH HICKS, II, LLC
1722 MAIN STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

RENEE BOUYE
MEDICAL MUTUAL
LITIGATION MANAGEMENT ANALYST
201 EXECUTIVE CENTER DRIVE
COLUMBIA, SOUTH CAROLINA 29210

**ALSO PRESENT
MARTHA LEWIN ARGOE**

INDEX

STIPULATIONS-----	5
EXAMINATION BY MR. DODSON-----	5
EXAMINATION BY MR. COLE-----	24
EXAMINATION BY MS. BALLENTINE-----	29
EXAMINATION BY MR. PARHAM-----	30
EXAMINATION BY MR. HAILE-----	34
EXAMINATION BY MR. DEMASTERS-----	34
EXAMINATION BY MR. HICKS-----	35
EXAMINATION BY MR. DODSON-----	36
EXAMINATION BY MR. PARHAM-----	37
ERATTA SHEET-----	41
SIGNATURE PAGE-----	42
CERTIFICATE-----	43

EXHIBITS

PLAINTIFF'S EXHIBIT NUMBER 1	
ARGOE MEDICAL RECORD DATED APRIL 26, 2004-----	9
PLAINTIFF'S EXHIBIT NUMBER 2	
ARGOE MEDICAL RECORD DATED MAY 24, 2004-----	10
PLAINTIFF'S EXHIBIT NUMBER 3	
ARGOE MEDICAL RECORD DATED JUNE 24, 2004-----	11
PLAINTIFF'S EXHIBIT NUMBER 4	
ARGOE MEDICAL RECORD DATED JULY 13, 2004-----	13

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PLAINTIFF'S EXHIBIT NUMBER 5
ARGOE MEDICAL RECORD DATED AUGUST 3, 2004-----14

PLAINTIFF'S EXHIBIT NUMBER 6
ARGOE MEDICAL RECORD DATED JANUARY 19, 2006-----16

PLAINTIFF'S EXHIBIT NUMBER 7
ARGOE MEDICAL RECORD DATED JANUARY 24, 2006-----17

PLAINTIFF'S EXHIBIT NUMBER 8
ARGOE MEDICAL RECORD DATED JULY 5, 2006-----19

PLAINTIFF'S EXHIBIT NUMBER 9
ARGOE MEDICAL RECORD DATED SEPTEMBER 26, 2006-----20

STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL FOR THE RESPECTIVE PARTIES THAT ALL OBJECTIONS ARE RESERVED UNTIL THE TIME OF TRIAL, EXCEPT AS TO THE FORM OF THE QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT TO THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

- - - -

THE READING AND SIGNING OF THIS DEPOSITION IS **RESERVED** BY THE DEPONENT AND COUNSEL FOR THE RESPECTIVE PARTIES.

WHEREUPON, GREGG J. COLLE, M.D., BEING DULY SWORN AND CAUTIONED TO SPEAK THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AND DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. DODSON:

Q Dr. Colle, thank you for being here today. My name is Robert Dodson. I'm an attorney in Columbia. I represent Martha Argoe in an action that we're here about today. I'm here to take your deposition.

I know as a medical doctor you've probably been deposed several times, but the rules tell me that I'm supposed to go through this procedure with you and tell you what the rules are.

I don't think this is going to last a real long

1 time, at least not on my part. I'm going to basically
2 want to go through your medical records with you for
3 Ms. Argoe, ask you some questions. If you don't
4 understand one of my questions, please let me know.
5 I'll be happy to rephrase it, because sometimes I ask
6 bad questions. If you do answer a question, I'll
7 assume that you understood my question. Is that fair
8 enough?

9 A Yes.

10 Q If you need to take a break feel free to do that. If
11 you need to refer to your medical records on Ms. Argoe,
12 feel free to do that as well. I'm not trying to, you
13 know, trick you or anything like that.

14 If you don't understand one of my questions, let
15 me know that as opposed to one of the lawyers on the
16 phone or the other lawyers in the room here today.

17 Let me get your background. Where did you go to
18 undergraduate?

19 A At Regis College in Denver, Colorado.

20 Q Okay. And is that where your Bachelor's Degree is
21 from?

22 A Yes.

23 Q Okay. What's your Bachelor's Degree in?

24 A I have a Bachelor of Arts and a Bachelor of Science.
25 The Bachelor of Arts is in theater and communications.

- 1 Q Okay.
- 2 A The Bachelor of science is in bio and chemistry.
- 3 Q Okay. And after you completed your undergraduate
- 4 degree, did you go straight into medical school?
- 5 A Yes.
- 6 Q Okay. And where did you go to medical school?
- 7 A I went to Creighton University Medical School in Omaha,
- 8 Nebraska.
- 9 Q All right. And that's a private University; is that
- 10 correct?
- 11 A Yes.
- 12 Q Okay. And fully accredited by all major accrediting
- 13 bodies; is that correct?
- 14 A Yes.
- 15 Q And when did you graduate from Creighton?
- 16 A 1985.
- 17 Q Okay. And that would be a medical degree from
- 18 Creighton?
- 19 A Yes.
- 20 Q Okay. When you were at -- what would be the formal
- 21 name, Creighton University Medical School?
- 22 A Yes, that's correct.
- 23 Q Okay. When you were at Creighton University Medical
- 24 School, did your training and education there include
- 25 some general training in psychiatry?

- 1 A Some.
- 2 Q Okay.
- 3 A Limited.
- 4 Q Okay. So you would have some medical training in
- 5 psychiatry; is that correct?
- 6 A Yes.
- 7 Q Okay. Did you do a residency following medical school?
- 8 A I did an internship. I was on a Navy scholarship, and
- 9 I did my internship in family practice at the Naval
- 10 Hospital in Pensacola, Florida.
- 11 Q Okay.
- 12 A I then went to flight surgery school and became a
- 13 flight surgeon for three years down in -- in Pensacola
- 14 at Whiting Field. And then I did my dermatology
- 15 residency starting in 1990 at Bethesda Naval Hospital
- 16 in Washington.
- 17 Q Okay. And are you board certified in dermatology?
- 18 A Yes.
- 19 Q Okay. And how do you know Martha Argoe?
- 20 A I know her as a patient.
- 21 Q Okay. And looking at your records, had she been a
- 22 patient of yours since 1998? And feel free to look at
- 23 your records.
- 24 A It was a long time. Yes.
- 25 Q Okay. Now, I've looked at some of your records and

1 there is a section in your records which has mood and
2 affect.

3 A Uh-huh.

4 Q Can you explain what mood and affect means?

5 A In dermatology, it's not so important as it is in, say,
6 general medicine. But the main thing we're looking at
7 is does the patient seem to be cooperative, does the
8 patient seem to be interested in the treatment, will
9 they cooperate with the treatment.

10 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 1 FOR IDENTIFICATION
11 PURPOSES, ARGOE MEDICAL RECORD DATED APRIL 26, 2004)

12 BY MR. DODSON:

13 Q Okay. I'm going to show you what we've marked as
14 Exhibit Number 1. Is this a medical record that you
15 completed related to a visit with Martha Argoe on April
16 26th, 2004?

17 A Yes, it is.

18 Q How was her mood and affect when you saw her on April
19 26th, 2004?

20 MR. COLE: Object to the form.

21 A I don't recall specifically on that date, but generally
22 speaking, I felt her mood and affect was always
23 appropriate.

24 Q Okay. And this medical record, Exhibit 1, is that
25 something that you would ordinarily keep in the course

1 and scope of your medical practice?

2 A Yes.

3 Q Okay. Was there anything abnormal in Martha's behavior
4 when you saw her on April 26th, 2004?

5 A Not that I recall.

6 Q Was there anything abnormal in her appearance when you
7 saw her on April 26, 2004?

8 A Not that I recall.

9 Q At that time, did you have any concerns that Martha was
10 a danger to herself or other people?

11 A No.

12 Q at that time, did you have any concerns as a medical
13 doctor, that Martha would hurt herself or would hurt
14 other people?

15 MR. COLE: Objection to form.

16 A I certainly didn't see it at any -- any one of our
17 visits.

18 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 2 FOR IDENTIFICATION

19 PURPOSES, ARGOE MEDICAL RECORD DATED MAY 24, 2004)

20 BY MR. DODSON:

21 Q Okay. And according to my records, I'm going to show
22 you what we've marked as Exhibit Number 2. You next
23 saw Martha a month later on May 24th, 2004. Does that
24 sound correct?

25 A Yes.

1 Q How was her mood and affect at that time?

2 A Again, I don't recall specifically, but as -- as I
3 mentioned, I don't ever recall thinking that her mood
4 or affect was abnormal.

5 Q Okay. Do you recall anything abnormal in her behavior
6 from that visit?

7 A No.

8 MR. COLE: Object to the form.

9 BY MR. DODSON:

10 Q Do you recall anything abnormal in her appearance?

11 A No.

12 Q At that time, May 24th, 2004, were you concerned that
13 Martha was a danger to herself or other people?

14 MR. COLE: Object to form.

15 A No.

16 BY MR. DODSON:

17 Q At that time, did you have any concerns as a medical
18 doctor that Martha would hurt herself or would hurt
19 another person?

20 A No.

21 MR. COLE: Object to the form.

22 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 3 FOR IDENTIFICATION

23 PPURPOSES, ARGOE MEDICAL RECORD DATED JUNE 24, 2004)

24 BY MR. DODSON:

25 Q Let me show you what we've marked as Plaintiff's



1 Exhibit Number 3. And is that a medical record that
2 you prepared the following month, June 24th, 2004,
3 related to Ms. Argoe?

4 A Yes, it is.

5 Q How was her mood and affect at that time?

6 A I don't recall specifically.

7 Q Okay. Would you have noted her mood and affect in your
8 medical records?

9 A If it was abnormal, yes, I would.

10 Q Okay. And did you mark anything abnormal in her
11 records for June 24th, 2004?

12 A No, I did not.

13 Q Okay. Was there anything abnormal in her behavior when
14 you saw her on June 24th, 2004, that you can recall?

15 A Not that I can recall, no.

16 Q Was there anything abnormal in her appearance that you
17 recall from June 24th, 2004?

18 A Not that I can recall.

19 Q If there had been, is that something that would have
20 been recorded in your medical records?

21 A Probably, yes.

22 Q Okay. And at that time, were you concerned that Martha
23 was a danger to herself or other people?

24 A No.

25 MR. COLE: Object to the form.

1 BY MR. DODSON:

2 Q Did you have any concerns as a medical doctor that
3 Martha would hurt herself or other people?

4 A No.

5 MR. COLE: Object to the form.

6 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 4 FOR IDENTIFICATION
7 PURPOSES, ARGOE MEDICAL RECORD DATED JULY 13, 2004)

8 BY MR. DODSON:

9 Q Doctor, I'm going to show you what we've marked as --
10 I'll show you what we've marked as Exhibit 4, and this
11 is a note from July 13th, 2004. And I'll ask you, is
12 that from your medical records --

13 A Yes, it is.

14 Q -- of Ms. Argoe.

15 And when you saw Ms. Argoe on June 13th, 2004,
16 what was her mood and affect at that time?

17 A I don't recall specifically.

18 Q Was there anything abnormal in her mood and affect that
19 you recall observing?

20 A Not that I recall.

21 Q Okay. If there had been anything abnormal in her mood
22 or affect, is that something you would have recorded in
23 your medical records?

24 A Yes.

25 Q Okay. Do you recall anything abnormal in Martha's



1 behavior on July 13th, 2004?

2 MR. COLE: Objection to the form.

3 BY MR. DODSON:

4 Q Do you recall anything abnormal in Martha's appearance
5 on July 13th, 2004?

6 A No, I don't.

7 Q Okay. And if you had noticed abnormalities in her
8 behavior or in her appearance, is that something you
9 would have typically recorded in your medical records?

10 A Yes.

11 Q At that time, were you concerned Martha was a danger to
12 herself or other people?

13 A Not that I recall.

14 MR. COLE: Object to form.

15 BY MR. DODSON:

16 Q At that time, as a medical doctor, did you have any
17 concerns that Martha would hurt herself or would hurt
18 another person?

19 A No.

20 MR. COLE: Object to the form.

21 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 5 FOR IDENTIFICATION
22 PURPOSES, ARGOE MEDICAL RECORD DATED AUGUST 3, 2004)

23 BY MR. DODSON:

24 Q I'm going to show you what we've marked as Plaintiff's
25 Exhibit 5. Is this a medical record from your office

1 records for a visit on August 3rd, 2004, for Ms. Argoe?

2 A Yes, it is.

3 Q And sort of following my same line of questioning,
4 Doctor, was her mood and affect normal at that visit,
5 April -- or, I'm sorry, August 3rd, 2004?

6 A As I --

7 MR. COLE: Object to the form.

8 A As I recall, yes, it was.

9 BY MR. DODSON:

10 Q Okay. Was there anything abnormal in Ms. Argoe's
11 behavior from the August 3rd, 2004 visit?

12 A Not that I recall.

13 Q Was there anything abnormal in her appearance from the
14 August 3rd, 2004, visit?

15 A Not that I recall.

16 Q Okay. If there had been anything abnormal in her
17 behavior or appearance, is that something you would
18 have recorded in your records?

19 A Yes.

20 Q At that time, were you concerned that Martha was a
21 danger to herself or other people?

22 MR. COLE: Object to the form.

23 A No.

24 BY MR. DODSON:

25 Q At that time, did you have any concerns as a medical

1 doctor that Martha would hurt herself or other people?

2 A No.

3 MR. COLE: Object to the form.

4 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 6 FOR IDENTIFICATION

5 PURPOSES, ARGOE MEDICAL RECORD DATED JANUARY 19, 2006)

6 BY MR. DODSON:

7 Q I'll show you what we've marked as Exhibit Number 6.

8 Is this a record from a visit that you had with Ms.

9 Argoe on -- yeah, January 19th, 2006?

10 A Yes.

11 Q Thank you.

12 And at that January 19th, 2006 visit, was there
13 anything abnormal in her mood or affect when you saw
14 her?

15 A No, not that I recall.

16 Q Okay. And if there had been, is that something you
17 would have recorded in your records?

18 A Yes.

19 Q Okay. Do you recall anything abnormal in her behavior
20 or in her appearance on that visit of January 19th,
21 2006?

22 A Not that I recall.

23 Q All right. And at that time, do you think Martha was a
24 danger to herself or other people?

25 A No.

1 MR. COLE: Object to the form.

2 BY MR. DODSON:

3 Q Did you see anything that led you to believe Martha
4 would hurt herself or another person when you saw her
5 on January 19th --

6 A No.

7 Q -- 2006?

8 A No.

9 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 7 FOR IDENTIFICATION
10 PURPOSES, ARGOE MEDICAL RECORD DATED JANUARY 24, 2006)

11 BY MR. DODSON:

12 Q And the next record that I have for Ms. Argoe I've
13 marked as Exhibit 7, and it looks like it was just less
14 than a week later on January 24th, 2006.

15 Was there anything abnormal in her mood or affect
16 at that visit on January 24th, 2006?

17 A Not that I recall.

18 Q Anything abnormal in her behavior or appearance on
19 January 24th, 2006?

20 MR. COLE: Object to the form.

21 A Not that I recall.

22 MR. DODSON: What's your objection, other
23 than just disrupting and interrupting my deposition?

24 MR. COLE: My objection is that you've got
25 incorrect questions for this doctor who is a

1 dermatologist, and you're asking him questions that are
2 outside of his -- his scope of expertise or knowledge.

3 You asked for it.

4 MR. DODSON: No, I got the answer that I
5 wanted, which was you're basically just being
6 disruptive of a deposition.

7 MR. COLE: Well.

8 MR. DODSON: Nonetheless, I'll move on.

9 BY MR. DODSON:

10 Q At that time, January 24th, 2006, was there anything
11 abnormal in Ms. Argoe's behavior or appearance?

12 A Not that I recall.

13 Q Okay. And at that time, were you concerned that Martha
14 was a danger to herself or other people?

15 A No.

16 MR. COLE: Object to form.

17 BY MR. DODSON:

18 Q At that time, did you have any concerns as a medical
19 doctor, that Martha would hurt herself or other people?

20 A No.

21 (MARKED AS PLAINTIFF'S EXHIBIT 8 FOR IDENTIFICATION

22 PURPOSES, ARGOE MEDICAL RECORD DATED JULY 5, 2006)

23 BY MR. DODSON:

24 Q All right. The next note that I have in the records,
25 I'll show you, which is dated July 5th, 2006. Is that

1 your office note from July 5th, 2006?

2 A Yes, it is.

3 Q Anything in the records from July 5th, 2006, which
4 would lead you to believe that her mood or affect was
5 abnormal?

6 A No.

7 Q And if you had seen anything that led you to believe
8 that her mood or affect was abnormal, is that something
9 you would have recorded in your medical records?

10 A Yes.

11 Q Anything abnormal in her behavior or her appearance at
12 the July 5th, 2006, visit?

13 A Not that I recall.

14 Q At that time, were you concerned that Martha was a
15 danger to herself or other people?

16 A No.

17 MR. COLE: Object to form.

18 BY MR. DODSON:

19 Q At that time, did you have any concerns as a medical
20 doctor that Martha would hurt herself or another
21 person?

22 MR. COLE: Object to form.

23 A No.

24 (MARKED AS PLAINTIFF'S EXHIBIT NUMBER 9 FOR IDENTIFICATION

25 PURPOSES, ARGOE MEDICAL RECORD DATED SEPTEMBER 26,



1 2006)

2 BY MR. DODSON:

3 Q Doctor, I'm going to show you another note. This one
4 is dated September 26th, 2006. And is this your office
5 note from a visit with Martha Argoe on September 26,
6 2006?

7 A Yes, it is.

8 Q Was there anything abnormal in her mood or affect on
9 September 26, 2006?

10 A Not that I recall.

11 Q And was there anything abnormal in her behavior or
12 appearance on September 26th, 2006?

13 A Not that I recall.

14 Q At that time, were you concerned that Martha was a
15 danger to herself or other people?

16 A No.

17 MR. COLE: Object to form.

18 BY MR. DODSON:

19 Q At that time, as a medical doctor, did you have any
20 concerns that Martha would hurt herself or other
21 people?

22 A No.

23 MR. COLE: Object to the form.

24 BY MR. DODSON:

25 Q In any of your office visits with Martha Argoe, did she

1 ever brandish a pistol or a gun?

2 A No.

3 Q Did she ever show you a pistol or a gun?

4 A No.

5 Q Did she ever tell you that she carried a pistol or a

6 gun with her?

7 A No.

8 Q Did you even know that Martha had a small handgun at

9 that time?

10 A No.

11 Q If you had known in 2004, 2005, 2006, that Martha had a

12 pistol or a gun and had a concealed weapons permit for

13 that, would that have given you any concern?

14 A Not necessarily. My wife has one.

15 Q When you were with Martha, did she ever threaten to

16 kill herself or talk about suicide?

17 A No.

18 Q Did she ever talk about, like, not wanting to live or

19 the earth -- she'd be better off if she wasn't born,

20 anything like that?

21 A No.

22 Q Did Martha ever talk about hurting someone else?

23 A No.

24 Q Did she ever talk about violence?

25 A No.

1 Q Did Martha ever talk about engaging in unreasonably
2 dangerous activities?

3 A No.

4 Q Did you ever witness her engaging in any kind of self-
5 destructive behavior like drugs or alcohol?

6 A No.

7 Q Did you ever have any -- witness anything where she
8 seemed angry or like she wanted to harm another person?

9 A No.

10 Q Based on your multiple office visits and observations
11 of Martha in 2004, 2005, 2006, did it seem to you that
12 she was a danger to herself or other people?

13 A No.

14 MR. COLE: Object to form.

15 BY MR. DODSON:

16 Q In your interactions with Martha, did she seem
17 suspicious of other people?

18 A No.

19 Q Did she seem to be paranoid?

20 A No.

21 Q Did she believe that people were out to get her?

22 A No.

23 Q Did she ever tell you that she thought people were
24 spying on her?

25 A No.

1 Q Did she ever tell you that people were bugging her
2 house?

3 A No.

4 Q Did she seem overly fearful of being around other
5 people?

6 A No.

7 Q During your interactions with Martha, did you ever
8 witness Martha hallucinating?

9 A No.

10 Q Did she ever claim to see things like witches or
11 warlocks?

12 A No.

13 Q Did she ever mention the term witches and warlocks --

14 A No.

15 Q -- to you at all?

16 In your interactions with Martha, did she seem to
17 be a hyper-religious or overly -- overly religious
18 person?

19 A No.

20 Q Did you see anything really abnormal in her behavior
21 during the time that you treated her?

22 A No, I --

23 MR. COLE: Object to form.

24 A I always found her very cordial, and very appropriate,
25 and pretty easy to treat.

1 BY MR. DODSON:

2 Q In 2005, did any doctor or nurse from Three Rivers or
3 elsewhere, call you or contact you about Martha's
4 behavior?

5 A No.

6 Q Did any doctor or nurse from any kind of psychiatric
7 institution contact you or call you about her behavior?

8 A No.

9 MR. DODSON: All right. Thank you, Doctor.
10 I don't think I have any further questions.

11 EXAMINATION

12 BY MR. COLE:

13 Q Doctor, my name is Andrew Cole. I'm here on behalf of
14 Three Rivers and Nurse Burrell.

15 First, are you familiar with either of those
16 people who are defendants in the lawsuit brought by Ms.
17 Argoe?

18 A No.

19 Q Okay. And you have not spoken with Nurse Burrell, or
20 you have no idea who she is?

21 A No.

22 Q When were you first contacted about you giving a
23 deposition in this case?

24 A I don't recall a specific date, but it was sometime, I
25 believe, in early December.

1 Q And --

2 A Late November, maybe.

3 Q Okay. And December and November of 2012?

4 A Yes.

5 Q And when you were contacted, was that with the Notice
6 or were you contacted by someone asking you if you'd be
7 willing to give a deposition?

8 A It was a subpoena.

9 Q Okay. So other than the subpoena, have you had any
10 conversations with anybody about this case, other than
11 a deposition today?

12 A No.

13 Q All right. Do you know what the case is about?

14 A Not really.

15 Q Do you have any idea what this case is about?

16 A No.

17 Q Okay. Looking at your records that were put into the
18 exhibits, first the records that have an exhibit, they
19 have things on them that look like highlights. Are
20 those your highlights?

21 A Uh --

22 Q They're gray on your copy, I think.

23 A These?

24 Q Yes.

25 A No.

1 Q Okay. Do you know who made those highlights?

2 A No.

3 Q In your testimony today, have you taken into
4 consideration at all what those highlights may or may
5 not mean?

6 A No. I have an idea.

7 Q Okay. Your records that you have -- your original
8 records don't have those highlights?

9 A No.

10 Q Do I understand, if we look at Exhibits 5 and 6, that
11 you did not see Ms. Argoe at all in the 2005 time
12 period, correct?

13 A Correct.

14 Q In fact, you did not see her from August of 2004 until
15 January of 2006, correct?

16 A Correct.

17 Q Okay. Other than seeing Ms. Argoe as a patient in your
18 office, had you had any contact with her at any time
19 during the time that you have known her?

20 A No.

21 Q Do you have more than one office or the office we're
22 sitting in here today in Orangeburg, this is your
23 office?

24 A This is it.

25 Q And this has been the office you've had since, what,

1 1989 when you first met her?

2 A Nineteen -- yeah. Yeah, that's correct.

3 Q Okay.

4 MR. DODSON: object to the form.

5 BY MR. COLE:

6 Q Did you do anything to prepare for your deposition
7 today?

8 A No. Just reviewed the record.

9 Q You're a dermatologist by trade, correct?

10 A Correct.

11 Q And so the dermatologist treats -- well, I don't want
12 to put words in your mouth.

13 What would you say a dermatologist does?

14 A Treats diseases of the skin, hair, and nails.

15 Q Anything else?

16 A No, that's pretty much it.

17 Q You were asked earlier about the psychology or
18 psychiatry classes that you took. When in your
19 schooling did you take those classes?

20 A I believe it was my third year of medical school. All
21 medical students have to take a rotation in psychiatry.

22 Q Okay. And after you took that rotation, have you done
23 anything else in the psychiatry or psychology field?

24 A No, other than treating what are called neurocutaneous
25 problems.

1 Q What is that?

2 A Like delusions of parasitosis, people think they're --
3 they have parasites in their skin. Things like that.

4 Q So that's -- that's from the dermatological concept.
5 If somebody has something that's hurting, you're trying
6 to figure out whether or not it, in fact, is something
7 with the skin or something else?

8 A Correct.

9 Q And with Ms. Argoe, you were treating her for just her
10 diseases of the skin, hair, and nails?

11 A Yes.

12 Q Have you ever been qualified as an expert at a trial?

13 A No.

14 Q Have you ever been put up -- or have you ever testified
15 at a trial?

16 A No.

17 Q Have you ever testified as an expert witness for any
18 case?

19 A No.

20 MR. COLE: I think that's all the questions I
21 have. Thank you.

22 THE WITNESS: You're welcome.

23 MR. COLE: Anyone on the phone?

24 MS. BALLENTINE: I have a couple.

25 EXAMINATION



1 BY MS. BALLENTINE:

2 Q Doctor, my name is Elizabeth Ballentine. I represent
3 Dr. David Steiner. Can you hear me okay?

4 A Yes, I can.

5 Q I just have one or two questions, but certainly if you
6 don't understand my question, need to -- you need me to
7 rephrase, please ask me and I'll be happy to do so.

8 Do you know Dr. David Steiner?

9 A No.

10 Q I'm sorry. Did you -- I didn't get an answer.

11 A Oh. No.

12 Q Okay. Do you have any idea who he is or what his
13 specialty is?

14 A No.

15 Q Do you have any knowledge regarding the care and
16 treatment he provided Ms. Argoe?

17 A No.

18 Q Is that a no? I'm sorry.

19 A Yes, that was a no.

20 MS. BALLENTINE: Okay. That's all I have.

21 MR. COLE: For those on the phone, we can't
22 get the phone any closer.

23 THE WITNESS: I'll yell.

24 EXAMINATION

25 BY MR. PARHAM:



1 Q Doctor, this is Jim Parham. I represent Dr. Cheryl
2 Dodds.

3 When you were seeing Mrs. -- when you were seeing
4 Ms. Argoe in 2004, what were you treating?

5 A Various things. She had a lot of sun damage and I was
6 treating her for her sun damage. Also, she had several
7 nonmalignant lesions that we treated. In addition to
8 that, I did some work on her legs, I believe, for
9 veins.

10 Q And do you know why she did not come back to you
11 between August 2004 and January 2006?

12 A No, I do not.

13 Q And when you picked her back up in 2006, what were you
14 treating her for?

15 A Again, for precancerous lesions from sun damage.
16 Again, benign skin problems and also something called
17 solar elastosis which we had treated her for in the
18 past, which is basically just sun damage of the skin,
19 including wrinkling.

20 Q And each time that you would see a patient like Ms.
21 Argoe, do you perform a mental health assessment on
22 each patient you see?

23 A No.

24 Q Do you ever ask them questions about their hobbies, or
25 what they do at home, or whether they're carrying a

1 gun, or whether they're paranoid? Do you do any of
2 that?

3 MR. DODSON: object to the form.

4 A No. I mean, I would discuss socially with them. I'd
5 ask questions about how their life is and how the
6 family is and that sort of thing but not about --

7 Q -- questions about paranoia, whether they're carrying a
8 gun?

9 A No.

10 Q And so you wouldn't know that information unless she
11 volunteered it, correct?

12 A Correct.

13 Q And even though you may feel like she did not have a
14 (INAUDIBLE) on each and every one of those visits in
15 2004 and 2006, that she wasn't a danger to herself at
16 least given her appearance, you have no idea how she
17 was when she walked out of your office, did you?

18 MR. DODSON: Object to the form.

19 A No.

20 BY MR. PARHAM:

21 Q And, in fact, I guess, even though you haven't had any
22 formal training in psychology or psychiatry since your
23 third year of medical school, as a physician, you know
24 good and well that someone can be fine right now and
25 deteriorate within hours into even a suicidal state,

1 correct?

2 A Yes.

3 Q I'm sorry. I can't hear anything.

4 A Yes.

5 Q Is that a yes?

6 A Yes.

7 Q And did you know anything about Ms. Argoe's home life
8 in 2004, about her husband, about her children, her
9 child, anything like that?

10 A I knew she had a husband and I -- he was a patient of
11 mine as well, and I knew she had children.

12 Q Did Mr. Argoe -- well, I guess I can't ask about him.
13 Sorry.

14 And Ms. Argoe was not a friend or a social
15 acquaintance of yours, correct?

16 A Correct.

17 Q Did you ever ask her about her religion?

18 A No.

19 Q Did you ever ask her what she believed in, what she
20 didn't believe in?

21 A No.

22 Q Did you know what kind of medication she was on when
23 she came to your office each time?

24 A No.

25 Q So you wouldn't know whether she was on any mental

1 health medication or not, correct?

2 A That's correct.

3 Q If you had seen something that -- just as a general
4 practice physician, that sits outside your specialty of
5 dermatology that you thought was abnormal about her
6 affect or her speech or -- or appearance, you most
7 likely would refer her to someone, correct?

8 A That's correct.

9 Q You wouldn't try to treat her with her mental health
10 condition, would you?

11 A No.

12 Q And you wouldn't try to do a formal assessment. You
13 would send her to a specialist, someone that is a
14 psychiatrist, a psychologist, not a dermatologist,
15 right?

16 A That's correct.

17 MR. PARHAM: That's all I have. Thank you.

18 EXAMINATION

19 BY MR. HAILE:

20 Q Doctor, my name is Shelton Haile. I represent Aiken
21 Regional Medical Centers. Do you have any idea what
22 role Aiken Regional Medical Centers plays in this case?

23 A No.

24 Q Do you have any idea what treatment Ms. Argoe received
25 at Aiken Regional Medical Centers?



1 A No.

2 Q Do you have any criticisms of anything Aiken Regional
3 Medical Centers has done relating to Ms. Argoe?

4 A No.

5 MR. HAILE: Thank you, sir.

6 EXAMINATION

7 BY MR. DEMASTERS:

8 Q Good evening, Doctor. My name is David Demasters, and
9 I represent Dr. Phyllis Mobley.

10 Before today, have you heard of Dr. Phyllis
11 Mobley?

12 A No.

13 Q So are you aware of any kind of treatment that she
14 provided to Ms. Argoe?

15 A No.

16 Q Is there any -- do you know what kind of role she
17 played in Ms. Argoe's care?

18 A Could you repeat that, please?

19 Q Do you know what kind of role she played in Ms. Argoe's
20 care?

21 A No.

22 MR. DEMASTERS: All right. Thank you for
23 your time. That's all I have.

24 EXAMINATION

25 BY MR. HICKS:



1 Q Doctor, my name is Chip Hicks. I represent Carolina
2 Care Plan. Are you familiar with Carolina Care Plan?

3 A Yes.

4 Q What's your understanding of what Carolina Care Plan
5 does?

6 A I don't know. I just know that my office manager has
7 to deal with them all the time -- sometimes.

8 Q Well, would it surprise you to learn if I told you that
9 Carolina Care Plan was a healthcare payor licensed to
10 do business in South Carolina.

11 A No.

12 Q Okay. Are you familiar with or do you understand what
13 role Carolina Care Plan played in this case?

14 A No.

15 MR. HICKS: Thank you. I have no other
16 questions.

17 MR. COLE: Is that everybody?

18 MR. DODSON: I have a few follow-up if
19 everybody's gone.

20 FURTHER EXAMINATION

21 BY MR. DODSON:

22 Q So, Doctor, if you felt that a patient had -- you
23 testified earlier that as a dermatologist, your
24 practice treats diseases of the skin, hair, and nails.

25 A Correct.



1 Q Okay. So if you felt a patient had other problems like
2 psychiatric issues, you would refer them to an
3 appropriate specialty?

4 A Yes.

5 Q Did you ever feel it necessary to refer Martha Argoe to
6 a psychiatrist?

7 A No.

8 Q Did you ever feel it necessary to refer Martha Argoe to
9 a psychologist?

10 A No.

11 Q To a counselor?

12 A No.

13 Q To any kind of a mental health care professional?

14 A No.

15 Q Did I understand your testimony correctly that no one
16 from Three Rivers ever contacted you or attempted to
17 talk with you about Martha Argoe?

18 A That's correct.

19 Q You never got a call from a nurse with the last name of
20 Burrell?

21 A No.

22 Q You never got a call from anybody at Aiken Regional?

23 A No.

24 Q You never had a doctor named David Steiner try to call
25 you?

1 A No.

2 Q You never had a doctor named Dr. Dodds try to call you
3 about Martha Argoe?

4 A No.

5 Q You never had a doctor named Dr. Mobley try to contact
6 you at all about Martha Argoe?

7 A No.

8 MR. DODSON: All right. Thank you, Doctor.
9 I don't have any further questions.

10 FURTHER EXAMINATION

11 BY MR. PARHAM:

12 Q This is Jim Parham, just to follow-up. Doctor, since
13 you've been practicing since I guess 1980, do you get
14 calls from medical providers asking about your opinion
15 about mental health issues on your patients?

16 A Not generally.

17 Q That's got to be extremely infrequent, correct?

18 A Correct.

19 Q And, Doctor, again, if you have patients -- I don't
20 know how -- what your patient census is, but it's more
21 than likely you're treating patients that are
22 schizophrenic, that are bipolar, that are -- that have
23 a major depression illness and you may not even know
24 it, correct?

25 A Correct.

1 MR. DODSON: Object to the form.

2 BY MR. PARHAM:

3 Q Is that correct, Doctor?

4 A Correct.

5 MR. DODSON: Object to the form.

6 BY MR. PARHAM:

7 Q And sitting in your office, even though they may have
8 this diagnosis or most likely have a diagnosis of
9 schizophrenia or bipolar or major depression or
10 antisocial, you're not seeing anything at that time
11 when you're treating that patient that would lead you
12 to believe they even have that diagnosis, do you?

13 A Not a hundred percent. But there are cases where
14 certain skin conditions are a sign that something else
15 is going on that's more severe, psychiatrically.

16 Q But even with a major -- let's just -- let's say Axis I
17 diagnosis like schizophrenia or bipolar disease, you're
18 not rushing them to the ER for some type of mental
19 health care, are you?

20 A No.

21 Q They're functioning in your office, right?

22 A Yes.

23 Q Is that correct?

24 A Yes.

25 Q But -- but the minute they leave your office, somewhere

1 that night they could deteriorate with that mental
2 illness, couldn't they?

3 MR. DODSON: Object to the form.

4 A Yes, they can.

5 MR. PARHAM: That's all I have. Thank you.

6 MR. DODSON: Anyone else?

7 MR. PARHAM: We done? We done?

8 MR. DODSON: I think we're done.

9 (WHEREUPON, THE DEPOSITION CONCLUDED AT 5:45 P.M.)

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25

ROBERT D. DODSON, ESQUIRE
LAW OFFICES OF ROBERT DODSON, PA
1722 MAIN STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

RE: MARTHA LEWIS ARGOE V. THREE RIVERS BEHAVIORAL
HOSPITAL, LLC, ET AL., CASE NO. 2007-CP-32-1981

Dear Mr. Dodson,

Enclosed you will find both the original and copy of the deposition of
GREGG J. COLLE, M.D., taken WEDNESDAY, THE 9TH DAY OF JANUARY,
2013, in the above referenced action.

As you may recall, the deponent requested to read and sign her deposition.
Therefore, by copy of this letter, I am forwarding a copy of the transcript to the
deponent, along with the original signature page, errata sheet and instructions for
reading and signing.

Upon completion of the signature page and errata sheet, the original of these
pages will be sealed under separate cover and forwarded to you with a copy to all
counsel. If the said pages are not completed within the thirty-day period or when
required in court, the original deposition shall be considered complete with this
letter in lieu of the signature page.

It was a pleasure working with you. If we can be of assistance to you in the
future, please give us a call.

Very truly yours,

Lori Boggs Reilly
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SIGNATURE PAGE

I do hereby certify that I have read the foregoing deposition given by me before Lori Boggs Reilly, Notary Public for South Carolina, Richland County, South Carolina.

PLEASE CIRCLE EITHER "A" OR "B".

- (A) Said deposition is correct as is and requires no changes.
- (B) I desire that the changes attached hereto, described on the "Errata Sheet" be incorporated into said deposition.

GREGG J. COLLE, M.D.

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**ERRATA SHEET
FOR THE DEPOSITION
OF GREGG J. COLLE, M.D.**

PAGE	LINE	CHANGE AND REASON FOR CHANGE:

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CERTIFICATE

This is to certify that the foregoing deposition of GREGG J. COLLE, M.D., consisting of 39 pages is a true and correct transcript of the testimony given by said deponent after first being duly sworn; said deposition was reported by method of Stenomask utilizing speech recognition with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 16TH day of JANUARY, 2013.



Lori Boggs Reilly
Professional Verbatim
Reporter

Notary in and for the State of South Carolina
My Commission Expires: May 14, 2014

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Progress Notes

Page: 1

Name: ARGOE, MARTHA

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

Date: 04/26/04

Title: FOLLOW-UP

Providers: GJC

Medical Assistant: FRAN JACKSON, RMA

Allergies:
NKDA

Current Medications:

RETIN-A CREAM BID PRN

S: Symptom, Location and Severity: THE PT PRESENTS WITH "A SPOT" ON THE LT FOREHEAD.

New symptom or complaint: NONE

Skin Cancer History:

1. NONE

General Appearance: WELL-APPEARING INDIVIDUAL IN NO ACUTE DISTRESS.

Orientation: TO PLACE, TIME AND PERSON.

Mood and Affect: APPROPRIATE AND COOPERATIVE.

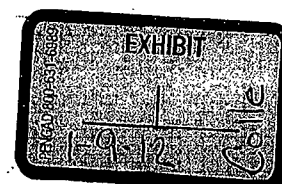
THE PATIENT HAS EXTENSIVE PHOTODERMATITIS OF THE FACE, SCALP, NECK, CHEST, ARMS, BACK AND LEGS. NO SUSPICIOUS ACTINICALLY-RELATED LESIONS ARE SEEN TODAY. HER BENIGN-APPEARING NEVI SHOW NO INTERVAL CHANGE SINCE THE LAST VISIT. SHE POINTS TO IRRITATED-APPEARING PIGMENTED PLAQUES. THESE ARE TREATED TODAY. VERRUCCOUS LESIONS ARE SEEN ON THE TOES. THESE ARE TREATED AS WELL.

- A: 1. PHOTODERMATITIS - NO SUSPICIOUS LESIONS SEEN.
2. BENIGN-APPEARING NEVI.
3. VERRUCA VULGARIS.
4. SEBACEOUSNESS.
5. SOLAR ELASTOSIS.

- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
3. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
4. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
5. VERRUCA VULGARIS TREATED WITH LN2 PER TODAY'S IMAGE.
6. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
7. CONTINUE ALL TOPICAL MEDICATIONS AS DIRECTED.
8. RTC IN 1 YEAR.

Rx: RETIN A CREAM .1% APPLY HS - , 45GM, Ref: 2 APPLY TO FACE

SIGNED BY GREGG J. COLLE, M.D. (GJC) 04/30/04



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	Hyperkeratotic Actinic Keratosis	☐
	Irritated Seborrheic Keratosis	☐
	Seborrheic Keratosis	☐
	Benign-Appearing Nevus	☐
	Verruca Vulgaris PLANTAR	☐
	Dryomycosis / Green Nail Syndrome	☐
	Senile Hemangioma	☐
	Dysplastic-Appearing Nevus	☐
	Basal Cell Carcinoma - Rule-Out BCC	☐
	Squamous Cell Carcinoma - Rule-Out SCC	☐
	Malignant Melanoma	☐
	Sebaceous Hyperplasia	☐
	Acrochordons	☐
	Epidermal Inclusion Cyst / Pilar Cyst	☐
	Other:	☐

CONFIDENTIAL

Progress Notes

Page: 1

Name: ARGOE, MARTHA

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

Date: 05/24/04
Title: FOLLOW-UP
Providers: GJC

Medical Assistant: FRAN JACKSON, RMA

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45GM, Ref: 2

S: Symptom, Location and Severity: THE PT STATES THAT "THE SPOT ON MY FOREHEAD IS STILL THERE."

New symptom or complaint: NONE

Skin Cancer History:

1. NONE

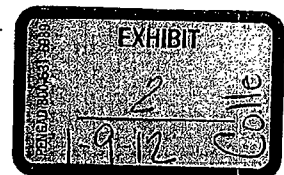
O: General Appearance: WDAWN INDIVIDUAL IN NO ACUTE DISTRESS.
Orientation: TO PLACE, TIME AND PERSON.
Mood and Affect: APPROPRIATE AND COOPERATIVE.

THE PATIENT HAS RESIDUAL IRRITATED APPEARING SEBORRHEIC KERATOSIS. IT IS TREATED. SHE POINTS TO A
PIGMENTED PATCH ON THE CHEEK. IT IS LIKEWISE TREATED. HER PHOTODERMATITIS IS STABLE. EXAMINATION OF THE
FACE, NECK, CHEST, ARMS, BACK AND LEGS SHOWS NO NEW SUSPICIOUS ACTINICALLY RELATED LESIONS. HER
BENIGN-APPEARING NEVI SHOW NO INTERVAL CHANGE.

- A: 1. IRRITATED SEBORRHEIC KERATOSIS.
2. SOLAR LENTIGO.
3. PHOTODERMATITIS - NO NEW SUSPICIOUS LESIONS SEEN.
4. MULTIPLE BENIGN-APPEARING NEVI - NO INTERVAL CHANGE NOTED.

- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS
DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES
UNDERSTANDING.
2. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
3. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES
AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
4. IRRITATED SEBORRHEIC KERATOSIS TREATED WITH LN2 PER TODAY'S IMAGE.
5. LN2 THERAPY OF A SOLAR LENTIGO PER TODAY'S IMAGE.
6. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
7. CONTINUE ALL TOPICAL MEDICATIONS.
8. RTC IN 1 MONTH.

Rx: RETIN A CREAM .1% APPLY HS -, 45GM, Ref: 2 APPLY TO FACE



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02161

	Hyperkeratotic Actinic Keratosis	
	Irritated Seborrheic Keratosis	
	Seborrheic Keratosis	
	Benign-Appearing Nevus	
	Verruca Vulgaris	
	Onychomycosis / Green Nail Syndrome	
	Senile Hemangioma	
	Dysplastic-Appearing Nevus	
	Basal Cell Carcinoma - Rule-Out BCC	
	Squamous Cell Carcinoma - Rule-Out SCC	
	Malignant Melanoma	
	Sebaceous Hyperplasia	
	Acrochordons	
	Epidermal Inclusion Cyst / Pilar Cyst	
	Other: SOLAR LENTIGO	

CONFIDENTIAL

Progress Notes

Page: 1

Name: ARGOE, MARTHA

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

Date: 03/04/08

Title: FOLLOW-UP

Providers: GJC

Medical Assistant: FRAN JACKSON, RMA

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45GM, Ref: 2

S: Symptom, Location and Severity: THE PT STATES THAT THE PREVIOUSLY TREATED SK'S AND SOLAR LENTIGO "IS GONE."

New symptom or complaint: SHE C/O "NEW SPOTS" ON THE LEGS AND ON THE LT SCALP.

Skin Cancer History:

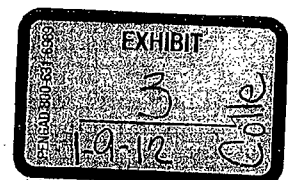
1. NONE

General Appearance: WD/WN INDIVIDUAL IN NO ACUTE DISTRESS.
Orientation: TO PLACE, TIME AND PERSON.
Mood and Affect: APPROPRIATE AND COOPERATIVE

THE PATIENT HAS SEVERE PHOTODERMATITIS OF THE FACE, NECK, CHEST, ARMS, BACK AND LEGS. A SINGLE HYPERKERATOTIC PLAQUE IS IDENTIFIED. SHE POINTS TO AN IRRITATED APPEARING PIGMENTED PLAQUE. IT IS LIKEWISE TREATED. SHE ALSO POINTS TO AN IRRITATED ERYTHEMATOUS PAPULE. IT IS ANESTHETIZED, ELECTRODESICCATED AND CURETTAGED. HER BENIGN-APPEARING NEVI SHOW NO INTERVAL CHANGE.

- A: 1. PHOTODERMATITIS WITH HYPERKERATOTIC ACTINIC KERATOSES.
2. IRRITATED SEBORRHEIC KERATOSIS.
3. IRRITATED SENILE HEMANGIOMA.
4. TELANGIECTASIAS - ANTICIPATE FUTURE THERAPY.
5. BENIGN-APPEARING NEVI.

- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
3. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
4. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
5. ED&C OF AN IRRITATED HEMANGIOMA PER TODAY'S IMAGE UNDER LOCAL ANESTHESIA (1% XYLOCAINE WITH EPI).
6. HYPERKERATOTIC ACTINIC KERATOSIS TREATED WITH LN2 PER TODAY'S IMAGE.
7. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
8. DISCUSSED THE FUTURE TREATMENT OF THE TELANGIECTASIAS ON THE LEGS.
9. A REFERRAL LETTER IS GIVEN TO PT TO FOR DR. JOSE RIVERA.
10. RTC PRN FOR SCLEROTHERAPY.



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02163

	Hyperkeratotic Actinic Keratosis	☐
	Irritated Seborrheic Keratosis	☐
	Seborrheic Keratosis	☐
	Benign-Appearing Nevus	☐
	Verruca Vulgaris	☐
	Drychomycosis / Green Nail Syndrome	☐
	Senile Hemangioma IRRITATED	☐
	Dysplastic-Appearing Nevus	☐
	Basal Cell Carcinoma - Rule-Out BCC	☐
	Squamous Cell Carcinoma - Rule-Out SCC	☐
	Malignant Melanoma	☐
	Sebaceous Hyperplasia	☐
	Acrochordons	☐
	Epidermal Inclusion Cyst / Pilar Cyst	☐
	Other:	☐

Progress Notes

CONFIDENTIAL

Page: 1

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

Name: ARGOE, MARTHA

Date: 07/16/04
Title: FOLLOW-UP
Providers: GJC

Medical Assistant: LISA STACK

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45 GRAMS, Ref: 6 (APPLY TO FACE)

S: Symptom, Location and Severity: THE PT RETURNS FOR ADDITIONAL SCLEROTHERAPY OF THE TELANGIECTASIAS OF THE LEGS.

New symptom or complaint: SHE C/O "AN IRRITATED MOLE" ON THE CHEST AND OF "PLACES" ON THE EYELIDS AND ARMS.

Skin Cancer History:

1. NONE

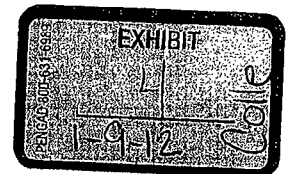
O: General Appearance: DOWNY INDIVIDUAL IN NO ACUTE DISTRESS.
Orientation: TO PLACE, TIME AND PERSON.
Mood and Affect: APPROPRIATE AND COOPERATIVE.

THE PATIENT HAS EXTENSIVE PHOTODERMATITIS OF THE FACE, NECK, CHEST, ARMS, BACK AND LEGS. NO SUSPICIOUS ACTINICALLY-RELATED LESIONS ARE SEEN. SHE POINTS TO IRRITATED-APPEARING PIGMENTED PLAQUES. THESE ARE TREATED. SHE ALSO POINTS TO IRRITATED-APPEARING ERYTHEMATOUS PAPULES. THEY ARE ELECTRODESICCATED. MANY TELANGIECTASIAS ARE SEEN ON THE LEGS. THESE ARE TREATED TODAY. HER BENIGN-APPEARING NEVI SHOW NO INTERVAL CHANGE. A HARD CLAVUS IS SEEN ON THE FOOT. IT IS TREATED WITH LIQUID NITROGEN.

A: 1. PHOTODERMATITIS - NO SUSPICIOUS LESIONS SEEN.
2. IRRITATED SEBORRHEIC KERATOSES.
3. TELANGIECTASIAS.
4. BENIGN-APPEARING NEVI.
5. HARD CLAVUS.
6. SENILE HEMANGIOMATA.

P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. 23.4% NACL INJECTED INTO THE TELANGIECTASIAS ON THE LEGS x 30 MINUTES. SITES ARE CLEANSED WITH HYDROGEN PEROXIDE.
3. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
4. A MEDICALLY UNNECESSARY WAIVER WAS SIGNED AND WITNESSED PRIOR TO THE PROCEDURE. (CL)
5. IRRITATED SENILE HEMANGIOMATA ELECTRODESICCATED PER TODAY'S IMAGE.
6. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
7. HARD CLAVUS TREATED WITH LN2 PER TODAY'S IMAGE.
8. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
9. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
10. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
11. RTC PRN FOR ADDITIONAL SCLEROTHERAPY.

SIGNED BY GREGG J. COLLE, M.D. (GJC) 07/16/04



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02165

	Hyperkeratotic Actinic Keratosis	
	Irritated Seborrheic Keratosis	
	Seborrheic Keratosis	
	Benign-Appearing Nevus	
	Verruca Vulgaris	
	Onychomycosis / Green Nail Syndrome	
	Senile Hemangioma	
	Dysplastic-Appearing Nevus	
	Basal Cell Carcinoma - Rule-Out BCC	
	Squamous Cell Carcinoma - Rule-Out SCC	
	Malignant Melanoma	
	Sebaceous Hyperplasia	
	Acrochordons	
	Epidermal Inclusion Cyst / Pilar Cyst	
	Other:	

HARD CLAVUS

CONFIDENTIAL

Progress Notes

Page: 1

Name: ARGOE, MARTHA

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

Date: 08/03/04
Title: FOLLOW-UP
Providers: GJC

Medical Assistant: FRAN JACKSON, RMA

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45GM, Ref: 2

S: Symptom, Location and Severity: THE PT RETURNS FOR ADDITIONAL SCLEROTHERAPY OF THE TELANGIECTASIAS ON THE LEGS.

New symptom or complaint: NONE

Skin Cancer History:

1. NONE

General Appearance: W/AN INDIVIDUAL IN NO ACUTE DISTRESS
Orientation: TO PLACE, TIME AND PERSON
Mood and Affect: APPROPRIATE AND COOPERATIVE.

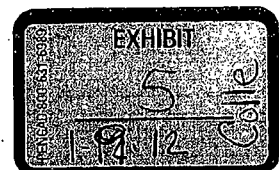
THE PATIENT HAS EXTENSIVE TELANGIECTASIAS ON BOTH LOWER EXTREMITIES. MANY OF THESE ARE TREATED TODAY. SHE POINTS TO MANY IRRITATED APPEARING PIGMENTED PLAQUES. THESE ARE TREATED AS WELL. EXAMINATION OF THE FACE, NECK, CHEST, ARMS, BACK AND LEGS SHOWS PHOTODERMATITIS. NO NEW SUSPICIOUS ACTINICALLY RELATED LESIONS ARE SEEN. A VERRUCOUS LESION IS SEEN ON THE FOOT. IT IS TREATED.

- A: 1. EXTENSIVE TELANGIECTASIAS - EXCELLENT RESPONSE TO THERAPY.
2. VERRUCA VULGARIS.
3. IRRITATED SEBORRHEIC KERATOSES.
4. PHOTODERMATITIS - NO SUSPICIOUS LESIONS SEEN.

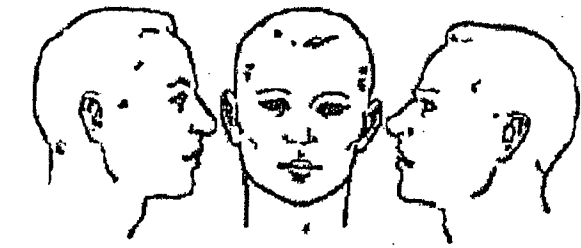
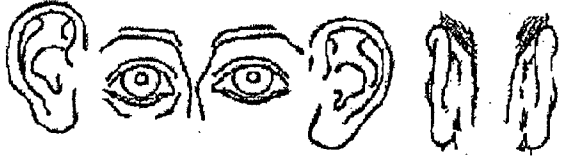
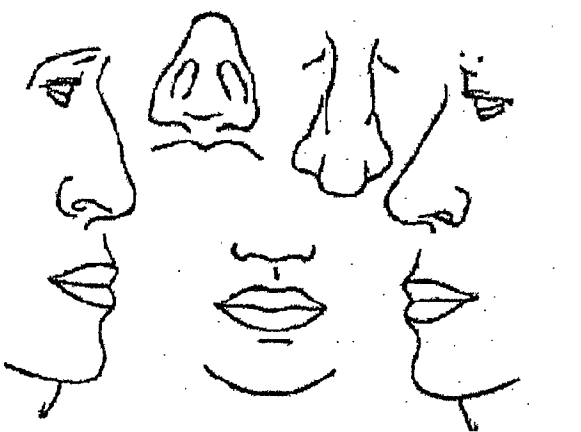
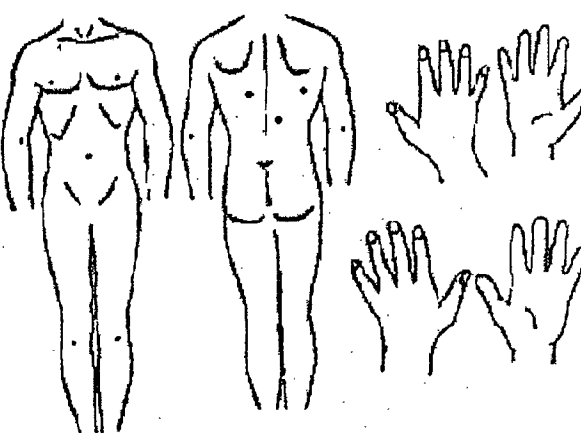
- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. 23.4% NACL INJECTED INTO THE TELANGIECTASIAS ON THE LEGS X 25 MINUTES. CLEANED WITH HYDROGEN PEROXIDE.
3. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
4. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
5. VERRUCA VULGARIS TREATED WITH LN2 PER TODAY'S IMAGE.
6. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
7. RTC PRN FOR ADDITIONAL SCLEROTHERAPY.
8. A MEDICALLY UNNECESSARY WAIVER WAS SIGNED AND WITNESSED PRIOR TO THE

PROCEDURE. (CL)

[Handwritten signature]



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	Hyperkeratotic Actinic Keratosis ☐
	Irritated Seborrheic Keratosis ☐
	Seborrheic Keratosis ☐
	Benign-Appearing Nevus ☐
	Verruca Vulgaris ☐
	Onychomycosis / Green Nail Syndrome ☐
	Senile Hemangioma ☐
	Dysplastic-Appearing Nevus ☐
	Basal Cell Carcinoma - Rule-Out BCC ☐
	Squamous Cell Carcinoma - Rule-Out SCC ☐
	Malignant Melanoma ☐
	Sebaceous Hyperplasia ☐
	Acrochordons ☐
	Epidermal Inclusion Cyst / Pilar Cyst ☐
	Other: ☐

Progress Notes

CONFIDENTIAL

Page: 1

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

me: ARGOE, MARTHA

Date: 01/19/06

Title: FOLLOW-UP

Providers: GJC

Medical Assistant: FRAN JACKSON, RMA

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45GM, Ref: 2

S: Symptom, Location and Severity: THE PT STATES THAT THE SOLAR ELASTOSIS "IS FINE."

New symptom or complaint: SHE RETURNS FOR A GENERAL SKIN EVALUATION.

Skin Cancer History / Past Medical History:

1. NONE

O: General Appearance: ~~DOWN~~ INDIVIDUAL IN NO ACUTE DISTRESS

Orientation: TO PLACE, TIME AND PERSON.

Mood and Affect: APPROPRIATE AND COOPERATIVE

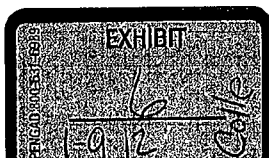
THE PATIENT HAS EXTENSIVE PHOTODERMATITIS OF THE FACE, SCALP, NECK, CHEST, ARMS, BACK AND LEGS. HYPERKERATOTIC PLAQUES ARE IDENTIFIED AND TREATED. IRRITATED APPEARING CYSTIC LESIONS ARE SEEN ON THE NECK AND FACE. THESE ARE TREATED. SHE POINTS TO IRRITATED PLAQUES ON THE TORSO AND EXTREMITIES. HER SOLAR ELASTOSIS IS IMPROVED.

- A: 1. SEVERE PHOTODERMATITIS WITH HYPERKERATOTIC ACTINIC KERATOSES.
2. IRRITATED SEBORRHEIC KERATOSES.
3. IRRITATED EPIDERMAL INCLUSION CYST.
4. BENIGN-APPEARING NEVI.
5. SOLAR ELASTOSIS - IMPROVED.

- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. ED&C OF EIC'S (0.3CM) PER TODAY'S IMAGE.
3. HYPERKERATOTIC ACTINIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
4. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
5. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
6. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
7. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
8. CONTINUE ALL TOPICAL MEDICATIONS AS DIRECTED.
9. RTC IN 1 YEAR.

Rx: RETIN A CREAM .1% APPLY HS - , 45GM, Ref: 6 APPLY TO FACE

Suppl. 12.10



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	Hyperkeratotic Actinic Keratosis	
	Irritated Seborrheic Keratosis	
	Seborrheic Keratosis	
	Benign-Appearing Nevus	
	Verruca Vulgaris	
	Onychomycosis / Green Nail Syndrome	
	Senile Hemangioma	
	Dysplastic-Appearing Nevus	
	Basal Cell Carcinoma - Rule-Out BCC	
	Squamous Cell Carcinoma - Rule-Out SCC	
	Malignant Melanoma	
	Sebaceous Hyperplasia	
	Acrochordons	
	Epidermal Inclusion Cyst / Pilar Cyst	
	Other:	

CONFIDENTIAL

Progress Notes

Page: 1

Date Printed: 03/06/08

ID: 12940

SEX:F AGE:65

Name: ARGOE, MARTHA

Date: 01/24/06
Title: FOLLOW-UP
Providers: GJC

Medical Assistant: FRAN JACKSON, RMA

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45GM, Ref: 6

S: Symptom, Location and Severity: THE PT PRESENTS WITH "A SPOT" ON THE FACE.

New symptom or complaint: SHE ALSO C/O "SPOTS" ON THE LEGS.

Skin Cancer History / Past Medical History:

1. NONE

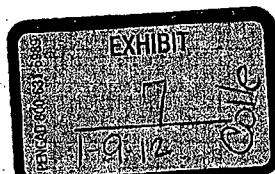
0. General Appearance: WDAWN INDIVIDUAL IN NO ACUTE DISTRESS.
Orientation: TO PLACE, TIME AND PERSON.
Mood and Affect: APPROPRIATE AND COOPERATIVE.

THE PATIENT HAS EXTENSIVE PHOTODERMATITIS OF THE FACE, SCALP, NECK, CHEST, ARMS, BACK AND LEGS. NO NEW SUSPICIOUS ACTINICALLY RELATED LESIONS ARE SEEN. THE PREVIOUSLY TREATED IRRITATED SEBORRHEIC KERATOSES ARE MUCH IMPROVED. SOME ADDITIONAL LESIONS ARE IDENTIFIED AND TREATED. HER BENIGN-APPEARING NEVI SHOW NO INTERVAL CHANGE.

- A: 1. SEVERE PHOTODERMATITIS - NO SUSPICIOUS LESIONS SEEN.
2. BENIGN-APPEARING NEVI.
3. IRRITATED SEBORRHEIC KERATOSES.

- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. THE PT IS REASSURED THAT THE SK'S ON THE LEGS SHOULD RESOLVE WITH TIME.
3. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
4. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
5. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
6. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
7. RTC IN 6 MONTHS.

Ben / 1/24/06



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CONFIDENTIAL

	Hyperkeratotic Actinic Keratosis	☐
	Irritated Seborrheic Keratosis	☐
	Seborrheic Keratosis	☐
	Benign-Appearing Nevus	☐
	Verruca Vulgaris	☐
	Onychomycosis / Green Nail Syndrome	☐
	Senile Hemangioma	☐
	Dysplastic-Appearing Nevus	☐
	Basal Cell Carcinoma - Rule-Out BCC	☐
	Squamous Cell Carcinoma - Rule-Out SCC	☐
	Malignant Melanoma	☐
	Sebaceous Hyperplasia	☐
	Acrochordons	☐
	Epidermal Inclusion Cyst / Pilar Cyst	☐
	Other:	☐

Progress Notes

CONFIDENTIAL

Page: 1

Date Printed: 03/06/08

ID: 12940

SEX: F AGE: 65

Name: ARGOE, MARTHA

Date: 07/05/08

Title: FOLLOW-UP

Providers: GJC

Medical Assistant: LISA STACK

Allergies:

NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS - days, 45GM, Ref: 6

S: Symptom, Location and Severity: THE PT STATES THAT THE PREVIOUSLY TX SK'S "ARE FINE."

New symptom or complaint: SHE C/O "SPOTS" ON THE FACE.

Skin Cancer History / Past Medical History:

1. NONE

General Appearance: WD/WN INDIVIDUAL IN NO ACUTE DISTRESS
Orientation: TO PLACE, TIME AND PERSON.
Mood and Affect: APPROPRIATE AND COOPERATIVE

THE PATIENT HAS EXTENSIVE PHOTODERMATITIS OF THE FACE, SCALP, NECK, CHEST, ARMS, BACK AND LEGS. NO SUSPICIOUS ACTINICALLY RELATED LESIONS ARE SEEN. HER BENIGN-APPEARING NEVI SHOW NO INTERVAL CHANGE SINCE LAST VISIT. THE SOLAR ELASTOSIS IS IMPROVED. A SMALL CYSTIC LESION IS SEEN ON THE RIGHT UPPER EYELID. SHE POINTS TO IRRITATED APPEARING PIGMENTED PLAQUES. THESE ARE TREATED AS WELL.

- A: 1. PHOTODERMATITIS - NO SUSPICIOUS LESIONS SEEN.
2. BENIGN-APPEARING NEVI.
3. IRRITATED EPIDERMAL INCLUSION CYST.
4. IRRITATED SEBORRHEIC KERATOSES.

- P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
3. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
4. IRRITATED SEBORRHEIC KERATOSES TREATED WITH LN2 PER TODAY'S IMAGE.
5. ED&C OF IRRITATED EIC (0.4 CM) PER TODAY'S IMAGE.
6. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
7. RTC IN 6 MONTHS.

Rx: RETIN A CREAM .1% APPLY HS -, 45GM, Ref: 6

Rx: SOLAQUIN FORTE GEL APPLY BID -, 1 OZ., Ref: 3 APPLY TO DARK SPOTS



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	Hyperkeratotic Actinic Keratosis	
	Irritated Seborrheic Keratosis	
	Seborrheic Keratosis	
	Benign-Appearing Nevus	
	Verruca Vulgaris	
	Onychomycosis / Green Nail Syndrome	
	Senile Hemangioma	
	Dysplastic-Appearing Nevus	
	Basal Cell Carcinoma - Rule-Out BCC	
	Squamous Cell Carcinoma - Rule-Out SCC	
	Malignant Melanoma	
	Sebaceous Hyperplasia	
	Acrochordons	
	Epidermal Inclusion Cyst / Pilar Cyst	
	Other:	

CONFIDENTIAL

Progress Notes

Page: 1

Date Printed: 03/06/08

ID: 12940

SEX:F AGE:65

Name: ARGOE, MARTHA

Date: 09/26/06

Title: FOLLOW-UP

Providers: GJC

Medical Assistant: MELISSA OTT

Allergies:
NKDA

Current Medications:

Rx: RETIN A CREAM .1% APPLY HS -, 45GM, Ref: 6

Rx: SOLAQUIN FORTE GEL APPLY BID -, 1 OZ., Ref: 3 APPLY TO DARK SPOTS

S: Symptom, Location and Severity: THE PT RETURNS FOR A GENERAL SKIN EVALUATION.

New symptom or complaint: SHE C/O "SEVERAL SPOTS" ON THE BODY.

Skin Cancer History / Past Medical History:

1. NONE

Q: General Appearance: DOWNY INDIVIDUAL IN NO ACUTE DISTRESS.
Orientation: TO PLACE, TIME AND PERSON.
Mood and Affect: APPROPRIATE AND COOPERATIVE.

THE PATIENT HAS SEVERE PHOTODERMATITIS OF THE FACE, SCALP, NECK, CHEST, ARMS, BACK AND LEGS. NO SUSPICIOUS ACTINICALLY RELATED LESIONS ARE SEEN. SHE POINTS TO MANY IRRITATED APPEARING PIGMENTED PLAQUES. THESE ARE TREATED. AN IRRITATED PAPULE IS NOTED ON THE ARM. IT IS TREATED AS WELL. THE SOLAR ELASTOSIS IS IMPROVED. THE SOLAR LENTIGOS ARE IMPROVED AS WELL.

A: 1. SEVERE PHOTODERMATITIS - NO SUSPICIOUS LESIONS SEEN.
2. IRRITATED SEBORRHEIC KERATOSES.
3. BENIGN-APPEARING NEVI.
4. IRRITATED NEVUS.
5. SOLAR ELASTOSIS - IMPROVED.

P: 1. DIAGNOSIS, TREATMENT PLAN, POTENTIAL COMPLICATIONS AND SIDE EFFECTS DISCUSSED WITH THE PATIENT AT LENGTH. THE PATIENT VOICES UNDERSTANDING.
2. HAVE DISCUSSED AND ENCOURAGED REGULAR SOLAR PROTECTION.
3. THE PATIENT IS INSTRUCTED ON MONTHLY SELF-EXAMINATION OF MOLES AND THE CHANGES ASSOCIATED WITH DYSPLASTIC DEGENERATION.
4. IRRITATED SEBORRHEIC KERATOSIS(ES) TREATED WITH LN2 PER TODAY'S IMAGE.
5. IRRITATED NEVUS TX'D WITH LN2 PER TODAY'S IMAGE.
6. INSTRUCTIONS FOR CARE OF THE TREATMENT SITE ARE GIVEN.
7. CONTINUE RETIN-A AND SOLAQUIN FORTE GEL AS DIRECTED.
8. RTC IN 6 MONTHS.

Rx: RETIN A CREAM .1% APPLY HS -, 45GM, Ref: 6



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	Hyperkeratotic Actinic Keratosis ☐
	Irritated Seborrheic Keratosis ☐
	Seborrheic Keratosis ☐
	Benign-Appearing Nevus ☐
	Verruca Vulgaris ☐
	Onychomycosis / Green Nail Syndrome ☐
	Senile Hemangioma ☐
	Dysplastic-Appearing Nevus ☐
	Basal Cell Carcinoma - Rule-Out BCC ☐
	Squamous Cell Carcinoma - Rule-Out SCC ☐
	Malignant Melanoma ☐
	Sebaceous Hyperplasia ☐
	Acrochordons ☐
	Epidermal Inclusion Cyst / Pilar Cyst ☐
	Other: ☐

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) C/A #: 06-CP-07-2013

Martha Lewin Argoe,

Plaintiff,

v.

George Lewis Argoe, III,
Individually and as
purported "Trustee",
G. Lewis Argoe, Jr., James
F. Walsh, Ameriprise
Financial Services, Malcolm
Lynn Norris and Pandora
Jones-Glover,

Defendants,

COPY

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OF SC, PA

DEPOSITION OF
GEORGE LEWIS ARGOE, JR.

Wednesday, July 25, 2007
4:47 p.m. - 6:48 p.m.

The deposition of GEORGE LEWIS ARGOE, JR.,
taken on behalf of the Plaintiff at the law offices
of HOWELL, GIBSON AND HUGHES, 25 Rue Du Bois,
Beaufort, South Carolina, on the 25th day of July,
2007 before Carla S. Dominick, Court Reporter and
Notary Public in and for the State of South Carolina,
pursuant to Notice of Deposition.

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(803) 252-3445 / (800) 822-0896

APPEARANCES:

Jan L. Warner, Esquire
 Matthew Steinmetz, Esquire
 WARNER, PAYNE AND BLACK
 1122 Lady Street, Suite 1200
 Columbia, South Carolina 29201
 Attorney for the Plaintiff

Kenneth Michael Barfield, Esquire
 BARNWELL, WHALEY, PATTERSON AND HELMS, LLC
 Post Office Drawer H
 Charleston, South Carolina 29042-0197
 Attorney for James F. Walsh, Esquire

J. Rice Ferrelle, Jr., Esquire
 MURPHY AND ANDERSON, P.A.
 One Independent Drive, Suite 1801
 Jacksonville, Florida 32202
 Attorney for Ameriprise Financial Services

Michael S. Pauley, Esquire
 VINTON D. LIDE & ASSOCIATES, LLC
 5179 Sunset Boulevard
 Lexington, South Carolina 29072
 Attorney for Pandora Jones-Glover

Thomas A. Pendarvis, Esquire
 PENDARVIS LAW OFFICES, P.C.
 500 Carteret Street, Suite A
 Beaufort, South Carolina 29902
 Attorney for George L. Argoe, Jr. and
 George L. Argoe, III

Also Present:
 Martha Argoe, Plaintiff
 George Lewis Argoe, Jr., Defendant

INDEX

<u>MR. ARGOE:</u>	<u>PAGE:</u>
MR. WARNER EXAMINATION	4
MR. BARFIELD EXAMINATION	87
MR. FERRELLE EXAMINATION	95
MR. PAULEY EXAMINATION	96
MR. WARNER RE-EXAMINATION	99
MR. PAULEY RE-EXAMINATION	104
MR. BARFIELD RE-EXAMINATION	106
Certificate	109

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EXHIBITS

Plaintiff's Exhibit Number Fifty-four 41
(Application for Involuntary Emergency
Hospitalization for Mental Illness dtd
6/6/05)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby waived.

1 GEORGE LEWIS ARGOE, JR., having been duly sworn,
2 deposes and testifies as follows:

3 MR. ARGOE - EXAMINATION BY MR. WARNER:

4 Q: Mr. Argoe, I'm Jan Warner, and I'm going to try
5 to get through this as quickly as I can. If
6 any of my questions are illegible or not
7 understandable, please tell me and I'll try to
8 ...

9 A: I will.

10 Q: Okay. I know you will. And if you need to
11 take a break, fine. Your name and date of
12 birth, please.

13 A: I'm G. Lewis Argoe, Jr. Actually, George Lewis
14 Argoe, Jr. I was born in ... on

15
16 Q: And you and Martha married when?

17 A: August ...

18 Q: And your one son just testified, is that
19 correct?

20 A: That's correct.

21 Q: All right. When did you and Martha begin
22 having issues with each other at home?

23 A: I don't think we ever really had issues at
24 home.

25 Q: Okay. Did she get upset about your drinking?

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1 A: She never, ever expressed any real objection.
2 We both were drinkers for a long time. She
3 quit; I didn't.

4 Q: When did she quit?

5 A: Some years ago.

6 Q: Fifteen, 20 years ago?

7 A: Probably ... she probably would have a drink
8 ten, 12 years ago. She didn't drink to excess
9 or anything.

10 Q: So she never expressed to you that she had
11 concerns about your drinking habits?

12 A: She ... not ... Martha was not outspoken about
13 it, no. And I ... I went to work everyday and
14 I came home every night and we had our ... I
15 had ... for a while I found out that I didn't
16 need to drink hard whiskey because I don't do
17 it now. It's been a long time. I drink beer.

18 Q: And would you drink everyday?

19 A: We did, but ... I did for a long time, then I
20 would quit for a while, and then I would go
21 back to it, then I would quit for a while. I
22 had another bad habit one time. I also chewed
23 tobacco. Then I quit that too, because I just
24 ... when I put it down, I quit that two or
25 three times and came back.

1 Q: When was it that you and she started using
2 separate bedrooms?

3 A: That happened the night before ... shortly
4 after we went to Titusville, Florida, to pick
5 up the boat ... excuse me, we made two trips to
6 Florida. That happened right shortly before
7 ... the night before we went to Jacksonville to
8 pick up the boat. The boat was left in
9 Jacksonville and the three of us drove down.
10 We rented a car, carried some things, and came
11 from Jacksonville up to Fernandina, spent the
12 night, and came on back to Beaufort. We had
13 bought that boat in July ... the week of July
14 of 2003. Martha and I had gone to Florida
15 together and we had bought that boat down
16 there, and we were in ... either February or
17 March of finally bringing it all the way home.
18 We had some issues with an engine and we ... we
19 just had ... you know, it just took that long
20 for it all to happen.

21 Q: February or March of '04?

22 A: '04.

23 Q: And when you go back from that trip, is the
24 time that she moved out of the bedroom?

25 A: Sometime shortly thereafter. She had expressed

1 that ... the time is very difficult for me to
2 understand or remember. But it was very vivid
3 to me that the night before we went to
4 Jacksonville, she sat up in the middle of the
5 bed right next to me and out of a clear as a
6 lightning bolt would happen, she says, "I'm
7 tired of you and your other family and your
8 ..." and I said, "What are you talking about?"
9 And she said, "I don't want to go to
10 Jacksonville to get the boat." And I said,
11 "Oh, Martha, I don't know what you're talking
12 about. I don't have a clue what you're talking
13 about," and she ... she got up early in the
14 morning, like 4:00 in the morning with the rest
15 of us. We went down, picked up the boat, paid
16 the expenses, got the boat, and brought it
17 back.

18 Q: Okay. In '86, you had a relationship, though,
19 outside the marriage, is that correct? 1986.

20 A: 1986?

21 Q: With your secretary.

22 A: I was accused of it. And I eventually said I
23 did.

24 Q: And she forgave you for that?

25 A: She did. And I ... I learned a lesson and I

1 have been faithful ... I have been faithful.
 2 Since she brought this action, I have done
 3 nothing whatsoever to make her believe that I
 4 have had a relationship with anybody.

5 Q: And did you tell her that she never had done
 6 anything and she was basically worthless?

7 A: No, I don't recall saying that.

8 Q: Never told her that?

9 A: No. I expressed my dislike on occasion because
 10 she ... she ... her ... her willingness to do
 11 things in the house had gotten suspect. She
 12 just didn't want to do anything. And I
 13 expressed, I said, "Martha, you need ..."
 14 She'd sleep till very late and she'd be sleep
 15 when I'd come home. And I said, "Martha, you
 16 need to kind of ... let's pitch in and get
 17 some things done around here." That's the so-
 18 called, in her words, bullying that I suspect.

19 Q: When did she start going out at night?

20 A: I know ... I suspected that sometimes ... well,
 21 it did start happening in 2005, sometimes in
 22 Spring of 2005.

23 Q: Okay. And you would be sleeping and she would
 24 leave?

25 A: I got up ... the first time I got up and went

1 downstairs and started missing her and she
2 would ... her explanation to me was that we had
3 ... we ate out every night. Wherever she
4 wanted to go, we went. That was ... that has
5 been the pattern in our lives for a long time.
6 We eat every meal, weekend meals, everything
7 out. She ... we would go ... when we would
8 come in from wherever we would go, I would end
9 up going to bed. We'd go to IHOP, go to
10 Applebee's, go wherever. She loved to go to
11 IHOP. But it didn't seem right when she was
12 going back out and giving me a reason for
13 leaving is "I wanted to go get a dessert at the
14 IHOP." That just didn't make a lot of sense to
15 me.

16 Q: So you told your son she was going out at
17 night?

18 A: Yes, I did.

19 Q: And you knew that he had followed her?

20 A: I knew he said he did.

21 Q: And that he found her in the parking lot on the
22 telephone?

23 A: In that respect, let me say, we cared a lot for
24 Martha. We didn't want to hurt her. Martha
25 just needed somebody to help her with her

1 personal life because she was ... there was
2 some failures beginning to show in her personal
3 life, her hygiene in the house, other things.
4 She could dress and do very well outside the
5 house. At home, things were not done so well.
6 I managed the cat box, everything, for her cat.
7 But one of the ... go ahead.

8 Q: Please, go ahead.

9 A: I think I ... I think I lost where ...

10 Q: I didn't ... I certainly didn't mean to
11 interrupt you.

12 A: The whole thing was to worry about what she was
13 doing and one of the issues, I didn't know what
14 she was doing. I don't have any reason to
15 suspect Martha's fidelity. I haven't. I never
16 have. I never have accused her of that. Never
17 been concerned about that. Which in her
18 automobile is a device that she wasn't ... she
19 always wanted to drive and she insisted on it,
20 but in the automobile is a device that measures
21 your miles per hour ... average miles per hour
22 over and you can set the reset to set it on per
23 miles per gallon. I knew something was not
24 doing right when over a 15 gallon tank of fuel,
25 I noticed the average miles per hour was nine.

1 And I checked that on several occasions, and
 2 that's when I started suspecting that she was
 3 leaving the house to sit in parking lots. And
 4 I still believe to this day, although I didn't
 5 go and chase her. I respect Martha and her
 6 privacy. I respect her property. I never have
 7 ... the main thing I've spent my life doing is
 8 trying to take care of her personal needs, her
 9 financial needs, and I have not interfered
 10 whatsoever with any of her financial holdings,
 11 where she got them or anything.

12 Q: Now, did you during this same period of time,
 13 '04 and '05, express to her your concern that
 14 she was going to leave you?

15 A: I asked her when she seemed to be accusing me
 16 of things, I said, "Martha, are you not happy
 17 with me? Am I doing something to offend you?"
 18 because she was becoming very nasty with me.
 19 And I wanted to know what she was up to. One
 20 of the trigger things that caused me a lot of
 21 concern about my own welfare was the simple
 22 fact that she was not treating me very well.
 23 And it wasn't the moving out of the bedroom.
 24 It was just the daily things. But I ... and
 25 what made it so difficult to understand, and I

1 might be saying too much, but what made it very
2 difficult to understand is we always would ...
3 she always ... we always went out to eat; she
4 would ... very seldom did she go if I didn't go
5 with her. And I always went with her. That
6 was ... because I went to work everyday, and I
7 came home every night. Not at 10:00 either.
8 I'm talking about after work.

9 Q: Now, did you drink during the day?

10 A: No, not at all.

11 Q: So, you did not have a concern or express a
12 concern to her that she was going to leave you?

13 A: No, I didn't. I asked her on numerous
14 occasions what was upsetting; was it something
15 of me. And I asked her then "What do you want
16 me to do for you?" And I ... and you know what
17 her answer was always, and the same kind of
18 thing, "You take care of me and pay my bills."
19 I asked her is there anything else that she
20 wanted. I'm going ... I'm going to even put
21 words in ... I may go and block out one of your
22 questions. There was a time when I was having
23 difficulty getting my mail and her mail. I
24 opened this eight bank ... eight month bank
25 statements in a row. We had mail delivery at

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1 curbside. And I just had a hard time getting
2 my hands on mail. And I needed that to handle
3 not just my affairs, but her affairs, too, the
4 ones that I had been, you know, making sure
5 that needed to be taken care of. Because it's
6 been customary for me all my life, not only to
7 pay the bills at our house, but to pay the
8 bills on property that she has and see that
9 they were taken care of.

10 Q: Did you and she have disagreements about the
11 use of the television sets?

12 A: Disagreements, no. She could do anything she
13 wanted to. But I found it ... it was rather
14 offensive for ... we had a porch television, a
15 den television; we had a television in the ...
16 her bedroom; we had a television in my bedroom.
17 We had about six televisions. We even had one
18 in her closet in her bathroom. And they
19 always, even in the closet, they were always on
20 the TBN or the ... different things, and they
21 played 20 ... they played 24 hours a day. And
22 that was a little bit ... a little bit hard to
23 ... to deal with with that ... that ... that
24 was the way they would run.

25 Q: You ... she would switch the television to

1 another channel when you'd come in the room?

2 A: She'd switch back and forth sometimes because
3 I expressed a dislike for them and I ... I ...
4 she was very considerate for most of the time.
5 When I was there, she would ... if I was in the
6 room with her to watch the television, she'd
7 sit there and we'd watch something together.
8 One of her favorite programs was Millionaire.
9 She was going to watch that. She'd get off it,
10 but if I left the room, it would switch back to
11 what, you know, back to one of these
12 evangelistic type programs.

13 Q: And you had concerns about that?

14 A: I did have some concerns because I thought it
15 was ... it was dwelling on too much of one
16 thing.

17 Q: And you had concerns about her going out ...

18 A: Out at 9:30 at night in Orangeburg is not safe
19 for a lady and ... of any kind, and I will
20 assure you this, Martha is ... Martha always
21 when she left, she always had her jewelry on
22 and it looks nice and she didn't mind showing
23 her jewelry to all the waitresses and explained
24 what they were and all the places. And I don't
25 object to having jewelry; I want it, I just

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1 think sometimes in Orangeburg, you don't allow
2 people to put their hands on your hands or look
3 at your jewelry and those kind of things
4 because that's not the town that that should be
5 done in.

6 Q: And so if it was another town, would you have
7 thought different about it?

8 A: I probably would not, but Orangeburg, I know
9 about Orangeburg. Orangeburg is not a good
10 town. There are a lot of bad things happening
11 in that town.

12 Q: And it was a concern to you that she would go
13 out to dinner if you would go with her?

14 A: I always went with her, and I went with her
15 because I enjoyed being with her. But I didn't
16 ... I didn't want her hurt.

17 Q: And then she slept in her room and she locked
18 the door?

19 A: She locked the door, right.

20 Q: You took the locks off, did you not?

21 A: No, I didn't take the locks off.

22 Q: You never took the locks off?

23 A: No, I didn't take the locks off. If Martha
24 wanted her privacy, she had her privacy.

25 Q: And she used cell phones, that concerned you?

1 A: She always ... I paid for the cell phones. We
2 always had cell phones.

3 Q: But was that a concern to you that she used a
4 cell phone rather than the other phone?

5 A: No, it did not. I was accused of bugging all
6 the telephones and I didn't bug any telephones,
7 but I was accused of it. I thought that was
8 weird behavior.

9 Q: So you didn't tell her that you had bugged the
10 phones. She told you that she thought you
11 bugged them?

12 A: I don't know where the bugs came from. The
13 point is that she has been around some other
14 ... the domestic issues, people with domestic
15 issues, and she knows that there have been bugs
16 put on different people ...

17 Q: Okay.

18 A: ... before and I did not do it. I respect
19 Martha too much for that.

20 Q: You said she had to have the keys to the car,
21 was that because of your drinking that she
22 didn't want you to drive?

23 **MR. PAULEY:** Object to the form.

24 A: I don't know why she did it, but Martha quit
25 ... Martha just wanted to always drive.

1 Q: Okay. Was it because you had had some drinks
2 and she hadn't that she wanted to drive?

3 MR. PENDARVIS: Form objection.

4 A: I ... I could have said that would be a
5 reasonable answer and I know what a designated
6 driver is and I was proud to have one.

7 Q: And when you rode in the car, she played gospel
8 tapes?

9 A: Very much so.

10 Q: Okay. And she wouldn't turn them off?

11 A: She generally would tell her ... tell me that
12 ... she would turn them down because I'd say
13 "Please, let's don't do them quite so loud,"
14 and she says, "But they are soothing. I'll
15 turn them down to where I ... have it." She
16 was considerate. That was consideration. I
17 understood that.

18 Q: She stopped doing housework. She said what
19 about the ...

20 A: Oh, it's been a long time.

21 Q: How long?

22 A: It's been a long time. Five, six ...

23 Q: Five or six years?

24 A: She slowed up. She did housework and she
25 slowly ... she slowed up with the housework and

1 then she got to the point, well, she used to
2 always throw my things in the washing machine,
3 then she quit doing that. You know, she
4 basically phased some things out of her life.

5 Q: Now, did you and she socialize a lot?

6 A: When Buss was growing up and we were younger,
7 we did a lot more. Our social life was
8 basically ... for a long time we were a member
9 of the country club, but our social life
10 predominantly was after ... while Buss was in
11 school to be involved with the parents at
12 school. I was president of Booster Club over
13 there. I knew a lot of people there from that,
14 but they were all contemporaries of my ... our
15 age. I was never one ... we never spent time
16 sitting around the bars at the country club.
17 We ended up ... usually, we'd go eat wherever
18 she wanted to go.

19 Q: So in the last ten or 15 years, you were not
20 social people, stayed home most times?

21 A: I would not say I was a social person. We went
22 to her garden club events; we went to South
23 Carolina football games. Martha and I, until
24 2004, most every weekend that Buss and Jenny
25 didn't come to the house, we would travel to

1 the beach house and stay down there on the
2 weekend, or we would go somewhere on the
3 weekend. And we continued to do that until
4 about September of 2005.

5 Q: That was after she had been in the hospital?

6 A: No. 2004.

7 Q: 2004. Before the hospital. She took care of
8 her cat?

9 A: She loved her dogs and when the last dog died,
10 I kind of objected because the house was ...
11 needed refurbishing and I said, "Let's just do
12 without the dog." But everywhere we went on
13 the weekends, we couldn't go on long trips
14 because we didn't leave the dog. The dog was
15 an invalid dog. And then she got the cat and
16 I wanted it to stay outside and she wanted it
17 inside. And until she went to the hospital, it
18 was always ... became an inside cat. After she
19 came back from the hospital, the cat was an
20 inside/outside cat because the cat could go
21 outside. He liked it.

22 Q: But she took care of the cat, kept it clean,
23 fed, and litter box?

24 A: She did on and off. She did for a while, when
25 the cat first got there. And she always kept

1 the litter boxes up and then I started helping
2 her keeping it up, and then it got to the point
3 where I did it exclusively. And she carried
4 the cat into her room and the litter box in
5 there and did not ... you know, I did not
6 violate her privacy. If she ... what she had
7 in her room was hers, and what she wanted to do
8 with it was all right. But shortly before ...
9 when I ... when she went to the hospital, the
10 litter box it appeared had not been changed and
11 the litter and the cat feces were scattered all
12 over the corner of the room. It was not a
13 pretty sight at that time.

14 Q: You had issues with her attending Cornerstone
15 Community Church?

16 A: I told her I didn't care for that church. We
17 were members of Trinity Presbyterian Church,
18 and we went. In fact, I invited her to go with
19 me for the first time that she ever went there
20 herself, because I had heard something about
21 it. But it was a more of this charismatic type
22 religion with ... and I'm ... I'm more of a
23 conservative old Baptist. That's where I
24 started out.

25 Q: Did y'all have good relationships with your

1 neighbors?

2 A: Very good.

3 Q: Did you see them often? Did you entertain each
4 other the later years?

5 A: Well, we were the first people to live on the
6 street and for years and years and years we
7 exchanged Christmas gifts with everybody on the
8 block. We had block gifts. We'd ... little
9 things we did. This went on for years. And as
10 the neighborhood grew, and as we got older, we
11 didn't have quite that same relationship, but
12 we were all, you know, on good terms with
13 everybody when we saw them.

14 Q: Her hygiene was good or bad?

15 A: Her personal hygiene was good, very good. Her
16 ability to cope with housework was not very
17 good.

18 Q: Who was her physician in Orangeburg?

19 A: The only one I ever knew of was Fresh Babb and
20 mother had some ... I think in the year 2000
21 some real serious physical issues. The year
22 2000. She had three operations I think in one
23 year. Fresh Babb, Dr. Babb, Julius Babb, did
24 that work. He was a surgeon, but he was also
25 telling her ... her maintenance engineer, I

1 guess, and she had another Dr. Degen who handle
2 her feminine problems.

3 Q: Did you get upset with her, Mr. Argoe, about
4 the amount of money she spent on this pudd down
5 here?

6 A: Did I get upset?

7 Q: Yes.

8 A: I didn't know how much she spent on it.

9 Q: Did you think you should have been involved in
10 that?

11 A: At this ... as hindsight I should have been.

12 Q: So you think she made a bad investment?

13 A: I'm not going to say the investment was bad.
14 The ... some of the decisions regarding the
15 expenditures, and I don't think that she
16 negotiated very well for the cost involved. I
17 think there's about 2100 feet that cost
18 \$664,000.

19 Q: And her brother-in-law, her sister's husband,
20 was the contractor, wouldn't he?

21 A: Her sister and her brother-in-law, I think,
22 were the reason that she decided to come down
23 here and build this place.

24 Q: So you think that they took advantage of her
25 under pressure?

1 A: I don't want to ... I don't want to make family
2 issues out of this.

3 Q: But it was her brother-in-law who was the
4 general contractor?

5 A: And her ... well, and her sister.

6 Q: And sister.

7 A: Her sister works there, too.

8 Q: Right. And that was a bone of contention with
9 you or you were concerned about it?

10 A: I ... again, Mr. Warner, I've always been
11 concerned about Martha. Martha from a personal
12 standpoint and how she did ... what she did
13 with her own financial means. She was capable
14 and always ... for years, I managed her
15 Beaufort property ... not the Beaufort
16 property, the New Hampshire property where
17 she's from. She had ... she and her ... the
18 three siblings had 6,000 acres along with two
19 other people in New Hampshire. And after her
20 father died, somebody had to take charge and
21 her brother and her sister were younger and I
22 drew the lot because her mother wanted me to,
23 trying to take care of it. And I took care of
24 the interest in New Hampshire until the early
25 90's, when her brother, who happens to be a

1 physician, kind of wanted all the maps and
2 wanted to take charge of things. And I said,
3 "Well, it's time for me to bail out of this."
4 I've been doing it for ever since there were
5 ... you know, some of them ... I think Donna,
6 her sister, was 11 years old and I looked out
7 for it from eleven to many years. I was never
8 accused of doing anything wrong. I accounted
9 for every cent that ever was taken. We made
10 wise decisions. Martha withdrew from the ...
11 from the three person partnership after we got
12 the other two northerners out of it. And she
13 withdrew from that and she ended up with some
14 thousand acres of land. And she said she could
15 manage it. I said, "Well, it's yours. You
16 manage it the way you want to."

17 Q: Did she ever bounce checks on some of your
18 accounts?

19 A: Yes, she did.

20 Q: When did that take place?

21 A: That happened ... that started in 2004.

22 Q: Okay.

23 A: We had only one joint bank account. I banked
24 separately. We had ... and I guess you call
25 that the house account. And she used that as

1 a clearing house. And for ... ever since ...
 2 during that period of time, that account was
 3 one that I'd have to sometimes replenish to
 4 some extent. But the main way of doing it, it
 5 was ... I would give her a check every Monday
 6 for \$300 and she used it all for her personal
 7 needs and if it was something else around the
 8 house or whether it's cleaning supplies,
 9 laundry or whatever it is, I gave her
 10 additional money for that. But she was ... but
 11 then she started abusing that account and all
 12 of a sudden, I'm getting six an seven bounced
 13 checks at the time. And the bank would call
 14 me. And I finally had to ... Martha told me
 15 that, you know, that I was responsible for her
 16 bad checks ... for the bad checks and that ...
 17 I said, "Well, I didn't write them. I might be
 18 responsible for the payment of money, but I
 19 can't stand this. It's not good for you, me,
 20 or anybody else to have insufficient fund
 21 notices coming back."

22 Q: And that started when, in '04?

23 A: '04.

24 Q: What about her use of credit cards?

25 A: That became excessive.

1 Q: Were those yours or hers?

2 A: They were hers, but I always paid the bills.

3 Q: You paid her bills and she what, bought

4 clothing?

5 A: Whatever she wanted.

6 Q: And she never bought clothing in the past? She

7 didn't ...

8 A: No, she always bought clothing.

9 Q: What was the difference?

10 A: All of a sudden, she never bought them ... you

11 know, I don't care how she spent the money, you

12 know, whatever she spent her money, I gave her

13 during the week was fine. But I can't stand

14 \$3,000 and \$4,000 a month credit card bills for

15 clothing.

16 Q: So over the years you gave her basically \$300

17 a week as kind of an allowance to ...

18 A: That's just kind of a weekly ... for whatever

19 she needed during that week and I subsidized it

20 for everything else.

21 Q: Now, did you move the car to ... the Corvette

22 to Beaufort?

23 A: Buss and I when it was recovered from the shed,

24 we took ... we discussed where it would be

25 safest and Martha had been at the hospital and

1 I just ... she had expressed a dislike ...
 2 honestly, she had a dislike for having it in
 3 Orangeburg. I did not ever want to shock her,
 4 so I said, "Put it in the extra space at
 5 Beaufort. Martha will be proud to have it down
 6 there. That's her house."

7 Q: Where had it been before she put it in storage?

8 A: At our ... in our garage in Orangeburg.

9 Q: At home?

10 A: At home.

11 Q: And she took it out of the garage and put it in
 12 storage?

13 A: It disappeared one day. Just disappeared. And
 14 I didn't know where it went. It took ... it
 15 was ... it disappeared in December and probably
 16 ... I discovered it, which is while she was in
 17 Three Rivers, in a storage unit.

18 Q: So you ... it went out of the house and went
 19 into a storage facility, is that correct?

20 A: That's what she did. She carried it over
 21 there.

22 Q: And you found it when she was in the hospital?

23 A: I found it in the hospital.

24 Q: What else was in that storage facility?

25 A: She had that and two other storage buildings.

1 Two other storage units.

2 Q: What did she store in there?

3 A: She had ... by that time, she had moved
4 substantial ... she had moved china; she had
5 moved anything that might be of value that was
6 small enough to carry. She had some tables;
7 she had honestly I don't know ... to this day
8 I haven't seen our silverware, I don't know
9 where it is. But there were a lot of things
10 that were stolen and the attendance there, and
11 I got the Sheriff's report. They said that she
12 never itemized or made any claim. And I don't
13 know what was missing, but they said on the
14 report there were three fur coats, some other
15 items, and the lady said she drove ... this is
16 what the lady was telling me. Said, "I was
17 there. Martha drove the Corvette," which is
18 some two miles to this place. She drove the
19 Corvette there; she put it in storage. She had
20 to find some kind of ramp to get it up into the
21 storage building. They locked it up and the
22 lady there said she started walking. She had
23 to walk across the ... Cawcaw Creek and back up
24 the way. And she said so I could get away.
25 She said she went over and she picked Martha up

1 and Martha thanked her and she carried her home
2 and Martha tipped her \$100.

3 Q: Now, did you have the title changed on that
4 vehicle?

5 A: The title has been changed. And let me tell
6 you how all this ...

7 Q: Okay.

8 A: And you have this in your file, because I have
9 furnished you with this. I advised Martha that
10 an ... a title on a classic automobile of that
11 ... a one owner classic auto ... one owner is
12 very important in these things. I had that
13 whole car set and redone some ten years ago for
14 her, the paint. It stayed three months in
15 Greenville before the Southeastern Corvette
16 Exposition where it was refurbished, exterior-
17 wise. It was brought home and it was taken
18 care of. Then the Highway Department decides
19 to change their system, and I think ... and I
20 to this day will tell you, I asked Martha, and
21 I don't think she can tell you, somewhere along
22 the way, the title went ... not the title, the
23 registration went ... the registration, which
24 you get annually, went from Martha Lewin to
25 Mrs. G.L. Argoe, and then it went to G.L.

1 Argoe, and I told her, I said, "Don't allow
2 that to stay on the records because that
3 vehicle will be a lot better," and then when
4 they changed the registration, some how they
5 also got the title screwed up and it went to
6 G.L. Argoe, Jr., and that's been two or three
7 years. And I expressed ... I told her that and
8 I said that was something that needed to be
9 done ... dealt with. I dealt with it within
10 the last four months at the Highway Department.
11 They researched the history. And if you go and
12 ask them for a title, which I gave to you, that
13 vehicle is titled, it's original title, Martha
14 Lewin of Crescent Beach, South Carolina.
15 That's the correction the Highway Department
16 made. And they did it at my insistence.

17 Q: Did you move her mail out of the house?

18 A: Her mail?

19 Q: Yes.

20 A: I ... when we talk about mail, yes, I have
21 taken some things. I have had gobs and gobs of
22 religious literature, which is not books, I'm
23 talking about what you call mail circulars and
24 those kind of things. I had way too many of
25 those. I had them for 12 or 13 years and they

1 were not in any organized fashion. I cleaned
2 up.

3 Q: Did you take her mail concerning her property
4 out of the house?

5 A: No. Well, no.

6 Q: The information you faxed to Mr. Walsh before
7 this got started, you remember those things you
8 faxed to him?

9 A: I ... off hand, I don't.

10 Q: Okay.

11 A: But I did give him some information.

12 Q: And that came from the house, did it not?

13 A: Let me see what you're talking about.

14 Q: Look at Exhibit ...

15 A: It would have come ...

16 Q: ... Exhibit Forty-One.

17 **(Plaintiff's Exhibit Number Forty-one from the Walsh**
18 **deposition was identified.)**

19 A: This is nothing more than some pages here.
20 Beaufort County, South Carolina. These are
21 things that pertain to ... this is a property
22 tax bill. There's where I marked it paid.
23 That's the way I do things. 1/13/05, paid.
24 \$1351. 1/12/05. Every one of them. And if I
25 gave him this, I gave it to him for a reason,

1 because I wanted him to have a description of
2 the property.

3 Q: Of the property. And you told him about the
4 property up in New Hampshire?

5 A: I didn't know about what was going up there.
6 I didn't know what Martha owned in New
7 Hampshire, but when going through ... spending
8 one week going through what I call piles and
9 stacks and piles of unopened envelopes, I found
10 out that the canal lots in Hanover, New
11 Hampshire, that was 21 acres up there, I think,
12 were faulting for nonpayment of taxes.

13 Q: And when was that, Mr. Argoe?

14 A: I discovered this in ... while Martha was at
15 Three Rivers. I also found another canal lots,
16 two nice hillside lots, overlooking Hanover,
17 New Hampshire, the place where Dartmouth
18 College is.

19 Q: So you ...

20 A: I got some more, too, if you want them.

21 Q: Okay. Go ahead.

22 A: The Town of Washington, there's ten acres down
23 there. The tax bill's are buried in the same
24 possession. I don't know whether they can be
25 recovered because they won't ... they won't

1 give me a good sheet for less than \$50. They
2 were ... that would forfeit in the tax notice
3 that I found was worth \$40,000 for that piece
4 of property. I did get the Cathole Road
5 property recovered from the City of Clairmont.
6 It cost me five hundred and some dollars.

7 Q: And when did you do that?

8 A: I did that while she was in the hospital, or
9 thereabouts, because I didn't want to waste any
10 time because I was worried about the two year
11 exception. They didn't ... no ownership change
12 and no exemption. It's just I had to set them
13 up and they took care of it.

14 Q: What about the other ones? Did you make
15 efforts on the other ones or ...

16 A: I made ... the only ones that I could find was
17 Canal, Town of Washington, and Cathole Road,
18 which is in Clairmont.

19 Q: And you knew nothing about these, that the ...

20 A: No, I didn't know.

21 Q: Okay. I thought you said you had been paying
22 the docket clerks?

23 A: I had done that up until ... I had ... yeah,
24 I'd give it to Bonnie to do it or whatever, you
25 know, as long ... she gave me the mail; give it

1 to bills, but when I didn't get the bills, I
2 just assumed ...

3 Q: So when did that stop? When did those things
4 start going into forfeiture?

5 A: They went into forfeiture and they had to be
6 unpaid for two years.

7 Q: So that would have been in 2003?

8 A: Maybe three.

9 Q: Okay. About the same time she was down in
10 Beaufort building this pudd, is that correct?

11 A: It was during that year.

12 Q: So during that year when she was down there,
13 those things didn't get paid?

14 A: They obviously did not because I had ... I did
15 get ... I did get one piece of property back.
16 The ones in the town of Washington, they say
17 they ended up in the town inventory and if town
18 ever disposes of them, I will be ... she can be
19 noticed and may be able to ... given a chance
20 to redeem them. We don't know what that amount
21 would be. The canal lots, they won't even talk
22 about them. They said they're gone.

23 Q: Now, who did you first talk to about
24 involuntary emergency hospitalization?

25 A: I'll tell you exactly how that order went.

1 Martha's ... I had reason to understand there
2 was some behavioral problems occurring, and I
3 went to Dr. Gonzales, who was also a member of
4 the Trinity Presbyterian Church. He's a
5 psychiatrist there. And I met with him one ...
6 for an hour one Saturday morning. I told him
7 that, you know, that Martha had rejected me,
8 had accused me of some things that there was no
9 explanation ... no reason, no explanation or
10 anything for. And he says she needs probably
11 to see me, and he called her and she said
12 there's nothing wrong. And then I went back
13 and I talked with the other people there.

14 Q: Who are the other people?

15 A: Girls in the office.

16 Q: At Mental Health Center?

17 A: No. At Dr. Gonzales.

18 Q: Okay. He's a psychiatrist?

19 A: Psychiatrist. And he ... I don't know, he
20 works Columbia, but he keeps ... has some
21 patients on the weekends in Orangeburg. And I
22 couldn't get anywhere and he couldn't ... and
23 she refused to talk with him. Things were
24 deteriorating and I was worried about Martha's
25 personal health. I was extremely worried.

1 This was long before I knew anything about, you
2 know, financial disasters that were taking
3 place. This was long before that. I just had
4 to do something personally. I went to
5 Department of Mental Health in Orangeburg and
6 sat down with Vermell Sistrunk, a very nice
7 social worker, and she would sit there and
8 listen to me for however long I needed. And I
9 would ask her, you know, is ... what can I do
10 and does Martha need help? Is something
11 showing up? What ... and she definitely ...
12 and she's told me and she wrote out an
13 application. Said if she won't agree to it,
14 but she needs help. And I ... that was the one
15 in April.

16 Q: Is this ... I'm going to show you Exhibit
17 Twenty-One. Is that the one that the social
18 worker wrote out in April?

19 **(Plaintiff's Exhibit Number Twenty-one from the Walsh**
20 **deposition was identified.)**

21 A: If this says April, it is. April. This never
22 got signed. Lewis Argoe didn't sign this one.

23 Q: I understand. But she filled it out and she
24 notarized it?

25 A: Yeah, she filled it out.

1 Q: And notarized it?

2 A: It's not notarized, is it? I didn't sign it.

3 Q: But she notarized it.

4 A: I didn't even realize it until you just pointed
5 that out.

6 Q: And you didn't sign it?

7 A: I didn't sign it.

8 Q: And had you talked to Mr. Walsh before you went
9 to Mental Health?

10 A: I did ... I did this, and then I ... and
11 Vermell talked with me about it. And I can't
12 say I was on a first name basis, but she was
13 very compassionate and concerned about the
14 issues, and she was saying, "You need to get
15 some help." And I didn't know how to do ... to
16 get the help, and that's the first time I
17 started the inquiry on really what did I have
18 to do. I didn't want to do this. I didn't
19 want to do it.

20 Q: So, is that when you went to Mr. Walsh?

21 A: And I went to Mr. Walsh the first time. Mr.
22 Walsh has been a friend ... he is a friend of
23 mine, went to the same high school; he settled
24 my mother's estate for me when she died in
25 2002. I haven't used lawyers in my life very

1 much. I have never had any real need. I ...
2 I went to him and I said ... I read the
3 information on the probate procedure and I
4 said, "I don't understand it and I don't want
5 to understand it, and I don't want to try to
6 interpret it. I need help. Somebody interpret
7 this and tell me what my ... what needs ...
8 what could be done," not what needs to be done,
9 said what could be done. And he kind of
10 briefly gave me an explanation and he says, "We
11 can go over and get ... maybe we can talk with
12 somebody in the Probate Judge's office." And
13 if I remember correctly, we went over there and
14 talked with an assistant or somebody who's over
15 there. And they said something about this,
16 that, or the other. And I didn't know what ...
17 still didn't know what to do. And I
18 eventually, you know, said, "Jim, I don't know
19 anything. This is so far afield of anything
20 I've ever been through. I'm going to have to
21 have some help, if it's necessary." I went
22 back to Mental Health later and I was trying to
23 determine if, you know, if this was going to
24 be, what was going to be the most compassionate
25 way to deal with Martha and to help, because I

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1 didn't want to make her condition deteriorate.
2 I didn't want her to become angry with me for
3 something I had done. And I personally cared
4 how she felt about it. And I begged her to
5 get help. I went to her brother and said ...
6 he's a doctor. I begged Martha to go talk with
7 Reed and Reed was going to find her someone
8 that might be able to help on a voluntary
9 basis. You know, payment ... employment,
10 medical. Reed and Donna wanted her to
11 voluntarily, that's her brother and sister,
12 wanted her to get some help. And I wanted her
13 to have some help, but I didn't know what to
14 do. She refused. She said ... she told Reed
15 on two or three occasions, "I'll consider it."
16 But then she said, "I'm not going to do it,"
17 and she didn't do it. So then I told Reed,
18 then, I said, "I want ... before we make any
19 effort, I want to make sure we have fully done
20 everything we can to avoid any voluntary
21 commitment." I said, "I still don't know how
22 to do it." Reed visited with Martha in
23 Orangeburg and so did Donna and they both had
24 some ... they both were very much aware that
25 Martha needed help based on their meetings. I

1 said don't ... "I don't want you to ever in
2 your life think that I did Martha wrong." I
3 said, "I don't want you for to believe that."
4 I said, "I don't want Buss to feel that."

5 **MR. PENDARVIS:** Do you want to take a break for a
6 minute?

7 A: No. They said they would do it. I said, "It's
8 my problem. I got it." I went back to Mental
9 Health and signed the papers.

10 Q: Okay.

11 A: And Mental Health said they could take care of
12 it from there. And I apologize. I'll be all
13 right in a minute. This is the worst thing
14 that ever happened to me in my life. Hardest
15 thing I ever had to decide to do.

16 **MR. PENDARVIS:** Let's take a few minute break.
17 Come on. We can't talk about the case, but
18 let's walk out.

19 A: No, I want to go on.

20 **MR. PENDARVIS:** Are you sure?

21 A: I want to go on. I'll be all right.

22 **MR. PENDARVIS:** All right.

23 A: I apologize for that.

24 **MR. PENDARVIS:** No, take the time you need.

25 A: But Mental Health did the commitment. I don't

1 know the procedure after that. I was probably
2 in a state of shock.

3 **MR. PENDARVIS:** Stop it right there and let him ask
4 some questions. It'll be better responding.

5 A: Okay.

6 Q: Is this ... I'm showing you now, Number Fifty-
7 Four. Mr. Argoe, is that the one you actually
8 signed in ...

9 **(Plaintiff's Exhibit Number Fifty-four from the Walsh**
10 **deposition was marked for identification purposes.)**

11 A: This looks like it.

12 **MR. PENDARVIS:** Look at all the pages.

13 Q: And did you give them the back pages to that,
14 too?

15 A: I gave them the ... the information relative to
16 how I could pay for it. I gave ... this was
17 some notes that obviously I had made because I
18 knew that they were going to ... they wanted to
19 know what I knew and what I noticed, the change
20 in her behavior. I wrote that. I did it.

21 Q: You wrote that from the time ... just about the
22 time you saw them ...

23 A: You see that April 27th?

24 Q: Right.

25 A: That's the date I did it.

1 Q: Right. So from the time you initially saw and
2 then signed, you kept notes until you went
3 back?

4 A: I was very much concerned about whether I would
5 ever do that. I didn't know ... this was ...
6 this was put together simply so I ... these two
7 pages don't have a date on it, but they're
8 probably the same time.

9 Q: Okay.

10 A: It's on a word processor. I put it together.
11 I ... I had Reed ask me some questions about
12 unusual things about Martha, that's her
13 brother. And, you know, some things. I said,
14 well, I gave that to him. I said he needs to
15 know these kind of things. He's been through
16 all the medical school, a 60 year-old doctor;
17 he's had some experience with people.

18 Q: Right. Now, the one on Number Fifty-Four has
19 a couple stars up here, says Martha carries a
20 hand gun on her left hip all the time.

21 A: I ... that was pretty much the case.

22 Q: She had a permit, did she not?

23 A: She had a permit, yes.

24 Q: And she had been carrying a gun for what, about
25 six years?

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1 A: I don't know. Ever since she got the permit.
 2 But ...
 3 Q: She had had the permit and then renewed it
 4 once, they're renewable every four ...
 5 A: I don't even know. That was something she
 6 wanted to do and I said "If that's what you
 7 want to do, do it."
 8 Q: And the danger to herself, what was the danger
 9 to herself? What danger was she to herself?
 10 A: It all started with carrying a gun and she ...
 11 she could tell you, she was a good shot.
 12 Q: But what was the danger?
 13 A: The danger to herself ...
 14 Q: Right.
 15 A: ... was the fact that I noticed an extreme
 16 change in her behavior and this has been
 17 incurring over a very long period of time, and
 18 it's just deteriorated and deteriorating and
 19 when she gets out and carries a gun or goes
 20 uptown on the streets in the middle of the
 21 night wearing jewelry and flashing it around to
 22 the ... all the waitresses at IHOP at 12:00 at
 23 night, that gun is not going to protect her
 24 under those situations. On top of that, I was
 25 ... I'm sure that came up in the conversations

1 with the social ... with the people at Mental
2 Health, and I said I would tell you to start
3 with if you have to pick her up, I want you to
4 know that she may have a ... they put that on
5 their probably for the law officer to take it
6 from her.

7 Q: So the danger to herself was that she carried
8 a gun and went out late at night with jewelry
9 and showed it off to waitresses?

10 A: That's a danger. I consider ... again, I say
11 ... it's poor judgment. If it's not a danger,
12 it's sure poor judgment.

13 Q: And then the danger to others, what danger was
14 she to others when you signed this?

15 A: I had some of these people say that "You should
16 be ... you should fear for your own safety."

17 Q: Okay. Now, who told you that?

18 A: The people at Mental Health.

19 Q: So the Mental Health people told you that you
20 should feel for ... fear for your own safety?

21 A: They basically said she needs some help and if
22 she is showing any kind of animosity or any
23 type of anger toward you or a change in her
24 behavior patterns, then she could conceivably
25 have ... she could conceivably do something.

1 She could hurt me.

2 Q: So the danger to you was that she had changed
3 and she was carrying a gun?

4 A: That wasn't the danger. The danger to me was
5 the fact that I was advised by people who are
6 supposed to know what they're talking about.
7 And I was concerned for not just Martha's
8 safety. I wasn't concerned about me. I was
9 concerned more at that stage of the game, it
10 didn't matter much; our life ... she was ... it
11 had gotten so stressed.

12 Q: Was there anything else other than what's in
13 Number Fifty-Four that caused you to believe
14 that she feared ... that she was a danger to
15 herself or anybody else, other than what's in
16 there? Is there anything else?

17 A: I ... other than just some of the poor
18 judgment. She never threatened anybody with a
19 gun. She wouldn't hurt anybody. When she was
20 ... when she was ... you know, I didn't think
21 she would. But I don't know. It wasn't wise.

22 Q: Did the social worker complete Number Fifty-
23 Four? Is that the social worker's handwriting?
24 Your lawyer's got it. Is that the social
25 worker's handwriting?

1 A: I ... I don't know which social worker did it,
2 but I guess ... I've got an idea it was ... I
3 knew two ladies over there. I don't know but
4 one, but Vermell Sistrunk was the one that I
5 think wrote that.

6 Q: Now, at the same time that your wife was picked
7 up under Exhibit Fifty-Four, you had Mr. Walsh
8 file the conservatorship on the same day? June
9 7th, is that correct?

10 A: I ... if that's when it is, that's when it is.

11 Q: Let me show it to you. June 7th of 2005, the
12 same day ... you signed this on the 6th,
13 Exhibit Fifty-Four on the 6th. That Summons and
14 a Petition behind it was filed on the 7th day of
15 June of 2005.

16 **(Plaintiff's Exhibit Number One from the Walsh**
17 **deposition was identified.)**

18 A: I did this and while I ... if ... I did this,
19 but I'm not certain at that particular point in
20 time that it ... that I could ... I didn't know
21 how to deal with the daily affairs that Martha
22 tended to and I don't recall having it register
23 with me that Buss had a power of attorney and
24 a medical power of attorney. I don't know that
25 I knew that. If I did, I had forgotten that.

1 Q: Let me show you Number Two, Mr. Argoe. That's
2 the Petition that's also signed by you and
3 dated the ...

4 (Plaintiff's Exhibit Number Two from the Walsh
5 deposition was identified.)

6 A: Well ...

7 Q: ... 7th of June. When you signed that, you
8 didn't know that your son had a power of
9 attorney?

10 A: I'm not sure that I recalled it at that moment.
11 I had to figure out what I had to do to take
12 care of Martha and without a power of attorney
13 or anything else. I didn't have the power of
14 attorney. I know I couldn't. And I'm the one
15 that signed the papers.

16 Q: Mr. Argoe, on the 6th of June when you signed
17 this, the same day that you signed the ...
18 Number Fifty-Four, you signed up here that you
19 should appoint your son because he is the
20 attorney-in-fact appointed by the protected
21 person.

22 A: Okay. All right. If I did, that's the way it
23 was done.

24 Q: Right. So, you knew when you filed this that
25 your son had a power of attorney?

1 A: Well, I ... right there, until you reminded me
2 of it, I didn't remember it. A lot of things
3 I don't remember that happened.

4 Q: Right. Going back a few days, you and your son
5 sat in Mr. Walsh's office dealing with this
6 Beaufort property, did you not, the deed?

7 A: For the Beaufort property.

8 Q: Yes, sir.

9 A: We were ... at that particular point in time,
10 we were unaware that there was any liens or
11 anything in this thing. We saw Martha's
12 personal life deteriorating and we didn't want
13 to see her financial life deteriorating either.

14 Q: Now, let me show you Exhibit Number Forty-Five.
15 That is a deed dated ...

16 **(Plaintiff's Exhibit Number Forty-five from the Walsh**
17 **deposition was identified.)**

18 A: I'm ...

19 Q: Are you familiar with it?

20 A: I'm very familiar with it.

21 Q: Okay. You were present with your son, were you
22 not, when ...

23 A: I think I was there, yes.

24 **MR. PENDARVIS:** Wait a minute, let him finish his
25 question.

1 Q: You were present with your son when the
2 discussion took place with Mr. Walsh about how
3 to move the property out of your wife's name?

4 A: I ... I'll answer you this way. I was present
5 when they ... when the discussions were how to
6 protect Martha; that we had dealt with her
7 personal life and now we needed to deal with
8 her financial life.

9 Q: Yes, sir. And ...

10 A: And I was there when that happened.

11 Q: Now, on the same day that you were there when
12 this deed was discussed, did you discuss with
13 Mr. Walsh the bringing of the conservatorship
14 action, because you knew that would protect her
15 property, didn't you?

16 A: I'm satisfied that I had learned enough by then
17 that I needed something to take ... protect the
18 property.

19 Q: Right. So my question is, what was the
20 reasoning behind ...

21 A: That? (Indicating)

22 Q: Yes, the deed.

23 A: Because Martha had more property ... a lot more
24 than she had at Beaufort. Martha had property
25 in North Myrtle Beach; she had property in New

1 Hampshire, and wherever else. I didn't know at
2 the moment what property she had, but I knew
3 she had it ... I got bills out of North Myrtle
4 Beach. I paid taxes on it for her out of North
5 Myrtle Beach. I did that not only just to
6 protect that property, but to protect other
7 properties that she had.

8 Q: But you understood when you faxed Number Forty-
9 One to Mr. Walsh, you gave him the information
10 on the Horry property, did you not?

11 A: Yeah, I wanted him to know what she had.

12 Q: Right. So you knew she had Horry County
13 property?

14 A: I did.

15 Q: And you knew it was in a trust?

16 A: And I needed to be ... no.

17 Q: Oh, you didn't know it was in trust?

18 A: No, I didn't know it was in trust. I hadn't
19 seen the deeds.

20 Q: Well, let me look at ... let me show you one of
21 the receipts that you signed to Mr. Walsh.
22 Let's look at the last one, Horry County.
23 How's that titled, that fax you sent him?

24 (Plaintiff's Exhibit Number Forty-three from the
25 Walsh deposition was identified.)

1 A: Martha Lewin Trustee. I didn't know about
2 that. But all this is just ... I paid the
3 bills no matter what they were.

4 Q: Mr. Argoe, but I guess my question is Martha
5 Argoe, Martha Lewin Trustee, 1155 Pudder Path,
6 you had to know she was holding the Horry
7 County property in trust?

8 A: I had to know that she had a ... she was a
9 trustee of it, but I don't know anything more
10 than that. I still to this day don't know any
11 more about it.

12 Q: And you sent that to Mr. Walsh because you
13 wanted that property covered under whatever he
14 was going to do?

15 A: I wanted to know if ... what we needed to do,
16 whether we had to protect her individual
17 property or anything in her trust name, or any
18 other name.

19 Q: And when Mr. Walsh ... you knew that he was
20 getting a title abstractor down at Horry County
21 to check into that property, did you not?

22 A: I asked him to find out in Horry County as much
23 as he could about the property because somebody
24 had to make sure that it, like all the other
25 things we were trying to protect, was

1 protected.

2 Q: As a matter of fact, Exhibit Number Forty-Four

3 ...

4 **(Plaintiff's Exhibit Number Forty-four from the Walsh**
5 **deposition was identified.)**

6 A: This is the first time I've seen this.

7 Q: Exhibit Forty-Four was a fax back to Mr. Walsh,
8 your lawyer, that shows the general warranty
9 deed to these assets in the name of Martha ...

10 A: First time I ever seen it in my life.

11 Q: You never saw that?

12 A: Never seen it, right.

13 Q: So, Mr. Walsh, your lawyer, didn't provide that
14 to you?

15 **MR. BARFIELD:** Object to the form.

16 A: I don't know whether he did or not, but right
17 now as I recall, this is the first time I have
18 ever seen it in my whole life. I think this
19 had something to do with what they said with
20 Sojourner. I guess. I don't know.

21 Q: And did you ask Mr. Walsh to call Mr. Sojourner
22 to get a copy of your wife's trusts?

23 A: I had asked him to communicate, yeah.

24 Q: You did?

25 A: Yeah.

1 Q: And you knew that Mr. Sojourner represented
2 her?

3 A: I don't know that he was ever able to get
4 anything. Maybe you can tell me. I don't ...
5 I'm trying to figure out what ... do you know
6 ... do you know when this was furnished? This
7 is an invoice, but do you know when this was
8 furnished?

9 Q: Let's look. I think there may be a fax number
10 at the top.

11 A: 5/23. I don't know anything about it.

12 Q: Looks like it was faxed ... on the bottom of
13 this it shows May 24th, 2005.

14 A: May 24.

15 Q: If you look at the bottom of the sheets, turn
16 it upside down.

17 A: Okay.

18 Q: So that was about a week and change before this
19 first lawsuit was brought, and about a week
20 after this deed had been signed, the Beaufort
21 deed.

22 A: This was information ... we were looking for
23 information.

24 Q: Yes.

25 A: I personally ... I wanted to take care of

1 Martha all I could personally, and, you know,
2 I looked around and I said, "If Martha is named
3 as trustee, she can get rid of it as trustee."
4 But I ... I don't know why beyond that.

5 Q: Okay. Did you ask Mr. Walsh when you were
6 there with your son to transfer the Beaufort
7 property into your son's name?

8 A: I asked him this, I said, "As a matter of
9 information, I want you to advise me how we can
10 make this difficult for it to get transferred
11 out without us getting notice, transferred to
12 a foreign party or anybody, without us at least
13 having notice and knowledge so that we can step
14 up to the plate and do what we have to do to
15 protect Martha."

16 Q: So in answer to my question, you didn't ask Mr.
17 Walsh to gift it to your son?

18 A: No, nobody ever wanted him to have it. And
19 that deed, in my opinion, does not make a gift.
20 It never was intended to be a gift. It was
21 simply provided a means to get on record that
22 we would get some notice if she executed the
23 deed to somebody else.

24 Q: And you ... Mr. Walsh never told you in your
25 son's presence that under your son's power of

1 attorney, your wife ... he could not make a
2 gift to himself? That discussion did not take
3 place?

4 A: I ... I don't think the issue ever came up.
5 Now, I ... and I haven't had a law degree.

6 Q: I understand.

7 A: And I know ... I know what powers of attorney
8 are.

9 Q: Right.

10 A: I said, "This allows Buss, in my opinion, to do
11 this. Do you agree with me, Attorney Walsh?"
12 He says, "I'm not certain that it does." He
13 questioned whether it should be done. I said,
14 I believe this power of attorney," without
15 being a research and going on, "I believe this
16 power of attorney would allow it to go as far
17 as just change the name of record, not change
18 the ownership, change the ... whether you call
19 it a trust, a resulting trust, or whatever it
20 is, I just felt like that it possibly would be
21 a means to secure some scam artist from getting
22 it from her.

23 Q: All right. And the scam artists would have
24 been these religious zealots that she watched?

25 A: We were concerned about it.

1 Q: Sir?

2 A: We were concerned about it.

3 Q: And did your wife make big contributions to
4 these religious entities?

5 A: I don't know how big they were, but we had
6 every one that you've ever seen on television,
7 we were on their mailing list with thank you
8 for your contribution.

9 Q: Did you see any checks on the joint account or
10 any other account or credit cards where she
11 made big contributions to these people?

12 A: She had her own bank accounts that I didn't
13 even ever see.

14 Q: So, the purpose of this deed, according to your
15 testimony, was not to change ownership ...

16 A: It never was.

17 Q: ... but ...

18 A: And we haven't treated it that way.

19 **MR. PENDARVIS:** Let him finish.

20 Q: Not to change ownership, but to put it in a
21 position where it would make it difficult for
22 your wife to sell it without giving you or your
23 son notice?

24 A: Some notice to ...

25 Q: Is that correct?

1 A: Yeah.

2 Q: So, as a lawyer, you understand how important
3 notice is when you have these types of
4 transactions, is that correct?

5 A: I do ... I try to.

6 Q: Right. Now, do you know a reason why your wife
7 wasn't served with any of these papers that
8 were filed in the Probate Court?

9 A: Any of them?

10 Q: Any of them.

11 A: My reason ... the only reason that I ever had,
12 and it's in writing in there, where I advised
13 Mr. Walsh when the Probate Judge wanted to say
14 that the order was good for 45 days or
15 something of that kind and they needed to have
16 a hearing on it, whatever it was. The next
17 thing I know, there's ... as courts do, they do
18 extend things. I didn't ask for any
19 extensions. But apparently it did sometimes in
20 January of 2005, I guess.

21 Q: Six.

22 A: Six. Sometimes in January she wrote and wanted
23 to know if she wanted to ... we needed to
24 schedule or what we needed to do. I don't know
25 what the notices were at that time, but the

1 Judge was there, you know. We had asked for
2 ... we had asked for some help. The Judge
3 looked like she was doing it and then I said,
4 Martha has been on medication and she is a
5 different human being after being at Three
6 Rivers. I don't want to affect Martha's
7 personal life no matter what. If she is
8 personally better and living in her own and
9 showing responsibility and she was, she was on
10 medication. She was on medication the full
11 time Dr. Remi, Dr. Natalie Troll. They were
12 adjusting the medication monthly. They were
13 dealing with her. In response to questions
14 they asked of Buss and me, she was doing well.
15 I didn't need to do anything that would cause
16 her to have her personal life deteriorate
17 again.

18 Q: Mr. Argoe, number Twenty-Two is a ... the
19 guardianship proceeding that was brought, and I
20 think it was brought on your behalf and you ...
21 your son got appointed as guardian. That was
22 in July of 2005. Your wife was in the hospital
23 then, was she not?

24 (Plaintiff's Exhibit Number Twenty-two from the Walsh
25 deposition was identified.)

1 A: In July 2005, I ... the Department of Mental
2 Health told me don't be too excited about
3 anything. She is now ... and Judge Dawson, who
4 was the Judge that heard the case up there with
5 Attorney Alvin Neal, guardian ad litem
6 appointed for Martha, she was getting help. I
7 didn't ... I wasn't aware at that particular
8 point what needed to be done.

9 Q: But you knew that Mr. Walsh had filed another
10 action that you had signed, George Lewis Argoe,
11 Jr., seeking for your son, III, to be appointed
12 as her temporary guardian?

13 A: I was ... I'm sure that was probably, you know,
14 that was probably something that I asked them
15 to do.

16 Q: Right. And let me show you Number Twenty ...
17 excuse me, Number Thirty, which is the order
18 ... another copy of an order of appointment of
19 your son dated July, what is that?

20 **(Plaintiff's Exhibit Number Thirty from the Walsh**
21 **deposition was identified.)**

22 A: 19th, 2005.

23 Q: 19th. Your wife was still in the hospital?

24 A: I think she got out on like the 22nd.

25 Q: Did you tell Mr. Walsh not to serve your wife?

1 A: No. I told him ... he called me ... I talked
2 ... or he ... when the Judge came back saying
3 that they needed to set a hearing, service was
4 not something that was ringing any real bell
5 with me. You've got to understand I haven't
6 practiced law in a long time. It wasn't
7 ringing any bells with me then. You know, that
8 was ... I guess even though it would be faulty
9 talk, I don't practice law; I don't attempt to
10 practice law. And if I did, I wouldn't touch
11 this with a ten foot pole because I don't know
12 anything about it. I had asked about the
13 procedure and been to the Court and I just
14 assumed if I got notice and we needed to do
15 something, I guess it would get done. I had
16 asked him to make sure that all of the things
17 ... the I's are dotted and the T's were crossed
18 to make sure we did what we did. And the first
19 time I asked him not to do anything is when
20 Judge Glover wanted to vacate the proceeding.
21 And I said, unless we were willing to do
22 something, I don't know what it was. It's in
23 your paperwork. I listened while my son
24 testified and I'm aware of the document. But
25 it really ... and I had him write a letter back

1 to Judge Glover saying Martha seems to be in
2 remission, some of her problems, and that we
3 did not want to do anything that might affect
4 her recovery. I call it recovery. She was
5 rehabbing well. You don't go out and mess with
6 something that you got ... that's showing some
7 success. And I just said she's doing better
8 and she seems to be enjoying the family. She
9 was enjoying ... I think she was enjoying me.
10 She didn't show me any signs of being ugly and
11 she didn't do that ever again until I guess if
12 you want to talk about ugliness, you know, this
13 is kind of a slap ... hurt to me. I'm
14 surprised at this proceeding because it's just
15 ... it was like a lightning bolt out of the
16 sky, although I did see some deterioration
17 incurring after she quit going to Mental
18 Health, Coastal Empire in Beaufort.

19 Q: Did you tell Mr. Walsh that the doctors at
20 Three Rivers told you not to serve your wife
21 because it would put her back?

22 A: I don't recall ever having heard that in my
23 whole life.

24 Q: So, the answer you deny that you told him that?

25 A: I deny because, if I did, I have no

1 recollection of it now. I don't ... I deny
2 saying it because I have no recollection of it.

3 Q: Do you recall any physician or staff member at
4 Three Rivers telling you that your wife should
5 not be served with any papers because it would
6 retard her progress?

7 A: No, I don't recall that. No, I don't recall.

8 Q: Now, when we talked a minute ago about this
9 deed and the importance of notice, that you
10 wanted to know if something important was going
11 on, correct?

12 A: That's correct.

13 Q: As a lawyer, you understand the situation with
14 notice when you're suing somebody and they've
15 got an adverse interest and they're entitled to
16 get a lawyer and defend themselves, correct?

17 A: Yeah.

18 Q: Okay. Now, if Martha Argoe was never served
19 with any of these papers, and I'll certify to
20 you that she was not, you ...

21 A: I understand the Probate proceedings.

22 Q: You understand the problem?

23 A: I understand all that.

24 Q: Okay. Now, when the proceedings were dropped
25 and I'm looking here at Number Thirty-Two,

1 which is Mr. ... Number Thirty-Two and Ten, I
2 guess.

3 (Plaintiff's Exhibit Number Thirty-two from the Walsh
4 deposition was identified.)

5 MR. PENDARVIS: I was going to say, which one's
6 going to be your exhibit.

7 MR. WARNER: Thirty-Two.

8 MR. PENDARVIS: Okay.

9 Q: That's the letter I think you got a copy of
10 that Mr. Walsh sent to the Judge?

11 A: And we ... I ... this is the letter that I
12 advised him to take the position that Martha is
13 better and she's getting her medicine. I was
14 assured by Mental Health; I was assured by all
15 the doctors that this medicine would do wonders
16 for her.

17 Q: And so the action got dismissed in like
18 February of '06?

19 A: When it ... yeah, whatever that date is. It
20 was dismissed just after the first of the year
21 as I said.

22 Q: Right. And I'll show you Exhibit Eleven, which
23 is Mr. Walsh's letter talking about the Judge
24 dismissing the case.

25 (Plaintiff's Exhibit Number Eleven from the Walsh

1 deposition was identified.)

2 A: That's what ... that was at my request.

3 Q: Okay. Now, your wife came home to Orangeburg
4 and she went to work at the Cracker Barrel, did
5 she not?

6 A: That's correct.

7 Q: And did that cause you any heartburn that she
8 was working at the Cracker Barrel?

9 A: It certainly did.

10 Q: Why?

11 A: Number one thing is until she took the job, she
12 ... the Cracker Barrel job is a part-time job
13 that they use and they were using her on
14 Tuesdays, Thursdays, Fridays, Saturdays. This
15 was our time. It had customarily been our
16 time, let's put it that way. We always ... I
17 worked every day of my life just about. I
18 didn't need to have something ... Martha needed
19 family. We thought she did. She needed family
20 more than she needed a job. It interfered with
21 her family life I thought. I personally felt
22 like that she showed a love for her son again;
23 she had shown a love for me, I think. We were
24 watching her make progress in a personal and
25 physical condition, and a mental condition. We

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1 saw positive things happening. This was going
2 to change that environment because it happened
3 that she had to go to work at 4:00 or 5:00
4 every afternoon. During these peak times,
5 weekends, which are peak family times for us,
6 we work during the week; we play on the
7 weekend. Martha and I, as I say, we bought the
8 boat; we brought it back to Beaufort. She
9 bought the slip specifically to fit this boat
10 and then she had these problems. She did that
11 specifically. And it was during ... I said,
12 "Martha," when the boat was bought, I said,
13 "You go ahead and do the paperwork. You know
14 who to get it from and let me know. I'll buy
15 it from you and figure out some kind of way.
16 But she said she could manage it the way she
17 was doing things. And it was during all of
18 this was interfering with that rehabilitation,
19 I think, was occurring. And I didn't like
20 that.

21 Q: So, the fact that she wanted to get out and be
22 around other people and she felt ...

23 A: I didn't object to that.

24 Q: Okay. But you didn't want her working at
25 Cracker Barrel?

1 A: I didn't want ... I told her and ... I told
2 her, "Martha, I don't mind you working at
3 Cracker Barrel, but I don't like you out on the
4 streets in Orangeburg at night." I think
5 that's a reasonable thing. And I said, "And on
6 top of that, you need to ask those people to
7 permit you to work on certain days and not just
8 schedule every weekend of your life."

9 Q: And so the concern that you had was she out at
10 night again like she had been before?

11 A: I was concerned about that and I was concerned
12 about she had refused ... Martha refused, from
13 September of 2004 till the time she was carried
14 back to Beaufort after she was hospitalized, to
15 set foot in that house or come back to
16 Beaufort. She had been eight or nine months
17 that she had refused to go to Beaufort, South
18 Carolina, for any reason. And she was back
19 going to Beaufort and she was enjoying it. We
20 were having seems like something good happen.

21 Q: And you went to the manager at Cracker Barrel,
22 did you not?

23 A: I went to ... yeah, and I told him, I said,
24 "Would you take care of Martha?" That was the
25 first thing I said. I said, she's ... I asked

1 them if they knew and I asked them, I said,
2 "Would you take care of Martha?" I says, "I
3 don't know what ... how to handle it." I said,
4 "I'm sorry she has a job." I told him that.
5 I says, "I'm sorry she has the job because it's
6 going to interfere with what I call a medical
7 and personal situation, because Martha has been
8 in the hospital." They said, "Oh, we didn't
9 know that." I said, "Well, I want to let you
10 ... put you on notice, that she's been in a
11 hospital and she's had some problems and she's
12 taking medications. And if I can't do anything
13 else, if you can't ... if you can work her like
14 that, I can't make ... I'm not asking you to
15 fire her, but I'm putting you on notice that
16 you now have someone that has had a condition
17 that you should know about."

18 Q: So you told him she had a mental condition?

19 A: I said she had been at Three Rivers Hospital.

20 Q: Okay. And you did that for the purpose of
21 getting her terminated?

22 A: I did ... no, I told you I didn't do that. I
23 went to him and asked him if she ... they were
24 aware. I said she wants to work and I wanted
25 Martha to work because she was proud of her job

1 and she was accomplishing something. I wanted
2 her ... but I didn't want her working weekends
3 and nights. I didn't ... that was to me ...
4 that was the timing. That was the problem. It
5 was not the job; it was the time that she was
6 putting in.

7 Q: So you felt that they needed to know she had
8 been in the hospital ...

9 A: And they needed to take special attention ...

10 Q: Right.

11 A: ... to notice any unusual behavior.

12 Q: And that you wanted her to ... did you tell him
13 you wanted her schedule changed?

14 A: I said "I would like for you to schedule her
15 for hours other than night because Martha is a
16 lady and I don't ..." I said, "I'm a person
17 that tries to take care of things. I don't put
18 my hunting dogs in the road and I don't want my
19 wife in the streets."

20 Q: Did you tell Mr. Walsh that she was working at
21 the Cracker Barrel and you were concerned about
22 it?

23 A: I'm sure I related that to him.

24 Q: Do you remember in April of 2006, I want to
25 show you, these are all together, this is

1 Exhibit Twelve, Thirteen, Fourteen, and
2 Fifteen. A Summons, a Petition signed by you,
3 Exhibit A, and then a letter from Lynn Norris
4 at Ameriprise. Do you remember having Mr.
5 Walsh bring this proceeding again for
6 conservatorship?

7 **(Plaintiff's Exhibit Numbers Twelve through Fifteen**
8 **from the Walsh deposition were identified.)**

9 A: I'm aware of this, yes.

10 Q: You signed it?

11 A: Did I sign it? Don't think I did. That's my
12 son's signature. That's not me.

13 Q: So your son brought this one?

14 A: He was the one that did it.

15 Q: He brought that, and did you know ...

16 A: But I was aware of it.

17 Q: You knew he was bringing it?

18 A: He had the power of attorney.

19 Q: Right.

20 A: He had the medical power of attorney. Martha
21 had been diagnosed by a team of doctors and
22 cared for for a number of days and I accepted
23 their work as being acceptable.

24 Q: You were aware that your son had been appointed
25 temporary guardian and that thing just kind of

1 died out?

2 A: We let it die out.

3 Q: Right. You were aware that the appointment of
4 a guardian terminates a power of attorney?

5 A: No.

6 Q: Okay. What do you know about Mr. Lynn Norris'
7 letter, Exhibit B? Did you know that ... how
8 did you first know or did you know?

9 A: About this?

10 Q: Yes, sir.

11 A: I'm sure I learned about it, but it would have
12 been somewhere down the way.

13 Q: So this action, Numbers Twelve through Fifteen,
14 were really, your son brought that action?

15 A: He was ... he was ... I'm going to tell you, I
16 never in my life have had any dealings with
17 Lynn Norris. I like him; he's a nice guy. And
18 so I think he's a very respectable guy and I
19 think he wants to do everything right. If the
20 power of attorney was not ... one thing I see
21 and I'm doing ... I deal in lawyer talk when I
22 tell you this, I would assume that Buss, if his
23 power of attorney was of the kind that I would
24 think, that if he was concerned about the
25 account, then he would exercise his power of

1 attorney over the account. He didn't. He
2 didn't want to do that. He didn't want to go
3 into a trust situation with this.

4 Q: So he brought a conservatorship?

5 A: The obvious way is go through the procedure.
6 I ... if he had exercised the power of attorney
7 to take this property and put it in a
8 trusteeship name or somebody else, then you
9 would probably be taking the position that that
10 was improper.

11 Q: Well, you agree with me, just like Mr. Walsh
12 has concern about whether you can use that
13 power of attorney to establish a trust, he did
14 it, but Mr. Walsh had concern about that,
15 didn't he?

16 MR. BARFIELD: Object to the form.

17 A: I'm not sure that he did. I don't know what
18 his thoughts were. I didn't have it. But if
19 he did, you know, I don't ...

20 Q: Mr. Argoe, let me show you Number Eighteen,
21 which is the appointment of your son as the
22 temporary conservator.

23 (Plaintiff's Exhibit Number Eighteen from the Walsh
24 deposition was identified.)

25 A: How that was arranged ...

1 Q: You don't know?

2 A: I don't know. Other than the fact there's an
3 application made that was done, and I don't
4 know the law on this.

5 Q: If ... you and your wife were still living
6 together when this was being done or were you
7 separate?

8 A: We were getting along fine.

9 Q: And she didn't even know about it, did she?

10 A: Far as I know, I don't think so.

11 Q: She was never served, was she?

12 A: I don't think so.

13 Q: She never told you ...

14 A: And you know what, I think ...

15 **MR. PENDARVIS:** Wait a minute, let him finish his
16 question.

17 Q: She never told you, "Lewis, look what Buss has
18 done to me. He's gotten appointed as temporary
19 conservator." She's never seen any of these
20 things, did she?

21 A: If she did, I don't know about it, but I know
22 Martha didn't talk business after she left the
23 hospital.

24 Q: Right. Well, if Martha had been served with
25 papers that her son was taking ...

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1 A: She wouldn't have told me.

2 Q: She wouldn't have told you about it?

3 A: Because she didn't tell me when she didn't pay
4 the taxes; and she didn't tell me when she
5 bounced the checks. I couldn't rely on what
6 she would tell me.

7 Q: Okay. Look at Number Thirty-Five, if you
8 would, sir. That's a guardianship action that
9 you commenced, did you not?

10 (Plaintiff's Exhibit Number Thirty-five from the
11 Walsh deposition was identified.)

12 A: I'm ... yeah, and I can tell you something
13 strange about this that you don't know.

14 Q: Okay.

15 A: I went to talk with Jim about this.

16 Q: Jim Walsh?

17 A: Yeah. And by my recollection, I said I need to
18 see that Martha is permanently secured in her
19 life, her personal life, her medical life. I
20 can't get her to take medicines; I can't get
21 her to do these things. I just, you know, she
22 was telling me, but I didn't know. I had also
23 know that somewhere about this time, I put \$300
24 ... went to the bank, put \$300 in the glove
25 pocket of the car, and let her watch me do it.

1 The \$300 disappeared and she claims she didn't
2 have anything to do with it. I knew that we
3 were beginning to see something. And I said,
4 we've got to find something because the doctors
5 have said that if Martha didn't continue to
6 take her medicine, that she could have some ...
7 some issues down the road. And she wouldn't
8 see ... again, I didn't have a doctor for her
9 and I went back for along ways. So she was a
10 lot better. I was afraid if we would go
11 through this scenario again, if I can recall
12 all of this, and I know what this paper's
13 about, I was called into ... I said, "Jim,
14 prepare the papers for ... to get something
15 permanently set up for Martha. I think we're
16 in for another round of what I think we've been
17 through. I want you to prepare the papers."
18 I go in to get these papers and he said, "sign
19 them." I said, "I don't have the authority.
20 I don't want to do this." I said, "Buss has a
21 power of attorney. He's always been the one."
22 But you see that right there, that's a
23 secretarial problem. That G. Lewis ... that
24 George Lewis Argoe, Jr. That's the difference
25 between Jr. and III, it's one whole person.

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1 Q: So you didn't sign the last page?

2 A: I signed it, because I was there. I said ...
3 and I asked him, I says if I sign this, when we
4 were to go into the Court, could we have Buss
5 substituted me. That was a secretary problem.
6 That was ... with a I or whatever it is, I
7 signed it.

8 Q: Okay. So you signed it and then you signed an
9 affidavit asking that your son be appointed,
10 didn't you?

11 A: That's because this ... that's what I wanted,
12 the affidavit. I wanted my son appointed. I
13 wanted him to file this paper here. That was
14 what ... that was the reason. You wanted an
15 explanation why that paper's like that, that's
16 the reason.

17 Q: And Martha was never served with this one
18 either?

19 A: What's the date on it and I'll tell you?

20 Q: July 2006.

21 A: July 2006. July what? July 10th. The reason
22 this wasn't served, and I'm going to be
23 respectful when I say this, sometimes it's very
24 difficult to get professional people to do what
25 they're supposed to do. There was a doctor who

1 was supposed to furnish information that was
2 delinquent in getting it, and didn't get it
3 back. I said why go serve papers on somebody
4 when you're having difficult getting somebody
5 to write the report and sign it, promising to
6 do, promising to do, promising to do, and it
7 didn't get done before this proceeding. Why go
8 to a court or file papers when you know you
9 don't have everything you need to file. So I
10 said, "When you get the paperwork back from the
11 doctor, file it." Is that ...

12 Q: Now, which doctor was this?

13 A: The doctor that's out of Hilton Head that saw
14 Martha. Remi? No,

15 Q: Then there was a third or fifth action brought
16 in Dorchester County. Do you remember that one
17 that was brought early this year?

18 A: That was done, and you went to the hearing, and
19 you heard and the Judge there said that
20 proceedings could be initiated and she had all
21 the law; she knew the law; she knew what needed
22 to be done. The jurisdiction issue was not
23 raised at the hearing. She made the statement.
24 I know what it is, if you want to file the
25 Petition, file it. That instruction was

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1 followed. You know what happens next, the
2 jurisdictional issue pops back up.

3 Q: So, that action was brought without any
4 doctors' statement. It was based on the
5 affidavits that were signed in October of 2006?

6 A: It was done on affidavits.

7 Q: Nothing ... no recent doctors' statements?

8 A: No recent doctor statements because Martha
9 hadn't been to a doctor. The last doctor
10 Martha saw was the doctor that didn't get the
11 information back.

12 Q: And so all five of these have been dismissed
13 and voided?

14 A: The ... the last group, I don't even know how
15 ... I don't even think it ... the one that
16 you're talking about in Dorchester, the last
17 one ...

18 Q: Yes, sir.

19 A: ... I don't even think it was ever accepted for
20 filing because of the jurisdictional question.

21 Q: And these four cases in Orangeburg have all
22 been voided by Judge Province?

23 A: Let's ... I don't think there's four.

24 Q: There's two guardianships and two
25 conservatorships.

1 A: But they didn't void the one ... the commitment
2 ... the commitment stands, but I think all the
3 others were ... if I understand it, the others
4 were terminated for whatever reason.

5 Q: Right. Because your wife wasn't served and
6 never had an opportunity to be heard?

7 MR. BARFIELD: Object to the form.

8 MR. FERRELLE: Object to the form.

9 Q: Fair statement?

10 MR. FERRELLE: Objection.

11 MR. PAULEY: Objection.

12 MR. BARFIELD: Same objection.

13 Q: Mr. Argoe, let me show you what Mr. Walsh's
14 lawyer put in as Exhibit Fifty-One. Look at
15 the last paragraph on that, please, sir.

16 (Plaintiff's Exhibit Number Fifty-One from the Walsh
17 deposition was identified.)

18 A: This is her auditor, right?

19 Q: Yes.

20 A: This speaks for itself.

21 Q: Yes, sir. All four of them were void?

22 A: This speaks for itself.

23 Q: Now ...

24 A: There's been no appeal; there's been no further
25 action.

1 Q: Right. October 12th, and I forgot ... she told
2 me the exhibit number, I apologize, I didn't
3 read it.

4 (Plaintiff's Exhibit Number Forty-seven from the
5 Walsh deposition was identified.)

6 MR. PENDARVIS: Forty-Seven.

7 MR. WARNER: Forty-Seven?

8 MR. PENDARVIS: Yes, sir.

9 Q: Did you know that Mr. Walsh was writing Mr.
10 Norris this letter on your behalf as an
11 individual?

12 A: On my behalf, let me see.

13 Q: You and your son.

14 A: This happened before ...

15 Q: About the same time you filed the second
16 conservatorship in '06.

17 A: Yes, to that.

18 Q: Just to put it in perspective, Mr. Argoe, if
19 you remember Exhibit ...

20 A: I'm satisfied that either Buss or I just said
21 you better protect Martha's account.

22 Q: Okay. So this is in response to Exhibit B
23 attached to your Petition?

24 A: I've got April 11th. I guess one lawyer's
25 telling another lawyer you better do your job

1 right because there could be some problems.

2 Q: And it was written though that you and your
3 son, not your son as agent under her power of
4 attorney, or your son ... The two of you?

5 A: Buss was always a fiduciary. He was always
6 acting in that way. And he was always acting
7 in Martha's best interest.

8 Q: And you were always a fiduciary, as her
9 husband?

10 A: If I ...

11 MR. FERRELLE: Object to the form.

12 MR. PAULEY: Same objection.

13 A: If that's a fiduciary duty, I ... if
14 everybody's individual ... I didn't do it for
15 me. I did every bit of this to protect Martha
16 and I didn't take her money and didn't spend
17 any of it. I don't want it.

18 Q: When they reduced her medication, Dr. Remi
19 reduced her medication ...

20 A: He adjusted it all the time.

21 MR. PENDARVIS: Let him finish.

22 Q: When he did that, did you call him and Natalie
23 Troll, the nurse, and attempt to intimidate
24 them telling them ...

25 A: Never.

1 Q: ... you would sue them if they didn't give her
 2 ...
 3 A: Never.
 4 Q: ... back the medication that you felt she
 5 needed?
 6 A: Never have. Never. Never threatened anybody.
 7 Q: How many days was your wife in Three Rivers?
 8 A: Forty-two I think is right.
 9 Q: Forty-two days.
 10 A: I didn't make that decision.
 11 Q: Do you know how many people were in Three
 12 Rivers while she was there who had killed
 13 somebody ...
 14 A: No.
 15 Q: ... that were out faster than her?
 16 A: No.
 17 Q: Do you know how many people were in there who
 18 had beaten up people in public places who were
 19 out faster than her?
 20 A: No.
 21 Q: Do you know anybody who stayed longer than she
 22 did?
 23 A: No. I don't know anything about the operations
 24 of the hospital and I ... I solely ... I took
 25 it on the basis what the Department of Mental

1 Health helped me do.

2 Q: Did anyone after July 12th of '06 ... excuse me,

3 of '05, did anyone from Three Rivers sit down

4 and go over with you all of the allegations you

5 made about your wife?

6 A: I sat down on the initial opening, yes, and we

7 talked about ... July 12th or ...

8 Q: Yes, sir, July 12th.

9 A: ... June 12th.

10 Q: June 12th, I'm sorry. June 12th of '05.

11 A: Yeah, yeah, I sat with ... I met with the

12 doctor.

13 Q: Which one was that?

14 A: Dr. Phyllis Dodd. No, is it ... what was it?

15 Q: Mobley?

16 A: Mobley. Dr. Mobley. I sat with Maria Marin,

17 who was a case worker. Yeah, I talked to ...

18 Q: And they went through all the issues that you

19 were concerned about?

20 A: They interviewed me and wanted me to relate to

21 them what ... things that I might help them or

22 give to them that might help them with their

23 ... you know.

24 Q: Did you tell them anything different than what

25 you had told the Mental Health people?

1 A: No, it was ... I've been consistent.

2 Q: Did you tell them anything different than what
3 you've told us today?

4 A: No. Everything was to try to get Martha, and
5 I asked over and over and over, "Please help
6 Martha."

7 MR. PAULEY: Jan, could we take just a short break.

8 MR. WARNER: Yes, I've got about three ... go
9 ahead. Go ahead.

10 MR. PAULEY: I need to talk to some of defense
11 counsel here.

12 MR. WARNER: Sure, sure.

13 (A short break was taken from 6:19 pm. To 6:22 p.m.)

14 MR. PENDARVIS: Before we get started, let me just
15 put one thing on the record, just ... you are
16 aware of this, but I want to go ahead and make
17 it crystal clear. First off, we gave
18 permission this morning for Mr. Walsh to waive
19 attorney-client privilege. A large bulk of the
20 questions you were asking today both of Buss
21 Argoe in his deposition and Lewis Argoe would
22 have been protected by privilege. I want just
23 a record statement that we gave ... we
24 voluntarily waived it. We're wanting to be
25 truthful ...

1 MR. WARNER: I understand.

2 MR. PENDARVIS: ... and for other reasons and also
3 for Mr. Walsh's testimony today was with
4 permission and knowledge of his clients.

5 MR. WARNER: Also, I understand that to be.

6 MR. PENDARVIS: I know that. Just for the record,
7 because I'm counsel for these two witnesses who
8 own the privilege, and I want to put that on
9 the record.

10 MR. WARNER: I got you. Okay.

11 MR. PAULEY: And my concern is that ... I'm not
12 sure how to address this, Jan, but your last
13 line of questioning, you're getting into some
14 stuff about Three Rivers.

15 MR. WARNER: Yes.

16 MR. PAULEY: And I know that there's another civil
17 action ...

18 MR. WARNER: Right.

19 MR. PAULEY: regarding that and, of course,
20 those lawyers aren't here, so that was causing
21 me just a little concern. I just, for whatever
22 it's worth, I'd kind of like the record to
23 reflect ...

24 MR. WARNER: That's fine.

25 MR. PAULEY: ... that it appears that that might be

1 heading down that road.

2 MR. WARNER: Well, we've got Three Rivers reporters
3 in here. Their reports are part of this record
4 and I'm not going anywhere else ...

5 MR. PAULEY: Okay.

6 MR. WARNER: ... on Three Rivers other than what he
7 told them, the information he gave them.

8 MR. PAULEY: All right. But you're limiting
9 yourself to the reports in this case as opposed
10 to ...

11 MR. WARNER: Yes, I'm not getting into the ...

12 MR. PAULEY: Because I don't know anything about
13 the meat of that other lawsuit is, but ...

14 MR. WARNER: I'm not getting into the treatment
15 there at all.

16 MR. PAULEY: Okay.

17 MR. WARNER: Okay.

18 MR. PENDARVIS: And I guess that will take care of
19 any questions you've got of these witnesses
20 about Three Rivers to maybe be avoid a second
21 deposition of these guys, because if it's not
22 treatment related, he can ask ...

23 MR. WARNER: Well, you know, the only issue with
24 these guys is if there's any history in the
25 Three Rivers records that I don't know if

1 there's any that we haven't covered.

2 MR. PAULEY: My only concern is that ...

3 MR. WARNER: They're not here. I agree with you.

4 MR. PAULEY: Okay.

5 MR. WARNER: I agree. And I'm not ... I'm not
6 going any further than that.

7 MR. PENDARVIS: Great.

8 Q: All right. Let's see, Mr. Argoe, one of the
9 items that you gave to the Mental Health in
10 Exhibit Fifty-Four is that your wife had been
11 losing weight. Do you remember that?

12 A: Yes.

13 Q: Had you and she not been on the Atkins diet?

14 A: I was on the Atkins diet. If she was on it, I
15 don't know that she was. She probably was
16 following some of my eating patterns.

17 Q: And she lost weight the year before, in 2001?

18 A: She lost weight in about the last three months
19 of 2003. She lost weight. But she was
20 recovering. In fact, we bought a lot of new
21 clothes to cover the weight loss.

22 Q: Okay.

23 A: And we tried to cover that. But she ... she
24 started to recover from that sometimes after
25 ... at the beginning of 2004.

1 Q: Okay. Have you ever been named as a party in
2 any other proceedings or lawsuit? Have you
3 ever been ...

4 A: Never in my life.

5 Q: I don't have any further questions.

6 MR. ARGOE - EXAMINATION BY MR. BARFIELD:

7 Q: Mr. Argoe, I'm Michael Barfield. Again,
8 represent Jim Walsh in this case. I heard some
9 testimony yesterday about how you control
10 Orangeburg County and I want to ask you a
11 little bit about that. Do you have any
12 influence over the courts in Orangeburg County
13 more than the average citizen?

14 A: I have ... I have ... I have not been in the
15 courts, so I don't know ... I don't know the
16 judges. I have no influence.

17 Q: What about the Police Department?

18 A: None.

19 Q: What about lawyers? Do you control the Orange
20 County bar?

21 A: I've never been a member of the Orangeburg
22 County bar.

23 Q: Okay. Orangeburg County, Orange County's a
24 different place. Do you have more influence
25 over any public official or agency than the

1 average citizen does?

2 A: No. I don't contribute money to any of them
3 either.

4 Q: You don't have any dirt on anybody that allows
5 you ...

6 A: I don't.

7 Q: ... to bring influence to bear on them that an
8 average citizen could not?

9 A: None.

10 Q: Have you ever made those kinds of claims to
11 your wife?

12 A: No.

13 Q: Have you ever told her that you controlled
14 Orangeburg County ...

15 A: No.

16 Q: ... and that she'd be sorry if she challenged
17 you?

18 A: No.

19 Q: You never made those kinds of threats to stave
20 off a divorce?

21 A: No.

22 Q: And it stands to reason, but I need to ask the
23 question, did you exercise any unusual or undue
24 influence over the Orangeburg Probate Judge in
25 these proceedings?

1 A: If the Judge stood there and you told me it was
2 the Judge, I'd know, but I couldn't recognize
3 her if I passed her on the street.

4 Q: So is that a no?

5 A: No.

6 Q: What about Jimmy Walsh, did you exercise any
7 undue influence over him to make him do
8 anything that he didn't think was correct or
9 professional?

10 A: No.

11 Q: Is everything Mr. Walsh did on your behalf, was
12 that done with your approval?

13 A: It was done with my approval.

14 Q: Was everything Mr. Walsh did with regard to
15 these Probate Court proceedings on your behalf
16 or your son's behalf?

17 A: Everything ... everything that was done was
18 done for ... because I hired him to do it.

19 Q: And that begs the question, what was your fee
20 arrangement with Mr. Walsh?

21 A: I paid him hourly.

22 Q: Do you recall what his hourly rate was?

23 A: \$225.

24 Q: Did you ever give him any personal property
25 that belonged to your wife as compensation?

1 A: Nothing.

2 Q: Did you ever promise him personal property ...

3 A: Never promised him anything.

4 Q: Let me finish the question. Did you ever
5 promise him personal property that belonged to
6 your wife in exchange for accomplishing her
7 commitment or guardianship or conservatorship?

8 A: No.

9 Q: In other words, there's no promise of a kick-
10 back or reward should he be successful ...

11 A: No.

12 Q: ... in these endeavors? Was there a conspiracy
13 involving Mr. Walsh and/or the Probate Judge to
14 harm your wife?

15 MR. WARNER: Object to the form of the question.

16 A: I don't know.

17 Q: Did you ever ask Mr. Walsh to harm your wife?

18 A: No.

19 Q: Did you ever ask him any ... to take any action
20 that you believed would harm your wife?

21 A: No.

22 Q: Mr. Warner testified ... asked you some
23 questions earlier about the service of process
24 issues, and he asked you whether you had ever
25 instructed Mr. Walsh not to serve your wife

1 with notice of the filing of a Petition or a
2 Summons because you were concerned that it
3 might adversely affect her condition.

4 A: No.

5 Q: Okay.

6 A: I ... I want to explain one thing here.

7 Q: Okay.

8 A: I told him the time to serve is when the
9 lawyers work is done.

10 Q: What does that mean?

11 A: That means that when the doctors have
12 accumulated all the information and the case is
13 ready for filing. That would speed ... that
14 would be the worst thing for me to do is to try
15 to tell a lawyer how to practice law.

16 Q: Okay.

17 A: He made those decisions, but I told him that I
18 did not want to ... to start something and have
19 it strung out because Martha's personal
20 interests was taking care of her, not to ... to
21 do damage to her.

22 Q: Was the filing and dismissal, filling and
23 dismissal, this pattern that we've seen in the
24 Probate Court, am I clear on that? Do you know
25 what I'm talking about?

- 1 A: I'm sorry it's called a pattern. It was not
- 2 done with any design.
- 3 Q: Well, and you've anticipated my question. Was
- 4 that procedural history in these cases designed
- 5 to harm your wife?
- 6 A: No.
- 7 Q: Was it designed to keep her from being able to
- 8 appear and represent herself?
- 9 A: No.
- 10 Q: Was it a strategic move on your part or Mr.
- 11 Walsh's part to gain advantage in any action
- 12 pending in the Probate Court?
- 13 A: No.
- 14 Q: What was the reason for that pattern?
- 15 A: The reason was to protect Martha and not upset
- 16 and keep her on a stabilized recovery and rehab
- 17 course. And anything that we do ... it was
- 18 hard enough to do it, but we certainly didn't
- 19 want to do it and cause any undue hardship or
- 20 thought or anything that might set her in
- 21 reverse, because she was improving after being
- 22 at the hospital.
- 23 Q: Was Martha's condition your paramount concern?
- 24 A: Always has been.
- 25 Q: Was that your directive to Mr. Walsh to be his

1 paramount concern?

2 A: Yes, it is.

3 Q: Who was Mr. Walsh's client, though?

4 A: Who was Mr. Walsh's client?

5 Q: Uh-huh (affirmative response). Who was Mr.

6 Walsh paid to represent?

7 A: He was paid to represent me and, as far as I

8 know, and I paid for anything that he did and

9 charged any time relative to getting Martha the

10 care that I thought she needed, and her son

11 thought she needed, and her brother thought she

12 needed, and her sister thought she needed.

13 Q: Okay. To your knowledge, was any action taken

14 in the Probate Court that resulted in the

15 removal of any of Martha's property from her

16 possession?

17 A: No.

18 MR. WARNER: Object to the form of the question.

19 Q: So did any order of the Probate Court take

20 Martha's property out of her name, to your

21 knowledge?

22 A: Nothing was taken.

23 Q: Has the Beaufort County property been disposed

24 of?

25 A: It's still sitting on the hill out there.

1 Q: Okay. Is the Corvette still in the garage?

2 A: Yes, sir.

3 Q: To your knowledge, has any of the silverware,
4 china, other personal property been ...

5 A: Everything ...

6 Q: ... given away to third parties or sold?

7 A: Not by me and I don't think it's been done by
8 anybody else that had any possession. And it's
9 been in that particular place, it's been locked
10 up, in Martha's home. She didn't need to get
11 a mini-warehouse to put it in.

12 Q: Was that warehouse broken into?

13 A: Yes.

14 Q: I think you alluded to that earlier. Did you
15 or your son break into that warehouse?

16 A: No.

17 Q: Is that a no? Did Jimmy Walsh bring into that
18 warehouse, to your knowledge?

19 A: No.

20 Q: Did Judge Jones-Glover break into that
21 warehouse?

22 A: No.

23 Q: What about Mr. Norris, was he the burglar?

24 A: No.

25 Q: Do you know who the burglar was?

1 A: Nobody knows.

2 Q: Is there anyway to inventory the items that
3 went missing that day?

4 A: We don't know what they were.

5 Q: When Martha was on her medication, was she like
6 a zombie?

7 A: No.

8 Q: What was she like?

9 A: She could laugh and she could have fun and she
10 could put on her bathing suits and go out enjoy
11 the water. She was the best that I had seen in
12 five to ten years.

13 Q: I think those are all the questions I have for
14 now. Thank you, sir.

15 MR. ARGOE - EXAMINATION BY MR. FERRELLE:

16 Q: I've just got two. Mr. Argoe, my name is Rice
17 Ferrelle. I represent Lynn Norris. You never
18 conspired with Mr. Norris at any time to cause
19 harm to your wife, did you?

20 A: No.

21 Q: You never attempted to exert any excessive
22 influence over Mr. Norris at any time?

23 A: Had very few ...

24 MR. WARNER: Form of the question.

25 A: Never, never.

1 Q: When was the last conversation you had with Mr.
2 Norris that you recall?

3 A: Months ago.

4 Q: Do you have any personal accounts with Mr.
5 Norris?

6 A: I do not.

7 Q: I have no further.

8 MR. ARGOE - EXAMINATION BY MR. PAULEY:

9 Q: If I understood you correctly ... by the way,
10 I'm Mike Pauley. I represent Judge Jones-
11 Glover.

12 A: Right.

13 Q: I'll put that on the record for us here. I
14 believe you testified earlier that if you
15 passed Judge Jones-Glover, you wouldn't know
16 her?

17 A: She doesn't look like her picture.

18 Q: Okay. Had you ever met her before?

19 A: Never.

20 Q: Had you dealt with her before on any level
21 prior to your filing the original Petition?

22 A: Yeah.

23 Q: What was that for?

24 A: I had to be relieved as the executor of my
25 mama's estate.

1 Q: And how did you resolve that?

2 A: I resolved it to her satisfaction and the

3 satisfaction of the IRS and everybody else.

4 Q: Did you meet Judge Jones-Glover in that

5 process?

6 A: Yes, I did.

7 Q: You physically met her. So you've met her

8 before?

9 A: I have, yes.

10 Q: Based on that meeting, did you two ...

11 A: A business ... a judge ... a judge type

12 relationship.

13 Q: Okay.

14 A: Across the bench.

15 Q: Did you discuss any of this with her, and I say

16 referring to this, did you discuss any

17 conditions with your wife or any involvement

18 with what was going on leading up to this

19 petition with Judge Jones-Glover when you met

20 with her before?

21 A: No, not specifically of this kind. I went to

22 Jim Walsh and I'm being perfectly candid. I

23 said "I need advice." And Jim says, "We

24 probably need to go to the Probate Court and

25 just see what their procedure is to do it," and

1 that's the only time I've been in there for any
2 reason ... in that room relative to this that
3 I can recall.

4 Q: Did you meet with Judge Jones-Glover then?

5 A: I think we may have. I'm unsure. I think we
6 did, but I don't think we met over five minutes
7 and it was simply a case of what's your
8 procedure. And I didn't do any talking.

9 Q: Okay. Do you think she was made familiar with
10 the facts of the case at that point?

11 A: No.

12 Q: So, your recollection is that Mr. Walsh had the
13 conversation with her?

14 A: I was with him.

15 Q: And the limits of that conversation, was that
16 just a procedural ...

17 A: Procedural ...

18 Q: ... what you needed to do?

19 A: ... what needs to be done. It did not
20 specifically deal with any details, didn't
21 mention parties or anything else. It was just
22 simply what needs to be done to do certain
23 things in your court. And one reason I think
24 there's some difficulty and I have learned a
25 little bit, Probate Courts operate differently

1 in every jurisdiction.

2 Q: Just so I'm clear on this. Were there any
3 discussions about the merits of this case ...

4 A: No.

5 Q: ... with Judge Jones-Glover, let me finish, any
6 discussion about the merits of this case with
7 Judge Jones-Glover before the Petition was
8 filed?

9 A: No.

10 Q: Okay. And do you feel like at any point Judge
11 Jones-Glover was involved in a conspiracy with
12 Mr. Walsh or yourself to harm Mrs. Argoe?

13 A: No.

14 Q: I thank you. I think that's all I've got.

15 MR. ARGOE - RE-EXAMINATION BY MR. WARNER:

16 Q: I just have a couple questions. Mr. Argoe, you
17 said you didn't have an account with Mr. ... at
18 Ameriprise?

19 A: No, I don't have an account.

20 Q: Look at Exhibit Forty-Eight, and look at the
21 related account information up at the top of
22 that. What does it say?

23 (Plaintiff's Exhibit Number Forty-eight from the
24 Walsh deposition was identified.)

25 A: My name is there. I have no account. I have

1 never had not the first cent with him.

2 Q: It says related accounts, and it has your name
3 and an account number next to it, does it not?

4 A: It does, but that doesn't ... I don't know why.

5 MR. PENDARVIS: Where are you pointing to? It says
6 associated client IDs. It doesn't say account.

7 MR. WARNER: Associated client IDs.

8 Q: Are you a client?

9 A: I'm not a client of his. I never have been.

10 Q: Why would your name be on there as a client ID?

11 A: I don't know. I'm surprised that it is.

12 Q: Okay. But you got this ... have you seen this
13 before?

14 A: No.

15 Q: Let me make sure I'm clear because I didn't
16 understand this until Mr. Pauley just asked you
17 a question. You and Mr. Walsh walked across
18 the street and met with the Judge?

19 A: We went to the courthouse, and I'm not sure
20 what ... we went to get information.

21 Q: About what?

22 A: Procedural ...

23 Q: Procedure for what?

24 A: This was before Martha was ... this was back in
25 the days when I was involved with the

1 Department of Mental Health and wasn't able to
2 get any information specifically about things
3 over there, so I went to the Judge ... I went
4 to Jim Walsh and I said, "Jim, do you know the
5 procedures that the Mental Health are going to
6 follow in getting this done?" And he says, "I
7 don't know, but we could go over to the Probate
8 Judge's office and they can tell us how that
9 works."

10 Q: So this was between the time you first went to
11 Mental Health in April and didn't sign and June
12 6 when you did sign, or 7th?

13 A: I would think that was the situation because I
14 ... I was not satisfied when I left in April
15 that I needed to sign that not knowing to some
16 extent what was going to happen and how the
17 details would run.

18 Q: And so you ...

19 A: So I hired a lawyer.

20 Q: You hired a lawyer, Mr. Walsh, who told you
21 that the best way to get the answer is to let's
22 go talk to the judge?

23 A: No, he didn't say it that way.

24 Q: Well, that's what you did, though.

25 A: We went to the ... over to inquire of the

1 procedure.

2 Q: Right. Went over to Judge and sat down with
3 Judge Jones-Glover?

4 A: I'm not even sure we sat down.

5 Q: Well, you stood up with her?

6 A: Whatever, we ... if I recall, I believe that I
7 did ... see, I'm telling you, I wouldn't know
8 her if she walked in that doorway. Could have
9 been her assistant.

10 Q: The point is, sir, that you hired a lawyer to
11 give you advice, and he took you over and had
12 a face to face meeting with the Judge?

13 MR. PAULEY: Object to the form.

14 Q: Is that ... that's a fair statement, isn't it?

15 A: I hired a lawyer. I wanted some information,
16 and Jim says, "I'm not sure what kind of forms
17 or the things they've got over there, we'll go
18 over there and ask them."

19 Q: And so you went ...

20 A: It wasn't to go to the judge about any case.

21 Q: But you went through the procedure with the
22 Judge?

23 A: No, I didn't go through the procedure with the
24 Judge.

25 Q: How long did you meet with the Judge?

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1 A: It don't ... I don't suspect it was two
2 minutes.

3 Q: And what questions were asked?

4 A: The questions would generally have been if ...
5 and if I recall, does Mental Health ... is it
6 ... what does Mental Health ... how much ...
7 what is an individual's role when Mental Health
8 becomes involved in a case. That's basically
9 what I wanted to know. Does Mental Health take
10 it and run with it?

11 Q: And you had to go across the street to get that
12 information?

13 A: I think we did.

14 Q: Mr. Walsh didn't know it?

15 A: I don't know what he knew or what he didn't
16 know.

17 Q: You know Allen Powell, who is the attorney for
18 the Department of Mental Health?

19 A: No.

20 Q: Were you introduced to the Judge? Judge know
21 your name?

22 A: Judge doesn't know me.

23 Q: Mr. Walsh, did he introduce you to her?

24 A: I don't even know. I really don't.

25 Q: Did he say ...

1 A: I was tagging along.

2 Q: ... that you had a case that needed to be
3 resolved?

4 A: No, no.

5 Q: What were the questions that were asked?

6 A: I don't recall that. I'm being perfectly
7 candid. What's the procedure? What ... the
8 main issue was to know what did an individual
9 have to do if they were involved with Mental
10 Health.

11 Q: Mr. Argoe, I know you understand it ...

12 A: I know you ...

13 Q: All this is in the code.

14 A: I didn't understand it.

15 Q: You hired a lawyer to help you with it,
16 correct?

17 A: I hired a lawyer to help me with it.

18 Q: And he takes you over to the Probate Court?

19 A: We did go to the Probate Court to find out, and
20 I don't know whether we were picking up forms,
21 I don't know what we were doing. There was no
22 case; there was no filing at the time.

23 Q: I don't have any further questions.

24 MR. ARGOE - RE-EXAMINATION BY MR. PAULEY:

25 Q: I have one follow-up.

1 MR. WARNER: Go ahead.

2 Q: I think you just ... well, you tell me, are you
3 sure that you met with the Judge?

4 A: I'm not sure I met with the Judge I said.

5 Q: Do you think you met with a staff person?

6 A: It could have been a staff person.

7 Q: Do you recall what they looked like?

8 A: No, I still say, I wouldn't recognize the judge
9 probably if I walked in there.

10 Q: Do you recall when this was?

11 A: No. I can say it was ... it was before any
12 proceedings were brought by Mental Health. I
13 can tell you that. Because my whole ... the
14 mystery to me was ... the mystery from day one
15 is I'm a bad ... I'm one of those lawyers that
16 I can read law, but I can't understand it
17 sometimes. It's just not something I
18 understood and I just needed somebody to
19 interpret what ... and give me some ... some
20 procedural, and that's all I asked for is
21 what's the procedure.

22 Q: But you didn't discuss ...

23 A: We didn't discuss any case. What's the
24 procedure, that's all I wanted. If you could
25 get it out of a law book, good. I don't think

1 there is ... it's your client. I don't think
2 there is a defined procedure, and I learned
3 that not only in Orangeburg, because I still
4 haven't seen the procedural thing, but I've
5 learned that over in Dorchester County. They
6 tried to explain their procedure to somebody
7 and a lawyer that's not in there everyday
8 probably has a difficult time understanding the
9 use of the customs that take place within an
10 office. I'm being honest. Straight as I can
11 be. I've been on this thing for Martha all the
12 way.

13 Q: Okay. Thank you.

14 MR. ARGOE - RE-EXAMINATION BY MR. BARFIELD:

15 Q: I've got one. Sir, you're lawyer by education,
16 correct? You maintain your active status as a
17 member of the Bar?

18 A: I'm on inactive status.

19 Q: Inactive status.

20 A: Been there for years.

21 Q: But you're still a member of the South Carolina
22 Bar?

23 A: I'm a member in good standing and until this
24 ... until this incident occurred, I don't know.
25 I've been before the State Supreme Court on

1 scores of times.

2 Q: Okay.

3 A: I don't ... I've never had anybody, to my
4 knowledge, ever file a claim against me for
5 anything that I had done wrong.

6 Q: I was going to ask you that. Assuming,
7 hypothetically, that this person that you and
8 Mr. Walsh met with at the Probate Court was the
9 Probate Judge, based on your training and
10 understanding of legal ethics, was anything
11 improper about the content of that meeting?

12 MR. WARNER: Object to the form of the question.

13 A: I didn't ... I didn't come ... I don't go into
14 Judge's chambers and discuss law in cases. I
15 don't do it. I used ... I'm very much specific
16 about that. I was when I practiced law. I did
17 it for 13 years actively.

18 Q: And did you observe Mr. Walsh have any improper
19 discussion with the Probate Judge on that day,
20 whether ... assuming that was the Probate Judge
21 that was there?

22 MR. WARNER: Object to the form of the question.

23 A: I've been in numerous ... I think I'm licensed
24 to practice in nine courts, different courts.
25 And some of them were getting pretty hard to

1 practice in. I've been before the U.S. Supreme
2 Court and made arguments there and I've spent
3 at least three trips every time I've gone to
4 pick up knowledge, how to do things in that
5 court. And the same thing happens when it's
6 the Court of Claims, the Fourth Circuit, the
7 South Carolina Courts, the Federal Courts.
8 I've had to sometimes walk in the office and
9 get some information.

10 Q: And, again, have you ever been disciplined or
11 sanctioned by the Bar?

12 A: Never been ... never had a ... never had
13 anybody assert that I had done anything wrong.
14 Never had a complaint filed against me until
15 this.

16 MR. WARNER: Objection. It's inappropriate.

17 Q: That was it.

18 MR. PENDARVIS: No questions.

19 (There being no further questions, the deposition
20 concluded at 6:48 p.m.)
21
22
23
24
25

CERTIFICATE

This is to certify that the deposition of
GEORGE LEWIS ARGOE, JR., consisting of One Hundred
Eight (108) pages, is a true and correct transcript
of the testimony given by said deponent after being
duly sworn; said deposition was reported by the
method of Stenomask with Backup.

I further certify that I am neither employed by
nor related to any of the parties in this matter or
their counsel; nor do I have any interest, financial
or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand
and seal on August 13, 2007.



Carla S. Dominick
Court Reporter

Notary Public for South Carolina
My Commission Expires: 5/8/2012

STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) C/A #: 06-CP-07-2013

Martha Lewin Argoe,

Plaintiff,

v.

George Lewis Argoe, III,
Individually and as
purported "Trustee",
G. Lewis Argoe, Jr., James
F. Walsh, Ameriprise
Financial Services, Malcolm
Lynn Norris and Pandora
Jones-Glover,

Defendants,

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DEPOSITION OF
GEORGE LEWIS ARGOE, III

Wednesday, July 25, 2007
2:15 p.m. - 4:39 p.m.

The deposition of GEORGE LEWIS ARGOE, III,
taken on behalf of the Plaintiff at the law offices
of HOWELL, GIBSON AND HUGHES, 25 Rue Du Bois,
Beaufort, South Carolina, on the 25th day of July,
2007 before Carla S. Dominick, Court Reporter and
Notary Public in and for the State of South Carolina,
pursuant to Notice of Deposition.

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APPEARANCES:

Jan L. Warner, Esquire
 Matthew Steinmetz, Esquire
 WARNER, PAYNE AND BLACK
 1122 Lady Street, Suite 1200
 Columbia, South Carolina 29201
 Attorney for the Plaintiff

Kenneth Michael Barfield, Esquire
 BARNWELL, WHALEY, PATTERSON AND HELMS, LLC
 Post Office Drawer H
 Charleston, South Carolina 29042-0197
 Attorney for James F. Walsh, Esquire

J. Rice Ferrelle, Jr., Esquire
 MURPHY AND ANDERSON, P.A.
 One Independent Drive, Suite 1801
 Jacksonville, Florida 32202
 Attorney for Ameriprise Financial Services

Michael S. Pauley, Esquire
 VINTON D. LIDE & ASSOCIATES, LLC
 5179 Sunset Boulevard
 Lexington, South Carolina 29072
 Attorney for Pandora Jones-Glover

Thomas A. Pendarvis, Esquire
 PENDARVIS LAW OFFICES, P.C.
 500 Carteret Street, Suite A
 Beaufort, South Carolina 29902
 Attorney for George L. Argoe, Jr. and
 George L. Argoe, III

Also Present:
 Martha Argoe, Plaintiff
 George Lewis Argoe, Jr., Defendant

INDEX

<u>MR. ARGOE:</u>	<u>PAGE:</u>
MR. WARNER EXAMINATION	4
MR. BARFIELD EXAMINATION	88
MR. FERRELLE EXAMINATION	96
MR. PAULEY EXAMINATION	97
MR. WARNER RE-EXAMINATION	99
MR. BARFIELD RE-EXAMINATION	100
Certificate	101

EXHIBITS

(There were no exhibits marked during this deposition)

STIPULATIONS

It is stipulated and agreed that this deposition is being taken pursuant to the South Carolina Rules of Civil Procedure.

It is stipulated by and between counsel and the witness that the reading and signing of the following deposition be, and the same are, hereby waived.

1 GEORGE LEWIS ARGOE, III, having been duly sworn,
2 deposes and testifies as follows:

3 MR. ARGOE - EXAMINATION BY MR. WARNER:

4 Q: Mr. Argoe, my name's Jan Warner and if there's
5 any question I ask you that you don't
6 understand, please tell me and I'll clarify it
7 for you. Unless your lawyer tells you not to
8 answer a question, you're going to need to
9 answer the questions during this deposition.
10 And I prefer you to say yes or no rather than
11 uh-huh or huh-uh because it's hard to pick up.
12 Your full name, please, sir.

13 A: George Lewis Argoe, III.

14 Q: I know you live down at what 100 Factory Creek
15 Road, is that ...

16 A: Correct.

17 Q: And your date of birth?

18 A:

19 Q: And what is your occupation?

20 A: I am a commercial insurance marketing rep.

21 Q: With which company or companies?

22 A: Insurance Office of America.

23 Q: And that is a national organization?

24 A: Semi ... super regional brokerage company.

25 Q: And how long have you been in the insurance

1 business?

2 A: Thirteen and a half years roughly.

3 Q: And your training in ... or your education and
4 training came from where? Where'd you get
5 educated? College?

6 A: Oh, sure. All the way through college, MBA,
7 Clemson, as well as one year of training at
8 Minnesota with Federated Insurance.

9 Q: Now, when you went to Minnesota, did you have
10 a residence up there? Did you have a house?

11 A: I had an apartment.

12 Q: Okay. Did your mother make any arrangements
13 for you up there financially or otherwise while
14 you were in Minnesota?

15 A: No.

16 Q: Okay. Have you ... after you left Minnesota,
17 did you come back to South Carolina?

18 A: I did.

19 Q: And when did you get back down here?

20 A: '94.

21 Q: Did you live in Orangeburg or did you move
22 somewhere else?

23 A: Greenville.

24 Q: How long were you in Greenville?

25 A: Eleven and a half years, approximately.

- 1 Q: Did your mother make any financial arrangements
- 2 for you in Greenville?
- 3 A: After some years, yes.
- 4 Q: And what did she do?
- 5 A: She provided me with a house.
- 6 Q: And was it paid for?
- 7 A: It was a gift.
- 8 Q: Okay. And where did the money come from, do
- 9 you know?
- 10 A: A lot out of Sunset Beach, North Carolina.
- 11 Q: She did a Section 1031 exchange?
- 12 A: Correct.
- 13 Q: And that house remained ... it was in your
- 14 name?
- 15 A: It was in her name.
- 16 Q: And did she ... was the house later sold?
- 17 A: It was transferred to me and then I moved and
- 18 it was sold.
- 19 Q: And that was under the Section 1031 exchange;
- 20 she had a holding period?
- 21 A: Correct.
- 22 Q: Okay. So after the holding period, she
- 23 transferred it to you?
- 24 A: Correct.
- 25 Q: And when it sold, you kept the equity?

1 A: Yes.

2 Q: Which was how much?

3 A: \$274,000.

4 Q: And when you left Greenville, where did you
5 move?

6 A: I moved here.

7 Q: And why did you move down to Beaufort County?

8 A: I was in the process with two other folks in
9 purchasing a local agency in the area.

10 Q: And when you got here, where did you live?

11 A: I lived at the house over here. 100 Factory
12 Creek, where I reside now.

13 Q: And that was in what year, '03 or '04?

14 A: I think ... I cannot recall the specific year
15 at the moment.

16 Q: Was it just about brand new when you moved in?

17 A: It was brand new.

18 Q: Okay. So if it was finished in '03, that would
19 have been a good guess about when you got in
20 there, '03 or '04?

21 A: Most likely a little ... it had been finished
22 for some time.

23 Q: And did you and your mother have any
24 arrangements regarding how you would pay for
25 your stay there?

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1 A: She told me when I moved in that I would be
 2 paying rents, because it was required.
 3 Q: And did you have a written agreement with her?
 4 A: She provided one for me, yes.
 5 Q: So your mother provided a written agreement for
 6 you?
 7 A: (Nods head affirmatively).
 8 Q: I'm sorry?
 9 MR. PENDARVIS: You have to say yes or no.
 10 A: Yes.
 11 Q: And what did that written agreement say?
 12 A: It was a lease agreement.
 13 Q: And when did she provide it to you?
 14 A: I believe October.
 15 Q: Of?
 16 A: It's dated.
 17 Q: '04?
 18 A: I'm not going to guarantee that.
 19 Q: Okay.
 20 A: But ...
 21 Q: So she just brought it down to you and gave it
 22 to you?
 23 A: She handed it to me with a packet of other
 24 documents.
 25 Q: And did you sign it?

1 A: I did not sign it.

2 Q: Okay. Where is the ... do you still have the

3 original of that lease?

4 A: I do.

5 Q: And how did you ... what did you do as far as

6 payment while you were there? Who paid the

7 bills while you were there living at 100

8 Factory Creek?

9 A: Please clarify which bills.

10 Q: Mortgage, taxes, insurance, utilities.

11 A: I paid the \$1600 or so directly to her bank

12 account. She gave me deposit slips.

13 Q: Okay.

14 A: The mortgage, the bills, the utilities were

15 paid by my father.

16 Q: Now, the \$1600, this was an interest only loan,

17 was it not?

18 A: I don't believe that one was.

19 Q: Was it refinanced?

20 A: It was required to be, yes.

21 Q: To become interest only?

22 A: Because of proceedings that was the only

23 vehicle to do ... in which to do it.

24 Q: The first ... the mortgage that you began

25 paying before these lawsuits were brought in

1 '06, were you not paying interest only on that
2 mortgage?

3 A: I don't have a copy of it.

4 Q: So, you were paying 1600 bucks, but you don't
5 know ...

6 A: \$1600 plus. If it was interest only, we need
7 to go to the bank to find that out.

8 Q: So you never saw the mortgage?

9 A: No.

10 Q: And never saw the note?

11 A: No.

12 Q: And your other was the only one that was
13 responsible for that?

14 A: Correct.

15 Q: Now, when your mother brought you down the
16 lease, you said she had already signed it?

17 A: She had; it was pre-signed.

18 Q: And who had prepared it for her, do you know?

19 A: I could speculate, but, no, I don't know who
20 prepared it.

21 Q: Did she also give you a will, her will?

22 A: Yes.

23 Q: And when did she give you her will?

24 A: At the same time she gave me the packet of
25 information.

1 Q: And do you know who prepared her will for her?

2 A: I believe it was Lewis Lanier.

3 Q: Lewis Lanier. Did she give you the original of

4 her will?

5 A: Best of my knowledge, it's the original.

6 Q: Right. What did she ask you to do or tell you

7 to do with it?

8 A: Hold it.

9 Q: Okay. Did she provide you with a power of

10 attorney?

11 A: Yes.

12 Q: A long one or short one?

13 A: Power of attorney.

14 Q: Do you remember which one ... did you ever see

15 more than one power of attorney?

16 A: Yes.

17 Q: When did you get the first one, about, if you

18 remember?

19 A: When was it communicated, when did I receive a

20 hands-on copy?

21 Q: When did you actually receive a copy?

22 A: 2003 ... 4.

23 Q: Or 4?

24 A: Again, time wise.

25 Q: Let me show you what's marked before as Exhibit

1 Thirty-Six. Tom, I've got a ... do you need
2 another copy?

3 (Plaintiff's Exhibit Number Thirty-six from the Walsh
4 deposition was identified.)

5 MR. PENDARVIS: That's fine. If you don't mind me
6 looking over your shoulder.

7 MR. WARNER: No, no, no problem.

8 MR. PENDARVIS: If you don't mind.

9 Q: That one's dated, Exhibit Thirty ... I think
10 it's Thirty-Six.

11 A: It is Exhibit Thirty-Six.

12 Q: Yes, it's dated April of '04. Did she give you
13 ... your mother give you this copy of this
14 power of attorney also?

15 A: Yes.

16 Q: About the same time she gave you the will and
17 everything else?

18 A: With the packet of information.

19 Q: All right. So that was all together?

20 A: Yes.

21 Q: When you were living in Greenville, did you get
22 to Orangeburg much?

23 A: Quite often.

24 Q: Weekends?

25 A: Weekends.

1 Q: You and your wife?
 2 A: Yes.
 3 Q: Okay. Once a month, twice a month?
 4 A: Twice.
 5 Q: Would you stay at the house?
 6 A: Sure.
 7 Q: Okay. When did your parents, if you know,
 8 start sleeping in separate rooms?
 9 A: Late '02, '03.
 10 Q: Late '02 or '03. And did you know that there
 11 were issues between them, that they were having
 12 some problems?
 13 A: No.
 14 Q: Did you find it unusual that they were sleeping
 15 in separate rooms?
 16 A: Different, not that unusual.
 17 Q: Did you discuss with either one of them why?
 18 A: No.
 19 Q: When you would come down for the weekends in
 20 '04, you say it would be ever other you think
 21 ... well, you were already moved to Beaufort by
 22 them. Would you come up for weekends when you
 23 were in Beaufort, living down here?
 24 A: Usually not. Usually both of them came
 25 together down to visit ... visited in Beaufort.

1 Q: They were down a couple times a month?

2 A: At least a couple times a month.

3 Q: Your father's boat was at one of the slips at
4 the house down here in Beaufort?

5 A: Before we had the boat, they would come visit.

6 Q: Okay. And they would stay for the weekend?

7 A: Sure.

8 Q: Got along well?

9 A: Yeah.

10 Q: In October of 2004, your mother gave you this
11 lease, let me just show you this and see if
12 this is it, this is Exhibit Thirty-Seven. Is
13 this the lease you say that your mother gave
14 you?

15 (Plaintiff's Exhibit Number Thirty-seven from the
16 Walsh deposition was identified.)

17 A: It appears to be a copy.

18 Q: And that's the one that's dated October 15th of
19 2004?

20 A: Uh-huh (affirmative response).

21 MR. PENDARVIS: Answer yes.

22 A: Yes.

23 Q: What explanation did she give you when she gave
24 you this package with the lease and the power
25 of attorney and the will?

1 A: The package, the lease, of course, we had to
2 have rents on the property in order for the
3 1031 exchange to transpire.

4 Q: You had to have rents on the property?

5 A: She ... she told me that she had to have rents
6 on the property. It has to be rental property
7 for two years.

8 Q: Okay.

9 A: To the best of my recollection.

10 Q: All right. What kind of property did she sell
11 up in New Hampshire to get this ... buy this,
12 do you remember?

13 A: A piece of property on the mountainside.

14 Q: It was woods, was it not?

15 A: Never saw it.

16 Q: Then did you read the will?

17 A: I did.

18 Q: And it left everything to you?

19 A: Yes.

20 Q: Leave anything to your father?

21 A: No.

22 Q: Did you find that strange?

23 A: Not at all.

24 Q: Okay. Because ...

25 A: Because we had had many discussions before in

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1 the past to do proper estate planning for her
 2 to leave everything to me.
 3 Q: So who had these discussions?
 4 A: We as a family had these discussions.
 5 Q: Your mother, your father, and you?
 6 A: Absolutely.
 7 Q: So she was going to leave everything to you?
 8 A: Uh-huh (affirmative response).
 9 Q: Your father would get nothing out of it?
 10 A: Correct.
 11 Q: And these discussions had taken place since?
 12 A: '95, earlier than that.
 13 Q: Before she inherited? Before your mother
 14 inherited from her mother?
 15 A: No, her mother was already passed away.
 16 Q: Okay. The discussions were had before she
 17 received the funds from her parents?
 18 A: They were soon after she received the funds.
 19 Q: Did you go to any lawyers to handle this estate
 20 plan for you or did you ...
 21 A: I didn't do the estate planning.
 22 Q: You left that to them to do?
 23 A: Martha did it.
 24 Q: Your mother did it. Did your father do it,
 25 too, or you don't know?

1 A: No.

2 Q: He did not?

3 A: That I'm aware of, he did not do it.

4 Q: He did no wills?

5 A: Not for her.

6 Q: He left everything to you?

7 A: My father?

8 Q: Uh-huh (affirmative response).

9 A: I don't know.

10 Q: Did he leave you ... did he give you a will for

11 ... did your father give you a will?

12 A: No.

13 Q: So you don't know what your father's will said?

14 A: Nope.

15 Q: Now, when your mother gave you the will and the

16 package, did she say anything to you about why

17 she wanted you to have it?

18 A: She said that she wanted everything to go to

19 me.

20 Q: Did you have any problem with her demeanor or

21 anything about her when she ...

22 A: I did. I really wondered why she would

23 duplicate the efforts because according to her,

24 when she did all of this work with David

25 Sojourner, all of this had been done. I found

1 it strange to have duplication of effort.

2 Q: Now, what duplication of efforts did she do?

3 A: Powers of attorney for one.

4 Q: So she gave you a new power of attorney that
5 was more restrictive than the other one,
6 wasn't it?

7 A: May have been. I'm not an attorney. I ...

8 Q: Well, this one doesn't authorize you to do
9 anything for yourself, does it? The one that
10 we're looking at here, Exhibit Thirty-Two?

11 (P**l**a**i**n**t**i**f**f's **E**x**h**i**b**i**t** **N**u**m**b**e**r **T**h**i**r**t**y-**t**w**o** **f**r**o**m **t**h**e** **W**a**l**s**h**
12 **d**e**p**o**s**i**t**i**o**n **w**a**s** **i**d**e**n**t**i**f**i**e**d.)

13 **MR. PAULEY:** Object to the form.

14 **MR. PENDARVIS:** Form objection. Answer if you can.

15 A: Not aware. Not aware if it does or does not.

16 Q: Well, do you see anything in there that says my
17 son has the authority to transfer my assets
18 into his name and to benefit himself or does it
19 say to manage things for me?

20 **MR. PENDARVIS:** Make sure you don't write on it.

21 A: Huh?

22 **MR. PENDARVIS:** Don't write on it.

23 A: Oh, can't write on it.

24 **MR. PENDARVIS:** Read anything you need, but I don't
25 think he's going to want you to write on it.

1 A: To allot, assign, buy, care for, collect,
2 contract with respect to, continue any business
3 of mine, convey, convert, endorse, deal or
4 dispose with. Yes.

5 Q: So you think that authorized you to do
6 something that benefitted yourself with her
7 property?

8 A: No. I'm not an attorney. I would have to ask
9 counsel to look at that and advise.

10 Q: But you were represented by Mr. Walsh, were you
11 not, in certain transactions?

12 A: In several.

13 Q: He did a deed for you, didn't he?

14 A: He did.

15 Q: And didn't he tell you before he did that deed
16 that he couldn't use that power of attorney to
17 make a gift?

18 A: I'm not sure that topic ever came up.

19 Q: So you don't remember that?

20 A: No.

21 Q: Did you ...

22 A: Not in ... not in your language.

23 Q: Did you and your father go to Mr. Walsh's
24 office in May of 2004 ... excuse me, in May of
25 2005, for the purpose of having the Beaufort

1 property transferred as a gift to you?

2 A: No, not as a gift.

3 Q: Let me get back to October of '04 a minute. So
4 you thought it was strange your mother had
5 duplicated efforts. Did you think your mother
6 was out of it?

7 A: I did.

8 Q: You did? What made you think your mother was
9 out of it?

10 A: Many conversations with her.

11 Q: About?

12 A: About her ... about her seeing demons and
13 accusing my father of having a separate family.

14 Q: She saw demons and she said she thought your
15 father had a separate family?

16 A: Uh-huh (affirmative response).

17 Q: What else?

18 A: She would stay on the phone constantly with
19 Joan Graves.

20 Q: Okay.

21 A: She would say that she saw demons manifesting
22 in my father's face. She had a concealed
23 weapons permit.

24 Q: All right.

25 A: She said God would take care of her. She also

1 said God gave her the ability to take care of
2 herself. And in the latter two years, I saw
3 the disagreements between my mother and my
4 father and I was very concerned with all of ...
5 with her having seen demons, bringing the boat
6 back from ... from Titusville. She saw them at
7 Amelia Island. They had ... a demon pushed her
8 head into the side of the boat while she was
9 sleeping in the V birth. And at some point in
10 time, I was scared she would take matters into
11 her own hands and use the weapon.

12 Q: Now, who else was present? You, your father,
13 and I assume your wife?

14 A: In ...

15 Q: In the boat?

16 A: Oh, my wife was not there. It was the three of
17 us.

18 Q: Just you, your father and her?

19 A: Correct.

20 Q: So she saw demons in your father's face?

21 A: Yeah.

22 Q: She complained about his drinking to you?

23 A: She complained always about the drinking.

24 Q: Did he drink ...

25 A: For the last several years.

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1 Q: Did he drink?

2 A: Yes.

3 Q: A lot?

4 A: Yes.

5 Q: You don't know what happened at home, do you,

6 because you weren't there?

7 A: Only on the weekends or when I visited.

8 Q: And Joan Graves was a problem?

9 A: I believe her to be a problem.

10 Q: Okay. The religious television, you thought to

11 be a problem, your mother watching religious

12 television?

13 A: I didn't think it was a problem so much as ...

14 until I learned she and Joan watched and

15 communicated, but Joan ... Martha conveyed to

16 me that in the past that Joan had been in a

17 cult member and had converted to Christianity

18 and that she was gifted and could see demons

19 and would see a demon sitting over on the desk

20 exciting Dad, shooting with a purple laser,

21 hitting him and riling him up in the room.

22 Q: So she said Joan Graves could see these things?

23 A: Martha could eventually later. She just did

24 not have the gift at that time to do it.

25 Q: I got you. But Martha acquired the gift?

1 A: Right.

2 Q: And this had been going on for several years?

3 A: Two of which I'm really aware where it became
4 very active.

5 Q: Was it going on when she gave you her will and
6 the power of attorney and those things, in
7 October of '04?

8 A: I believe it to be, yes.

9 Q: Okay. And did you talk to your father?

10 A: I talked with Father.

11 Q: Did you talk to anybody else?

12 A: My wife.

13 Q: Besides your father and you, who else in your
14 presence did your mother discuss demons with
15 anybody else besides the three of you?

16 A: No, not of which I can think of.

17 Q: How about your wife?

18 A: I tried to keep her isolated.

19 Q: So your wife never heard your mother talk like
20 that? Just you and your dad?

21 A: I suspect she did at some time, but I'm not
22 specifically aware of that.

23 Q: Has your wife ever told you that she did?

24 A: It was not a topic of conversation recently.
25 It's been a while.

1 Q: So in April of '04, what ... did you and your
2 father have discussions about what to do about
3 this situation?

4 A: Eventually we did, yes.

5 Q: When did you start having conversations?

6 A: Three months prior to the involuntary
7 commitment, four months.

8 Q: So February to March of '05?

9 A: Ballpark; could have been before.

10 Q: Okay. It wouldn't have been in October of '04
11 when you got these documents?

12 A: No.

13 Q: Now, did you ever tell Mr. Walsh that your
14 mother was incapacitated and he shouldn't rely
15 on any documents she signed, that this power of
16 attorney might be bad because she was so out of
17 it?

18 A: I did not do that. I did not have those
19 communications with him. There were two in the
20 courthouse. I knew of two.

21 Q: Right. And you took ... you used this power of
22 attorney, did you not, on behalf of your
23 mother?

24 A: It was the most recent one, yes.

25 Q: You had Mr. Walsh I think fax it up to get some

1 Verizon records, do you remember that?

2 A: I do.

3 Q: Why would you want your mother's Verizon
4 records?

5 A: That was her phone ... her secret phone that
6 she called it.

7 Q: Her secret phone.

8 A: We were very interested in where she would be
9 at night when she would leave the house at
10 11:00, 11:30, and stay out on the streets of
11 Orangeburg until 1:00, 1:30 in the morning, who
12 she would be speaking with.

13 Q: You say she was out on the streets? Do you
14 know where she was?

15 A: I know where she was at the times that I saw
16 her.

17 Q: Where was she?

18 A: Sitting in parking lots, various ones, around
19 Orangeburg.

20 Q: Okay. So you followed her?

21 A: Late one night I did.

22 Q: When? About what time?

23 A: I left the house at 11:00, came home at 12:30.

24 Q: You were staying over for the night?

25 A: I was.

1 Q: And your father was there?

2 A: Uh-huh (affirmative response).

3 Q: Was he awake or sleeping?

4 A: Sleeping.

5 Q: He went to sleep early, didn't he?

6 A: Usually, yeah.

7 Q: He passed out a good bit, didn't he?

8 A: No.

9 Q: He didn't pass out?

10 A: No.

11 Q: Did he keep a refrigerator with alcohol in the
12 back in the garage?

13 A: And watermelons and other food items.

14 Q: He had his own refrigerator?

15 A: There were two in the house.

16 Q: Looking at Exhibit Forty-Nine, you signed this
17 in Mr. Walsh's office and had him fax that to
18 Verizon with the power of attorney, did you
19 not?

20 (Plaintiff's Exhibit Number Forty-nine from the Walsh
21 deposition was identified.)

22 A: I did.

23 Q: And the purpose of that was to get your
24 mother's phone records?

25 A: Correct.

- 1 Q: So when you followed her this night, was that
- 2 a Sunday night? Was it not a week night when
- 3 you followed her and she was sitting in a
- 4 parking lot?
- 5 A: May ... I couldn't tell you what night it was.
- 6 Q: What was she doing?
- 7 A: Sitting in the Cracker Barrel parking lot
- 8 talking on the cell phone.
- 9 Q: Okay. Was she already working at Cracker
- 10 Barrel?
- 11 A: No, she had never even thought about it.
- 12 Q: So she went out to Cracker Barrel and sat in
- 13 the parking lot?
- 14 A: Correct.
- 15 Q: Was Cracker Barrel open or closed?
- 16 A: I don't know their hours. There were cars in
- 17 the parking lot, other cars.
- 18 Q: So you sat there and watched her and she just
- 19 sat in her car?
- 20 A: With the cell phone.
- 21 Q: With the cell phone. To secret cell phone?
- 22 A: The secret ... I believe it to be the secret
- 23 cell phone.
- 24 Q: Did your father take her other phone from her?
- 25 A: No.

- 1 Q: So she had two phones?
- 2 A: She had two phones.
- 3 Q: She didn't want your father to know who she was
- 4 talking to, is that correct?
- 5 A: Correct.
- 6 Q: Did you tell your dad you were going to follow
- 7 her?
- 8 A: I don't think I did. I may or may not have.
- 9 I do not know.
- 10 Q: Was your father afraid that she was talking to
- 11 a lawyer about suing him for divorce?
- 12 A: No, not at 11:30 at night.
- 13 Q: Was your father concerned that your mother was
- 14 going to leave him?
- 15 A: No, he asked on very many occasions with me
- 16 sitting in the room with "Martha, would you
- 17 like a divorce or would you like for me to
- 18 leave?" And she says "No, take care of me and
- 19 pay my bills."
- 20 Q: So, it's your testimony that your father had no
- 21 concern about your mother leaving him?
- 22 A: She was acting strangely; she thought she might
- 23 leave him; and he always said "If you want a
- 24 divorce, I will give it to you. Ask me. I
- 25 will do it." And she always said no.

1 Q: Now, in ... from the time you followed her that
2 one time, did you ever follow her anywhere else
3 or is that it?

4 A: No, I followed her on several occasions.

5 Q: And at night?

6 A: Could have been late in the evening.

7 Q: And you were working during this time or ...

8 A: Somewhat. I was in a transition between
9 Federated and this buy-out. I spent a lot of
10 time on the road and in transition.

11 Q: And when would the other times you followed her
12 be?

13 A: In the evening again and followed her ...
14 followed her to a Ryan's. I believe it was a
15 Ryan's.

16 Q: Ryan's Steakhouse?

17 A: I think that parking lot, as well.

18 Q: So she would be in the parking lot on the
19 phone?

20 A: Correct.

21 Q: Then she'd come home, correct?

22 A: Eventually, yes.

23 Q: You'd stay out there and watch her until she
24 ...

25 A: I did. I usually left before. She would stay

1 out there for hours.

2 Q: And was it pleasant in the house? I mean, was
3 it ... was there a good relationship between
4 your folks?

5 A: Not at the latter ... not in those ... there
6 was up days; there was good times and there was
7 bad times. It was ... it was big swings.

8 Q: And you weren't there everyday, but you were
9 there sometimes?

10 A: Sometimes.

11 Q: And so any other ... what other parking lots?
12 Anything other than Ryan's and Cracker Barrel?

13 A: I didn't follow her on very many occasions. I
14 knew she was spending nights out late. She
15 would do it even when I was at the house and I
16 just didn't go. I had to sleep.

17 Q: And this was starting in '05?

18 A: The late nights were '05, I believe that was
19 when ... it was latter in this process.

20 Q: Did your folks go out to eat or ...

21 A: Every night. Martha would not cook and had ...
22 the last meal that she made was for my black
23 lab.

24 Q: And that was when?

25 A: I have no ... she used to cook that dog turkey

1 breasts.

2 Q: Okay. She hadn't cooked for months and months,

3 is that true?

4 A: Years and years.

5 Q: She quit cooking years ago?

6 A: She quit cooking.

7 Q: Why'd she quit?

8 A: She said she wasn't going to cook any more.

9 Q: Because?

10 A: Most of us left the house.

11 Q: Because?

12 A: She didn't want to. She could go out and eat.

13 Q: She gave no reason other than she didn't want

14 to cook?

15 A: She just didn't like to cook.

16 Q: Did she have animals in the house?

17 A: An old tom cat, Dusty the cocker spaniel, and

18 my dog when he would visit, Buddy.

19 Q: When did you and your father decide that you

20 were going to do something about her late

21 nights and the other things that you considered

22 to be strange?

23 A: We've spoken. It was not a snap decision. It

24 was ... it was taken into great consideration.

25 Q: Was your father upset about the Beaufort

1 property?

2 A: Upset about it, no.

3 Q: He wasn't upset that it was going into
4 foreclosure?

5 A: What time period are you discussing?

6 Q: May of '05, April of '05, June of '05, that the
7 mortgage wasn't being paid and the taxes
8 weren't paid.

9 A: We were not aware that there was a mortgage on
10 the property.

11 Q: Well, you were paying the \$1600 to your
12 mother's account, weren't you?

13 A: Not until I moved in.

14 Q: You moved in in '03 or '04. I'm speaking of
15 '05. Did your father express any concern to
16 you that this Beaufort house was going to go
17 into foreclosure because the mortgage wasn't
18 being paid?

19 A: We always worried about personal Martha and
20 financial Martha.

21 Q: Always being for how long?

22 A: We've always loved and cared for my mother.

23 Q: How long have you been worried about financial
24 Martha?

25 A: We were worried about financial Martha at the

1 time that we put her in roughly that time
2 period when we did the involuntary commitment.

3 Q: Were you worried about financial Martha when
4 she did the 1031 exchange and bought you that
5 house up in Greenville? Was she okay then?

6 A: I believed her to be okay then. I told her I
7 did not know if that was the smartest thing to
8 do with that property.

9 Q: That was a bad business decision maybe?

10 A: I told her it might be and she said "That's
11 what I want to do."

12 Q: And she inherited the money, didn't she?

13 A: She did. She inherited the property.

14 Q: And it was her money, wasn't it?

15 A: It was.

16 Q: Wasn't yours?

17 A: Wasn't mine.

18 Q: And wasn't your daddy's?

19 A: No.

20 Q: And did you think the pup was a bad idea, too?

21 A: Actually, I thought that was a ... a good
22 decision to do that, take it from property in
23 New Hampshire, where it was not really
24 increasing in value that we knew of at that
25 time, and bring it down to ... I thought that

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1 to be a good decision.

2 Q: And did you feel that your brother-in-law had
3 ripped her off and charged her too much to
4 build it?

5 A: I thought it was quite exorbitant for what it
6 was to cost six hundred and fifty-some-odd
7 thousand dollars for the building alone, with
8 no ... with just improvement.

9 Q: The ... Steve Carpenter, did he work for your
10 brother-in-law, Steve?

11 A: He does.

12 Q: And he signed an affidavit saying your mother
13 overpaid like \$100,000 for this property to
14 build it. Am I correct in that?

15 A: I'm not aware of that.

16 Q: So did you think that your mother and ... you
17 and your father think that your mother had
18 overpaid for building this property?

19 A: We did not know what it cost until we found out
20 that there was a mortgage on the property.

21 Q: When did you find ...

22 A: We didn't even know there was a mortgage on the
23 property.

24 Q: When did you find that out?

25 A: Shortly right after ... was it July of ... the

1 involuntary committal.

2 Q: So you felt the \$1600 you were putting in the
3 bank was just going to her?

4 A: I did.

5 Q: And you ... do you do estate planning work,
6 too, or not, as part of your insurance
7 practice?

8 A: I put attorneys in touch with ... in touch with
9 clients. I don't know ... I know enough ... I
10 know very ... I know enough to have a
11 conversation.

12 Q: When you had ... when you and your father had
13 Walsh to do this deed that we'll talk about in
14 a minute, did you know there was a mortgage on
15 the property?

16 A: No, did not know.

17 Q: Did you go down to the courthouse and check it?

18 A: I did not.

19 Q: Did you have anybody go check it?

20 A: I did not aware of ... I did not have anybody
21 go check.

22 Q: You knew that Walsh had hired a ... hired
23 somebody in Conway to look at some ... the real
24 estate records and in Conway to see what she
25 owned and owed, didn't you?

1 A: I know that we did find out to make sure that
2 she owned ... had not lost property because she
3 had lost property in New Hampshire for failure
4 to pay taxes.

5 Q: And do you know how that happened?

6 A: She failed to pay the taxes.

7 Q: Do you know what happened to her mail?

8 A: She stuffed it in black garbage bags on the
9 porch at the house. There was roughly seven 33
10 gallon black garbage bags with mail unopened
11 in them.

12 Q: And so you wouldn't know how your dad got the
13 records, all the tax records, on the properties
14 that he faxed to Mr. Walsh then?

15 A: We ... we ... that's why we did the title
16 search.

17 Q: Before the title search, are you familiar that
18 your father had faxed to Mr. Walsh all the real
19 estate in Horry County, the tax receipts on
20 that. He gave him the information on the New
21 Hampshire property?

22 A: I knew that it had been done. I don't know
23 what time.

24 Q: Do you know where your father got the records
25 to do that, to fax it to him?

1 A: GIS.

2 Q: GIS?

3 A: The Governmental Information System.

4 Q: How about your mother's mail, I want to show
5 you this exhibit. Let me show you Exhibit
6 Forty-One.

7 **(Plaintiff's Exhibit Number Forty-one from the Walsh**
8 **deposition was identified.)**

9 Q: I'll represent to you that's a fax that your
10 father sent to Mr. Walsh. I can't see the date
11 from here, but it was mentioned previously,
12 before the commitment. Have you ever seen that
13 exhibit before?

14 A: I have not seen that specific exhibit, but I
15 don't find anything inconsistent. It is 1155
16 Putter Path. What I don't see are New
17 Hampshire properties.

18 Q: You see the list of everything on the front?

19 A: Okay.

20 Q: Did you know about the Ameriprise account,
21 American Express account?

22 A: Yes, I did.

23 Q: How did you know about it?

24 A: Matter of fact, Martha introduced me to Lynn
25 Norris.

1 Q: When did she do that?

2 A: Eighties. Mid eighties.

3 Q: Have you been talking to Lynn Norris about her
4 account?

5 A: I have, yes.

6 Q: When did you start talking to him about her
7 account?

8 A: '02, '03.

9 Q: Okay. Why were you talking ...

10 A: Prior to that, as well. She wanted me to be
11 aware of what was going on.

12 Q: She wanted you to be aware?

13 A: Uh-huh (affirmative response).

14 Q: So she signed an authorization or did you file
15 your power of attorney down there?

16 A: No, just she told me how things went with the
17 account. It was something ... it was
18 communication that she and I had.

19 Q: So did you talk to Mr. Norris about the
20 account?

21 A: Eventually, yes. Not specifically about the
22 investments.

23 Q: When did you start talking to him about her
24 account?

25 A: When I was trying to find out where the

1 properties and so forth were. I wanted to make
2 sure that she had not lost any more property.

3 Q: What year?

4 A: '05.

5 Q: '05.

6 A: Ballpark.

7 Q: That would have been between the February and
8 June or so?

9 A: Right.

10 Q: So you called Mr. Norris up?

11 A: Yes, I did. I called ... I spoke to him quite
12 often actually.

13 Q: And what did you talk to him about?

14 A: I just wanted to know ... make sure Martha
15 still had her accounts.

16 Q: Did he discuss it with you?

17 A: He said that she did.

18 Q: Did he discuss the investments in the accounts?

19 A: I presented a power of attorney and I just
20 making sure that everything was still there.

21 Q: You knew there was a \$250,000 life insurance
22 policy on her life with you as beneficiary?

23 A: That was done back when I believe she did her
24 original planning with David Sojourner. That
25 was her tax planning.

1 Q: Right.

2 A: And that had been in place for many, many
3 years.

4 Q: And you think it was a bad idea for her to want
5 to take the money out of it?

6 A: At her age.

7 Q: At her age?

8 A: At her age, taking the money out of the life
9 policy and at the time period ... when did she
10 specifically ask to have the money taken out of
11 the policy?

12 Q: I think it was April of '06 is the ...

13 A: And that would have been after she had been to
14 Three Rivers.

15 Q: Uh-huh (affirmative response). Right.

16 A: It is very difficult to secure a life policy
17 and she was secured at preferred rates. I
18 would think it would be a bad decision to move
19 that based on history.

20 Q: Right. And whose benefit does that ... who
21 does that policy benefit?

22 A: It could benefit her. It could benefit the tax
23 man. It could benefit me.

24 Q: How could it benefit her?

25 A: That policy, if she had to go to assisted

1 living or have ongoing care, it could be
2 collaterally assigned.

3 Q: And you can collateral assign ... you're
4 talking about collateral assignment of the
5 policy?

6 A: It could be used to satisfy a future debt or
7 something to secure healthcare she may have
8 needed in the future.

9 Q: Tell me, Mr. Argoe, what facility would take
10 the assignment of a \$250,000 policy on a 63
11 year-old woman and provide her care and make
12 the premium payments, what facility would do
13 that?

14 A: I'm not aware, but I know it was a useful asset
15 to do that with.

16 Q: Aside from that, funding her future care, who
17 benefitted from that policy when she died?

18 A: I would of.

19 Q: Right. And if she wanted to cash out of it,
20 you think that was a bad decision because she
21 couldn't get any more insurance? What would
22 she need insurance for?

23 A: She may need it in the future as a asset to ...
24 to ... for assisted living. She may need the
25 proceeds for it.

1 Q: The proceeds of a life insurance policy for
2 assisted living?

3 A: The promise of proceeds in the future for
4 healthcare now.

5 Q: Okay. Do you know any facilities that accept
6 a policy in lieu of payment?

7 A: I do not. I have not researched it.

8 Q: So, you're guessing at that?

9 A: Yes.

10 Q: Other than that, what other benefit would life
11 insurance do her?

12 A: Specifically, life insurance was for those that
13 you love, for those in the future.

14 Q: Yes, sir. So, specifically, it would benefit
15 you?

16 A: Sure.

17 Q: And if she had any estate taxes, assuming you
18 were a beneficiary, that would be your problem
19 to pay them if there were any, right, if she
20 ...

21 A: If that was the original intent of her policy.

22 Q: Right. And the unified credit has gone up
23 significantly since then, has it not?

24 A: It has.

25 Q: It was about what, \$600,000 when she took it

1 out?

2 A: \$600,000.

3 Q: And what was it two years ago, a million and a
4 half?

5 A: Most likely. And it'll be \$600,000 in 2011.

6 Q: You think so?

7 A: I think so.

8 Q: I don't think you're right there, but that's
9 all right.

10 **MR. PAULEY:** That's a debate for another day.

11 Q: Now, the ... did you see the documents that
12 your father prepared and gave to the mental
13 health people in April?

14 A: I have. I've seen some of them.

15 Q: Why didn't he proceed with this in April?

16 A: He cared. He did not want to put her through
17 that. It was love. It was a very tough
18 decision. It's been ... it's very hard to do
19 that.

20 Q: Right.

21 A: And the late nights and the going out and the
22 carrying of the gun and so forth. It got worse
23 after April, but very hard.

24 Q: Well, he carries a gun, doesn't he?

25 A: No.

- 1 Q: He never carries a gun? Your dad doesn't?
- 2 A: No, not CWP.
- 3 Q: So after April 20th of '05, he didn't do it
- 4 because he loved her, true?
- 5 A: No, he loves her very much. He loves her very
- 6 much today.
- 7 Q: Tell me this. If he goes to bed that early,
- 8 how does he even know if she's in the house or
- 9 not at night?
- 10 A: You know when somebody goes in and out the
- 11 house.
- 12 Q: Sir?
- 13 A: I know when my wife goes in and out the house.
- 14 Q: Okay. So you think that your father just knew
- 15 that she was going out late at night?
- 16 A: He knew.
- 17 Q: Even though he was sleeping in a separate room?
- 18 A: Sure. Absolutely.
- 19 Q: So between April 20th of '05 when he first went
- 20 to Mental Health, the next thing you folks did,
- 21 you were going to ... you were going to bring
- 22 this commitment proceeding, right, and have her
- 23 committed, right?
- 24 A: Please repeat that.
- 25 Q: After April 20th of '05, it got worse and the

1 decision was made to have her committed?

2 A: Correct.

3 Q: And between April 20th of '05 and the date that
4 she was picked up, you and your dad ... your
5 dad faxed all this information to Mr. Walsh,
6 correct? I think it's May 13th, correct?

7 A: Correct.

8 Q: Mr. Walsh checked out her property down in
9 Horry County, you knew he was doing that, true?

10 A: I did.

11 Q: That had nothing to do with her commitment, did
12 it?

13 A: No.

14 Q: You had a power of attorney over her?

15 A: Uh-huh (affirmative response).

16 Q: Yes?

17 A: Yes.

18 Q: Okay. You had a healthcare power of attorney?

19 A: I did.

20 Q: All right. You had everything you needed to
21 take care of her property if she was committed,
22 did you not?

23 A: Correct.

24 Q: But you got Mr. Walsh ... whose idea was this
25 deed? Let me find it. Let me show you Exhibit

1 Number Forty-Five. Is that the deed that Mr.
2 Walsh prepared?

3 **(Plaintiff's Exhibit Number Forty-five from the Walsh**
4 **deposition was identified.)**

5 A: Yes.

6 Q: Now, who was in the office with you and Mr.
7 Walsh when this deed was discussed?

8 A: I would imagine it was ... I know Mr. Walsh and
9 I were there.

10 Q: Do you remember your father being there?

11 A: He was probably there.

12 Q: Do you remember your father stating that he
13 wanted this property gifted over to you?

14 A: He never said that.

15 Q: He never said that?

16 A: Never said that.

17 Q: Did you ask Mr. Walsh to have this property
18 gifted over to you?

19 A: No, I did not ask Mr. Walsh that.

20 Q: Did Mr. Walsh tell you that the power of
21 attorney you had was insufficient to allow any
22 transfer for your benefit?

23 A: No, I'm not aware of it.

24 Q: What else ... did you give Mr. Walsh anything
25 other than the power of attorney?

1 A: He had the healthcare power of attorney.
 2 Q: What else?
 3 A: Powers of attorney.
 4 Q: What else?
 5 A: Sojourner's power of attorney.
 6 Q: Anything else?
 7 A: The packet of information that Martha had
 8 provided to me.
 9 Q: So you gave him her will?
 10 A: I have that.
 11 Q: Sir?
 12 A: I have that.
 13 Q: Did you give Mr. Walsh her will?
 14 A: No.
 15 Q: Did you ever let him look at it?
 16 A: Not of which I'm aware of, no.
 17 Q: So, you didn't give him her will and say,
 18 "Here's her will"?
 19 A: I'm not aware that I did.
 20 Q: Who came up with the terms of this deed?
 21 A: I didn't. Mr. Walsh I would believe. He drew
 22 it up.
 23 Q: Mr. Walsh was retained by you and your father
 24 or by your father?
 25 A: Both of us at that point, I believe.

1 Q: And did you have a fee arrangement with him, a
2 contract, a written agreement about what he was
3 going to do for you?

4 A: I never saw it.

5 Q: Who paid him, you or your father?

6 A: My father.

7 Q: Okay. Did you ever get a bill from him?

8 A: No.

9 Q: What were his hourly rates?

10 A: I don't know.

11 Q: But he was representing both of you?

12 A: Yes.

13 Q: And it was your intention to bring a
14 conservatorship after your mother became or was
15 hospitalized?

16 A: At some point, we did. It was all very
17 emotional. At some point, yes, that was done.

18 Q: Right. And when you went to Walsh on that day,
19 did you hire him to do the conservatorship and
20 the guardianship for you?

21 A: I never hired ... I never spoke with Mr. Walsh
22 in those terms.

23 Q: You spoke with him about doing this deed for
24 you?

25 A: We did speak a little bit about that, yes.

1 Q: Well, I mean, this deed took some work. Whose
2 idea was this deed?

3 MR. BARFIELD: Object to the form. Answer if you
4 can.

5 A: I'm not sure that I can answer that question.

6 Q: You cannot?

7 A: I'm not sure that I have that ... an answer.

8 Q: Did you or your father in your presence tell
9 Mr. Walsh that you wanted this property out of
10 your mother's name?

11 A: We wanted it to protect it because she had
12 watched Benny Hinn and all of those super
13 religious channels and we did not want her
14 losing her assets to or giving it to those
15 organizations.

16 Q: Okay. So where ...

17 A: That was ...

18 Q: So ...

19 A: If that answers. I'm not sure ...

20 Q: Yes, I mean, so one of your concerns was that
21 one of these televangelists would get hold of
22 her and she would basically give them
23 everything?

24 A: That's a legitimate concern.

25 Q: I mean, that was your father, both of you, is

1 that correct?

2 A: I had that concern.

3 Q: And had she had any history that you knew of of
4 giving lots of money to these televangelists?

5 A: She had a history of giving money to the ... to
6 child evangelism.

7 Q: Child evangelism?

8 A: Child evangelism.

9 Q: Did she give a lot of money to child
10 evangelism?

11 A: I believe it was ... I believe she was one of
12 the larger contributors to the local area,
13 which was fine.

14 Q: It's around Orangeburg?

15 A: Yes.

16 Q: That's not a televangelist, or is it?

17 A: No, I'm not aware that it is.

18 Q: I'm talking about like Benny Hinn or Jim Baker
19 or Leroy Jenkins, did she give money to people
20 like that?

21 A: Yes. I guess she did.

22 Q: Do you know she did?

23 A: She would receive gifts and books, religious
24 books from them, and cloth that had had hands
25 laid on and prayed over, and she would pin them

1 to the ... to collars on the dogs to make sure
2 they were protected and so forth. So, yes, I
3 do believe there was communication and there
4 was always requests to send money to those
5 organizations on the counter at the house.

6 Q: Do you know how much she sent, in fact?

7 A: I do not.

8 Q: Did your father tell you she sent a lot of
9 money?

10 A: No.

11 Q: So that was just a surmise that somebody would
12 get to her and she'd give everything away to
13 them?

14 A: It was a fear.

15 Q: A fear. And if she had, it was still her
16 money, wasn't it?

17 A: It was ... it was her money.

18 Q: I mean, it was her property, right?

19 A: It was her property.

20 Q: And if she wanted to give it away to ...

21 (Off the record interruption).

22 A: But if she had done it being ill, it was ... we
23 needed to take care of my mother.

24 Q: So you thought ...

25 A: And we were taking care of her because of her

1 illness.

2 Q: So you thought that she was sufficiently
3 vulnerable that someone could take advantage of
4 her?

5 A: Very much so.

6 Q: Okay. But you had no track record at that time
7 of her giving any kind of big money to anybody,
8 giving stuff away?

9 A: No track record. I don't have a track record.

10 Q: Now, whose idea was it for this property to be
11 transferred in a trust like Exhibit Forty-Five?

12 **MR. PENDARVIS:** Form objection. You can answer.

13 Q: Was it your idea; your father's idea; or Mr.
14 Walsh's idea?

15 **MR. PENDARVIS:** Same objection. Answer if you can.

16 A: Answer if I can. I'm not sure ... I believe
17 you asked me that before. I'm not sure that I
18 have ... I don't have that answer. I didn't
19 come up with the idea.

20 Q: Now, what was your understanding, what did Mr.
21 Walsh tell you about how your mother could get
22 her property back?

23 A: Both of us would have to sign the paper. It
24 would take two signatures.

25 Q: What would happen ... what did Mr. Walsh tell

1 you would happen if you became incapacitated
2 and your mother wanted her property back? How
3 would your mother get it back?

4 A: It was not a topic of concern at the moment,
5 but I ...

6 Q: It was not a topic ...

7 A: We didn't have that discussion.

8 Q: What would have happened or did Mr. Walsh
9 discuss with you if you had died and your
10 mother wanted her property back? How could she
11 get it back?

12 A: I didn't have that discussion.

13 Q: Do you have a power of attorney? Have you
14 signed one in favor of anybody?

15 A: No.

16 Q: When this deed was prepared, you didn't know
17 there was a mortgage on this property?

18 A: At that time?

19 Q: Yes.

20 A: No.

21 Q: Mr. Walsh didn't know?

22 **MR. PENDARVIS:** Form objection.

23 A: I don't know.

24 Q: Do you know that the Beaufort County property
25 records are online?

1 A: I ... I guess they are, yes.

2 Q: You mentioned GIS before, that's an internet-
3 based ...

4 A: Uh-huh (affirmative response).

5 Q: ... service, is it not?

6 A: I don't go there often.

7 Q: Are you aware that the Beaufort ROD, all these
8 records are a matter of public record,
9 including her mortgage, and you can pull them
10 up, look at them, and download them and print
11 them?

12 A: I didn't ... I was not aware of the mortgage at
13 the time.

14 (Plaintiff's Exhibit Number Forty-six from the Walsh
15 deposition was identified.)

16 Q: So when this property ... in paragraph ... on
17 page two, page six, says, "Upon my death, all
18 remaining assets will go to my son, George, III
19 ..."

20 A: Where?

21 Q: Next page, I'm sorry, of Exhibit Forty-Six,
22 number six at the bottom.

23 A: Forty-six?

24 Q: Yes, that's in your hand.

25 A: Okay. I see it.

1 Q: Turn to the second page, and it's the last
2 paragraph. Do you see that one?

3 A: Upon my death? Okay.

4 Q: Okay. So basically your mother, at her death
5 this property would go to you under the terms
6 of this deed trust, or deed of trust, or
7 whatever you're going to call it, true?

8 A: Correct.

9 Q: If she changed her mind and did not want you to
10 inherit from her at her death, how would she
11 change this?

12 **MR. PENDARVIS:** Form objection.

13 A: I don't know.

14 Q: Sir?

15 A: I don't know.

16 Q: Did Mr. Walsh discuss that with you?

17 A: No.

18 Q: And you're ...

19 A: I'm not aware of it, no.

20 Q: And you're sure that you didn't show Mr. Walsh
21 your mother's will and say "Here, look at
22 this"?

23 A: I very well. Am I sure of it?

24 Q: Yes.

25 A: No, I'm not sure I did.

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1 Q: So you may have just given him the will and
2 says "Here's what she did in the will for me.
3 Go ahead and fix a deed just like the will,"
4 you didn't tell him that, did you?

5 A: I did not tell him that. I had ... I don't
6 remember. I didn't have much conversation
7 there.

8 Q: Well, did your daddy tell him that?

9 A: I cannot speak ... I don't know what
10 conversation they had.

11 Q: Now, when your mother was picked up, you knew
12 she was going to get picked up, right?

13 A: I did.

14 Q: You knew they took her over to get a brain scan
15 over at the hospital over here in Orangeburg,
16 true?

17 A: Uh-huh (affirmative response).

18 Q: I'm sorry?

19 A: Yeah. Yes, yes.

20 Q: And then they turned her loose, and then they
21 picked her up again?

22 A: Correct.

23 Q: Now, the conservatorship action was filed, let
24 me show you Exhibit One, the conservatorship
25 action was filed on June 7th of 2005. Now, Mr.

1 Walsh prepared that for you and your father.

2 He represented the both of you, did he not?

3 (Plaintiff's Exhibit Number One from the Walsh
4 deposition was identified.)

5 A: Yes, he did.

6 Q: And you accepted service of that. Did you know
7 what you were signing when you accepted
8 service?

9 A: Yes, I did.

10 Q: What does that mean?

11 A: Far as the accepting service?

12 Q: Yes, sir. You wrote on the face of that
13 Summons, "I accept service," and you signed
14 your name, did you not?

15 A: I did.

16 Q: What does that mean?

17 A: I have been notified.

18 Q: You've been notified? That's what that meant
19 to you, right?

20 A: Yeah. And I accepted the conservatorship.

21 Q: Let me show you this, Exhibit Number Two, this
22 is the petition. See if that's not your
23 signature on this petition for conservatorship.
24 See if that's not your signature on the last
25 ... next to the last page.

1 (Plaintiff's Exhibit Number Two from the Walsh
2 deposition was identified.)

3 A: That's my signature.

4 Q: It is?

5 A: It is.

6 Q: And look at the second page from the front, you
7 listed on there ... Mr. Walsh listed for you to
8 sign under oath that your mother had about \$1
9 million worth of resources, is that correct?
10 I think it's the second back from the front.
11 One more.

12 A: Second back from the front.

13 Q: Let's see. I think it's right ... see if I can
14 find it. Yes, front page. I'm sorry. Right
15 on the bottom. You told the Court your mother
16 had \$1 million worth of assets, is that true?

17 A: That would appear to be what's here.

18 Q: Did you give Mr. Walsh those numbers or are
19 those his numbers?

20 A: Probably the numbers may have come off tax
21 values. I don't know where those numbers came
22 from.

23 Q: Okay. Look at the second page of Exhibit Two,
24 if you would, and where did you put your
25 mother's address as being? I'm sorry, right

1 there. (Indicating)

2 A: 1155 Putter Path.

3 Q: And that's paragraph ...

4 A: Nine.

5 Q: ... nine. It says the following ... what's it

6 say?

7 A: The following persons are required by statute

8 to be given notice of the time and place of

9 hearing of this petition.

10 Q: Okay. Now, did you tell Mr. Walsh not to serve

11 your mother or give her any notice of this

12 proceeding?

13 A: No.

14 Q: Did you tell Mr. Walsh that the physicians at

15 Three Rivers did not want your mother served?

16 A: Not that I recall.

17 Q: Did Mr. Walsh tell you that you needed to serve

18 your mother with this and she needed notice

19 that she was being ... that this suit was being

20 brought so that you could take over her

21 property and manage it for her?

22 MR. PENDARVIS: Form objection.

23 MR. BARFIELD: Same objection.

24 MR. PAULEY: Objection.

25 A: I don't remember.

1 Q: Okay.

2 **MR. PENDARVIS:** Counsel, I want to note that this
3 document says page four of four and there are
4 five pages on there.

5 **MR. WARNER:** Yes, the last one is a ... I think the
6 Court added that on as their ...

7 Q: Was there ever a hearing in this case and did
8 you ever attend a hearing in the Probate Court?

9 A: Yes.

10 Q: When?

11 A: At Three Rivers.

12 Q: Oh, at Three Rivers. How about in the
13 Orangeburg County Probate Court in Orangeburg?

14 A: I did not attend one.

15 Q: Have you ever attended any hearing in the
16 Orangeburg Probate Court at '05 or '06? 2005
17 or 2006?

18 A: I have not been to one.

19 Q: Have you ever been notified that there was
20 going to be one?

21 A: Don't recall.

22 Q: Now, when your mother got out of the facility
23 and moved down to Beaufort ...

24 A: Uh-huh (affirmative response).

25 Q: ... she stayed with you, did she not?

1 A: She did.

2 Q: Did you tell her that this deed had been signed
3 transferring this house that she was living in
4 into a trust?

5 A: No, I did not.

6 Q: Is there a reason?

7 A: The reason being that the last thing I wanted
8 to do at that point and time after getting my
9 mother out of Three Rivers was to do anything
10 to upset her. She trusted me and I wanted to
11 make sure that she was happy and content and I
12 could spend as much time as I could with her.
13 I was not working so to say at that point in
14 time and spend as much time as I could with
15 her.

16 Q: So you had no source of income at that time?

17 A: I ... I had income. I just was not working as
18 hard at that time.

19 Q: You had a job?

20 A: Sure.

21 Q: With?

22 A: What time of year was this?

23 Q: This would have been in July or August of '05.

24 A: I was placing business with a friend of mine,
25 the Wannamaker Agency, which is one of my

1 partners that we were using or was going to go
2 into this ... we were going to end up in a
3 partnership in this buy-out.

4 Q: Did you know that there was a hearing scheduled
5 for September 28th of 2005, in the guardianship
6 and conservatorship actions that you had filed?

7 A: I don't recall.

8 Q: Let me show you Exhibit Number Ten, which is a
9 letter from Mr. Walsh to the judge in response
10 to the notification of the hearing, have you
11 ever seen that letter before?

12 **(Plaintiff's Exhibit Number Ten from the Walsh**
13 **deposition was identified.)**

14 A: That the hearing be continued.

15 Q: Did you know anything about that letter?

16 A: Specifically, no.

17 Q: Did you tell Mr. Walsh that your mother was
18 doing so good, you didn't need a hearing?

19 A: She was ... she had been doing very well.

20 Q: Did you tell Mr. Walsh that?

21 A: I did not ... I don't recall speaking with him
22 directly.

23 Q: Did you tell your mother during this time that
24 this action was pending, this proceeding was
25 pending, in the Orangeburg Court?

1 A: No, I did not.

2 Q: Let me show you Exhibit Twenty-Two, and that is

3 a guardianship action that was brought in July

4 of 2005 by you. Do you recall that action?

5 (Plaintiff's Exhibit Number Twenty-two from the Walsh

6 deposition was identified.)

7 A: I can't see the date of filing, but ... what's

8 the stamp date?

9 MR. PENDARVIS: July 11, '05.

10 Q: July 11th of '05.

11 MR. PENDARVIS: Stamped and filed date. Are you

12 asking if he was the petitioner?

13 MR. WARNER: Yes, I'm asking if he recognized that.

14 Q: Did you sign it?

15 A: I do. I recognize it.

16 Q: Okay. Now, was your mother still in the

17 hospital or was she out?

18 A: Of '05. I believe she was still in the

19 hospital, was she not?

20 Q: But you listed her address as 1155 Putter Path

21 and not at the hospital, is that correct, on

22 page behind the Summons?

23 A: Correct.

24 Q: And then ...

25 MR. PENDARVIS: Form objection.

1 Q: Then on the next page, you listed ... it's
 2 listed George Lewis Argoe, III, as 7 Glenn
 3 Court in Greer, is that where you were living?
 4 A: That was my full time residence at that time.
 5 Q: Is that the house up in Greenville?
 6 A: It is.
 7 Q: And that had not been sold yet?
 8 A: I don't think it had been sold at that time.
 9 Q: But you and your wife were living down here,
 10 weren't you, at 100 Factory Creek?
 11 A: July 11, 2005, probably were.
 12 Q: So that was not the correct address for you, is
 13 that true?
 14 A: The mail would have been forwarded, but I still
 15 owned the house at that time.
 16 Q: So you were paying the \$1600 down here, and you
 17 didn't have any payments on the house up there?
 18 A: Just upkeep.
 19 Q: Okay. That house sold when?
 20 A: I'd have to go back to my records.
 21 Q: Last year?
 22 A: Last year some time.
 23 Q: In '06?
 24 A: '06.
 25 Q: Let me show you Exhibit Thirty, which is the

1 appointment of you as the temporary guardian.

2 Did you ever receive a copy of that?

3 (Plaintiff's Exhibit Number Thirty from the Walsh
4 deposition was identified.)

5 A: Yes, I did.

6 Q: Did you tell your mother about it?

7 A: No, I didn't ... don't recall doing it.

8 Q: Was your mother living down there with you at
9 100 Factory Creek then?

10 A: July 19th of 2005. I don't know if she was at
11 that time.

12 Q: Did you tell Mr. Walsh or did your father tell
13 Mr. Walsh in your presence not to serve your
14 mother because the doctors didn't want her
15 upset?

16 A: I'm not aware of that.

17 Q: Okay. I show you Exhibit Thirty-Two. This is
18 a letter from Mr. Walsh to Judge. Have you
19 seen that letter before? It's Judge Jones-
20 Glover.

21 (Plaintiff's Exhibit Number Thirty-two from the Walsh
22 deposition was identified.)

23 A: Didn't we just have this one? Same one.

24 Q: Same one.

25 MR. PENDARVIS: You showed that to him.

1 MR. WARNER: Is that the continuance letter?

2 MR. PENDARVIS: Yes.

3 MR. WARNER: Okay. I don't know how it got back
4 over here then, excuse me.

5 (Off the record conversation concerning duplicate
6 exhibits)

7 Q: Whose decision was it to terminate these
8 proceedings, both of these, the guardianship
9 and conservatorship?

10 A: Best of my knowledge, it was my father's.

11 Q: But you were the acting fiduciary, were you
12 not?

13 A: I was.

14 Q: Why was it your father's decision?

15 A: They've been married for an awful long time.
16 He wanted her to get back to normal as quickly
17 as she could.

18 Q: Did anybody tell your mother these actions had
19 been dismissed?

20 A: I'm not aware that anybody had.

21 Q: I show you Exhibit Eleven, which is a letter
22 from Mr. Walsh to the Judge. It says Lewis
23 Argoe, I'm assuming that went to your father,
24 is that correct?

25 (Plaintiff's Exhibit Number Eleven from the Walsh

1 deposition was identified.)

2 A: Don't know. I don't know.

3 Q: Do you remember seeing that one?

4 A: I do not. I don't remember.

5 Q: When your mother was down here, she was at the
6 Coastal Mental Health, right?

7 A: Treatment.

8 Q: Did you talk to Dr. Remi and Nurse Troll?

9 A: I did.

10 Q: Did you tell them they needed to medicate her
11 more, your mother?

12 A: We ... she had been going through the time and
13 she was doing very well at the house.
14 Therefore, ... she went through a period after
15 she got here where she became much more
16 agitated and at that point, I knew that the
17 medication had been reduced over time.

18 Q: How'd you know that?

19 A: I had been told that.

20 Q: By?

21 A: Remi.

22 Q: Okay.

23 A: And Troll.

24 Q: Did they know you were her guardian?

25 A: They had a healthcare power of attorney and

1 power of attorney on file.

2 Q: You didn't give them the appointment of you as
3 her temporary guardian, did you?

4 A: I did.

5 Q: So they knew ...

6 A: They had copies of all of that.

7 Q: So they knew that you were her temporary
8 guardian?

9 A: Uh-huh (affirmative response).

10 Q: Okay.

11 A: But she ... she went through a time to which
12 she became much more agitated and sitting down
13 with Natalie, myself, and my mom in the room,
14 Natalie explained to us how with mom's
15 condition, that you can go through swings. You
16 have good times and you have times where you
17 need more medication, and that she should alter
18 her medication when she felt herself getting
19 this way and increase it slightly for that time
20 period, and then eventually may deteriorate or
21 dissipate.

22 Q: Who else was there?

23 A: Natalie Troll, my mom, and myself.

24 Q: And was your father in on any of these
25 meetings?

1 A: No.

2 Q: Did he communicate with them to your knowledge?

3 A: Excuse me, my father was in a few of those

4 meetings. All four of us did sit in those

5 rooms on several occasions.

6 Q: And you sat with Dr. Remi also?

7 A: Occasionally. Not every time.

8 Q: Did you make calls intimidating or attempting

9 to intimidate Dr. Remi and Nurse Troll about

10 your mother's medication?

11 A: To intimidate, no.

12 Q: Did you call them and tell them you were going

13 to sue them if they didn't increase her

14 medication?

15 A: No.

16 Q: So you didn't do that?

17 A: No.

18 Q: And your father didn't do that in your

19 presence?

20 A: No.

21 Q: Is that correct?

22 A: Correct.

23 Q: Let me hand you now Exhibits Twelve, Thirteen,

24 Fourteen, and Fifteen. This is the action that

25 was brought in April of 2000 ... April 11th of

1 2006, which would have been about two months
2 after the dismissal of the other action, now
3 did you know that this action was going to be
4 brought by Mr. Walsh?

5 **(Plaintiff's Exhibit Numbers Twelve through Fifteen**
6 **from the Walsh deposition were identified.)**

7 **MR. BARFIELD:** Object to the form.

8 A: I remember something about it. Yes, I was
9 aware of it.

10 Q: Okay. Now, when this action was brought ...
11 I'm going to kind of keep these in a pile so
12 that ... let's turn this. That was when, am I
13 correct, that your mother went to Lynn Norris
14 to try to cash in this life insurance policy?

15 A: On or about that time.

16 Q: If you look at his letter, which is I think the
17 ... there's an exhibit ... the last exhibit,
18 B, which is number Fifteen, he wrote you a
19 letter and told you that in order to do
20 something, you had to be the conservator, did
21 he not?

22 A: Uh-huh (affirmative response).

23 Q: Did he disagree ... I'm sorry, that's a yes?

24 A: Yes, it is.

25 Q: That he didn't agree with your mother's

1 decision that it was a bad decision as far as
2 he was concerned and he didn't think she knew
3 what she was doing?

4 **MR. PENDARVIS:** Form objection.

5 Q: Is that basically what Lynn Norris said?

6 **MR. PENDARVIS:** Same objection. Answer if you can.

7 **MR. FERRELLE:** Objection.

8 A: He told me that he didn't think it was in her
9 best interest.

10 Q: Okay. Did he say that she didn't know what she
11 was doing?

12 A: He said it did not seem logical.

13 Q: That her ... what she wanted to do did not seem
14 logical?

15 A: When I explained the consequences of dropping
16 the coverage and it did not seem to register,
17 I do not think Martha understands the
18 consequences of her actions.

19 Q: So, based on the report from ... you can put it
20 right there if you don't mind. The letter from
21 Norris, you brought another conservatorship,
22 right?

23 **MR. FERRELLE:** Object to form.

24 A: No, not based on that letter at all.

25 Q: You asked for an immediate appointment as a

1 temporary conservator, didn't you?

2 A: Yes.

3 Q: Based on the documents that you hold in your
4 hand there, correct?

5 A: Yes, I see this and several documents, yes.

6 Q: Did your mother get served with that one?

7 A: I don't know.

8 Q: Let me show you Exhibit Fifty-Two, do you
9 remember receiving that, which is the May 31st
10 appointment of you as a temporary conservator?

11 (Plaintiff's Exhibit Number Fifty-two from the Walsh
12 deposition was identified.)

13 MR. PENDARVIS: That's not what the document says?

14 MR. WARNER: Is that not the conservator ...

15 MR. PENDARVIS: It's dated July 19th, 2005.

16 MR. WARNER: Okay. Excuse me, wrong one; I
17 apologize. Let me find it. Excuse me.

18 (A short break was taken from 3:43 p.m. to 3:55 p.m.)

19 Q: Thirty and Fifty-two are duplicates, is that
20 correct, so that's both orders appointing the
21 guardian, okay. I have found it. It is
22 Eighteen. Let me show you Number Eighteen.

23 (Plaintiff's Exhibit Number Eighteen from the Walsh
24 deposition was identified.)

25 MR. PAULEY: So we have two duplicates? We've got

1 Thirty and Fifty-Two and then there was
2 something else?

3 MR. WARNER: Yes, there's another duplicate.

4 MR. PAULEY: Thirty-Two and Eleven.

5 MR. WARNER: Thirty and Fifty-Two, is that right?

6 COURT REPORTER: Thirty-Two and Ten.

7 MR. PAULEY: Thirty-two and Ten.

8 A: And the question for Exhibit Eighteen is?

9 Q: The question is have you ... did you know that
10 you had been appointed as temporary conservator
11 for your mother?

12 A: Yes.

13 Q: When did you know about it?

14 A: I can't answer the specific date.

15 Q: Now, in May of 2006 your mother was living back
16 in Orangeburg, was she not?

17 A: May 2006, oh, yeah, she ... she was living at
18 the house. She asked me and asked dad, she
19 wanted to go back to Orangeburg.

20 Q: Now, did anybody serve her with this lawsuit?

21 A: I'm not aware of it.

22 Q: Did you tell her that you had been appointed
23 her temporary conservator?

24 A: I don't recall doing so.

25 Q: Is there a reason you wouldn't tell her?

1 A: Rephrase the question or what was the question?

2 Q: Is there a reason you didn't tell your mother
3 that you had been appointed as temporary
4 conservator over her assets?

5 A: Probably is to not upset her.

6 Q: Not upset her. Well, she was already upset,
7 wasn't she?

8 A: Further upset her.

9 Q: She had already been to Lynn Norris and wanted
10 to cash in the insurance policy and the same
11 day, there's an application for conservatorship
12 filed and your mother's not given notice of it.
13 I mean, is there something wrong with that?

14 **MR. FERRELLE:** Object to the form.

15 **MR. PENDARVIS:** Form objection.

16 **MR. PAULEY:** Object to form.

17 A: If I recall, in this situation, she withdrew
18 her request.

19 Q: She withdrew her request to what?

20 A: To cash out a life insurance policy.

21 Q: Did you withdraw your temporary
22 conservatorship?

23 A: No, I did not.

24 Q: As far as you know, until it was determined to
25 be void, it was pending and continued, is that

1 correct?

2 A: Temporarily.

3 Q: How long is temporary?

4 A: It says 45 days.

5 Q: Okay. Have you used that document?

6 A: I don't recall.

7 Q: In the other proceedings that we talked about,
8 you showed your mother's assets at \$800,000.
9 In this one, there it is right there, look at
10 number ... is that the one? What assets are
11 shown on ... what assets are shown on Exhibit
12 ... what is that thing, I can't see? Thirteen.

13 **MR. PENDARVIS:** This is Exhibit Thirteen.

14 Q: Which is the April '06 application for
15 conservatorship?

16 A: \$200,000.

17 Q: What happened to the rest of the assets?
18 Here's the other one. I'm sorry. Paired with
19 Exhibit Two.

20 A: The date on this ... the property, the Beaufort
21 property would have been in the trusteeship or
22 the trust and the two lots in Horry County were
23 not eligible to be listed since she had those
24 in trust from her previous planning with Lynn
25 Norris.

1 Q: Right, but when the action was filed in June of
2 '05, the Beaufort real estate was already
3 transferred by the deed into the trust. We've
4 been through that. That was done May 17th. And
5 the old trust down in Horry County was already
6 there, but they're listed there and they're not
7 listed on the other one, and I just wondered
8 why?

9 A: I thought I just answered that.

10 Q: So your answer is that two of them were in
11 trust?

12 A: They're in trust.

13 Q: Were they in trust in June of '05?

14 A: Horry County lots were.

15 Q: The Beaufort lot was transferred May 17th of
16 '05, was it not, according to the deed that we
17 talked about a few minutes ago? I can show it
18 to you again.

19 A: I believe it was.

20 Q: You signed the deed, did you not, before ...

21 A: Yes.

22 Q: So the properties were already in trust under
23 those documents when ... correct?

24 A: Correct.

25 Q: Now, did the Court call you and say, "Mr.

1 Argoe, what happened here? We're short
2 \$800,000 in assets," for you to explain that?

3 A: No.

4 Q: Did anybody ever ask you to put up a bond?

5 A: Never been asked for a bond.

6 Q: Have you been involved in litigation in the
7 past, probate litigation or any other kind of
8 court cases?

9 A: Fortunately, not.

10 Q: I show you Exhibit Number Thirty-Five. This is
11 July of 2006, and that is a guardianship
12 action. Do you remember that one?

13 (Plaintiff's Exhibit Number Thirty-five from the
14 Walsh deposition was identified.)

15 A: I do recall this.

16 Q: In July of 2006, your mother had been released
17 from the hospital and you, again, applied to
18 the Court for a conservatorship ... a
19 guardianship, is that correct?

20 A: No.

21 Q: Why did you do that?

22 MR. PENDARVIS: He answered no.

23 MR. WARNER: Oh, he did not apply?

24 Q: Your father applied?

25 A: Yes.

1 Q: Did you agree to act and sign it?

2 A: I ...

3 Q: Did not.

4 A: It's not on here.

5 Q: Did you know that action was being brought?

6 A: I believe I did. I can't answer the question.

7 Q: Okay. Do you know if your mother was ever

8 served with that?

9 A: I can't answer that question either.

10 Q: Did you ... were you involved in a fifth one

11 that was brought down in Dorchester County in

12 February of this year? Guardianship and

13 conservatorship?

14 A: Yes, I am.

15 Q: And the reason you brought that one was?

16 A: I didn't have those conversations.

17 Q: You don't know why that one was brought?

18 A: I'd have to go back to my notes.

19 Q: Do you keep notes on this? Did you keep notes?

20 A: Not many, no.

21 Q: Where did you keep notes?

22 A: I basically relied upon the attorneys to keep

23 notes.

24 Q: Mr. Walsh to keep notes?

25 A: Yes.

1 Q: You trusted that he would do this correctly?

2 A: Correct.

3 Q: You trusted the Court would do this correctly?

4 **MR. PAULEY:** Object to the form.

5 A: Correct.

6 Q: Let me show you this letter, April 12th of 2006,
7 from Mr. Walsh to Lynn Norris. Read it a
8 minute and I'll ask you if you've seen that
9 before?

10 (Plaintiff's Exhibit Number Forty-seven from the
11 Walsh deposition was identified.)

12 **MR. PENDARVIS:** While he's looking at that point of
13 order. Off the record.

14 (Off the record from 4:07 p.m. to 4:12 p.m.)

15 A: The question's on Exhibit Forty-Seven?

16 Q: Have you had the opportunity to read Exhibit
17 Forty-Seven?

18 A: I have.

19 Q: Have you seen it before?

20 A: Yes, I have.

21 Q: Did you authorize or direct Mr. Walsh to write
22 that letter?

23 A: "I don't recall.

24 Q: Now, what interest would you and your father
25 individually have in your mother's account?

1 A: Just trying to protect mom; make sure she
2 didn't dissipate assets or lose anything. She
3 had run up tremendous credit card debts and so
4 forth prior to her commitment. Had spent a lot
5 of money, dissipated her savings. It was to
6 the point that we wanted to make sure that she
7 didn't lose anything else.

8 Q: You say she dissipated her savings?

9 A: Yes.

10 Q: What did she do with it?

11 A: She spent a tremendous amount of money on this
12 place over here at the Pudd ...

13 Q: Where you were living?

14 A: Correct. And she used to have substantial cash
15 value in her American Express accounts and it
16 was significantly less than it was. And also
17 she had the debts on the property. We just did
18 not want to see ... she very much wanted
19 jewelry; she wanted a watch. She loved
20 clothes; she had 80 some odd feet of clothes
21 hanging on a rack, some of it not even ever
22 opened. She just liked to buy clothes and we
23 just did not want to see her spend her money
24 frivolously and also we had been told that the
25 ... because of her illness, spending was a

1 problem and could be a problem with that
2 illness.

3 Q: All right. And which doctor told you that?

4 A: Remi had explained that to me.

5 Q: So Dr. Remi told you and he told you she had
6 what illness?

7 A: Natalie Troll had told me that.

8 Q: Okay. And he told you she had what illness?

9 A: It was referred to as bipolar.

10 Q: And she was diagnosed with bipolar at age 63,
11 right?

12 A: Three Rivers indicated, I believe they
13 originally said it was bipolar.

14 Q: At age 63?

15 A: Yes.

16 Q: She was 63 when she was diagnosed?

17 A: Yeah.

18 Q: And getting back to this letter, you ... this
19 is not written for you as a fiduciary for your
20 mother, because you weren't one. But, this is
21 written for you and your father individually.
22 Now, so my question is what ... what right do
23 you and your father have individually to have
24 a lawyer write that kind of a letter to
25 American Express or to a financial advisor that

1 you would hold them responsible if anything
2 happened to her account?

3 **MR. PAULEY:** Object to the form.

4 **MR. PENDARVIS:** Same here. Form objection.

5 A: All I would want to do is just to make sure to
6 protect my mother. That's all I want to do.

7 Q: Now, did Mr. Walsh represent you individually
8 or as your mother's conservator and guardian?

9 **MR. PENDARVIS:** Form objection.

10 **MR. FERRELLE:** Object to the form.

11 **MR. BARFIELD:** Same objection.

12 A: I don't know if I understand. Let me hear it
13 one more time.

14 Q: Did Mr. Walsh, when he took on your
15 representation, was he representing you as
16 George Lewis Argoe, III, individually, or as an
17 agent and fiduciary for your mother?

18 **MR. PENDARVIS:** Form objection.

19 **MR. BARFIELD:** Same objection.

20 **MR. FERRELLE:** Same.

21 **MR. PAULEY:** Objection.

22 A: For me.

23 Q: For you personally?

24 A: I believe that to be this case, represent us.

25 Q: And did Mr. Walsh, when he prepared that deed

1 for you to sign, was he representing you as an
2 agent for your mother transferring that
3 property into the trust or was he representing
4 you individually?

5 **MR. PENDARVIS:** Form objection.

6 **MR. FERRELLE:** Same.

7 A: I'm not sure I understand the difference.

8 Q: You understand what a fiduciary is?

9 A: Right. Just further explain a little bit where
10 you're going with it.

11 Q: A fiduciary is someone who has an obligation to
12 look out for and take care of another person.
13 So my question is was Mr. Walsh representing
14 you as a fiduciary when he did that deed, or
15 was he representing your mother, or was he
16 representing you individually?

17 **MR. PENDARVIS:** Form objection.

18 **MR. BARFIELD:** Same objection.

19 **MR. FERRELLE:** Same objection.

20 A: I believe ... I believe to be represented as a
21 fiduciary or ...

22 Q: You understand as your mother's son, under the
23 law, or you may not understand this, that you
24 do have fiduciary duties, do you understand
25 that?

1 A: Inherent fiduciary, yeah. I very much
2 understand that.

3 Q: Now, who provided the hospitals with your
4 mother's symptoms? Did you provide them, and
5 the doctors?

6 A: I provided them.

7 Q: Where has that Corvette ... '64 Corvette, where
8 has it been?

9 A: It is right here in Beaufort.

10 Q: How long has it been in Beaufort?

11 A: A year and a half. It's been here for a while.

12 Q: Before these actions were brought? Before '05?

13 A: No, it was ... came here in '05.

14 Q: About the same time as ...

15 A: Right.

16 Q: Why was it brought here?

17 A: Because mom had taken assets out of the house.
18 She had taken dishes; she had taken jewelry;
19 she had taken ... there's no telling what all
20 she had taken out of the house and put in a
21 storage unit, along with that car, which is
22 very valuable.

23 Q: And it was your mother's car?

24 A: That is her car.

25 Q: She had it since she was in college?

1 A: She's had it since she was in college.

2 Q: And you knew your father had the title changed
3 so it was in his name?

4 A: He's never had the title changed in his name.

5 Q: So you're telling me that the Highway
6 Department, Department of Transportation, does
7 not have a title to G. Louis Argoe, Jr., in the
8 chain?

9 A: Not any more.

10 Q: Not any more?

11 A: No, they caught their error when they changed
12 the accounting records at the Highway
13 Department. They had mistakenly put it in Mrs.
14 G. Louis Argoe, Jr. I have to go back and look
15 at that, but it was a mistaken in title on the
16 Highway Department's behalf.

17 Q: And that was ... the mistake in title was about
18 the same time the car was moved to Beaufort,
19 was it not?

20 A: No. Mistake in title was ... I'd have to go
21 look.

22 Q: The china that she took out of the house was
23 her grandmother's china, had been given to her?

24 A: Some of it was her grandmother's china; some of
25 it was the wedding china that was given to both

1 of them when they got married.

2 Q: By her mother?

3 A: And/or other folks that gave wedding gifts.

4 Q: And the whole reason that these items were
5 taken was so that your mother wouldn't ... did
6 you know where the storage place was? Did you
7 know where she stored it?

8 A: I do now.

9 Q: You didn't know then?

10 A: No.

11 Q: Did you know about the break-in into the
12 storage shed?

13 A: Only after I visited it.

14 Q: Your parents do a lot of socializing in
15 Orangeburg?

16 A: Not ... have not done a lot of socializing.

17 Q: Over the years, they have not, have they?

18 A: Earlier on they did. They have not lately.

19 Q: Has your father complained to you about your
20 mother watching the religious shows on
21 television?

22 A: Says that she plays it so loud she puts all the
23 TVs on and leaves them on. And she's told me
24 why she does that. She has explained they
25 drive the demons out of the house.

1 Q: So your mother turns the televisions on and
2 leaves them loud to drive the demons out of the
3 house?

4 A: She has told me that on more than one occasion.

5 Q: You got upset when your mother went to work at
6 the Cracker Barrel, didn't you?

7 A: I didn't particularly like it.

8 Q: Did you tell her it was below her status in
9 life to work for minimum wage?

10 A: I don't think I told her that.

11 Q: Did you tell her that it was beneath her to
12 work at a place like Cracker Barrel?

13 A: She doesn't need to work there.

14 Q: Did you tell her it was beneath her to work
15 there?

16 A: I don't think I did. I ... I don't think that
17 I did.

18 Q: Did you at any time go to Cracker Barrel in an
19 attempt to get her fired?

20 A: I have not, no.

21 Q: Do you know if your father did?

22 A: I don't believe he did. I have ... let me
23 volunteer this. I have one particular ... I
24 sat as an alternate on a murder trial in
25 Orangeburg when the murder happened right at

1 the C store right next to that Cracker Barrel.
2 My concerns were her safety, especially at the
3 hours at which she worked at night. That was
4 what I objected t.

5 Q: Give me just a minute.

6 (Off the record from 4:23 p.m. to 4:24 p.m.)

7 MR. ARGOE - EXAMINATION BY MR. BARFIELD:

8 Q: Can I call you Buss?

9 A: Sure.

10 Q: Why do they call you Buss? It's Buss with two
11 s's right?

12 A: Two, it used to be Bussie.

13 Q: Okay. I understand.

14 (Off the record conversation)

15 Q: Who holds title to the property in Beaufort
16 County now?

17 A: Me as trustee.

18 Q: Okay. Do you have any plans to transfer that
19 back into your mother's name?

20 MR. WARNER: Object to the form of the question.

21 MR. PENDARVIS: Let me say this just for the record
22 for basically, you, two, we're in the middle of
23 some settlement negotiations.

24 MR. BARFIELD: Right.

25 MR. PENDARVIS: And a lot of what's going on there

1 is attorney-client privilege, and if you need
2 me to instruct him not to answer because of the
3 privilege ...

4 MR. BARFIELD: That's fine.

5 MR. PENDARVIS: I'll do that and I'll do the
6 protective order and all that, but if we can
7 just kind of ... I mean, ask what you can, but
8 I will tell you that's in the ... that's in
9 negotiation territory.

10 MR. BARFIELD: That's fine. And the reason ... and
11 I'm not going to go there, then ...

12 MR. PENDARVIS: I feel ...

13 MR. WARNER: That's correct.

14 MR. BARFIELD: I didn't know how far along y'all
15 were in that process, so I will ... I will save
16 that for ...

17 MR. PAULEY: We have reciprocated at this point, so
18 that's good enough.

19 MR. BARFIELD: Right.

20 Q: Do you have any knowledge of Mr. Walsh's fees,
21 what he's been paid?

22 A: No, I don't.

23 Q: Okay. But your father's paid those fees?

24 A: He has.

25 Q: And is it your understanding that he's been

1 paid an hourly rate for his services?

2 **MR. WARNER:** Form of the question.

3 A: I assume, yes, he has been paid hourly.

4 Q: Has he been compensated in property that
5 belongs to your mother?

6 A: No.

7 Q: Has he been promised property that belongs to
8 your mother?

9 A: No.

10 Q: To your knowledge, does he bear any ill will
11 towards your mother?

12 A: Definitely not.

13 Q: Have you and your father conspired with Mr.
14 Walsh to do harm to your mother?

15 A: Absolutely not.

16 Q: To your knowledge, has Mr. Walsh conspired with
17 the Probate Court to do harm to your mother?

18 A: Absolutely not.

19 Q: Are you aware of any reason why Mr. Walsh would
20 want to do harm to your mother?

21 A: None whatsoever.

22 Q: Has everything Mr. Walsh done in the course of
23 these probate actions that have been discussed
24 at length been in his capacity as a lawyer for
25 you and your father?

1 MR. WARNER: Object to the form of the question.

2 MR. PENDARVIS: Answer if you can.

3 A: Yes.

4 Q: Has he done any ... has he made any of these
5 moves, filed anything with the Court, written
6 any letters on his own behalf?

7 A: No.

8 Q: Has everything he has done been with either
9 yours or your father's authorization?

10 A: Yes.

11 Q: Do you believe that he has represented you
12 zealously and competently?

13 A: Yes.

14 Q: Okay. Let me ask you why, just in broader
15 terms, why these Probate Court proceedings have
16 gone in fits and starts, something to be filed,
17 not served, then dismissed. Something to be
18 filed, not served, then dismissed. Can you
19 explain that pattern?

20 A: Last thing we ... Martha got better, I guess
21 you're referring to this, but Martha became
22 better after her ... her stay at Three Rivers.

23 Q: Uh-huh (affirmative response).

24 A: We had a great time. It was ... I enjoyed
25 spending those four months with her at our

1 house over here in Beaufort. Those were very
2 enjoyable to me. I'll carry those forever. I
3 hated to see her go, but she wanted to go back
4 home. I don't ...

5 Q: Okay. Is that to say then that when she
6 improved, that ...

7 A: She just ... when she improved, it was just ...
8 it just stopped. Just stopped.

9 Q: So, Mr. Walsh withdrew his petitions or let
10 them expire, what have you, based on your
11 instructions, your or your father's
12 instructions?

13 MR. WARNER: Object to the form of the question.

14 A: Yes.

15 Q: Why did you and your father go to Mr. Walsh in
16 the first place?

17 A: For information. I mean, Mom was very ill. We
18 did not know what to do. Accusations,
19 accusing dad of having a second family. She
20 even ... we sat down at the end of the park
21 right next to Andy Hunter's house, and I can't
22 remember what street that's on, she told me
23 explicitly that Joan had told her that ... told
24 Mom that he had a second family; he had an
25 eight year-old blonde haired girl; she went to

1 Orangeburg Prep; she lived in North, but Mom
2 was on to him, and that he had to get her out
3 or get that family out of North, so he moved
4 them. And she didn't know where they moved.
5 Two weeks later, we were in a car. I said,
6 "Mom, show me this house. Show me where they
7 are." And she drove ... actually, we drove and
8 she was on the phone with Joan Graves and we
9 went down to Laurelwoods to this house at the
10 end of the street, and it had those iron metal
11 Palmetto trees in it and Dad had always
12 commented on how he liked those and would like
13 to put some at the beach house, and mom says,
14 "That's the house. That's where he got the
15 idea. It even has his brand of beer on the
16 front porch." And there was an empty Bud Light
17 can on the front porch. It had a workshop in
18 the back. I went up; I looked around the
19 house. I even did an internet search and found
20 out it was a 29 year-old couple with a child
21 that lived in that house. And that's ...
22 that's another point that made me very nervous
23 about her mental ability at that time. Is that
24 she said, "God tells me all of this stuff and
25 he tells Joan that the devil is very crafty.

1 He can disguise his voice to sound very much
2 like God's, and sometimes I listen to the wrong
3 voice." That scared me.

4 Q: Okay. When your mother was taking medications,
5 she improved for a period I think you said?

6 A: Yes.

7 Q: Do you remember what medications those were?

8 A: Respidol was one, I do remember that. I don't
9 know the rest.

10 Q: Yesterday she mentioned that she had been
11 prescribed Respidol and Halodol, does that ring
12 a bell to you?

13 A: That sounds familiar.

14 Q: Okay. When she was on the medications, did she
15 act like a zombie? Did she seem to be
16 impaired?

17 A: No, I mean, no. She was different, but she
18 wasn't impaired.

19 Q: To your knowledge, does your father have
20 excessive influence over public officials in
21 Orangeburg County?

22 A: No.

23 Q: Does he control the police?

24 A: No.

25 Q: Does he control the courts?

1 A: No.

2 Q: Does he have dirt on Jimmy Walsh that would

3 compel Mr. Walsh to act ...

4 A: No.

5 Q: ... any way other than as a professional?

6 A: No.

7 Q: Has he ever threatened to ... do you know if

8 he's ever physically threatened your mother?

9 A: I'm not aware of any physical threats.

10 Q: Do you know if he's ever pointed a firearm at

11 her?

12 A: No, I ... no, he's never done that.

13 Q: Do you know whether she's ever pointed a

14 firearm at him?

15 A: I don't know that.

16 Q: Mr. Warner asked you about the two financial

17 statements that were submitted to the Probate

18 Court.

19 A: Uh-huh (affirmative response).

20 Q: And there's an \$800,000 difference between

21 those two. Are you aware of \$800,000 worth of

22 property that has gone missing out of your

23 mother's estate?

24 A: No.

25 Q: To your knowledge, is everything accounted for?

1 A: It's accounted for.

2 Q: To your knowledge, has your father absconded
3 with personal property belonging to your
4 mother, such as silverware, china?

5 A: No.

6 Q: Any other personal effects?

7 A: He wants her to have all of that. There's no
8 need for.

9 Q: Same question as to you, have you absconded
10 with her personal property?

11 A: No, I have it here.

12 Q: Here being at Beaufort?

13 A: At the house here in Beaufort.

14 Q: And are you aware of anybody who has conspired
15 to do your mother harm?

16 A: I'm aware of no one that's conspired to do her
17 harm.

18 Q: Okay. That's all I have. Thank you.

19 **MR. ARGOE - EXAMINATION BY MR. FERRELLE:**

20 Q: I just have a couple. Mr. Argoe, I'm Rice
21 Ferrelle. I represent Lynn Norris. Did you at
22 any time ever conspire with Lynn Norris to do
23 your mother harm?

24 A: Absolutely not.

25 Q: Mr. Norris, in fact, is your financial agent

1 and has been for some, is that correct?

2 A: That's correct.

3 Q: And at some point, I believe you testified
4 earlier that you presented Mr. Norris with a
5 power of attorney?

6 A: Correct.

7 Q: And you never talked with Mr. Norris about your
8 mother's accounts prior to presenting him with
9 that power of attorney, did you?

10 A: No, no.

11 Q: But you did talk with your mother about her
12 accounts?

13 A: Yes.

14 Q: I believe you testified that you agreed with
15 Mr. Norris that it was a ... would have been a
16 bad decision for your mother to liquidate her
17 life insurance policy?

18 A: Based on the previous estate planning, yes.

19 Q: That's all I have. Thank you.

20 **MR. ARGOE - EXAMINATION BY MR. PAULEY:**

21 Q: Mr. Argoe, my name is Mike Pauley, and I
22 represent Judge Jones-Glover, the Orangeburg
23 County Probate Court Judge, and I just have a
24 few questions for you. Before this ... the
25 first Probate Court action in 2005, had you

1 ever met Judge Jones-Glover?

2 A: Still have never met Jones-Glover.

3 Q: Have you ever heard of her?

4 A: Ran for re-election a while back.

5 Q: But that's it?

6 A: That's it.

7 Q: Okay. And I won't embarrass you by asking who
8 you voted for. Did your dad ever say he knew
9 her?

10 A: No.

11 Q: Did he ever say that he could influence her
12 decisions?

13 A: Absolutely not.

14 Q: Has he ever talked about maybe contacting her
15 about this case?

16 A: No.

17 Q: Have you ever contacted her about this case?

18 A: No.

19 Q: Have you ever heard your father threaten your
20 mother with his ability to influence the police
21 or judges or lawyers?

22 A: No.

23 Q: So you've never heard him say anything like
24 that to your mother?

25 A: Absolutely not.

1 Q: At least not in your presence?

2 A: No.

3 Q: I believe that's all I've got.

4 MR. PENDARVIS: No questions for me.

5 MR. ARGOE - RE-EXAMINATION BY MR. WARNER:

6 Q: Mr. Argoe, just a couple more questions. I'm
7 assuming that you hired Mr. Walsh and you
8 trusted that he would follow the law and assure
9 that whatever protections were due your mother
10 were given to her, is that correct?

11 A: Correct.

12 Q: And that the Court would follow the law in
13 whatever proceedings were pending, is that
14 correct?

15 A: Correct.

16 Q: You don't know anything about what the
17 requirements are in these types of proceedings,
18 do you?

19 A: No, sir.

20 Q: Okay. And you ... when was it you checked the
21 internet to find that lady who lived in North?
22 What year was that ... would that have been?

23 A: That would have been before the involuntary
24 commitment.

25 Q: That would have been in '05?

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1 A: That would have been.

2 Q: Okay. Still, you didn't check the Beaufort
3 property or the Horry property?

4 A: Me personally, no.

5 Q: That's all.

6 MR. PENDARVIS: No questions.

7 MR. ARGOE - RE-EXAMINATION BY MR. BARFIELD:

8 Q: I do have one follow-up. I'm sorry. I want to
9 be absolutely clear about whether or not Mr.
10 Walsh may have seen a copy of your mother's
11 will at the time that the deed was executed?

12 A: He may have. It all was in that same packet.

13 Q: Okay. If he had ... I'll tell you that he
14 testified earlier that he did.

15 A: Okay.

16 Q: Do you have reason to doubt that?

17 A: I have no reason to doubt that.

18 Q: Okay. I have no further questions.

19 MR. WARNER: Nothing.

20 (There being no further questions, the deposition
21 concluded at 4:39 p.m.)
22
23
24
25

SIGNATURE

I have read the foregoing deposition and confirm that it is a true and accurate transcript of my testimony. Any errors I may have noticed have been listed below and returned to the court reporter for checking against the tapes.

GEORGE LEWIS ARGOE, III

Date: _____

<u>Page</u>	<u>Line</u>	<u>Correction</u>	<u>Reason for Change</u>

Re: Argoe vs. Argoe et al. 7-25-07

cd

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CERTIFICATE

This is to certify that the deposition of **GEORGE LEWIS ARGOE, III**, consisting of One Hundred (100) pages, is a true and correct transcript of the testimony given by said deponent after being duly sworn; said deposition was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on August 13, 2007.

A handwritten signature in cursive script, appearing to read 'Carla S. Dominick', written over a horizontal line.

Carla S. Dominick
Court Reporter

Notary Public for South Carolina
My Commission Expires: 5/8/2012

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON

C.A. NO. 2007-CP-32-1981

MARTHA LEWIN ARGOE,

PLAINTIFF,

VS.

THREE RIVERS BEHAVIORAL HEALTH,
LLC AND PSYCHIATRIC SOLUTIONS,
INC., ITS SUCCESSOR, PHYLLIS
BRYAN-MOBLEY, MD, GLENN HOOKER,
MD, AIKEN REGIONAL MEDICAL
CENTER - AURORA PAVILION,
DAVID A. STEINER, MD, CHERYL C.
DODDS, MD, DORIS ANN BURRELL,
RN, AND CAROLINA CARE PLAN,

DEFENDANTS.

DEPOSITION

OF

DONNA MARIE
SCHWARTZ-WATTS, M.D.

THE DEPOSITION OF DONNA MARIE SCHWARTZ-WATTS, M.D.,
TAKEN BEFORE JILL BISHOP EDWARDS, PROFESSIONAL VERBATIM
REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH
CAROLINA, COMMENCING AT THE HOUR OF 1:33 P.M., MONDAY, THE
23RD DAY OF SEPTEMBER, 2013, AT THE OFFICES OF CHAPMAN
HARTER AND HARTER, 14 LAVINIA STREET, GREENVILLE, SOUTH
CAROLINA.

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APPEARANCES

FOR THE PLAINTIFF

ROBERT D. DODSON, ESQUIRE
LAW OFFICES OF ROBERT DODSON, P.A.
1722 MAIN STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
rdodson@rdodsonlaw.com

FOR THE DEFENDANT, THREE RIVERS BEHAVIORAL HEALTH, LLC AND DORIS ANN BURRELL, RN

ANDREW N. COLE, ESQUIRE
COLLINS AND LACY, P.C.
1330 LADY STREET, SIXTH FLOOR
POST OFFICE BOX 12487
COLUMBIA, SOUTH CAROLINA 29211
acole@collinsandlacy.com
vbaker@collinsandlacy.com

FOR THE DEFENDANT, PHYLLIS BRYAN-MOBLEY, MD

DAVID A. DeMASTERS, ESQUIRE
DAVIDSON AND LINDEMANN, P.A.
1611 DEVONSHIRE DRIVE, SECOND FLOOR
POST OFFICE BOX 8568
COLUMBIA, SOUTH CAROLINA 29202-8568
ddemasters@dml-law.com

FOR THE DEFENDANT, CHERYL C. DODDS, MD

JAMES E. PARHAM, JR., ESQUIRE
ATTORNEY AT LAW
220 MINISTRY DRIVE
POST OFFICE BOX 1576
IRMO, SOUTH CAROLINA 29063
jparham@jparhamlaw.com

FOR THE DEFENDANT

T. HAPPEL SCURRY, ESQUIRE
HOOD LAW FIRM, L.L.C.
172 MEETING STREET (29401)
POST OFFICE BOX 1508
CHARLESTON, SOUTH CAROLINA 29402
happel.scurry@hoodlaw.com



REPORTED BY
JILL BISHOP EDWARDS
VERBATIM, INC.
POST OFFICE BOX 7123
COLUMBIA, SC 29202

INDEX

STIPULATIONS	4
EXAMINATION BY MR. DODSON	4
CERTIFICATE	81

EXHIBITS

PLAINTIFF'S EXHIBIT NUMBER 1	
EXHIBIT A	13
PLAINTIFF'S EXHIBIT NUMBER 2	
NOTES	14
PLAINTIFF'S EXHIBIT NUMBER 3	
CURRICULUM VITAE	16

*DIGITALLY RECORDED AUDIO RETAINED FOR TWELVE (12) MONTHS
FROM DATE OF CERTIFICATION.

STIPULATIONS

IT IS STIPULATED BY AND BETWEEN COUNSEL
FOR THE RESPECTIVE PARTIES THAT ALL OBJECTIONS
ARE RESERVED UNTIL THE TIME OF TRIAL, EXCEPT
AS TO THE FORM OF THE QUESTION.

THIS DEPOSITION IS BEING TAKEN PURSUANT
TO THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

THE READING AND SIGNING OF THIS DEPOSITION IS
WAIVED BY THE DEPONENT AND COUNSEL FOR THE RESPECTIVE
PARTIES.

WHEREUPON, DONNA MARIE SCHWARTZ-WATTS, M.D.,
BEING DULY SWORN AND CAUTIONED TO SPEAK THE TRUTH, THE
WHOLE TRUTH, AND NOTHING BUT THE TRUTH, TESTIFIED AND
DEPOSED AS FOLLOWS:

EXAMINATION

BY MR. DODSON:

Q All right. So, you want me to call you Dr. Watts today?

A Yes, sir.

Q Good. That's easy for me. One syllable, that's easy for me. Dr. Watts, I introduced myself earlier, but again, my name is Robert Dodson. I'm an attorney in Columbia. I represent Martha Argoe in the matter we're here about today. I'm here to take your deposition,



1 which means I'm going to be asking you a series of
2 questions. You'll be giving me answers under oath.
3 I'm going through the rules pretty fast because it
4 looks like you've done this a lot. Is that - you've
5 given a lot of depositions, testified in court a lot.
6 Is that right?

7 A Yes, sir.

8 Q All right. If you want me to slow down, I will. If
9 you need to take a break for any reason, let me know.
10 If your beeper goes off and you need to - or I guess
11 nobody has beepers anymore. Phone ---

12 A Actually, we have beepers, so ---

13 Q Do you? All right. Well, if your beeper goes off and
14 you need to deal with that, that's fine. Just don't
15 discuss your testimony with anybody, including Mr. Cole
16 to your left. And don't discuss your opinions, the
17 care and treatment of Martha Argoe or anything
18 pertaining to this case. If you don't understand one
19 of my questions, please let me know. I will repeat or
20 rephrase my question. If you do give me an answer to
21 one of my questions, I'll assume that you understood
22 the question. Is that fair enough?

23 A Sure.

24 Q Let me get your full legal name as it is today.

25 A Yes. Donna Marie Schwartz-Watts, S-c-h-w-a-r-t-z,

1 hyphen, W-a-t-t-s.

2 Q And I understand from just chatting with you earlier
3 that you recently got married.

4 A Yes, sir.

5 Q Okay. Other than the name that you just gave me, have
6 you ever had another last name?

7 A No. Schwartz was my maiden name. Watts was my first
8 married name, and then I will be changing to Maddox, M-
9 a-d-d-o-x.

10 Q Okay. So, you've never gone by any other legal name?

11 A No, sir.

12 Q Okay. What's your date of birth?

13 A

14 Q What is your professional address?

15 A Well, I have two jobs. So, actually, my hospital job,
16 I work for the Department of Mental Health. That is
17 Harris Psychiatric Hospital, and I'm sorry. I think
18 it's Highway 120. I don't - I've only been there about
19 two weeks, but it's near Honea Path.

20 Q Okay.

21 A It's in Anderson, South Carolina. And then, I have a
22 private forensic practice, and I use my home address,
23 at this point, which is

24

25 Q Tell me what a private forensic practice is.

1 A Sure. I have to work for the State. I've got about 25
2 years in, so I have a few years until I retire. But we
3 are allowed to engage in our own practice as long as
4 it's outside of the hours of State operation or if we
5 take annual leave. So, for the past three and a half
6 years or so, I have been engaged in a private practice
7 of forensic psychiatry. I mainly do that on weekends
8 and then after hours. And it consists of different
9 things. I mainly do capital death penalty work, and
10 I'm a national expert in that area. So, many weekends,
11 I am flying to another state to a death row to do an
12 evaluation for usually the defense attorneys. I also
13 do many cases in South Carolina, mainly criminal.
14 Probably 70 percent of my work is criminal work. So, I
15 will go to our various detention centers and do
16 competency to stand trial and criminal responsibility
17 evaluations. Believe it or not, probably 50 percent of
18 those are court ordered from the judges. Right now,
19 mental health is very slow in doing those evaluations.
20 So a lot of times, all the parties will consent and
21 allow me to go in and do an independent medical exam to
22 speed up the process. And then, the other 30 percent
23 is civil cases, Workers' Comp, as well. I do a lot of
24 Workers' Comp cases. But I'll review various civil
25 issues. I also, with the mental health hospital, I

1 also do some Common Pleas work. I'm right now serving
2 as DMH's person for the Sexually Violent Predator
3 Statute, and I do the annual evaluations of the
4 sexually violent predators, which is in Common Pleas,
5 to see if they need continued commitment or not.

6 Q Okay. Is it fair to say that all of this forensic work
7 has to do with the court system in some way?

8 A Yes.

9 Q You're providing opinions in court, one way or another?

10 A Yes, sir. It doesn't involve any treatment. My - I
11 have a malpractice policy. It would allow me, if
12 something were emergent to happen in a jail, for
13 example, and if they didn't have a doctor and I needed
14 to prescribe perhaps some medication for an inmate, I'm
15 allowed to do that, but I don't have - my private
16 practice does not involve treating anyone or
17 prescribing medicines.

18 Q Okay. The 30 percent civil cases, and I know that's an
19 approximation you mentioned, does the Workers' Comp, do
20 you consider that falling under that 30 percent ---

21 A Yes, sir.

22 Q That part of the 30 percent? Approximately what
23 percentage of the 30 percent is Workers' Comp?

24 A Fifty percent.

25 Q Okay. So, roughly a total of 15 percent is Workers'

1 Comp?

2 A Yes, sir.

3 Q And what percentage of that deals with the sexually
4 violent predator civil commitment?

5 A Right now, very little. I've had one court case, I
6 think, in the last - I had to actually go to Charleston
7 last week and testify on one, but probably one percent,
8 at this point.

9 Q Who hires you in Workers' Comp cases?

10 A Usually, the attorneys for the injured party.

11 Q Okay.

12 A I do a lot of work with Andy Safran. His firm hires me
13 a lot. Sometimes, and I certainly have done cases, I
14 guess, for the insured as well.

15 Q Now, I want to go back to this death penalty work.
16 What exactly do you do in connection with the death
17 penalty cases, or capital cases, you called them?

18 A It depends on the state, but for example, in Arizona, I
19 do a lot of federal habeas work. So, the federal
20 public defenders will hire me, and this is in this
21 stage of proceedings where they're going to be executed
22 soon. So, at that level, we're looking for any
23 information that's been missed to present so that there
24 may be a stay in the execution proceedings, or if
25 there's some issue that's not been looked at upon last

1 review. Some states, I testify about - I've testified
2 in a few clemency hearings. Most of these are re-
3 hearings. Some are at a PCR, a state PCR level, but
4 mainly, it's been mainly federal work in the different
5 states. In South Carolina, I actually do pretrial
6 work, so I'm often retained by defense. I've been
7 retained by prosecution, I think, three times, but not
8 very often in the death penalty work, and I'll be
9 retained by defense.

10 Q Okay. So, most of your work in the death penalty is in
11 some capacity for somebody who is either charged with
12 murder or has already been convicted of murder and
13 sentenced to death?

14 A Yes, sir. Or is the capital trial, as well, that's
15 correct.

16 Q And you get paid by the defendant or the defendant's
17 attorney team in those cases?

18 A Yes, and in most of those cases, it actually comes from
19 the state. They have a system similar to ours. They
20 petition indigent defense. They're mainly indigent
21 cases. There are not many that you're privately
22 retained on. So, they'll come - for example, Arizona
23 will pay me usually out of their state budget. North
24 Carolina, it's similar to South Carolina with the
25 indigent defense fund.

1 Q Have you worked in South Carolina at all on the James
2 Robertson case?

3 A No.

4 Q Do you know who he is?

5 A No.

6 Q Off the record.

7 (OFF THE RECORD)

8 BY MR. DODSON:

9 Q All right. We're back on the record. Are you married?
10 Do you have children?

11 A I am married, and I have one son who is 18 years old
12 and a freshman at University of South Carolina.

13 Q Okay. He's 18 years old?

14 A Yes.

15 Q What county does he live in?

16 A Richland.

17 Q Okay. Do you have any relatives in Lexington County
18 over 18 years old?

19 A Yes.

20 Q Who are they?

21 A My brother, Donald Schwartz.

22 Q Okay.

23 A And his wife, Trish, Patricia Schwartz. And I don't
24 know if it's Lexington County. My sister and her
25 husband live near Lexington Hospital off of Sunset

- 1 Boulevard. With that ---
- 2 Q Uh-huh. Probably is.
- 3 A Okay. That would be Gary Kitchens, K-i-t-c-h-e-n-s,
4 and Teresa Kitchens. And I have a niece that lives in
5 Lexington.
- 6 Q Okay.
- 7 A Jennifer Patterson. And she has two daughters, and I
8 don't think they would be a jury pool. They're 10 and
9 13.
- 10 Q No, I don't need their names.
- 11 A And then, I have a nephew who also resides in
12 Lexington, Michael Freeman, and his children are minors
13 as well.
- 14 Q Freeman?
- 15 A M-a-n, yes, sir.
- 16 Q Okay. Any others?
- 17 A I think that's it.
- 18 Q Where were you born?
- 19 A Camp LeJeune, North Carolina.
- 20 Q And what's your Social Security number? I'll write it
21 down, and you know how this works.
- 22 A Sure.
- 23 Q Okay.
- 24 A xxx-xx-xxxx.
- 25 Q Okay. Have you ever done any military service?

1 A No.

2 Q Okay. I'm going to show you and mark this as Exhibit
3 Number 1.

4 (MARKED FOR IDENTIFICATION, PLANITIFF'S
5 EXHIBIT NUMBER 1, EXHIBIT A, ATTACHED.)

6 BY MR. DODSON:

7 Q This was attached to the subpoena that we sent to Mr.
8 Cole. Have you seen this list before today?

9 A Actually, I didn't.

10 Q You didn't?

11 A No.

12 Q Okay. Can you read that list, and when you're
13 comfortable answering questions about it, would you
14 look up at me?

15 A Sure.

16 Q All right. You've brought some documents with you
17 today. Are these all the documents and things that you
18 have reviewed in connection with this case, other than
19 what you told me, I think, off the record, that there
20 was also a deposition transcript of Dr. Davis that you
21 reviewed?

22 A That's correct.

23 Q Okay. But I think you indicated to me earlier you
24 hadn't made any notes on that transcript?

25 A No.

1 Q Okay. So, it was just a clean transcript?

2 A Yes.

3 Q No highlights or anything like that?

4 A No.

5 Q Okay. Have you looked at any medical literature in
6 connection with this case, either online or hard books?

7 A No.

8 Q Okay. I'm going to take a copy of your notes and we'll
9 mark that as Exhibit Number 2.

10 (MARKED FOR IDENTIFICATION, PLAINTIFF'S
11 EXHIBIT NUMBER TWO, NOTES, ATTACHED.)

12 BY MR. DODSON:

13 Q Doctor, I'm going to show you what we've marked Exhibit
14 Number 2. Is this a copy of all the notes that you
15 have prepared in connection with this case?

16 A Yes.

17 Q Okay. Now, on the first page of Exhibit Number 2, it
18 looks like it starts a numbered list that goes on for
19 several pages. It goes to, it looks like 75. Tell me
20 what this numbered list refers to.

21 A Sure. In the discovery that was provided to me by Mr.
22 Cole, those things are - some of them are numbered and
23 I just - it represented each document or each set of
24 records that I reviewed and the notes that I would have
25 taken.

1 Q Okay. All right. So, this - these numbers one, the
2 first numbered one through 75 is just a list of the
3 documents in connection with the case?

4 A Yes, sir.

5 Q Are there ---

6 A Some of them may have been my own, though. They may -
7 as they get later up in number, they may not
8 necessarily correspond to a document that's collated
9 with ---

10 Q Okay. But in this Exhibit Number 2, this list
11 represents just that, a list of documents you've
12 reviewed?

13 A Yes, sir, and notes anything that I would have deemed
14 pertinent from those documents or that were points for
15 me to consider or things that maybe I might not have
16 remembered so I wrote it down so it would be in my
17 mind.

18 Q Now, after the numbering one through 75, it looks like
19 there is a timeline ---

20 MR. PARHAM: Robert, it actually goes through 81.

21 MR. DODSON: I apologize. It does go through 81.

22 BY MR. DODSON:

23 Q And then, there looks like there's a new list that
24 starts one through six, and then there's a timeline
25 that follows that. Is that right?

1 A Yes. Actually, but it's not really even that. What
2 looks like a timeline, if you look at the top, that's
3 actually Dr. Washington's notes, and I think I just
4 listed the dates she was seen. So, it kind of looks
5 like a timeline, but it's still actually - they were
6 all just the reports of Dr. Washington and I believe
7 Dr. Quinn and Dr. DeWitt, it looks like.

8 Q Okay. And other than this Exhibit Number 2, you
9 haven't prepared any other documents, notes. What
10 about emails?

11 A (Witness nods negative response).

12 Q Nothing like that?

13 A No.

14 Q I need you to give me - I'm sorry. I need you to give
15 me verbal or oral responses, just so the court reporter
16 can take it down.

17 A Absolutely.

18 Q Okay. Let's mark as Number 3 a copy of your CV.

19 (MARKED FOR IDENTIFICATION, PLAINTIFF'S
20 EXHIBIT NUMBER 3, CURRICULUM VITAE, ATTACHED.)

21 BY MR. DODSON:

22 Q Let me show you what we've marked as Exhibit Number 3.
23 Is this a copy of your current CV?

24 A No, there's one more current I just prepared last week
25 because it reflects on September 3rd I moved hospitals.

1 Q Okay.

2 A So, I was a Senior Psychiatrist at Bryan Psychiatric
3 Hospital. I moved up here in the interim, so I'm a
4 Senior Psychiatrist. It's the same title, Harris
5 Psychiatric Hospital.

6 Q All right. And you anticipated one of my next
7 questions, which is let's take Exhibit Number 3 as it
8 stands and tell me what updates need to be made to make
9 it current.

10 A Yes, sir.

11 Q Other than what you just told me, obviously.

12 A Yes, sir, under present position. And then, also under
13 present position, I'm a Professor of Psychiatry at the
14 Medical University of South Carolina.

15 Q I thought that was on there.

16 A I thought it was, too, but I don't see it on this one,
17 so I'm not sure. I've got one at the University of
18 South Carolina School of Medicine, but I'm also
19 appointed at the Medical University of South Carolina.

20 Q Oh, okay.

21 A And I also have two other appointments now that are in
22 the process, one in the Greenville Hospital System and
23 I believe there's an osteopathic school up here. I
24 teach to medical students and so I have clinical
25 appointments there, as well.

1 Q Okay. Are you board certified in psychiatry?

2 A I am.

3 Q Okay. And do you have any professional publications

4 that aren't listed on your CV?

5 A No.

6 Q Do you teach any seminars or classes in psychiatry that

7 aren't on your CV?

8 A No, they should be listed.

9 Q And all your faculty appointments are listed or you've

10 told me about today?

11 A Yes, sir.

12 Q What about any administrative appointments?

13 A No.

14 Q Okay. Are you a member of any professional

15 organizations that aren't listed on your CV, like the

16 AMA?

17 A No.

18 Q Are you a member of any church or house of worship?

19 A I am. Well, St. Joseph's Catholic Church in Columbia.

20 I'm still an active member there.

21 Q Okay. What about any clubs or fraternities or anything

22 like that?

23 A No.

24 Q Let's talk about your kind of day to day practice, week

25 to week practice. Like, tell me what your typical work

1 week is like. What kind of things do you do?

2 A Sure. Well, I have to be at the hospital, at Harris
3 Hospital at 8:30 in the morning. And I work there
4 until 5:00, Monday through Friday.

5 Q Okay.

6 A And I don't take call. No call there. And usually,
7 what I'll do, on the weekends will be when the crux of
8 my forensic work happens, unless it's some - perhaps
9 the civil cases, you know, I can work on in the evening
10 if it's a record review or that sort of thing. Or
11 sometimes, if it's an upstate appointment and I don't
12 have to miss work, I'll go ahead and maybe see a case
13 up here in Anderson Detention Center or perhaps
14 Spartanburg. I'll do local work in the evenings. If I
15 have to meet with attorneys or things like that,
16 usually that will be in the evening on a weekday. I'll
17 have them meet me at my house after work. And then,
18 the weekends are primarily spent traveling, catching up
19 on the actual evaluations. In this case, I did not
20 evaluate Ms. Argoe, but there's many cases that I do
21 where I have to evaluate either a plaintiff or a
22 defendant. And so, a lot of my weekend time is
23 actually spent traveling to do those evaluations.

24 Q In most of your forensic practice, do you actually meet
25 with or interview the person or patient you're giving

1 an opinion on?

2 A Absolutely.

3 Q Okay. Your work at Harris, tell me about that work.
4 I'm not asking you to violate any HIPAA rules, but is
5 this an involuntary commitment setting?

6 A It certainly is, for the most part. I work on a
7 women's unit, in the acute women's unit. And
8 unfortunately, the way mental health is today, they are
9 all involuntary patients because the waiting lists are
10 so long in the hospitals that unfortunately people that
11 come in as a volunteer, they - I don't think they would
12 ever be able to get moved up on the list because the
13 waiting lists are so long. And in Columbia, when I
14 worked at Bryan, which is where I was for three years
15 ---

16 Q Right.

17 A It was an acute unit, also, but it was male and female.
18 So, this is a little bit different. It's all females
19 now.

20 Q Okay. In your work at Harris, do you provide care and
21 treatment to involuntarily committed or do you just do
22 the courtroom stuff with actually going through the
23 process of having somebody involuntarily committed, or
24 both?

25 A No, I take care of the patients that are involuntarily

1 committed. The most I do is similar to what Dr. Mobley
2 and Dr. Dodds. I have to testify in the probate
3 hearings, but very similar to their job. I actually
4 care for and treat and make discharge recommendations
5 with the team.

6 Q Okay. Do you have the authority to discharge a patient
7 from involuntary commitment?

8 A Not necessarily, but there's a process, and I've done
9 that. For example, if someone came to me and they were
10 committed and I did not think they met the civil
11 commitment criteria, my job is to fill out a designated
12 examiner report, and if I don't think they meet the
13 criteria for being emergently hospitalized, I go to the
14 judicial department. We turn in that report and then
15 the mental health has their own person that contacts
16 the probate court to get an order of release. But I
17 certainly could be part of that process.

18 Q Okay. Do you discharge anybody who is involuntarily
19 committed without going through that judicial process?

20 A No, I don't think I have the authority to do that. You
21 have to get - if they're emergently, you have to get an
22 order or release from the probate. I'd write an order,
23 and I've done that before. I'll say may discharge
24 after order received from probate court.

25 Q Why is it that Dr. Dodds was able to discharge Ms.

1 Argoe on her own?

2 A Well, she had already been committed. Once you have
3 the civil commitment proceedings, and if the person is
4 retained by the probate judge, after that point, the
5 authority is given to the doctor to release whenever.
6 And so, yes, a lot of my discharges are exactly that
7 circumstance. The person has been seen by probate,
8 they were retained until the hospital and the staff
9 determined the patient was safe to be at large.

10 Q Is it fair to say that once the probate court has
11 issued an order of involuntary commitment, that the
12 treating physician then has the authority to discharge
13 that patient when medically appropriate?

14 A That's correct.

15 Q You do not have to go back to the probate court for an
16 order before that?

17 A Not at all. Every once in a while, there might be - in
18 Richland County, I know they do this. They haven't
19 done this in Anderson yet, but Judge Moody, for
20 example, in Richland County or Judge Clemmons,
21 sometimes they will put very specific orders and say
22 you have another hearing before we release them. But
23 unless there's another order superseding that, no, we
24 can discharge when we deem appropriate.

25 Q Okay. Have you ever been a party to a lawsuit, either

1 as a plaintiff or a defendant?

2 A No.

3 Q Have you ever lost privileges at a hospital?

4 A No.

5 Q Do you know if you've ever had a malpractice case
6 against you settled prior to a lawsuit being commenced?

7 A No.

8 Q No, you don't know or no, you don't think that's
9 happened?

10 A No, I've not had any, that I know of.

11 Q Okay. With regard to malpractice, has an entity that
12 you've worked for ever been sued and the allegation is
13 that you did something wrong?

14 A Not that I know of. Many years ago when I was a
15 resident, and the case, I don't think it ever made it
16 up into the court. There was a complaint against an
17 inmate who said that when we examined him, we sexually
18 molested him and he accused me of that and I believe
19 some other people. This probably was back in about
20 1990, and it - I don't think the complaint ever got to
21 the point where it was even heard in court, but that's
22 it.

23 Q Do you know any of the remaining defendants in this
24 case?

25 A Yes.

1 Q Okay. Tell me who you know.

2 A Sure. I know Dr. Dodds. She was a resident of mine.
3 And Dr. Mobley, as well. And they never worked for me,
4 per se, but I actually think Dr. Dodds did a forensic
5 rotation maybe in her fourth year. I worked at the
6 medical school and I worked at the University of South
7 Carolina School of Medicine for 17 years before I went
8 back to Mental Health. And so, I believe that's when
9 Dr. Dodds and Dr. Mobley were in various stages of
10 training. So, my job at the medical school, I was
11 Director of Forensic Psychiatry. So, if they were - I
12 think all the residents had to spend a little bit of
13 time in forensic psychiatry, so they worked with me. I
14 certainly knew of them.

15 Q Okay. So, Dr. Dodds was one of your resident students?

16 A Yes and no. She was a resident, but I don't think I
17 was ever in a situation - I do recall or I think when
18 she was a child fellow, she had to spend to spend some
19 time with me in a forensic rotation. And I recall her
20 going to court to observe a testimony, but in terms of
21 me giving her a grade, I don't recall that I ever had
22 to do that. But I know that the child fellowship
23 program had - they did some cross training with
24 forensics.

25 Q When was the last time that you saw Dr. Dodds or

1 interacted with her?

2 A Years. I think I may have seen her maybe about four
3 years ago, and I may be mistaken. I was speaking at
4 the South Carolina Psychiatric Association and she may
5 have been - in Myrtle Beach, and she may have been
6 attending that - she may have attended that meeting,
7 but it's - that's the only thing I can recall in years,
8 probably since she graduated. I may have spoken with
9 her, I think, one other time. I probably called when
10 she was at Three Rivers about getting a patient
11 admitted, but that's all I can recall.

12 Q Okay. And I think Dr. Mobley is actually employed at
13 the Bryan Psychiatric Hospital.

14 A I don't know if she's at Bryan. I saw her - I think
15 she's at Hall Institute.

16 Q Okay.

17 A But she - I have seen her - there have been occasions
18 where we have medical staff meeting where I have seen
19 her at - we have what's called an all staff meeting
20 there, and I have seen her on occasion at that meeting.

21 Q Okay. Do you know any of the nurses at Three Rivers?

22 A No.

23 Q Do you know - I assume, then, you don't know Doris Ann
24 Burrell?

25 A No.

1 Q What about David Steiner? Do you know him?
2 A No.
3 Q What about any of the lawyers in connection with this
4 case?
5 A I've worked on some work with Mr. Scurry with the Hood
6 Law Firm.
7 Q Okay.
8 A They have retained me, and I believe that's it.
9 Q Okay. What about someone from Mr. Davidson's office,
10 Will Davidson?
11 A Yes. Yes, I worked - Matt Rosbrugh used to work there.
12 Q Uh-huh.
13 A And I think I did a few cases with him when he was with
14 that firm.
15 Q Okay.
16 A And then, Mr. Davidson, I have worked on - I wasn't
17 retained by him, but when the South Carolina Department
18 of Corrections was getting sued, I was actually one of
19 the contract doctors out there working, so I had some
20 interface with Mr. Davidson with that lawsuit. I
21 didn't testify. They deposed me, but I was never
22 called in the trial in chief.
23 Q Okay. And what about Mr. Parham?
24 A No, I don't think I've been retained or worked with him
25 before.

- 1 Q And what about Mr. Cole sitting next to you?
- 2 A This is ---
- 3 Q And his law firm.
- 4 A Now, I'm familiar with his law firm. My sister is a
5 paralegal there.
- 6 Q Okay.
- 7 A Her boss is Stan Lacy. So, I've done a little bit of
8 work with their law firm. Pete Dworjanyn.
- 9 Q Uh-huh.
- 10 A And I think I've done two Workers' Comp cases for him.
11 I've worked with Christian Boesl, and I think I've done
12 some Workers' Comp cases with him. Robert Goings, who
13 used to be there ---
- 14 Q Uh-huh, right.
- 15 A I'm actually - I'm doing a plaintiff's case with him
16 right now. He's retained me on that. And then, of
17 course, my sister is the paralegal, but this is the
18 first time I've worked with Mr. Cole.
- 19 Q Okay. The prior cases that you have been involved in,
20 do you keep a list of those cases?
- 21 A I do, and I need to apologize. I have that on computer
22 and will be glad to send that. I do - I keep a list of
23 all the cases I testify in, and I've done 20 this year.
24 So, I try to keep an ongoing list and I do have those.
- 25 Q So, this year, you've actually testified in 20 cases?

1 A Yes.

2 Q Okay. How many did you testify in last year?

3 A Usually about - they usually run between 20 to 40.

4 Q Okay. How much money have you made this year in
5 connection with your giving opinions in cases?

6 A Sure, I haven't ---

7 MR. PARHAM: Object to form.

8 THE WITNESS: I'm fine with that. I haven't
9 deducted my expenses yet, so I keep an Excel sheet that
10 shows my income. Last year - I can tell you last year
11 I probably made \$200,000. I don't think I'm going to
12 make quite that much this year. I'm probably -
13 probably between 180 and 200,000 I'll make this year.
14 And I'm sorry that's a guesstimate because I haven't
15 really ---

16 BY MR. DODSON:

17 Q No, that's fine. But those numbers are to the best of
18 your knowledge and recollection ---

19 A Yes.

20 Q --- how much money you've made ---

21 A Yes.

22 Q --- in connection with your forensic practice?

23 A Yes.

24 Q Now, with your full-time job, how much do you currently
25 make or what's your annual salary for your full-time

1 job?

2 MR. PARHAM: Object to form.

3 THE WITNESS: Sure, and that just changed. That's
4 why - one of the reasons I came to Anderson.

5 BY MR. DODSON:

6 Q Yeah.

7 A I got a pretty good raise to come up here because it's
8 an area of need. Harris Hospital is paying me \$190,000
9 a year. At Bryan, I was making \$176,000.

10 Q Well, that was my next question.

11 A Yes.

12 Q Okay.

13 MR. PARHAM: Object to form.

14 MR. DODSON: Put this on the record. How about
15 getting me that list? And I'm just going to reserve
16 the right to hold the deposition open if I need to
17 question her about it. I don't anticipate doing that,
18 but just get me that list, please.

19 THE WITNESS: Sure.

20 MR. COLE: We'll get you that list.

21 MR. DODSON: ASAP.

22 THE WITNESS: And they include all the depositions,
23 as well.

24 MR. DODSON: Right. You'd have it broken down as
25 deposition and trial testimony, both, hearing?

1 THE WITNESS: Yes. And I'll usually have the
2 party. If it's anything civil, I'll put whether it's a
3 plaintiff or defendant or a respondent.

4 BY MR. DODSON:

5 Q Okay. Are you listed on any expert services?

6 A Not unless - I think - not that - I've never done that.

7 Q All right, good.

8 A The university, I don't know. I think when I was
9 employed there, I don't know if they had anything
10 listed. But I haven't done that.

11 Q Do you maintain any kind of a website where you
12 advertise your services?

13 A Not at all.

14 Q Okay. Have you authored any content for a website that
15 advertises your expert services?

16 A Not at all.

17 Q Tell me what your rates are in connection with your
18 forensic work.

19 A Sure. It's \$300 per hour flat rate.

20 Q Okay. \$300 today, review records, testify in court in
21 a couple weeks, the whole thing?

22 A Yes, sir.

23 Q Okay. How much money have you billed on this case?

24 A \$1,500 and then today, of course, that will have used
25 up the retainer. The \$1,500 was to review these

1 records. And then, I'll send Mr. Cole - I met with him
2 one day last week, and it's outlined there. And I'll
3 bill him for that and then for the time today.

4 Q Okay.

5 A So, I anticipate that would probably be another \$1,500
6 or so.

7 Q Okay. Have you prepared any bills or invoices?

8 A No, other than probably the first one, and I'll forward
9 that to you. It would have been on computer if I had
10 it. It would have just said record review, five hours
11 for \$300 an hour.

12 Q Okay. How long did you and Mr. Cole meet last week?

13 A I believe about an hour and 15 minutes or maybe an hour
14 and a half. It would be on - actually, I should have
15 it here.

16 Q Tell me what you talked about.

17 A Sure. We met on - it looks like August 30th of 2013.

18 Q Okay.

19 A And I took notes. We basically talked about - well,
20 you'll see that on ---

21 Q I see.

22 A --- one of the ---

23 Q Uh-huh.

24 A Let's see. We talked about who the - there were five
25 experts. I don't know what this means. One withdrew.

1 And we talked about we had Dr. Davis, Dr. Quinn,
2 Tiffany Provence, something says Charleston, and one of
3 them I can't read. We were talking about the status in
4 Aiken. What had happened, I had asked him about that.
5 I think that one of the Aiken attorneys, someone had
6 contacted, written me a letter and asked if I would
7 assist them and I didn't answer that back.

8 Q One of the - let me ask about that.

9 A Sure.

10 Q One of the Aiken lawyers?

11 A Sure.

12 Q For Aiken Regional?

13 A Yes, sir, and I don't recall who it was and they had
14 sent me a letter at Bryan. And first of all, I don't -
15 I didn't answer it, because I didn't think it was
16 appropriate because I was already retained by one
17 party. But I also moved, and so there's some things
18 from my Bryan office right now. I also recall that Mr.
19 Cole may have sent me a letter there. If it's - right
20 now, all I've looked at is what I have here because
21 some of those records I'm not sure where they are right
22 now. They're in transit. Let's see. We talked about
23 a guardian ad litem. I asked if there was a guardian
24 ad litem. He said there was none appointed. There was
25 a Supreme Court decision we discussed about, and we

1 were talking about false imprisonment. Basically, the
2 bottom line is Mr. Cole was kind of updating me where
3 you all were in the case, you know, what had settled
4 out and what had not. I was trying to figure out where
5 we were in the universe.

6 Q What did he say about settled out?

7 A Just what I would have said. I guess an expert
8 withdrew. Let's see. I think some of the other
9 parties that weren't involved with him had - I think
10 their cases had been heard. That's kind of my
11 understanding. I believe there was other hospitals,
12 other litigants involved and her family members and
13 those sort of things, and I think those all had settled
14 out. So, my understanding was today that it would be
15 Dr. Dodds, Dr. Mobley and I think Nurse Burrell that
16 were still pending in this litigation.

17 Q She's not here today, but do you know Elloree Ganes
18 with the Hood Law Firm?

19 A No, I don't. I might would if I saw her, but that
20 doesn't ring a bell. I know - I know Ms. Craig and I
21 know Robert Hood ---

22 Q You know Molly Craig?

23 A I do. I do.

24 Q Okay.

25 A And I know Robert Hood.

1 Q Okay.

2 A And then Mr. Scurry. And there may be I think one
3 other person I might have worked with in their firm,
4 but I'm just not recalling.

5 Q Okay. Is the Diagnostic and Statistical Manual of
6 Mental Disorders a reliable source of information in
7 the fields of psychiatry and psychology?

8 A Sure.

9 Q Is that one of the leading sources of published
10 information in these fields?

11 A Yes and no. It certainly is - we have to rely upon it
12 for our nomenclature and for diagnoses and things.
13 There might be some treatises that are probably more
14 thorough, but in general, in terms of reliance on an
15 everyday level, absolutely. I would consider it the
16 source of diagnosis, what makes those diagnoses or
17 criteria, yes.

18 Q Okay. And I think the current edition is fifth that
19 just came out?

20 A Yes, yes.

21 Q But at the time that Ms. Argoe was involuntarily
22 committed back in 2005, the fourth edition would have
23 been the current edition then?

24 A I think the fourth edition text revision, the gray one.

25 Q Okay. Do you plan to blame anyone for Ms. Argoe's

1 involuntary commitment who is not a current defendant
2 to this lawsuit?

3 MR. PARHAM: Object to form.

4 MR. SCURRY: Same.

5 THE WITNESS: I'm not going to blame anyone, but
6 no, I - no.

7 BY MR. DODSON:

8 Q Okay. I mean, and I'm not trying to get cantankerous
9 with you, but you kind of laughed in response to that.

10 A I didn't mean to. I'm sorry.

11 Q No, no, I ---

12 A Blame was just an interesting - I just - I kind of
13 didn't know what to do with the word blame.

14 Q Okay. I mean, I'm not ---

15 MR. PARHAM: Which is why I objected.

16 BY MR. DODSON:

17 Q You know, I'm not trying to parse words with you. Are
18 you, you know, planning to say, well, you know, if only
19 the probate judge had done this or hadn't done that or
20 if only another physician had done something, none of
21 us would have been here, anything like that?

22 MR. PARHAM: Object to form.

23 THE WITNESS: Not at all. Not at all.

24 BY MR. DODSON:

25 Q That's what I'm trying to find out.

1 A Yes, sir. I gotcha. Not at all, no.

2 Q Okay. Are you planning to lay blame at any of her
3 family members' feet?

4 MR. PARHAM: Object to form.

5 THE WITNESS: No.

6 BY MR. DODSON:

7 Q Okay. Now, you were named as an expert by Mr. Cole,
8 who represents Doris Ann Burrell and Three Rivers. And
9 my question is this: are your opinions in this case
10 pertaining to Doris Ann Burrell and Three Rivers, are
11 those - are your opinions limited to those two
12 defendants, or do you plan to offer opinions as to
13 other defendants?

14 A The only opinions - of course, I'll answer whatever
15 questions. I was also - early on, I was also looking,
16 I believe, at the conduct of Dr. Dodds and Dr. Mobley
17 in connection with their employment at Charter. But my
18 - for Mr. Cole, I'm limiting those opinions to Nurse
19 Burrell and to Charter. But I probably - I probably
20 could answer some questions if a party had them because
21 those evaluations were somewhat similar, if that makes
22 sense.

23 Q Yeah. I mean, are you planning to render any opinions
24 as to the conduct of Dr. Steiner?

25 A No.

1 Q So, is it fair to say you're limiting your opinions to
2 the time period when Ms. Argoe was committed to Three
3 Rivers?

4 A Correct.

5 Q And not Aiken Regional, not to Steiner? Is that right?

6 A Correct. I haven't been asked to do that. I certainly
7 have some knowledge of those things because, in
8 preparing for the testimony today. But I have not been
9 asked by anyone or have not - I have not communicated
10 any such opinions to anybody.

11 Q When Ms. Argoe was transferred and committed to Three
12 Rivers, she was under the care of Dr. Mobley?

13 A Yes.

14 Q When she was initially committed there, could Dr.
15 Mobley have discharged her when she was initially
16 committed to Three Rivers?

17 A Not initially. She would have had to perform the
18 designated examiner report, and you usually have 72
19 hours to do that. And only had - if she had determined
20 that Ms. Argoe was not a danger to herself or others or
21 mentally ill and then the other designated examiner,
22 which would have been Nurse Burrell in this case, if
23 they would have had the same report, the - whoever the
24 judicial representative at Charter is would have
25 petitioned the court for her release. So, the only way

1 she could have done that prior to the probate hearing
2 was through an order of the probate court.

3 Q And I gather in connection with your review you've read
4 all the Three Rivers notes?

5 A I have.

6 Q Is there anything in those records or the deposition
7 testimony that indicated Ms. Argoe ever threatened
8 suicide or attempted suicide?

9 A No.

10 Q Either at the time that she was in Three Rivers or
11 before she was at Three Rivers?

12 A No.

13 Q Was there any history of suicidal thoughts or
14 tendencies in Ms. Argoe's medical records?

15 A Not that I ever saw. And may I say ethically for the
16 record that I have not examined her, and so my opinions
17 will only be limited to what is in the records there,
18 and I'm not here to talk about whether she has a
19 diagnosis or not. I have not examined her and I need
20 to state the limits of that.

21 Q Okay. Thank you. Any information that you saw from
22 her family that indicated Ms. Argoe had any kind of
23 suicidal tendencies?

24 A No.

25 Q Anything in the nursing records where she indicated to

1 a nurse that she was suicidal?

2 A No.

3 Q Anything in Mobley or Dodd's records where she
4 demonstrated any kind of suicidal tendencies?

5 A No.

6 Q Anything in any of the records that you reviewed from
7 Three Rivers that indicated Ms. Argoe had ever
8 threatened serious bodily injury to herself?

9 A No.

10 Q Any history where she had threatened or, in fact, hurt
11 herself seriously?

12 A Not that I'm aware of.

13 Q And by that, I mean by some intentional act.

14 A Correct.

15 Q Not that she's peeling a potato and slices her finger.

16 A Right. Not that I'm aware of.

17 Q Any history of intentional acts on her part to hurt
18 herself from the family?

19 A Not that I'm aware of.

20 Q Anything in any of the nursing notes that you reviewed
21 that would suggest that while she was at Three Rivers,
22 she ever attempted to seriously injure herself?

23 A No.

24 Q Any history documented in the nursing notes of her
25 attempting to injure herself?

- 1 A No.
- 2 Q Anything in Dr. Mobley or Dr. Dodds' records to suggest
3 that Ms. Argoe ever had any intention of harming
4 herself?
- 5 A No.
- 6 Q Is there anything documented in any of Mobley or Dodds'
7 records to suggest that she had a history of harming
8 herself?
- 9 A No.
- 10 Q Anything in the records at Three Rivers that you saw
11 where Ms. Argoe had threatened to kill another person?
- 12 A No.
- 13 Q Any history of that from Ms. Argoe herself?
- 14 A I didn't interview her, but I didn't see anything in
15 the notes that ---
- 16 Q Right. I'm referring to the records. I'm sorry.
- 17 A Sure.
- 18 Q Any history in the medical records where Ms. Argoe had
19 reported that she had threatened to hurt somebody else?
- 20 A No.
- 21 Q Anything from her, in the records that you reviewed,
22 from her family where a family member indicated that
23 she had threatened or, in fact, carried through with
24 threats of violence against them?
- 25 A No.

1 Q Anything in the nursing records that would suggest that
2 she had ever threatened to hurt or kill somebody?

3 A No.

4 Q Anything in the nursing records at Three Rivers to
5 suggest that she ever tried to hurt anybody while she
6 was at Three Rivers?

7 A No.

8 Q Was there anything in any of the records that you
9 reviewed to suggest that Ms. Argoe exhibited violent or
10 enraged behavior?

11 A No.

12 Q And by that, I mean things like throwing objects,
13 breaking things, punching a wall, trying to kick
14 something across the room. Anything like that?

15 A No.

16 Q Okay. Any history of that from her family?

17 A No.

18 Q Anything in any of the nursing records that you've
19 reviewed at Three Rivers to suggest that she had any
20 violent outrages while at Three Rivers?

21 A No.

22 Q Any history documented by any of the nurses at Three
23 Rivers to suggest that she had violent outbursts in the
24 past?

25 A No.

1 Q Anything in Dodds' or Mobley's records to suggest that
2 she had a history of violent outbursts in the past?

3 A No.

4 Q Anything in Mobley or Dodds' records to suggest that
5 while she was at Three Rivers, she had violent
6 outbursts?

7 A No.

8 Q Let me ask this question and then explain kind of what
9 I'm looking for. Was there anything to suggest Ms.
10 Argoe wasn't able to protect herself in a community?
11 And by that, I mean, like an Alzheimer's patient who
12 may be in the later stages of Alzheimer's might not
13 appreciate the dangers of walking out in traffic or the
14 dangers of a hot stove or something like that. Is
15 there anything in any of the records that you reviewed
16 to suggest that Ms. Argoe couldn't appreciate those
17 kinds of common dangers?

18 A No.

19 Q Did you see anything in her records that indicated that
20 she couldn't protect herself in the community?

21 A No.

22 Q Nothing like that in any of Mobley's records?

23 A No.

24 Q Nothing like that in any of Dodds' records?

25 A Not that I'm aware of.

1 Q No history of that reported by her family?

2 A No.

3 Q Nothing in the nurse's records to suggest that she
4 couldn't protect herself in the community?

5 A No.

6 Q Anything to suggest that Ms. Argoe could not attend to
7 her daily needs of living?

8 A Yes.

9 Q Okay. Tell me what you reviewed that suggests that Ms.
10 Argoe could not attend to her daily needs of living.

11 A Sure, and that certainly wasn't in the documents of
12 Three Rivers. Those were more the earlier records, but
13 I think there were some concerns that she had had a
14 deterioration in functioning, that according to some
15 sources, that she wasn't as neat as she had been in the
16 past, that her room where she was living with her
17 husband at the time was in disarray. There was some
18 information, I believe, from her brother and sister, as
19 well, that they were concerned about her ability to
20 keep up her surroundings. And I think there was also
21 some questions about - I believe it was a brother that
22 had mentioned he was concerned because she had a lot of
23 clothes and many of those clothes still had the price
24 tags on them and things, and that he was concerned
25 about just whether she was hoarding or had more - it

1 was just a change in function for her, that that had
2 not been the way she had been prior and that there was
3 a change.

4 Q Okay.

5 A And so, that caused some people concern. There was
6 also a report that the husband, I believe it was in the
7 - it was one of the undated pages that was provided, I
8 believe, to Aiken Regional where he had a litany of
9 lists. I think it was his list of things that she
10 wasn't doing or things that caused him concern. And
11 one of the things he had noted is that she had lost a
12 decent amount of weight, that she had gone from a size
13 six to a size two some period of time before the
14 commitment proceedings were filed on her. So, a little
15 bit there. Just that there was a deterioration of
16 functioning. The cleanliness and attentiveness she
17 gave to her surroundings was different. She had lost
18 some weight.

19 Q Okay. All right. So, I heard you say several things,
20 and I gather that this information that you just gave
21 me in response to my question was what was reported by
22 the family.

23 A Correct.

24 Q Okay.

25 A And also, one of those information came - there was a

1 police report, also. She had mentioned and I had asked
2 Mr. Cole for the police records. Many times over the
3 hospitalization she had mentioned how many times she
4 had called the police because of domestic disputes with
5 her husband. And there was one police report, in
6 general, that talked about evidently the husband was
7 kind of showing them how dirty the house was and that
8 they had put a remark in a police report about the
9 state of the house.

10 Q Okay. Anything in the actual medical records that any
11 of the physicians or nurses documented that Ms. Argoe
12 was unkempt, was unhygienic, couldn't take care of
13 herself?

14 A Just one, and that was not her fault. I think it was
15 when she had just gotten transferred in from Aiken. I
16 think she had been up and I think on Dr. Mobley's
17 initial mental status, she put that she was mildly
18 disheveled, but that was the only, the only instance
19 that I recall seeing that had anything to do, and I
20 imagine that was - she had probably been up and
21 transported, so.

22 Q Okay. So, other than when she was transferred from
23 Aiken Regional to Three Rivers, no other indication
24 that she was disheveled, not appropriately groomed or
25 anything like that?

1 A That's correct. I didn't see any other entries. I
2 think her hygiene is always - I didn't see anything to
3 the contrary.

4 Q Did any of the doctors or nurses, in the medical
5 records that you reviewed, indicate that she had any
6 kinds of hoarding tendencies?

7 A Yes.

8 Q And where was that?

9 A I believe Dr. Mobley-Bryan, in her initial history and
10 physical, there was some concern. She put OCD
11 behaviors, and that was probably, again, in response to
12 that, the list that had been prepared by Mr. Argoe
13 about collecting a lot of clothes. I believe there
14 were statements from the brother and sister that there
15 might have been food wrappers, some things in her room
16 at home.

17 Q Okay. So ---

18 A But not the typical hoarding. And then, also, the
19 police report from the husband, again, where he says
20 she was collecting things and he was going to throw out
21 her receipts from 1995.

22 Q Okay. And that all came from the family?

23 A Yes, and the one police report.

24 Q And I should have clarified my question.

25 A Sure.

1 Q Anything that you saw in any of the medical records
2 where any of the medical providers, doctors or nurses
3 personally documented that behavior themselves?

4 A Not - give me one minute, but not - I'm not recalling
5 any ---

6 Q Take your time to answer my question.

7 A Sure. Not that I'm aware of.

8 Q Okay. So, those things that you listed for me a moment
9 ago, the messy room, the clothes, the wrappers from
10 candy bars, those kinds of things, all of that came
11 from her family. Is that correct?

12 A Yes, with the exception of the one police report.

13 Q Okay. You didn't see anything in any of the medical
14 records, the observation from the nurses or Mobley or
15 Dodds that they personally observed any of that
16 behavior, did you?

17 A Hold on for me. There's one - I'm just recalling and
18 I'm just trying to get the details to see. It was
19 something very minor, but I think someone was doing an
20 exam and there was something she wouldn't do, but it
21 was - give me one minute. I'm sorry. I'm not
22 recalling it. It was something - it was very minor,
23 though. It was something that I just made a note of,
24 but it wasn't significant and I apologize. But it was
25 something minor like she didn't want to touch something

1 that could have been questionably hygienic anyway.
2 Whatever it was, it was an issue showing that she was
3 being cautious, but not to a point that one would
4 consider it necessarily pathology. But no, other than
5 that, I don't recall seeing anything. It was something
6 very minor.

7 Q Well, was it asking that a shower be cleaned?

8 A That's it. Thank you. Yes, that's what it was.

9 Q Okay.

10 A Yes, right, which would certainly - I haven't been to
11 Three Rivers to know the state, but that would
12 certainly be reasonable. So, thank you.

13 Q I mean, would you want to get in a dirty shower?

14 A Not at all. That's why I said it wasn't - it wasn't
15 unreasonable.

16 Q Was that clinically significant at all?

17 A No, it wasn't - unless the shower was clean. I wasn't
18 there. So, sometimes I certainly do have some patients
19 with obsessive compulsive disorder when the room is
20 perfectly clean and they still have difficulty.

21 Q Did any of the doctors or nurses document that they
22 observed Ms. Argoe hallucinating?

23 A No, there were no documentations of that. There were
24 reports from the family members, but there were no
25 documentations.

- 1 Q Anything in any of the records to suggest that Ms.
2 Argoe was a danger to herself or other people because
3 of hallucinations?
- 4 A No.
- 5 Q For example, she thought she was Wonder Woman and could
6 fly?
- 7 A No.
- 8 Q Nothing like that?
- 9 A No.
- 10 Q Was there anything that you reviewed to suggest that
11 Ms. Argoe couldn't attend to her daily needs, such as
12 using the toilet, bathing herself and showering, those
13 kinds of things?
- 14 A No.
- 15 Q Any history of that from her family?
- 16 A Not that I'm aware of, no.
- 17 Q Anything observed and documented in the medical
18 records?
- 19 A No. I think there's been an issue more lately, just
20 based on her deposition, that she's had some bowel
21 problems, but she's seeking help for that and that was
22 after the fact.
- 23 Q But nothing to suggest that she can't use a commode on
24 her own, clean herself appropriately, bathe herself
25 when necessary?

1 A Not at all.

2 Q When Ms. Argoe got to Three Rivers and was admitted and
3 evaluated there, was she at a high risk of suicide,
4 moderate risk of suicide, or little or no risk of
5 suicide?

6 A I looked at their assessment and she had a few factors,
7 but overall, it was a low risk.

8 Q So, when she was admitted to Three Rivers, she was at a
9 low risk of suicide?

10 A Correct, by their - by their - they have their own
11 formula that they use. Each hospital does that.
12 You'll see different forms. They use different studies
13 and have different factors, but she was deemed a low
14 risk.

15 Q And anything during her 41 days of involuntary
16 commitment that suggested that during this time her
17 risk of suicide actually increased while she was at
18 Three Rivers?

19 A Not at all.

20 Q Now, when she was admitted to Three Rivers, was she a
21 high risk, moderate risk or little to no risk of
22 committing some sort of homicide or assault on another
23 person?

24 A I don't know if they particularly - they usually will
25 just ask a patient. They don't have a separate risk

1 assessment form. As a forensic psychiatrist, I do that
2 and there was - I did not see at the time of her
3 admission that there was a present risk of anyone, that
4 she was going to kill anyone. I think they have a
5 threat of - just a general threat assessment form,
6 whether there's any risk of aggression or violence, not
7 necessarily homicidal ideation. I may stand corrected,
8 but I didn't recall that.

9 Q Well, based on what you reviewed when she was initially
10 admitted to Three Rivers, what was her risk assessment
11 for homicidal or assaultive behavior on third parties?

12 A Low. Normally, if you have someone - she had never
13 threatened anyone. I saw there was no - in no report
14 had she threatened to harm anyone. Sometimes if your
15 working diagnosis of the patient is mania, they are at
16 very high risk in the first 48 hours to assault
17 someone, but it's not necessarily the targeted person.
18 There was no - and I saw no threats of violence towards
19 anyone in her record. And she did not engage in any
20 dangerous behavior while she was in the hospital
21 towards anyone.

22 Q So, that low risk of harm to other people never got
23 worse while she was in Three Rivers?

24 A No.

25 Q She never demonstrated anything more than a low risk of

1 being a danger to other people?

2 A That's correct.

3 Q Doctor, what is the standard for involuntary
4 commitment?

5 A You have to have a mental illness, and because of that
6 mental illness, you have to be a danger to yourself or
7 others. Or you have to lack insight enough into your
8 treatment that it makes you a danger to yourself or
9 others. Have to have - if you do the or, you have to
10 have both.

11 Q And what do you contend was her mental illness in June
12 and July of 2005?

13 A Well, again, I don't have an - I did not evaluate her,
14 but based on the records, the diagnosis was mania with
15 psychotic features.

16 Q Doctor, can you say most probably and to a reasonable
17 degree of medical certainty that in June and July of
18 2005, Ms. Argoe suffered from mania with psychotic
19 features?

20 A No, but what I would say to a reasonable degree of
21 medical certainty, based on a review of the records, is
22 that the symptoms that were reported in that record and
23 the differential would certainly support that
24 diagnosis. The things listed and based on a review of
25 the documents, it would support that diagnosis, but

1 again, I didn't see her at that point in time, so it's
2 limited to the record review.

3 Q It's limited to what the doctors and nurses wrote about
4 her?

5 A That's correct, and the other information, but correct.

6 Q But sitting here today, you can't tell me that, in
7 fact, she suffered from any mental illness in June or
8 July of 2005?

9 A No, just limited based on the record review, I can tell
10 you that her symptoms were consistent with that, but in
11 terms of me - I didn't see her. I can't go back in
12 time. I would have to evaluate her to say whether or
13 not what her diagnosis was at that time. But the
14 records are certainly consistent and the records
15 support the diagnosis of mania with psychotic features.

16 Q Was she bipolar?

17 A Yes. And I would just add to that, I've got to look at
18 the DSM TR. I don't remember. I think you could put
19 manic with psychotic features. I don't remember the
20 coding, if you had to put bipolar affective disorder,
21 most recent episode manic with psychotic features, but
22 mania is considered part of a bipolar spectrum. But
23 there's some people that never have the depression
24 aspect of that.

25 Q So, are you telling me that your medical opinion in

1 this case is that, sitting here today, you're saying
2 most probably and to a reasonable degree of medical
3 certainty, that Ms. Argoe suffered from bipolar in
4 2005?

5 A Based on those records, yes. I have no other
6 information to exclude that.

7 Q But in your opinion, without having looked at her, you
8 think she suffered from bipolar then?

9 A No, it's my opinion to a reasonable degree of medical
10 certainty, based on that record review, that she was
11 diagnosed with bipolar disorder with mania with
12 psychotic features and all the evidence in the records
13 that I have seen support that diagnosis. Again, I'm
14 not going to diagnose her. I haven't evaluated her, so
15 I'm limited.

16 Q And do all patients that are bipolar with mania with
17 psychotic features, do they need involuntary
18 commitment?

19 A No, not necessarily.

20 Q Do a majority of patients who suffer from bipolar with
21 mania and psychotic features need involuntary
22 commitment?

23 A It depends. It depends, but certainly - it's certainly
24 a psychiatric emergency. When somebody has mania -
25 mania is differentiated from hypomania. Hypomania just

1 means you're hyper. You have lots of energy, but when
2 you are diagnosed with mania, the difference between
3 that is impaired judgment, and so that's what's
4 significant about bipolar disorder and mania, is the
5 impairment in judgment can make someone a danger to
6 themselves or others. So, it's a psychiatric
7 emergency. But there are some people, I have a lady in
8 my private practice. She was bipolar manic for about
9 four days. After the fifth day, I had to admit her. I
10 would see her every day and try to keep her out of the
11 hospital, but she was able to go as a volunteer. So,
12 not all of them necessarily require civil commitment,
13 but in this day and age, almost to get in any
14 psychiatric hospital, most people are now committed
15 just because the need is so great.

16 Q What impaired her judgment to the point that she was a
17 danger to herself or others?

18 A Based on the record review, I think what the most
19 concerning thing to me that I saw is that in the
20 community, and of course, this is based on family
21 reports, that she would be out at the later hours in
22 the evening in Orangeburg County, which I've been to a
23 good bit in my forensic practice, as well, and it's
24 probably not one of the safest places in South
25 Carolina, and that she would be driving late at night

1 and that she also had a gun, which concerned me, not
2 necessarily for her harming someone, but for her being
3 in a position where she would have to defend herself.
4 And so, that's impaired judgment. She's a beautiful -
5 I've never seen her before. She's obviously a very
6 attractive woman and that would even cause me more
7 concern. Those were risky behaviors and very poor
8 judgment.

9 Q So, let me make sure I understand. What impaired her
10 judgment and made her a danger to herself and other
11 people was going out late at night, driving late at
12 night and carrying a handgun?

13 A Yes.

14 Q Anything else?

15 A Well, just based on family, if she, indeed, were
16 wearing a lot of jewelry and looked - if she looked
17 wealthy going around in the Orangeburg areas, that
18 would cause me concern. If she were my patient, I
19 would have ruled her in.

20 Q Do you carry a gun?

21 A No.

22 Q Do you own a gun?

23 A No.

24 Q Does your husband own a gun?

25 A Yes.

1 Q What kind?

2 A I don't know.

3 Q Handgun or a rifle or both?

4 A It's a handgun. He has a handgun.

5 Q Where does he keep it?

6 A In his briefcase. He's a judge. He brings it to work.

7 Q Let's take a short break.

8 (OFF THE RECORD 2:47 P.M. - 2:57 P.M.)

9 BY MR. DODSON:

10 Q All right. We're back on the record. You were telling
11 me earlier that you thought the mania led to an
12 impaired judgment that manifested with going out late
13 at night, driving late at night and carrying a handgun.

14 A Yes.

15 Q And my question is anything else?

16 A No, those were the three concerns, having a vehicle and
17 a weapon and then being out at hours when crime is more
18 likely to happen, being a single woman, yes, very -
19 those were my ---

20 Q Anything in the clinical records that suggested she
21 demonstrated a danger to herself or other people?

22 A No, not in the clinical records. She had symptoms - I
23 think what the clinical records clearly show is even
24 when she first came into Charter, she was having
25 clinical symptoms that you see with bipolar disorder

1 mania. But she was in a place where she was safe and
2 you can't - you can't - she didn't have - she couldn't
3 have a car there and she couldn't have her gun there.
4 But she did have symptoms that were very consistent
5 with bipolar disorder. Early on, they were very
6 clearly documented by a number of people. But
7 certainly, no, in that hospital, she didn't have - it's
8 not set up where - it's set up, put it this way, where
9 if you use poor judgment and you're doing things that
10 could injure yourself by using poor judgment, you're
11 going to get medicated and they're not going to let you
12 hurt yourself. But she didn't do, in that
13 hospitalization, there was no evidence that she had
14 behaviors where she was using such poor judgment that
15 she was placing herself in harm's way.

16 Q So, in the hospital, there's no evidence that she was
17 using poor judgment and putting herself or others in
18 harm's way?

19 A Just herself, correct.

20 Q Was she putting other people in harm's way?

21 A No, no.

22 Q While in the hospital?

23 A No, but what I'm saying is I think at some times she
24 was placing herself in - using very poor judgment and
25 placing herself in situations in the hospital which

1 would be consistent with bipolar disorder. And I'll
2 give you an example, if you'd like. The one note that
3 really caused me concern, it doesn't seem like her, but
4 she's - there was one point where she said, yes, please
5 let me go home with my husband because she feared he
6 would kill her and she said this way, he won't have an
7 alibi. So, here, she's using judgment, you know, where
8 she thinks she's in harm's way. She's willing to have
9 them discharge her and put her in a situation where she
10 could potentially be in harm's way. But in terms of
11 her actual behaviors, no. There were some words she
12 had, there were symptoms maybe that she had, but
13 certainly no overt behaviors. Does that make sense?

14 Q I'm going to let you speak.

15 A Sure.

16 Q No offense. I don't have to answer questions.

17 A Sure.

18 Q I get to ask them. Anything else, I mean, because you
19 told me about the note about she wanted to go - she'd
20 rather go home and, that way, he wouldn't have an alibi
21 if he killed her. Anything else?

22 A Well, but now this was good judgment, actually. She
23 was also concerned. One of the reasons she asked to be
24 not placed on oral medications, she feared her husband
25 maybe would poison her. I think that was a note Dr.

1 Dodds wrote. There's only one other - only one other
2 note, and again, it's not aggressive at all. She
3 didn't have those behaviors. She had some, I guess,
4 thoughts that were verbalized on July 9th, it looks
5 like. It looks like they were attempting to place her
6 in assisted living, and one of the notes said she
7 resisted assisted living secondary to paranoia about
8 neighbors. I don't know what that meant, but that
9 there was maybe concern with the people she would be
10 living with or something like that.

11 Q All right. Well, let's go back to this idea of the
12 handgun.

13 A Sure.

14 Q Were you aware that at this time Ms. Argoe had a
15 concealed weapons permit?

16 A Yes.

17 Q And are you aware of what the procedures are to get a
18 concealed weapons permit in South Carolina?

19 A Yes.

20 Q And what are those procedures?

21 A You have to - of course, you have to apply for the gun
22 and you have to fill out those applications and go
23 through a background check. Then, you have to take a
24 course. It's taught by a certified officer. You have
25 to demonstrate proficiency in that and then you have to

- 1 follow all the rules that go along with that. And I
2 can't name the rules because I don't have a concealed
3 weapon, but I know there's a process to that. Now,
4 that's changed very recently. The legislature just
5 came out and from now on, if you are deemed mentally
6 ill, the patients in the probate court are given the
7 new law that says they're prohibited from obtaining a
8 handgun and a concealed weapons permit. So, that just
9 changed about a month ago.
- 10 Q Okay. But my question is - so, you were aware that she
11 had been trained in how to use that gun?
- 12 A Sure.
- 13 Q Was there anything in the record that suggested that
14 Ms. Argoe ever used that gun in an inappropriate
15 manner?
- 16 A Not at all.
- 17 Q Anything in the record or from her family that she ever
18 threatened anybody with a gun?
- 19 A No.
- 20 Q Anything to suggest that she ever threatened to commit
21 suicide with the gun?
- 22 A No.
- 23 Q Or demonstrated any behavior that she intended to hurt
24 herself with her own gun?
- 25 A No.

1 Q Anything to suggest she had ever pointed the gun at
2 anybody?

3 A Never.

4 Q Anything in the record to suggest that she ever fired
5 the gun at anybody?

6 A No.

7 Q Had she ever been arrested for any kind of offense
8 related to the gun?

9 A No.

10 Q And you said she had been going out late at night,
11 driving and going out late at night in Orangeburg.
12 What do you consider late?

13 A After dark. For a single woman, if you're asking me
14 personally, when it's nighttime, and certainly probably
15 after businesses close would be another level that I
16 would be heightened about at 9:30, after 9:30 when
17 maybe the malls are closed or that sort of thing.

18 Q So, after 9:30, you consider late?

19 A Yes, if you're alone.

20 Q When is bipolar typically diagnosed in people?

21 A Two times. It peaks twice. It peaks early on in your
22 teens or early 20s, and then there's also a peak of
23 mania in your 50s and 60s. The most common time,
24 though, is in your teens and 20s. And then, when
25 you're in your 30s and 40s, you usually get the

1 depressions. So, the manias peak in teen, early 20s.
2 They can peak in your later decades, and then the
3 depressions are usually in the middle.

4 Q What percentage of people diagnosed with bipolar
5 disorder are first diagnosed after age 60?

6 A After - oh, much smaller. In medicine, we have what we
7 call the rounds, 85 percent or 15. That's usually the
8 answer, and so I would say 15 percent. Much smaller,
9 much smaller amount. But it happens.

10 Q Prior to this involuntary commitment, had she ever been
11 diagnosed with bipolar before?

12 A Not that I saw, and I actually was able to review some
13 of her prior medical records, I believe, from her
14 hysterectomy and those sorts of things, and I didn't
15 see any evidence of that.

16 Q Now, you told me that you typically see bipolar spiking
17 in teens and 20s?

18 A Yes.

19 Q And then again in 50s and 60s?

20 A Yes.

21 Q Is that based on your own practice and observation, or
22 is that based on some documented medical literature?

23 A No, that's general psychiatric knowledge. It's the
24 normal course of illness. It's probably still in the
25 DSM. I'd have to look, but no, that's just - that's

1 common psychiatric knowledge. And it's also been my
2 clinical experience, as well. I treated one of my
3 patients. She didn't get her first manic episode until
4 she was 60.

5 Q But it is uncommon that people are first diagnosed with
6 bipolar disorder in their 60s?

7 A That's correct.

8 MR. PARHAM: Object to form.

9 THE WITNESS: That's correct.

10 BY MR. DODSON:

11 Q Doctor, what is the criteria for discharging or
12 releasing a patient who is involuntarily committed?

13 A Well, for me, it's - you're allowed to be mentally ill.
14 You don't necessarily have to have a resolution of all
15 the mental illness symptoms, but you have to not be a
16 danger to yourself or others. And you have to have
17 enough insight that you're going to participate in your
18 care, at some point. And so, none of those are
19 absolute. You don't have to have - sometimes they're -
20 the duty is, if you have somebody that's potentially
21 dangerous to someone else, your duty is to treat that
22 person until they're no longer a danger. If you treat
23 somebody and you think they're still a danger to
24 someone and the person's not mentally ill, your duty is
25 to warn someone. So, you can discharge people at

1 various levels of mental illness and various levels of
2 dangerousness. It just depends on the circumstance,
3 and there's different things that you have to do in
4 order to make sure that legally you're safe in doing
5 that.

6 Q Did you see anything in the records where any of the
7 nurses or physicians involved sought to have Ms.
8 Argoe's concealed weapons permit revoked?

9 A I don't - I don't recall. I think I saw a note that
10 said the firearms were secure. I think I saw a
11 discharge summary somewhere that said the firearm was
12 secure, but I don't recall seeing anything that stood
13 out.

14 Q Well ---

15 A I think there was one mention that the firearm was
16 secure or something like that, I think, on the
17 discharge summary when she went home with her son. I
18 think the son had - there was some documentation, but
19 in terms of someone making an intervention to have the
20 gun, not that I know of.

21 Q So, what changed in her involuntary commitment in this
22 41 days, that on day 41 or 42, she was no longer a
23 danger to herself or others?

24 A The only thing that I can see, and again, I will just
25 restate the limit of my opinion. It's not - it's only

1 based on the record because I haven't examined her. It
2 looks like, in looking through the record, what
3 happened was her perception of the amount of danger she
4 was in by her husband. And again, please keep in mind,
5 this is limited to the records. She was very
6 frightened of her husband, it appeared in this record.
7 And early on in the hospital, she didn't want to be in
8 the same room with him. She got very angry with her
9 doctor when the husband came to visit and there's even
10 a notation that she felt cornered and did not want to
11 be in the same room with him. But as you see during
12 the hospitalization, as time went on, that she went
13 from saying he wants to kill me to I'm very afraid that
14 when he gets in a drunken rage, he's going to hurt me.
15 And then, it got to the point where now everybody knows
16 what he's up to. So, I think her perception of the
17 level of danger she was in decreased. That's what I
18 saw as the treatment resolution for her.

19 Q Okay.

20 A And whether she felt that or not, I don't know. It was
21 being verbalized and it was being written.

22 Q So, nothing - there's no indication that she had given
23 up her pistol?

24 A Not that I'm aware of, no.

25 Q No indication that she had given up her concealed

1 weapons permit?

2 A Not that I'm aware of.

3 Q No indication that she agreed that she wouldn't go out
4 after dark or after 9:30?

5 A I'll just, if you give me just a minute, I think
6 they're in the discharge plan, but the hospitals
7 commonly do this. But they'll say, okay, she's going
8 to live with the son and the son - but the son will
9 check on her. And so, basically, I don't know if all
10 those things were specifically addressed, but
11 certainly, the implication was the son would be
12 monitoring how she was doing. But you're correct. In
13 terms of actual, you know, she will not drive a car
14 after 9:30, I didn't see any indication that those
15 things were addressed or written in the record. And if
16 you don't mind, if I find something specific, I'll let
17 you know, but ---

18 Q Yeah, you take your time. I'm not rushing you. Take
19 your time and look at anything you want.

20 A Sure. I just do recall somewhere that there was a
21 mention that the son, that someone did make a notation
22 about the gun, that the son had it or was aware of it.
23 But there was - back to your question, though, I didn't
24 see anything, that there was any kind of treatment plan
25 geared at changing some of the behaviors that she had

1 that brought her into the hospital.

2 Q Are medications typically used to treat bipolar
3 disorder?

4 A Yes.

5 Q And what are the typical medications that are used to
6 treat bipolar disorder?

7 A You use neuroleptics, which are the anti-psychotic
8 medications. There's three that you can use. One is
9 the anti-psychotic medications and some of those are
10 actually approved now. You can use just - in the old
11 days, we used to have to use a lot more, but you can
12 use sometimes just one of those. Usually, a mood
13 stabilizer and then sometimes we use what's called
14 benzodiazepines, and that's like Xanax or Ativan for
15 people that are - it's very sedating, so if someone's
16 very agitated. And this wasn't Ms. Argoe's case, but
17 we've had manic patients that will pick up a table and
18 break it. And if they were to do that, we would give
19 them the medication, the benzodiazepines because it
20 makes you very sleepy very quickly.

21 Q Tell me what those are again.

22 A Ativan. She had those ordered, but I don't think she
23 received them. Ativan, let's see. Most of them are
24 pills. Klonopin, Xanax, Valium, Librium.

25 Q Okay. Now, you mentioned three - the second one, I

1 think, was a mood stabilizer?

2 A Yes.

3 Q What are those?

4 A Lithium, Depakote, Lamictal. Those are the three.

5 There's many, many of them, but those are the most -

6 I'll give you the most commonly used.

7 Q Lithium, Depakote and what else?

8 A Lamictal.

9 Q Lamictal?

10 A L-a-m-i-c-t-a-l.

11 Q You can get that down. All right. Now, and you
12 mentioned a first category.

13 A The anti-psychotics, yes.

14 Q And what are those?

15 A Very similar to some of the medications Ms. Argoe -
16 Seroquel, Risperadone, Haldol, Thorazine. There's
17 many. Invega. There's many, many. There are probably
18 about 15 of those different kinds of medications.

19 Q So, are Haldol and Risperadol used together?

20 A Some people, I guess it's just the art of medicine.
21 Very few occasions, I will use two neuroleptics
22 together. I've got some patients right now. It
23 happens, but I think that's probably up to the
24 individual practitioner how often you do that.

25 Q Now, after a patient goes through the probate hearing

1 on involuntary commitment and the judge issues an order
2 of involuntary commitment, is it up to the treating
3 physician, then, to determine when to discharge the
4 patient from involuntary commitment, unless there's
5 something specific in the judge's order?

6 A Yes, sir.

7 Q And is that a clinical medical decision that the
8 physician makes?

9 A Yes. And sometimes a social worker will play a part.
10 There are sometimes when the clinician - I have a few
11 cases right now where the person's better, but there's
12 nowhere for them to go. And so, sometimes it becomes a
13 social work issue, as well, for placement. But yes,
14 it's usually ---

15 Q So, just as a surgeon would make a decision about when
16 it's appropriate to discharge somebody from the
17 hospital after surgery, a psychiatrist would make a
18 decision medically about when it's okay to discharge a
19 patient from involuntary commitment after the probate
20 process?

21 A Sure.

22 Q And you don't need a judge for that?

23 A No.

24 Q You don't need to go back to court for that?

25 A No.

1 Q That was not done in Ms. Argoe's case?

2 A That's correct, not that I saw.

3 MR. COLE: Object to form.

4 BY MR. DODSON:

5 Q Dr. Dodds made the decision about when to discharge
6 her, correct?

7 A Based on the records that I've seen, yes.

8 Q And at any point, Dr. Dodds could have made that
9 decision when she became involved in her care and
10 treatment, couldn't she?

11 A Sure.

12 Q And after the probate hearing, you would agree with me
13 that Dr. Mobley could have also discharged her?

14 A Had she wanted to, sure. Sure. She was still there, I
15 think, for a few days after her probate hearing.

16 Q What mental illnesses does Ms. Argoe suffer from today?

17 A I have no opinion. I don't know. Never - today's the
18 first time I've ever seen her and she's been very
19 pleasant. So, I have no opinion.

20 Q So, you've never seen her in a clinical setting?

21 A No, no.

22 Q You've never seen her in your office?

23 A No.

24 Q Never performed any psychological or psychiatric
25 testing on her?

- 1 A No.
- 2 Q In fact, you never performed any testing whatsoever?
- 3 A No.
- 4 Q Never had anyone that you work with do that?
- 5 A No. Acutally, I did know Dr. Leonard, though. I
- 6 worked with Dr. Leonard, Tammy Leonard, the
- 7 psychologist that had examined her, but not - not since
- 8 then. Many years before that.
- 9 Q And before rendering your opinions in this case, did
- 10 you ever request to see Ms. Argoe in your office?
- 11 A I offered to, if it was necessary, and Mr. Cole didn't
- 12 think it was. But I was more than glad to.
- 13 Q Okay.
- 14 A It really - there wouldn't probably be a reason since
- 15 we're going retrospective back in time, but I certainly
- 16 would have been glad to do that if any parties had
- 17 thought that necessary.
- 18 Q But you didn't ask to see Ms. Argoe before rendering
- 19 any opinions, did you?
- 20 A I let Mr. Cole know I was more than agreeable to doing
- 21 an IME if anyone wanted it. I asked.
- 22 Q Okay. And your opinions in this case are based solely
- 23 on the medical records?
- 24 A That's correct.
- 25 Q And those are the records that were prepared by the

1 defendants to this case?

2 A Yes.

3 Q Does someone who is court appointed to do a medical
4 examination in connection with a potential involuntary
5 commitment have a duty to use their own judgment in
6 giving that opinion?

7 A Sure.

8 Q Did Doris Ann Burrell believe that Ms. Argoe was a
9 danger to herself or others?

10 A I can't speak for her, but I certainly saw a copy of
11 her DE report.

12 Q Did you read her deposition transcript?

13 A I did. My understanding of her opinion was more of the
14 second prong, that she was lacking insight and because
15 of her lack of insight and impaired judgment, she felt
16 she was placing herself at harm.

17 Q Did she indicate in her deposition or designated
18 examiner role that Ms. Argoe was a danger to herself or
19 other people?

20 A Not in those terms, no.

21 Q Let's take another short break. I may be done.

22 (OFF THE RECORD 3:23 P.M. - 3:27 P.M.)

23 BY MR. DODSON:

24 Q All right. Let me ask a few more questions. At what
25 point during involuntary commitment should there be

1 some formal diagnostic testing?

2 A It depends on the patient. Sometimes I don't always
3 require extra testing. You know, it depends on your
4 experience and also how the patient presents. So,
5 right now, for example, I have 13 inpatients. I'm
6 getting psychological testing on one because I'm really
7 not sure what is going on with her diagnostically.
8 Now, we get medical tests on all patients. You know,
9 you do the medical workup, as well. But it just - it
10 depends on the patient. It depends on the history. It
11 depends if you're trying to answer a specific question.

12 Q At what point should Ms. Argoe have been tested?

13 A I have an opinion about that based on the records. I'm
14 not sure any further testing would have clarified the
15 issues that you all were litigating.

16 Q Yeah, but that really wasn't my question. My question
17 is ---

18 A I don't think she should - I don't think there was any
19 need for psychological testing on her.

20 Q During her 41 days of involuntary commitment, you don't
21 think that she needed to have any kind of diagnostic or
22 psychological tests performed?

23 A Psychological tests in terms of what was given to her
24 was a personality assessment. She needed
25 neuropsychological testing. There was a question about

1 if she had some atrophy on her CT-scan. There was a
2 question and I think Dr. Mobley put that when she
3 consulted Dr. Leonard. She also put an organic work-
4 up, and when Dr. Heath saw her, he also requested that
5 and they ordered some blood tests. When Dr. Heath came
6 and did the medical director's consult, he asked Dr.
7 Mobley to do some more blood work and they did. They
8 checked some B vitamin levels on her and some other
9 conditions that could cause confusion. But in terms of
10 the actual psychological testing, when someone's - if
11 your working diagnosis is that someone's manic, I'm not
12 sure how helpful those tests would be at that point.
13 That's something you do later when the person's stable.
14 Unfortunately, there's not a test per se for mania.
15 It's based on your clinical observations, history, and
16 what the clinician is seeing in the hospital. It can
17 be based on genetics. You have to look for a family
18 history of it, as well. But of course, as many
19 illnesses, sometimes they start with that person, too,
20 so you don't always have to have a family history.

21 Q Okay. I just want to make sure I've got a clear answer
22 to my question, and it is this. During her involuntary
23 commitment, other than looking for something organic or
24 physical brain injury of some kind, you don't think
25 that Ms. Argoe required or warranted any psychiatric or

1 psychological testing?

2 MR. PARHAM: Object to form.

3 THE WITNESS: Based on the record review that I
4 saw, I think that's fair. And if I may, it looked like
5 the differential diagnosis for the doctors treating her
6 was either psychosis or mania. Perhaps - let me
7 backtrack. Perhaps some psychological testing would
8 have helped. They were treating her more for mania,
9 but if they thought she was truly psychotic, for
10 example, if they thought maybe she had schizophrenia or
11 some kind of longstanding psychotic disorder, there are
12 some psychological testing available that can show if
13 someone's thinking in a psychotic thought process. But
14 they didn't diagnose her with a more serious illness,
15 which would have been schizophrenia or some kind of
16 psychotic disorder. It would be helpful in that case.

17 BY MR. DODSON:

18 Q Okay. But for her diagnosis of mania and bipolar
19 disorder, you don't think that she needed to have any
20 psychological or psychiatric testing for that?

21 A Not for that illness. Now, I think what the question
22 is, did she - if you're not sure if someone's manic or
23 psychotic versus there may be things that really are
24 true and really are happening, that's a different
25 question. But in terms of a diagnosis of bipolar

1 disorder mania, you don't - you usually don't need any
2 other confirmatory tests. The condition speaks for
3 itself. You'll have the history. You'll have the
4 behaviors. So, that's not one of the ones that you
5 commonly would get testing for unless you thought there
6 was an organic reason somebody was having it.

7 Q Now, when you say organic, you're talking about a
8 physical brain injury?

9 A That's correct. Or thyroid. In Ms. Argoe's age ---

10 Q A physical condition, though?

11 A Correct, a reversible physical condition or something
12 that's much easier treated that you can prevent a
13 recurrence from happening, sure. I can tell you out of
14 the manic patients I have, I don't think any of them
15 could sit still long enough to take a test or that I
16 would not consider them to have valid results because
17 it's hard to maintain attention.

18 Q All right. Have you answered all of my questions
19 truthfully, honestly and to the best of your ability?

20 MR. PARHAM: Object to form.

21 THE WITNESS: I have.

22 BY MR. DODSON:

23 Q Have you given me full and complete answers to my
24 questions?

25 A Yes.

1 Q Have we fully and completely discussed all of your
2 opinions?

3 MR. PARHAM: Object to form.

4 THE WITNESS: Probably not.

5 BY MR. DODSON:

6 Q All right. Let me make sure that I understand what
7 opinions you are offering in this case. You've been
8 offered as an expert witness.

9 A Sure.

10 Q So, any opinions that you have that we have not
11 discussed here today, tell me what those are.

12 A Sure. The only other thing I think I would add, you
13 did cover most of it, is I - it's my opinion to a
14 reasonable degree of medical certainty that they
15 followed the standard of care in trying to determine -
16 I think the issue in Ms. Argoe's case was were these
17 things really happening or was it part of her psychosis
18 and paranoia and clinical presentation. And as an
19 inpatient facility with the doctors and nurses working
20 there, I can't - I don't know what else they could have
21 done. In my opinion, they did everything that was
22 reasonably possible to obtain this diagnosis. They
23 spoke with family members. They spoke with other
24 family members. They got - Dr. Mobley had the medical
25 director come see her. She got a second opinion. They

1 had psychological testing. The only other thing I have
2 found in doing this evaluation and work-up, perhaps
3 they could have gotten the jail records, the - you
4 know, she did mention that there were some police
5 records. But even reviewing those police records were
6 a mixed bag for Ms. Argoe based on two counts. One of
7 them, the police records clearly show her husband is
8 intoxicated and it clearly shows that she had been a
9 victim of domestic abuse, and she made a number of
10 reports to the police records. So, that would have
11 been helpful. But I think the one thing that also hurt
12 her in those police records is one of them, they go
13 through the house and talk about - it's an independent
14 source that kind of mentions the house is in disarray.
15 So, it's my opinion everything they did was reasonable
16 and I don't know what else they could have done. I
17 don't - I - they were more than cautious.

18 Q All right. Anything else, any other opinions that you
19 have that we've not discussed here today?

20 MR. PARHAM: Object to form.

21 THE WITNESS: Not that I know of.

22 BY MR. DODSON:

23 Q Do you want to change any of your sworn testimony?

24 A No.

25 Q All right. I don't have any further questions. Thank

1 you.

2 A Thank you.

3 MR. PARHAM: No questions.

4 MR. DEMASTERS: No questions.

5 MR. SCURRY: No questions.

6 MR. COLE: No questions.

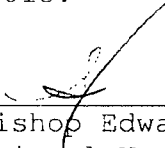
7 (WHEREUPON, THE DEPOSITION CONCLUDED AT 3:39 P.M.)

CERTIFICATE

This is to certify that the foregoing deposition of DONNA MARIE SCHWARTZ-WATTS, M.D., consisting of 80 pages is a true and correct transcript of the testimony given by said deponent after first being duly sworn; said deposition was reported by method of Stenomask with digital backup. This transcript may contain quoted material; said material is transcribed as read or quoted by the speaker.

I further certify that I am neither employed by nor related to any of the parties in this matter nor their counsel; nor do I have any interest, financial or otherwise, in the outcome of the same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 27th day of September, 2013.

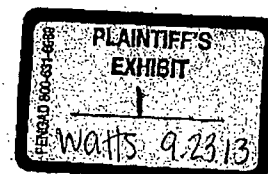


Jill Bishop Edwards
Professional Verbatim
Reporter

Notary in and for the State of South Carolina
My Commission Expires: July 14, 2020

EXHIBIT A

- Copies of any reports that you have prepared in this case;
- Copies of any notes, outlines, summaries or other written materials made by you or provided to you by any person that relate to this case;
- Any diagrams or drawings made by you or provided to you by any person that relate to this case;
- Any statements taken by you or provided to you by any person that relate to this case;
- Any memoranda made by you or provided to you by any person that relate to this case;
- Any correspondence between you and any person (including Defendants' attorney) that relate to this case;
- Any other documents prepared by you, obtained by you, reviewed by you that relate to this case;
- Any literature consulted by you in connection with this matter whether found to be helpful or not;
- documents considered in your investigation, records reviewed, or opinions in regard to this matter;
- Any documents prepared by you to illustrate or demonstrate any fact or opinion considered relevant to the case and/or your investigation, record review or opinions in this case;
- A copy of your curriculum vitae;
- Your complete case file and/or personal working case file material pertaining to this matter, including, but not limited to, any spread sheets or computer programs utilized by you in connection with this matter;
- Any and all writings, reference material, other documents reviewed, consulted, or relied on in forming or supporting your opinions in this case; and
- A list of the names of all cases in which you have been retained to testify within the last five years and whether you were retained by the Plaintiff or Defendant and a list of any and all professional publications authored by you.



① Divorce, power of attorney to son 4/27/04

② Release of property

Lot 7 Cottages Factory Creek

Condominium B-7 Lady's Island Marina

Unit A-9

5/17/05

③ Order of Protection 6/6/05

④ In County ER record

6/7/05

1.5 years ago

Surge for husband, surgery evaluation

H appendectomy

Choking starting

My secretions

to collecting

Medi: Progestone

CT ⊕ atrophy Age 62

UPSC ⊕

⑤ Application emergency admission

Spending \$

Being secretive

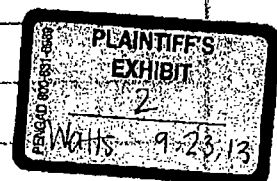
Accusatory

Going out at night by herself

Leaving her jewelry

No insight

6/7/05



⑥ Above Regional Health

⑦ Mrs. Mues 6/9/05 - 7/20/05

Introductory evaluation

always carries gun on hip

surg. witches and warlocks

believes house is bugged

Said she will take in many son

believes she needs them

A bit disturbed

Appet is expansive

Paranoid

No what she says about husband as delusional

Dr. Volley

⑧ Police order assigning PE

⑨ Psych testing (2nd opinion) 6/14/05

OCD behavior - not touching certain things

She reports she was fearful husband

would use her against her in

divorce proceedings

High level of defensiveness, not

results PAI not valid diver

(10) Motion of hearing 6/14/05

(11) Judgment and order 6/21/05

(12) ? Order assessing damages - Dadds / Bryant 7/18/05
↳ Gordon

(13) 5/14/06 - note about Mr. Agosag's case
done at report

(14) Testing for Learning 12/18/06
outpatient Coastal Community HHC
not sure if she has BPD
Hated Hilde - would take her to work
Misplaced 6/06

(15) Deposition Natalie Drow 12/18/06
(partner)

(16) Amended Summary 16 causes

Transferred from Amended to 3/1/07 (19/07)

20 causes - 1 paid deposit

#31. Under section procedure

a) uncontrolled depression

f) Involuntary

b) negligence

g)

c) false imprisonment

h) Breach

d) assault battery

Constitutionally

e) Breach of duty

i) Violation of

(17)

Three Rivers - Evaluate New

Age

Came from [unclear]

shared problems with

rapid mood shifts

* extreme paranoid delusions

- low tolerance

(18) Affidavit of G.A. Almond Barron

filed as G.A. for divorce action

11/5/07

Competent

He attended depositions for Reamy/Theriot

Asked for witnesses to interview

(19) Affidavit Amanda Barron 2/9/07

has a motor to have him released

(20) Affidavit Glenn Hooker 3/4/08

dangerous behavior, unpredictable

(21) Affidavit Cheryl Woods

6/22/05 suddenly went on vacation

voluntarily hospitalized 6/14/05

Released 7/20/05

7/8/05 Probate order 3/19/08

#2 Affidavit Phyllis Wiley Bryant

4/16/08

GAF 25

Also Alessi saw similar symptoms

6/13/05 second opened to Dr Heath

Dr Heath 6/17/05 paranoia, hypomania

Red until 6/27

#3 Dr Alessi's report

6/10/06

flight of ideas

pressured speech, divergent

Dr Bipolar

#4 Affidavit Rene Alessi

5/6/08

Examined her 4/27/08

x also Yen had showed her some
more in depth and ??

? No 6/05

1) she opened only opened

4 days unusual ??

#5 Probate Order

#6 In the Matter of Anna Agre

Signature in Prob II to 44-17-440

Jeffrey Pravenec (Probate)

27) Motion for Summary Judgment for Solutions
July 8, 05 Mr. Probs could not

oppose unless condition was
Permanent or temporary

- Solutions not a party to lawsuit
- false impression + commitment language
- defamations - not published to anyone?
- contract/promise - not immediately (confidential)

28) Order on Defendant

29) Affidavit James Hosen (deaf)

30) Order as to Defendant's Affidavit (deaf) (12/7/08)
Medical Center / for Stener

(Response Summary Judgment - James Hosen - Affidavit)

Motion 5/29/08

Mr. Stener presented motion to dismiss. refused
true C. 24°

Plaintiff did not agree. Judge Prescribed order
✓ Summary judgment for false impression
Judge Miller
did not grant summary judgment Mr. Stener

(31) Order John Nulty 6/27/08

Holmes and Nulty Bryant names for being judgment
while she was on base, James Walsh
atg and another dependent falsification
Consent / summary

Dr Nulty saw her - 7/11/05

Summary 7/13/05

And he says never held

Walsh got copies of reports - they were not published
Funding

(1) Plamondon False Imprisonment - Dr. Hovner

(2) Conspiracy - dismissed

(3) Negligence / Gross Negligence - Dr. Hovner dismissed

(4) A.B. (for Nulty) - dismissed (no medical history)

(5) (for cause dismissed. (evidence, police records))

(6) H1/2 - dismissed

(7) Allegations dismissed

(8) Assault - dismissed

(9) Negligence -

(32) Order John Nulty, Chape Perles 7/9/08

a) allegations dismissed

b) conspiracy dismissed

Chape - dismissed

42) Applicant Frank Oliver - org 11/5/57

43) Applicant John Smith 11/5/57
org.

44) Applicant Michael Evans - Barre 11/2/57

45) Applicant Christa Bulgan 11/2/57 Barre

46) Applicant Virginia Barre 11/2/57 Barre

47) Applicant John Smith

52) Applicant Jack Gordon 8/18/59

53) Applicant Josephine Selatra

Leaves Stock Exchange

Re: police department

Police, insurance - same

Re: insurance

HIPAA demand

Enter demand card

Judge's name

11/28/10

54) Applicant ↑

(55) Notes on Leontief) Pressure not
(56) (M. notes) in class

(57) Application of majority commitment

Vance S. Sturges 4/20/05

* Callen Thompson on business (Petersen)??

4/24/05 Paper for MI conference

SP/Ent F 4/24/05

(59) Dynamite page *

Lost weapon 2003-04

19,000 lbs. of dynamite stored
discovered van

(60) Property page

(61) Answer DE - 6/6/05

* given class

(62) Petition case

6/2/05 5-7 days

(63) Letter VBA not pay for ambulance 6/13/05

(65) Veryphone records

Records show of records as per report in place
(above and below the ground surface)

(66) 20 days maximum 6/29/05

(67) Long ground 7/19/05

(68) Letter 9/1/05 She is better, She is better
June 1905

2/3/06 disease process

(69) Letter unattached to letter 4/18/06

Letter unattached to

(70) Letter unattached to letter

4/17/06 → Family saga, much history

By request

She says she is better, she is better

She says she is better, she is better

She says she is better, she is better

(71) Letter unattached to letter 7/21/05

On letter/letter

(72) 5/8/07 Letter unattached to letter 6/28/05

Letter unattached to letter 6/28/05

12:16pm

75) 6/28/05 - Dr Lawrence Baker reviews
She is uneasy re going home
so that when he calls her, he
will not have an alibi
as opposed to go to a place where
she would not be.

Gravitate Dr Bonds / Dr Baker to

6/27/05 TS47 - mixed contacts

6/24/05 says she won't go home &
anyone that previously trusted her.

6/21/05 says she was trained by FBI in court
Believes husband has end game

6/17/05 for Baker work case as appropriate
Presented to Dr Baker

6/14/05 no more indegrees, direct MTH
before going into

6/9/05 Patient may go on getting

* 6/9/05 - said she's not what she
thought due to what she has been through

(16) Walter response interrogations

(17) Emergency → Ken Norwood

2/19/56 ^{Ken} Jones dismissed & train

7/11/56 response

etc. called in by General's office

4/24/56 Perry's demand

5/30/56 Jones Jones, Glendon

5/31/56 Appleby's comment

6/1/56 - Glendon's response

(18) Letter from Jones Glendon 7/5/56

sent 3/19/57

requested I.M.E.

(19) Emergency report to Glendon 7/11/55

(20) Emergency report to O. Neff 7/13/55

(21) Barker - G.A.C. 3/19/57

→ Fitzgerald's report

Theresa Mues

① DE 10/16/05 8/16/05

② PG Ann Bruce 6/15/05 (Kazenda)

③ allachy, sunny 6/11/05 - 7/20/05

151+ 7.37

LDL 143

EKG - borderline QTC 396

QTC 42

Dr. David Apple 8/1/05

GAF 40 change

④ Comprehensive Assessment June 6/9/05 1700

• Husband's bed in frame

Disease 1/More out bed down

Admitted to hospital

• She denied episode in past 1000 &

Carries gun with her husband

Not good plan

⑤ Future care

Affect expressive, euphoric

Speech is brief, pressured

pressure 6/12/05 10:30am

⑥ Orders

use to 1/00gumming also yes P

she just had PAI

Rx plan - disqual

Notes

6/11/05 rapid, pressured speech, racing thoughts

Affect expansive and euphoric

6/12/05 brief speech, demanding, grandiose

wanted to meet Epitaph advocate

6/13/05 almost starting rids with 2nd opinion

6/13/05 Rx plan

6/14/05 taking pills. Affect euthymic

6/17/05 Speech not as brisk

6/18/05 Sedation 2nd Meds.

6/19/05 Mood much improved

6/20/05 no A

6/21/05 Delirious

Brother and sister care for patient

has been manic and delirious

by all right

religions TV

3 different TVs all day

Casting out demons - Beg. with her / unbroken.
Said in court she was stand by FBI
Δ to 1M p etc said nonadherent
phre restriction of one unbroken demon under

6/24/05 "you turned in me in court"

6/23/05 affect flat, pleasant, guarded
Apoke Christland, social worker

6/24/05 Her Own Exon

6/24/05 "you are dragging me. You place
me in a room where I am cornered."
Amplant about now.

6/25/05 - affective labordy

6/27/05 unstable affect
Repeat Exon

6/27/05 Mea/under

6/28/05 live at home so husband

won't have an adult who speaks better

Doesn't let at night. Point alone

As she can meet up

other Christians

6/25/05 husband will use oral risks
to please her

7/1/05 husband less likely to hurt her
bc more people are on to him

7/5/05 husband not going to hurt her but
if he will hurt her in a drunken rage
paranoia

7/6 -

7/7 husband visited

7/9/05 Nasty assault by 2° to paranoia
about neighbors

7/12/05 Paranoia about neighbors and others

7/17/05 (Randy) Photo verbal

7/19/05 Masterpiece collection
in garage paranoia

6/14/05 Medical Director note

Mood hypomanic

affect bright and expansive at time

NO organic, positive test

7/16/05 paranoia us slowly resolving

but fixed delusions likely to become
problematic

6/17/05 has not paid taxes on certain

properties in 2 years

had car from them

Offer Skodons per Dr. Hirsch

6/15/05 - worried about roads, train

Thomas Skodon

Nursing Notes

7/12/05 King husband allowed his

80yo mother to die of starvation (Aggravated)

6/29/05 B's brother (MS) said

Mom and grand had symptoms

of bipolar, manic

6/16/05 spent 40 min past 6 miles

6/11/05 a little more

6/10/05 she was told by God over a

year ago husband would have been committed

TS1+ 7.37 T4.9

LPC 143

Admission Records

Wanted home, son & husband

Had 60% work of jewelry on her when

She came to hospital

MOE - speech depressed

6/8/55 wanted to put son into psychiatric

(psychiatric nos?)

Anova Parham's notes

6/9/55 inattentive, nervous

Speech a little depressed

835
(no)

6/9/55 1200 Myocardial

6/8/55 2210 Close association

Superior mood

after happy

Intake Assessment

Carry Whelby (after the fact)

2/9/06

3/1/06

3/30/06

4/27/06

5/17/06 - Charles Bunnell

7/21/06 When (Bunnell, Styer, Mendenhall)

8/12/06

8/14/06 No red out 8/15

9/18/06

9/24/06 (Brother, Sister, Sister-in-law) turned against her

10/10/06

10/23/06

10/30/06

11/13/06

12/4/06

12/11/06

12/24/06

1/4/07

1/11/07

1/23/07 wants property back, no alimony

2/6/07

2/21/07

3/7/07 Upset c her attorney Will not pay for the
Grand Jury. Group wants to settle and not respond

3/15/57 *Approved Eddy

4/5/57 Rail Agreement Eddy

4/24/57

5/15/57

5/29/57

6/28/57

7/24/57

8/14/57

9/13/57

10/26/57 - Mutual Agreement Express

11/20/57 Cancelled Adm. Lyath

to some new date

John Quinn 8/4/06

Energy increased

appetite PA

Very better summer moods and

possible compulsive shopping

11/8/06

11/15/06

12/4/06

11/29/06

12/13/06

12/21/06 - Normalized Employee Mood

2/21/07 Longest x5 bulimic cycle

9/5/07 30/30 Fasting Miso

De Regum

Marrigum 12/7/04 with

Page - WMA 12/7/04

LOUS 4/07 B 12/7/04

8/4/04 28/30 Fresco Albany 4/3 (X)

- Affidavit G Laid Age 12/17/04

Affidavit Rego Age 12/12/04

- Affidavit Donna Perole 10/16/04

Prayer types - part of the type
York had made that part of the type

- Affidavit Read Laid, no

devised composite of Laid's
better on web

6/16/04 stopped

7/28/06 Last mental transcript.

4/25/04 Laid, etc. liquidated Laid's name

8/25/05 couldn't do Laid 7.5

Alpo Ma Agos 5/2/12

Fishore, Munnies, d... ..

- does not know year she was married
- does not know year she graduated HS

Stones police called (reports?)

She thinks husband may have been taking her tax bills.

Wounded 14 years at

Left and moved to Myrtle Beach - 2010

Her friend died

Mother to former Patricia Lewis

George II died

P. 52 she 3 ...

Went to Sister Care day

P.

dental glasses -

Had her home

would run up and down the stone
holes
and then on wall

Would not take her very far from Henry's hole
Compounded her staying
that before leaving
Greatly extended her stay

Also heard her in the fall when she was under p. 15?

Not sure if offered class p. 16?

p. 167 Myra - heard that Agave followed at
Arenas camp has a sand-pipe

for sheet read lower 8/29/12

p. 30 disciple of Jesus
taking away to the

Alpha Omega Pioneer Co. Inc.

8/29/12

Told Peter children's purchases processed
and to not let them go back to their room

God told her to go get money and
to get some to give

Check of drawer - continue work

Her. Zyng. Poon

311-113

8/30/13
Aze Cullen

→

75 exports

W. H. Brown

Quar

Atty Prybyl

① - Kerns $\rightarrow \frac{1}{2} \varphi$

Q → Column PW → Least negative - ^{only not true} _{if only}

3. $\rightarrow$ $\Delta \text{Area} = \text{triangle} = \text{triangle}$

(b) - 2000g (Paramecia + former predators of prot)

$\rightarrow$ Chas $\Rightarrow$

50c-7 MA-1

negative.

Answer $\Rightarrow$ not by right to do so

★

get out $\Rightarrow$ acteris case this case

Davis = road at wheel

These days, Thomas is a

stop there $\Rightarrow$ get unmarked ST

Comments are pruned on libgate.

= Pay by hand

~~I got to meet her.~~

→ (CAL) now appointed

Surv^{it} = dependent group

Plantygo - 100/100

- correct diagnosis

Face upprammat $\Rightarrow$ c/o

John Parker - J. D. Harris -

People in different groups

→ June 21, 2005 - July 21, 2005

private judge → monthly fees

Nancy Bruce → DE → (didn't do anything)

I had to be pregnant

did not do anything else

Vancouver

De Bruce (miss) } don't think

Paris (depo) } commitment

don't know

Not going to go to judge

commitment →

Plans for De Bruce, etc. etc.

Memorandum

for Ann - temporary financial aid

Nancy not going to DE - 1 day for the

John Warner - just city

present

helped her fill out papers

at his house

→

Plaintiff Corral → actual initiator (when she

had the idea)

information that started last night

delusion, psychosis - separate class + not disease

for them (not psychiatric) issues

⇒ ~~Concealed weapon~~ - R. day

↳ miss parent ⇒

Curriculum Vitae
DONNA MARIE SCHWARTZ-WATTS, M.D.

PRESENT POSITIONS:

Senior Psychiatrist (certified)
Bryan Psychiatric Hospital

DMH Clinical Professor of Psychiatry
University of South Carolina School of Medicine
Department of Neuropsychiatry and Behavioral Science

PROFESSIONAL LICENSURE:

Diplomate, Psychiatry, (Board Certification #40726), January 1995,
recertified 7/05
Added Qualifications in Forensic Psychiatry, July 1996 #471, recertified 7/06
South Carolina Medical License # 16574

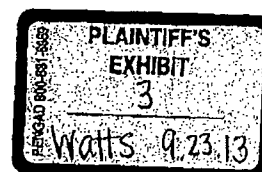
EDUCATION:

1981 - 1985

B.A. Psychology
Furman University
Greenville, South Carolina

1985 - 1989

Doctor of Medicine
University of South Carolina School of Medicine
Columbia, South Carolina



POSTGRADUATE FELLOWSHIPS AND RESIDENCY POSITIONS:

- 1989 - 1993 Resident in General Psychiatry
William S. Hall Psychiatric Institute
Columbia, South Carolina
- 1993 - 1994 Fellowship in Forensic Psychiatry
William S. Hall Psychiatric Institute
Columbia, South Carolina

ACADEMIC POSITIONS/EMPLOYMENT/UNIVERSITY APPOINTMENTS:
7/2006-7/2010

Professor of Clinical Psychiatry
Director, Forensic Psychiatry Services
University of South Carolina School of Medicine
Department of Neuropsychiatry and Behavioral Science
3555 Harden Street Extension, Suite 102
Columbia, South Carolina 29203
(803) 434-4698 (803) 434-2367 (fax)
E-mail: donnasw@gw.mp.sc.edu

Consulting and Treating Forensic Psychiatrist
South Carolina Department of Juvenile Justice

Consulting and Treating Forensic Psychiatrist
South Carolina Department of Corrections

- 11/98-6/2009 Consulting and Treating Forensic Psychiatrist
Behavioral Disorders Treatment Program
(Sexually Violent Predator Program: SC 44-48-110)
South Carolina Department of Mental Health
- 6/1997- 7/2006 Associate Professor
Director, Forensic Services
Department of Neuropsychiatry
University of South Carolina School of Medicine
- 1/2004-7/2004 Acting Assistant Director, Psychiatry Residency Program
University of South Carolina School of Medicine
Department of Neuropsychiatry and Behavioral Science
- 9/1995-5/1997 Forensic Residency Training Director

University of South Carolina School of Medicine

- 7/1996 – 6/1997 Psychiatrist C William S. Hall Psychiatric Institute
Residential Treatment Director of NGRI Unit
- 1/1995 – 6/1996 Teaching Psychiatrist II William S. Hall Psychiatric Institute
Out-patient Forensic Psychiatrist
- 1/1995 – 12/1997 Assistant Professor University of South Carolina School of Medicine
Department of Neuropsychiatry
- 7/1994 – 6/1995 Instructor University of South Carolina School of Medicine
Department of Neuropsychiatry
- 7/1994 – 12/1994 Teaching Psychiatrist I William S. Hall Psychiatric Institute
In-patient and Out-patient Forensic Psychiatrist

MEDICAL STAFF APPOINTMENTS

Bryan Psychiatric Hospital (current)
South Carolina Department of Corrections (courtesy)
South Carolina Department of Juvenile Justice (inactive 7/2010)
William S. Hall Psychiatric Institute
Palmetto Health Richland Memorial Hospital (courtesy)
Palmetto Health Baptist Medical Center (courtesy)
Providence Hospital (pending)

UNIVERSITY/ MEDICAL STAFF COMMITTEES:

- 2007-2010 Member, Appointments and Promotions Committee
- 2002- 2009 Member, Alumni Committee, USC School of Medicine
- 1996- 2010 Member, Residency Selection Committee
- 1995- 2010 Member, Residency Training Committee
- 2002- 2003 Member, Search Committee, Chairman of Neuropsychiatry
- 2000-2001 Member, Committee on Women USC
- 1997 Member, Traditions Committee USCSM
- 1997 Member, Search Committee, Director Rehabilitation Counseling
- 1997 Physician Advisor, Environment of Care
- 1996 Member, Search Committee Chair of Department of Neuropsychiatry and
Director of Hall Institute
- 1996 Member, Finance Committee, University Specialty Clinics
- 1994-1996 Member, Infection Control Committee
- 1993-1994 Member, Research Committee

HONORS AND AWARDS:

- 2007 Outstanding Female Physician Mentor Award
- 2004-2005 Outstanding Forensic Teaching Award
Presented by the USC SOM Forensic Fellowship Training Program
- 1992 Rapoport Scholarship in Forensic Psychiatry
Presented by the American Academy of Psychiatry and the Law
- 1989 Neurology Award, School of Medicine
- 1985 Cum Laude Graduate, Furman University
Phi Beta Kappa, Furman University
Alpha Epsilon Delta, Furman University

MEMBERSHIPS AND OFFICES IN PROFESSIONAL ORGANIZATIONS:

- 2002-2009 American Board of Psychiatry and Neurology
Forensic Certification Committee
- 1999-Present American Board of Psychiatry and Neurology
1999-Present Board Examiner
- 1997-2003 Group for the Advancement of Psychiatry (GAP), General Member
1999 Chair
- 1992- Present American Academy of Psychiatry and the Law (AAPL)
1995-2000 Rapoport Committee (President appointed)
1995-2000 Education Committee (President appointed)
1998-2000 Program Committee (President appointed)
1999 Program Chair
1995-97 Mentor to Rapoport Fellow
- 1989-1998 American Psychiatric Association, General Member
- 1989-1998 South Carolina Psychiatric Association
1995-1998 Federal Legislative Representative (President appointed)
1995-1999 Executive Council
1996-1998 Secretary-Treasurer
- 1997 NAMI Advisory Board Physician Representative

PUBLICATIONS:

Schwartz-Watts DM: "Commentary: Stalking Risk Profile." The Journal of the American Academy of Psychiatry and the Law, 34:455-457, 2006.

Schwartz-Watts DM, Frierson RL: "20: Crisis Stabilization in Correctional Settings." in Clinical Practice in Correctional Medicine, Second Edition, edited by Michael Puisis, D.O., S.C.

Mosby, Inc affiliate of Elsevier, Inc 2005.

Schwartz-Watts DM. "Asperger's Disorder and Murder." Analysis & Commentary The Journal of the American Academy of Psychiatry and the Law 33:390-3, 2005.

Schwartz-Watts DM, Rowell CN. "Commentary: Update on Assessing Risk for Violence Among Stalkers." The Journal of the American Academy of Psychiatry and the Law 31:440-3, 2003.

Giorgi-Guarnieri D, Zonana HV, Schwartz-Watts DM. "Practice Guideline: Forensic Psychiatric Evaluation of Defendants Raising the Insanity Defense." Supplement to The Journal of the American Academy of Psychiatry and the Law 30:2, 2002.

Prierson R, Schwartz-Watts D, Malone T, Morgan D. "Capital Versus Noncapital Murderers" in revision The Journal of the American Academy of Psychiatry and the Law. 1998.

Schwartz-Watts D, Morgan D. "Violent Versus Nonviolent Stalkers," accepted, The Journal of the American Academy of Psychiatry and the Law, 1998.

Schwartz-Watts D, Morgan D, Barnes C. "Stalkers: The South Carolina Experience," The Journal of the American Academy of Psychiatry and the Law, 1997, 24:541-545.

Schwartz-Watts D, Montgomery L, Morgan D. "Seroprevalence of Human Immunodeficiency Virus Among Pre-Trial Detainees," The Bulletin of the American Academy of Psychiatry and the Law, 1995, 23:285-289.

POSTERS:

Internet Chat Rooms: Who Solicits Children? R. Gregg Dwyer, MD, EdD, Donna Schwartz-Watts MD, William Burke, PhD, American Academy of Psychiatry and the Law 39th Annual Meeting, Seattle, WA October, 2008

PRESENTATIONS:

"Issues of Mental Competency" South Carolina Circuit Court Judges Conference, Spartanburg, South Carolina, May 4-6, 2011

Stalking in the New Millennium": Department of Mental Health Day Long CME, Columbia SC, October 2009

"Internet Predators": South Carolina Psychiatric Association Annual Meeting, Myrtle Beach, South Carolina, 1/2009

"Internet Predators": Panel Speaker, South Carolina Bar Association Annual Meeting, Myrtle Beach, South Carolina, 1/2009

Internet Predators: ICAC Quarterly Meeting, Columbia, South Carolina 11/21/2008

Project Safe Childhood, Advanced Online Child Exploitation Seminar, National Advocacy Center
Columbia, SC, July 29, 2008

"Violent Crimes and the Commitment of Sexually Violent Predators, MUSC Judges and Attorneys
Substance Abuse and Ethics Seminar, Charleston, South Carolina, December 7, 2007

"Autistic Spectrum Disorders and Corrections" South Carolina Department of Corrections Mental
Health Seminar, Columbia, South Carolina, December, 2007

"Pitfalls in Sex offender Commitment Hearings" Panel Speaker, American Academy of Psychiatry
and the Law 38th Annual meeting, Miami, Florida, October 22, 2007

"Treating the Untreatable" Panel Speaker, American Academy of Psychiatry and the Law 38th
Annual Meeting, Miami, Florida, October 19, 2007

"Risk Assessment in General Psychiatry: Department of Mental Health Annual Day Long CME,
Columbia, SC September 21, 2007

"Mitigation in Noncapital Cases" SC Public Defender's Conference, Myrtle Beach, SC October 2007.

"Nuts and Bolts of Sexually Violent Predator Proceedings" SC Bar CLE, Columbia, South Carolina
July 27, 2007

University of South Carolina School of Medicine Founder's Day Speaker for Woman in Medicine,
Columbia, South Carolina, April 2007.

"Autistic Spectrum Disorders and Mitigation," Washington DC March 2007

"Sex Crimes and their Aftermath II" Panel Discussion and Presentation, Jack Swerling
Moderator, South Carolina Bar Association Conference, Charleston, SC, January 25,
2007

"Psychiatry for the Brilliant Fact Finders" Invited Speaker, South Carolina Judges Conference,
Greenville, SC, May 12, 2006.

"Sex Crimes and their Aftermath" Panel Discussion and Presentation, Jack Swerling Moderator,
South Carolina Bar Association Conference, Charleston, SC January 27, 2006.

Habeas Institute, Guest Faculty Teaching for the Federal Defenders, US Department of Justice
National Institute of Trial Advocacy, Atlanta Georgia, June 4-5, 2005

Habeas Institute, Guest Faculty Teaching for the Federal Defenders, US Department of Justice
National Institute of Trial Advocacy, Atlanta Georgia, June 5-6, 2004

Habeas Institute, Guest Faculty Teaching for the Federal Defenders, US Department of Justice
National Institute of Trial Advocacy, New York, New York, June 20-21, 2003

Habeas Institute, Guest Faculty Teaching for the Federal Defenders, US Department of Justice, New
York, New York. June 20-22, 2002.

South Carolina Probation, Paroles and Pardons Annual Conference. "A State of Mind". Myrtle
Beach, SC. November 11, 2002.

American Academy of Psychiatry and the Law, "Difficult Case? Consult your Colleagues."
Newport Beach, California. October 26, 2002

South Carolina Public Defender's Conference, "Issues and Concerns Regarding the Sexually Violent
Predator Statue" Litchfield Beach, South Carolina, September 30, 2002

Habeas Institute, Guest Faculty Teaching for the Federal Defenders, US Department of Justice, New
York, New York, June 28-30-2002.

American Academy of Psychiatry and the Law, "Death Penalty" Boston, MA, October 28, 2001

American Academy of Psychiatry and the Law, "Ask the Expert" and "The Difficult Case" Panel
Discussions. Boston, MA, October 28, 2001

Habeas Institute, Guest Faculty Teaching for the Federal Defenders, US Department of Justice, New
York, New York, June 14-17-2001.

Annual Capital Defense Training Seminar, "The Importance of Timing in the Presentation of Your
Client's Story: Frontloading Mitigation" with John Blume, Attorney, Jekyll Island, Georgia,
February 9, 2001

University of Texas, Department of Psychiatry Grand Rounds "Profile of a Stalker" San Antonio,
Texas, December 19, 2000

Willford Hall Medical Center, Lackland Air Force Base, Texas, "Death Penalty Evaluations,"
December 18, 2000.

Willford Hall Medical Center, Lackland Air Force Base, Texas, "Texas Sexually Violent Predator
Statute," December 18, 2000

American Academy of Psychiatry and the Law, "Juveniles Who Carry Weapons on School Grounds"
Baltimore, Maryland, October 15, 1999

American Academy of Forensic Science, Workshop Presenter, San Francisco, 1998 "Classification
and Typology of Stalkers."

Kansas City, Western Missouri Forensic Department, 1997 "Evaluation of Stalking."

University of South Carolina School of Medicine Women's Month Featured Presenter, 1997
"Stalkers: The South Carolina Experience."

American Academy of Psychiatry and the Law, Denver, CO, 1997 "Psychotic versus Nonpsychotic Stalkers."

American Academy of Psychiatry and the Law, Denver, CO, 1997 "Harassing Telephone Callers."

American Academy of Psychiatry and the Law, Denver, CO, 1997 Panel on Maintaining Competence sponsored by Education Committee

American Academy of Psychiatry and the Law, Puerto Rico, 1996 "Violent Versus Nonviolent Stalkers",

American Academy of Psychiatry and the Law, Puerto Rico, 1996 "Capital Versus Noncapital Murderers"

American Academy of Psychiatry and the Law, Puerto Rico, 1996 "Treatment of Insanity Acquittes Across the United States."

William S. Hall Psychiatric Institute Forensic Forum, 1996 "Evaluation and Treatment of Sexual Offenders."

Georgia Regional Forensic Forum, 1996 "Evaluation and Treatment of Sexual Offenders."

American Academy of Psychiatry and the Law, Seattle, Washington, 1995 "Stalkers: The South Carolina Experience"

South Carolina Psychiatric Association, Hilton Head Symposium, 1995 "What General Psychiatrists Need to Know About Forensic Psychiatry."

American Academy of Psychiatry and the Law Annual Conference, San Antonio, Texas 1993
"Seroprevalence of HIV Among Inpatient Pre-trial Detainees"

American Medical Association, North Carolina 1990 "Tertiary Metastases Presenting As Panhypopituitarism"

Present Research:

Schwartz-Watts D. "Death Penalty"

Schwartz-Watts D, Barth E, Morgan D. "Harassing Telephone Callers"

Schwartz-Watts D, Morgan D. "Psychotic Versus Nonpsychotic Stalkers"

Schwartz-Watts D, Morgan D. "Comparing Stalkers to the Criminally Domestic Violent."

Schwartz-Watts D, Bloom J, Sloan C. "Psychiatric and Legal Perspectives of Stalking."

Present Grants:

Internet Crimes Against Children: Development of a Typology of Offenders for Use in Prevention, Investigations and Treatment; U.S. Department of Justice Office of Justice Programs Grant; 2010-MC-CX-003; Principle Investigator: RG Dwyer; Co-Principal Investigator: D DeHart; Co-Investigators/Consultants: R Moran, DM Schwartz-Watts, W Burke, DL Laufersweiler-Dwyer; 2010 - 2013

Internet Chat Room Solicitation of Children: A Study of Psychosocial and Criminal Justice Factors as They Relate to Public Safety Risk; American Academy of Psychiatry and the Law Institute for Education and Research (AIER) Grant; Principal Investigator: RG Dwyer; Co-investigators: D DeHart, DM Schwartz-Watts, W Burke & R Moran; 2009 - 2010

Co-author w Alicia Hall, PhD, Harry Wright, MD Autistic Spectrum Disorders and Corrections

(Revised 12/14/11)

COPY

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON

2008 MAY -8 P 1:47

MARTHA LEWIN ARGOE

DOCKET NO.: 2007-CP-32-1981

PLAINTIFF,

vs.

THREE RIVERS BEHAVIORAL
HEALTH, LLC and PSYCHIATRIC
SOLUTIONS, INC., ITS SUCCESSOR;
PHYLLIS BRYANT-MOBLEY, MD;
GLENN HOOKER, MD; AIKEN
REGIONAL MEDICAL CENTER,
AURORA PAVILION; DAVID A.
STEINER, MD; CHERYL C. DODDS,
MD; DORIS ANN BURRELL, RN;
CAROLINA CARE PLAN; JAMES F.
WALSH, JR.; G. LEWIS ARGOE, JR.;
and GEORGE L. ARGOE, III,

DEFENDANTS.

**AFFIDAVIT OF DAVE M. DAVIS, M.D.
FILED ON BEHALF OF PLAINTIFF**

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

MARTHA LEWIN ARGOE

PLAINTIFF,

vs.

GEORGE LEWIS ARGOE, III
individually and as purported
"Trustee", G. LEWIS ARGOE, JR.
JAMES F. WALSH, AMERIPRISE
FINANCIAL SERVICES, MALCOLM
LYNN NORRIS AND PANDORA
JONES-GLOVER,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL DISTRICT

DOCKET NO.: 2006-CP-07-2013

AFFIDAVIT OF DAVE M. DAVIS, M.D., D.L.F.A.P.A., F.A.B.F.P.

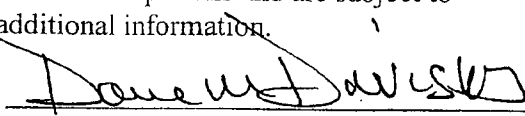
PERSONALLY APPEARED BEFORE ME

DAVE M. DAVIS, M.D., D.L.F.A.P.A., F.A.B.F.P., who, being duly sworn, says:

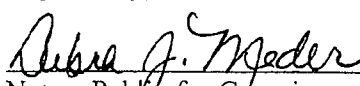
1. My name is Dave M. Davis. I am a licensed medical doctor specializing in psychiatry. I am Board Certified in Clinical Psychiatry, Forensic Psychiatry, Administrative and Management Psychiatry, and Disability Analysis. My curriculum vitae is attached hereto and incorporated herein by reference.
2. I have been accepted to testify as an expert in State and Federal Courts in Georgia, North Carolina, South Carolina, Alabama, Florida, Indiana, and Massachusetts.
3. During my career, I have been Psychiatric Director/Medical Director of two psychiatric hospitals, Peachtree Hospital and also Parkwood Hospital, both in Atlanta, Georgia. I have also been Chairman of the Consultation Service of the American Psychiatric Association, which is that arm of the A.P.A. that advises mental health facilities and psychiatric hospitals regarding policies, treatment procedures, credentialing, et cetera.
4. As set forth in my curriculum vitae, I have written extensively with regard to commitments and mental-hospital procedure and protocol in treating inpatients. I am Board Certified in Psychiatric Administration and Management, and have been a Board examiner on this subject on multiple occasions.
5. I was retained by Jan L. Warner of Warner, Payne, & Black to review medical records, depositions, and other documents with regard to the above-entitled matter. During the course of my review, I have read and considered the commitment proceedings, and the records from the Orangeburg Mental Health Center, the Aiken Regional Medical Center/Aurora Pavilion, Three Rivers Behavior Health Center, and Coastal Empire community Mental Health.
6. I have also reviewed the Orangeburg County Guardianship and Conservatorship file and the affidavits of Dr. John DeWitt, Dr. Frank Quinn, and Dr. Carey Washington.
7. On the 24th day of April 2008, I conducted an evaluation of Martha L. Argoe in my office.

8. Based upon the records which I have been provided and my personal evaluation of Mrs. Argoe, I have the following interim opinions that I express within a reasonable degree of medical certainty:
- a) The record of Dr. Glenn Hooker's handwritten statement (one copy of which is undated and another copy of which is dated June 8, 2005) is not sufficiently supported by a psychiatric medical evaluation record that would have justified Mrs. Argoe's involuntary commitment. The standard of care requires a full psychiatric evaluation, as justification for the deprivation of freedom that occurs when someone is involuntarily committed to a psychiatric facility.
 - b) Given the fact that Mrs. Argoe was released after a negative MRI at the Orangeburg Regional Medical Center on June 7, 2005, and another Order authorizing her pickup was not issued, the legality of her admission is questioned.
 - c) Mrs. Argoe's admission to Aiken Regional Medical Center/Aurora Pavilion was on an interim basis when it was determined that her insurance would not pay for Mrs. Argoe's stay. Based upon what appears to be a very limited evaluation, it does not appear that there is a sufficient record to justify the interim opinions issued from Aurora Pavilion and Dr. David Steiner, that Mrs. Argoe suffered from bipolar disorder.
 - d) The record at Three Rivers, as a whole, does not contain sufficient testing and other data to support a diagnosis of bipolar disorder.
 - e) To the contrary, the June 25, 2005, second opinion of psychologist Tami Leonhardt concerning the history, called to the attention of Three Rivers' staff, should have alerted the psychiatrist to more in-depth evaluation. This opinion, although acknowledged by Three Rivers' staff, was not sufficiently addressed or taken into account as noted in the medical record, and they continued to hold Mrs. Argoe as an inpatient until July 20, 2005, based upon what I consider to be unsupported diagnosis and continuing treatment.

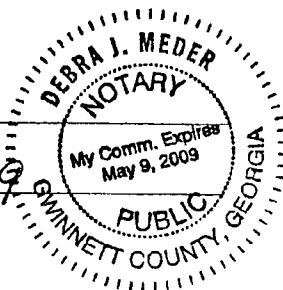
8. f) At the time of my psychiatric evaluation of Mrs. Argoe, I saw no evidence of her having any condition that is appropriately treatable with medication or an inpatient setting.
- g) Three Rivers did not provide Mrs. Argoe with a thoroughly physical examination, including electrocardiogram, prior to administering significant doses of antipsychotic medication, which, according to the record, caused or precipitated irregular heartbeats.
- h) I can find no justification in the records for either Mrs. Argoe being an inpatient for forty-one (41) days or the insurance paying for this length of stay.
- i) Based upon my experience, prior to extending coverage past its policy provisions the insurer should have required an Independent Medical Examination of Mrs. Argoe.
- j) The aggressive manner in which Mrs. Argoe's husband communicated with Nurse Trow and Coastal Mental health, when Dr. Reamy determined that Mrs. Argoe did not have the condition diagnosed by Three Rivers, is indicative of why Dr. Leonhardt's opinion should have been followed.
- k) A forty-one (41)-day stay in an inpatient mental health facility is unusual, particularly considering the lack of documentation contained in the medical record and, based upon that which I have reviewed, was not justified here.
9. All opinions set forth herein are interim opinions and are subject to modification upon receipt of additional information.


Dave M. Davis, M.D., D.L.F.A.P.A., F.A.B.F.P.

Sworn to before this 6th
Day of May, 2008


Notary Public for Georgia

Commission Expires: May 9, 2009



CURRICULUM VITAE

NAME: Dave McAlister Davis, M.D., D.L.F.A.P.A., F.A.B.F.P.

WIFE'S NAME: Joan Winfield Barber Davis

OFFICE ADDRESS: Piedmont Psychiatric Clinic
1938 Peachtree Road, NW, Suite 505
Atlanta, Georgia 30309-1258

Phone: (404) 355-2914 Fax: (404) 355-2917 E-mail: davecmdavis@yahoo.com

HOME ADDRESS:

Phone: (404) 262-2250

BORN:
Chattanooga, Tennessee

DATE AND PLACE July 1, 1969
PRACTICE BEGAN: Atlanta, Georgia

CERTIFICATIONS: * Certified in Clinical Psychiatry
American Board of Psychiatry and Neurology
February, 1971 - #11258

* Certified in Psychiatric Administration and Management
American Psychiatric Association
May, 1976 - #730

* Certified in Forensic Psychiatry
American Board of Forensic Psychiatry, Inc.
February, 1979 - #15

Certified in Disability Analysis (Senior Analyst)
American Board of Disability Analysts
June 1996 - #2681-96

*Dr. Davis was the first psychiatrist in the United States to be certified in these three specialties.

<u>LICENSURES:</u>	North Carolina	June 20, 1963	#13783
	Florida (Inactive)	August 15, 1964	#11110
	Massachusetts	September 17, 1964	#28335
	Georgia	October 10, 1969	#12156

EDUCATION:

McCallie Preparatory School Chattanooga, Tennessee	1949-1955	Diploma, Cum Laude
University of North Carolina Chapel Hill, North Carolina	1955-1957	John Motley Morehead Scholar Honors Program
Goettingen University Goettingen, Germany	1957-1958	Goettingen Scholar
University of North Carolina Chapel Hill, North Carolina	A.B. (1960) 1958-1959	German Literature John Motley Morehead Scholar Honors Program
University of North Carolina School of Medicine Chapel Hill, North Carolina	1959-1963	John Motley Morehead Scholar; Doctor of Medicine (M.D.)

Dave M. Davis, M.D.

EDUCATION (CONT'D):

University of Florida Teaching Hospital Gainesville, Florida	1963-1964	Internship in Internal Medicine (PGY-1)
Harvard Medical School Massachusetts General Hospital	1964-1965	Research Fellowship in Psychiatry (PGY-2)
Emory University School of Medicine Department of Psychiatry Atlanta, Georgia	1967-1969	Resident in Psychiatry (PGY-3,4)

FACULTY APPOINTMENTS:

Clinical Assistant Professor of Psychiatry Emory University Atlanta, Georgia	1975-1996
Adjunct Assistant Professor of Psychology Georgia State University Atlanta, Georgia	1975-1980

BOARD EXAMINER:

Clinical Psychiatry, American Board of Psychiatry and Neurology (Associate Examiner)	Numerous years
Administrative Psychiatry (Associate Examiner)	Numerous years
Administrative Psychiatry (Chief Examiner)	1997 - 2002
American Psychiatric Association, Administrative Psychiatry and Management (Examiner in Forensics, Budgeting, Finance, Management, and Organizational Theory)	Numerous years

CLINICAL PSYCHIATRY:

"American's Top Psychiatrist", Consumers' Research Council of America, 2002, 2003, 2004, 2005

"America's Top-Rated Physicians," Guide to Top Doctors, 2000-2001.

"America's Top-Rated Physicians," Guide to Top Doctors, 1999.

"Atlanta's Top Doctors," Atlanta Magazine, August 2001.

"Top Doctors in Atlanta Area," Atlanta Magazine, May 1999.

Distinguished Life Fellow Award, American Psychiatric Association, 2003-Present

Best Therapists in the United States, Town & Country Magazine, March 1988.

Board Certified, American Board of Psychiatry and Neurology, Inc., 1971.

Private Practice Adult, Adolescent, Family and Addictive Disease, 1969 - Present.

Founder and President, Piedmont Psychiatric Clinic, Atlanta, Georgia, 1979 - Present.

Clinical Investigator, Lithium Carbonate, 1970.

Clinical Investigator, Cloimpramine, 1988.

Dave M. Davis, M.D.

CLINICAL PSYCHIATRY (CONT'D):

Clinical Investigator, Doral, 1991.

Clinical Investigator, Prosom, 1991.

Clinical Investigator, Paroxetine, 1992.

Practice Guideline Reviewer, APA, "Treatment of Patients with Delirium," 1998.
"Treatment of Patients with Panic Disorder and Related Anxiety Disorders," 1997.
"Treatment of Nicotine Dependence," 1996.
"Psychiatric Evaluation of Adults," 1995.
"Treatment of Depression," 1994.
"Treatment of Eating Disorders," 1993.
"Treatment of Patients with Eating Disorders (Revised)," 1999
"Treatment of Major Depressive Disorder," 1999.
"Treatment of Borderline Personality Disorder," 2000
"Treatment of Eating Disorders (Revised)," 2000
"Treatment of Patients with HIV/AIDS," 2000
"Treatment of Patients with Substance Abuse," 1995.
"Treatment of Patients with Bipolar Disorder," 2001.

Practice Guideline Reviewer, AAPL "Guideline for Forensic Psychiatric Evaluation of Defendants Raising the Insanity Defense"

Cross-Cultural Psychiatry, Minority Caucus, APA, 1985-1995.

Minority Fellowship Mentor, American Psychiatric Association, 1998 to Present

Committee of American Indian, Native Alaskan and Hawaiian Native Psychiatrists, APA, 1987 – 1996.

Editorial Board, Adolescent Psychiatry, 1976 – 1996

Chairman, Piedmont Hospital Clinic Psychiatry Section, 1997-2002

Obsessive-Compulsive Disorder Foundation Referral Network 2000 to current

Editorial Board, Millennium Medical Communications, Inc. 2000-2003

Suboxone (Buprenorphine) Treatment Network 2007 to current

MEDICAL STAFF APPOINTMENTS:

Peachtree & Parkwood Mental Health Center
and Hospital
1999 Cliff Valley Way, N.E.
Atlanta, Georgia 30329

Medical Director, 1969-1980
Active Staff 1969-1980
Courtesy Staff 1981-1985
Consultant, Children's Program, 1975-1990
Director Adult Psychiatric Services 1969-1980
Director, Adolescent Service, 1972-1977
Chief Psychiatrist, Substance Abuse
Program, 1969-1980

Shallowford Community Hospital
4575 Shallowford Road
Chamblee, Georgia 30341

Courtesy Staff
1973-1975

Piedmont Hospital, Inc.
1968 Peachtree Road, NW
Atlanta, Georgia 30309

Courtesy Staff
1972-Present
Pro Health Committee, 1984-Present
Chairman, Physician's Assistance
Committee, 1993-Present

Dave M. Davis, M.D.

MEDICAL STAFF APPOINTMENTS (CONT'D):

The Piedmont Clinic
West Paces Ferry Hospital
3200 Howell Mill Road, NW
Atlanta, Georgia 30327

Chief of Service, Psychiatry, 1995-2003
Active Staff, 1973-1998
Courtesy Staff, 1998 - 1999
Chairman, Alcoholism Committee, 1983
Chairman, Adult Psychiatry, 1989

Peachford Hospital
2151 Peachford Road
Chamblee, Georgia 30341
Northside Hospital
1000 Johnson Ferry road
Atlanta, Georgia 30342

Courtesy Staff
1975-1982

Courtesy Staff
1977-1992

Kennestone Hospital
677 Church Street
Marietta, Georgia 30060

Courtesy Medical Staff
1981-1993

Ridgeview Institute
3995 South Cobb Drive
Smyrna, Georgia 30080

Courtesy Medical Staff
1981-Present

Shepherd Hospital
2020 Peachtree Road, NW
Atlanta, Georgia 30309

Consulting Staff
1982-Present

FORENSIC PSYCHIATRY:

Board Certified, American Board of Forensic Psychiatry, 1979.

Examiner in Psychiatric Administration (Forensic Section), American Psychiatric Association, numerous years including 1997, 1998, 1999, 2000, 2001, and 2002.

Criminal, Civil and Probate including:

Cases on murder, rape, arson, burglary, theft, skyjacking, drug trafficking, kidnapping, counterfeiting, fraud, gambling, psychiatric profiles, assault, criminal profiles, paraphilias, bank robbery

Personal injury, medical malpractice, civil commitment, disability, worker's compensation, head injury, product liability, sexual harassment, racial discrimination, sex discrimination, age discrimination

Over 500 homicide cases evaluated

Wills, child custody, psychiatric autopsy, insurance investigation

Jury selection

Over 2000 cases; over 400 appearances as expert witness in court or depositions. Expert witness for U.S. Federal Court; U.S. Federal Defenders Program, Inc.; Superior Courts of Fulton, DeKalb, Bibb, Paulding, Bartow, Floyd, Clarke, Spalding, Muskogee, Chattooga, Forsyth, Dawson, Lumpkin, Fayette, Coweta, Gwinnett, Cobb, Douglas, Clayton, Henry, Carroll, and Cherokee counties of Georgia. Appearances as expert witness in Georgia, Florida, Alabama, Indiana, Tennessee, South Carolina, North Carolina, Virginia, Massachusetts, Louisiana, and Texas

Joint Medical Health Committee of the State Bar and Young Lawyer's Section of Georgia.

Member, Forensic Services Task Force, Georgia Board of Human Resources.

Member, American Academy of Psychiatry and the Law, 1970-Present.

President, American Academy of Psychiatry and the Law, Georgia Chapter, 1985-1988.

Member, American College of Forensic Psychiatry, 1981-1993.

Member, Jonas Robitscher Society.

Dave M. Davis, M.D.

ADMINISTRATIVE PSYCHIATRY:

Former Member, National Forensic Center.

U.S. Secret Service, Southeast Consultant, 1988-1991.

Editorial Board, Psychiatry Malpractice Protector.

Board Certified Administrative Psychiatry and Management, American Psychiatric Association, 1976.

Ethics Committee Memberships; Georgia Psychiatric Physicians Association; American Association of Psychiatric Administrators; Piedmont Hospital; Medical Association of Atlanta.

Medical Director and President, Piedmont Psychiatric Clinic, 1980 - Present

Medical Director and Director of Psychiatric Services, Peachtree-Parkwood Mental Center and Hospital, 1969-1980.

Director, Adult Psychiatry, Peachtree-Parkwood, 1969-1980.

Director, Adolescent Psychiatry, Peachtree-Parkwood, 1972-1977.

Director, Parkwood House (adult halfway house), 1974-1976.

Director, Parkwood Adult Day Hospital 1973-1978.

Director, Parkwood Adolescent Day Hospital, 1975-1978.

Examiner and Associate Examiner in Psychiatric Administration and Management, American Psychiatric Association, numerous years.

Consultation (Administrative) Services Board, American Psychiatric Association, 1981-1990; Chairman, 1987-1990.

Faculty, Administrative Psychiatry Seminars, University of North Carolina School of Medicine.

Docent, Administrative Psychiatry Seminar, Emory University School of Medicine.

Committee on Administrative and Management Psychiatry, and Examiner, APA 1996-2001.

Private Consultation Services:

Georgia Composite State Board of Medical Examiners, Evaluating Clinician

Georgia Dental Board, Evaluating Clinician

Georgia Pharmacy Board, Evaluating Clinician

American Psychiatric Association, Consultation Service, Chairman

United States Secret Service

Tallahassee General Memorial Hospital, Tallahassee, Florida

Atlanta Police Department

Atlanta Hawks

Atlanta Braves

Atlanta Falcons

National Football League

Internal Revenue Service

State Bar of Georgia

Georgia Composite State Board of Medical Examiners

Federal Defender's Office

Atlanta Falcons Physician for Drug and Alcohol Abuse

Nix, Mann and Associates (Architects)

Equifax

St. Paul Fire and Marine Insurance Company

Metropolitan Life Insurance Company

General Motors Corporation

Trust Company Bank

FLR Health Resources

Western Electric

Blue Cross Blue Shield of Georgia

Dave M. Davis, M.D.

ADMINISTRATIVE PSYCHIATRY (CONT'D)

Healthcare Services of America, Inc.
Northside Hospital, Atlanta, Georgia
Joe Johnson Mental Health Center, Chattanooga, Tennessee
Long Beach General Hospital, Long Beach, California
Seven Confidential Hospital Consultations
Maricopa Medical Center, Phoenix, Arizona
Lloyd Nolan Hospital, Fairfield, Alabama
St. Joseph's Hospital, Houston, Texas
West Georgia Medical Center, LaGrange, Georgia
Memorial Coastview Hospital, Long Island, California
Larkin General Hospital, Miami, Florida
Athens Regional Medical Center, Athens, Georgia
Laurelwood Hospital, Gainesville, Georgia
Shreveport Medical Center, Shreveport, Louisiana
Choate-Symmes Health Service, Inc., Woburn, Massachusetts
Methodist Medical Center of Illinois, Peoria, Illinois
Maury County Hospital, Columbia, Tennessee
Mount Vernon Hospital, Alexandria, Virginia
Humana Hospital Brentwood, Shreveport, Louisiana
Northwest Regional Medical Center, Gainesville, Georgia
Cobb General Hospital, Mableton, Georgia
Montana Deaconess Medical Center, Great Falls, Montana
St. Joseph's Hospital, Houston, Texas
Moses H. Cone Medical Hospital, Greensboro, North Carolina
Polyclinic Medical Center, Harrisburg, Pennsylvania
Devereaux Center, Kennesaw, Georgia
Northeast Alabama Regional Medical Center, Anniston, Alabama
St. Joseph's Hospital, St. Paul, Minnesota
Self Memorial Hospital, Greenwood, S.C.
Phoebe Putnam Medical Center, Albany, Georgia
Mobile Infirmary, Mobile, Alabama
The Brattleboro Retreat, Brattleboro, Vermont
Composite State Board of Medical Examiners, Georgia
Obsessive-Compulsive Foundation Referral Network

ADDICTION PSYCHIATRY:

Psychiatric Director, Chemical Dependency Unit, Parkwood Hospital	1969 - 1980
Chairman, Alcoholism Committee, West Paces Ferry Hospital	1983
Chairman, Alcohol & Drug Committee, Medical Association of Atlanta	1975
Chairman, Physician's Advocacy Committee, Piedmont Hospital	1993 - Present
Member, Physicians Advocacy Committee, Medical Association of Georgia	1988 - 2002
Practice Guideline Reviewer, American Psychiatric Association Treatment of Patients with Substance Use Disorders: Alcohol, Cocaine, Opioids.	1995
Faculty and lecturer, Mercer University Southern School of Pharmacy, "Appropriate Prescribing of Controlled Substances"	1995
Atlanta Falcons Team Physician (Substance Abuse)	1993 - Present
National Football League Area Psychiatrist for Substance Abuse	1993 - Present

FOUNDER:

Adolescent Program, Peachtree-Parkwood Hospital - first private adolescent psychiatric unit in the Southeast

Dave M. Davis, M.D.

FOUNDER (CONT'D):

Parkwood School - private school for emotionally disturbed adolescents

Parkwood House - halfway house for emotionally disturbed adults

Child Program, Peachtree-Parkwood Hospital - first private psychiatric children's unit in the Southeast

Parkwood Day Hospital - first psychiatric private day hospital in the Southeast

Georgia Chapter, National Foundation for Sudden Infant Death

Georgia Chapter, American Association of Psychiatric Administrators

Georgia Map Collector's Club

Piedmont Psychiatric Clinic

Georgia Chapter, American Academy of Psychiatry and the Law

MILITARY EXPERIENCE:

1965	Captain, U.S. Army Medical Corps Psychiatrist, U.S. Army Hospital, Fort Jackson, South Carolina
1965	Fitzsimmons Army Hospital, Denver, Colorado
1965-1967	Psychiatrist, 249 th General Hospital, Tokyo, Japan
1967	"Drug Abuse in U.S. Servicemen in Vietnam" (Suppressed by Surgeon General's Office)
1967	Honorable Discharge, Letter of Commendation

PUBLIC HOSPITAL EXPERIENCE:

1963	Staff Psychiatrist, Female Admissions Unit; Director, Female Epilepsy Unit, Dorothea Dix State Mental Hospital, Raleigh, N.C.

HONORS AND AWARDS:

"America's Top Psychiatrist", <u>Consumers' Research Council of America</u>	2002, 2003, 2004, 2005, 2006, 2007
"America's Top-Rated Physicians," <u>Guide to Top Doctors</u>	1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007
Best Doctors in Atlanta, <u>Atlanta Magazine</u>	1999, 2000, 2001
Best Therapists in United States, <u>Town and Country Magazine</u>	March 1988
John Motley Morehead Scholar University of North Carolina	1955-1957 1958-1960
Goettingen Scholar, Goettingen University Goettingen, Germany	1957-1958
Phi Eta Sigma (Honorary Scholarship Society)	1956
Delta Phi Alpha (Honorary German Language Society)	1957
Externship, Dorothea Dix State Mental Hospital Raleigh, North Carolina	March-July, 1963
Toastmaster of the Year, Explorer's Club Atlanta, Georgia	1971

Dave M. Davis, M.D.

HONORS AND AWARDS (CONT'D):

Chairman, Judicial Council (Ethics Committee) Medical Association of Atlanta	1974; 1975		
Chairman, Mental Health Committee Medical Association of Atlanta	1975-1989		
Certificate of Appreciation Medical Association of Atlanta	1975-1976; 1982		
President, Georgia Psychiatric Association	1976-1977		
Chairman, Local Arrangement, American Psychiatric Institute on Hospital and Community Psychiatry	1976		
Fellow, American Psychiatric Association	1976 - Present		
Physicians Recognition Award, American Medical Association	1974-1976 1976-1979 1979-1980 1980-1982	1982-1985 1985-1988 1988-1991 1991-1994	1994-1997 1997-2000 2000-2003
Member, Ethics Committee, Georgia Psychiatric Association	1985-1990		
Member, Ethics Committee, Piedmont Hospital	1999, 2000		
Distinguished Alumnus, McCallie Preparatory School	1980		
American College of Forensic Psychiatry	1981		
American College of Mental Health Administration	1981		
President, Georgia Chapter, American Association of Psychiatric Administrators	1983-1984 1984-1985		
Minority Caucus, American Psychiatric Association	1985 - Present		
National Minority Mentors Network	1988 - Present		
President, Georgia Chapter, American Academy of Psychiatry and the Law	1985-1988		
President, American Association of Psychiatric Administrators	1986-1987		
Chairman, Metropolitan Foundation for Medical Care, Psychiatry Review Panel	1970-1976 1987-1996		
Medical Association of Metropolitan Atlanta, Committee Chairmanships: Ethics; Communications; Program; Mental Health; Drugs and Alcohol; Membership			
Mental Health Association of Georgia, Treasurer	1985 -1990		
Delegate to Medical Association of Georgia	1978 -1998		
Montague Boyd Award for Outstanding Publication <u>Clinical Skills for Adult Primary Care</u>	1996		
Montague Boyd Award for Outstanding Publication "Ethical Issues in Psychiatry"	2000		

Dave M. Davis, M.D.

HONORS AND AWARDS (CONT'D):

American Psychiatric Association, Practice Guideline
Reviewer

1993 - 2001

Who's Who in the South and Southwest

Who's Who in Health and Medical Services

Who's Who in Medicine and Healthcare

Who's Who in American Law

Who's Who in Executives and Business

Who's Who Among Human Service Professionals

Who's Who in Finance and Industry

Who's Who in U.S. Executives

Who's Who in Science and Engineering

Who's Who in America

Who's Who in the World

Strathmore's Who's Who

Certificate of Achievement, National Safety Council, 2001.

McCallie School Alumni Achievement Award – 2000

Life Fellow, American Psychiatric Association - 2001

Distinguished Life Fellow, American Psychiatric Association 2002 – Present

MEMBERSHIP and FORMER MEMBERSHIPS IN PROFESSIONAL AND SCIENTIFIC SOCIETIES:

American Academy of Psychiatry and the Law

American Association of Psychiatric Administrators

American College of Forensic Psychiatry (1981-1993)

American College of Mental Health Administration (1984-1993)

American Medical Association

American Psychiatric Association

American Society of Adolescent Psychiatry (1974-1986)

Atlanta Clinical Society

Atlanta Foundation for Medical Care

Blue Shield of Georgia Atlanta Board of Trustees

Georgia Foundation for Medical Care

Georgia Psychiatric Physicians Association

Georgia Society for Adolescent Psychiatry

Dave M. Davis, M.D.

MEMBERSHIP and FORMER MEMEBERSHIPS IN PROFESSIONAL AND SCIENTIFIC SOCIETIES (CONT'D):

Medical Association of Atlanta

Medical Association of Georgia

Mental Health Association of Metropolitan Atlanta

Mental Health Association of Georgia

National Forensic Center

National Mental Health Association

Southern Medical Association

Southern Psychiatric Association

Board of Advisors, Village of St. Joseph, (1991 – 1998)

Georgians Against Gun Violence

Georgia Sports Shooting Association

Handgun Control, Inc.

Action for Smoking and Health

National Alliance for the Mentally Ill

MISCELLANEOUS MEMBERSHIP IN SOCIAL AND CIVIC ORGANIZATIONS:

Peachtree Racket Club, President (1995-1996)

Board of Trustees, The Atlanta Opera, (1992-2006)

Atlanta Medical Heritage, Life Member

University of North Carolina Chancellor's Club

Hakluyt Society of the John Carter Brown Library

Museum of the Cherokee Indian

Pro-Mozart Society

The Grolier Club of New York City

Philip Lee Phillips Society, The Library of Congress

The De Renne Society, University of Georgia

Board Member, University of Georgia Libraries

PUBLICATIONS:

Davis, Dave, M.D.: Editorial Board, Adolescent Psychiatry, (1985-1996).

Davis, Dave, M.D.: Editorial Board, Piedmont Profiles, (1988-Present).

Davis, Dave M., Shipp, Joseph C., and Pattishall, E.G.: "Attitudes of Diabetic Boys and Girls Towards Diabetes." *Diabetes*, 14:106, February 1965.

Dave M. Davis, M.D.

PUBLICATIONS (CONT'D):

Davis, Dave M.: "Special Problems of Psychiatric Patients Evacuated from Vietnam to a Back-Up Hospital." Medical Bulletin, U.S. Army, Republic of Vietnam, July-August, 1967, pp. 17-20.

Davis, Dave M.: "Treatment of Narcotic Addiction." Atlanta Medicine, 46:31, March, 1972.

Davis, Dave M.: "Sports Psychiatry." Atlanta Medicine, 47:35, June, 1973.

Davis, Dave M.: "Psychiatry in the Year 2000." Atlanta Medicine, 48:31, March, 1974.

Davis, Dave M.: "The Role of Private Psychiatric and Mental Health Programs." Exploring Mental Health Parameters, Page Publishing, Atlanta, 1974.

Davis, Dave M.: "Experiences with 20 Patients Treated with Lithium Carbonate." Journal, Medical Association of Georgia, 64:134-135, May, 1975.

Davis, Dave M.: "SIDS: An Opportunity for Primary Prevention." American Journal of Psychiatry, 132:6, June, 1975.

Davis, Dave M.: "Use of a Crisis Committee in a Therapeutic Community." Southern Medical Journal, 70:1, January, 1977.

Davis, Dave M.: "An Implementation of Therapeutic Community in a Private Mental Health Center." Disease of the Nervous System, 38:3, March, 1977, pp. 189-191.

Davis, Dave M.: "Iguassu Falls in the Border of Brazil and Argentina," (cover photograph), Atlanta Medicine, 52:12, December, 1978.

Davis, Dave M.: "Emotional Manifestations of Systemic Lupus Erythematosus." Lupus Erythematosus Foundation, Inc., 1978, pp. 52-59 (updated 1988).

Davis, Dave M.: "Physician's Role in Involuntary Admission to Psychiatric Hospitals." Atlanta Medicine, 1979.

Davis, Dave M.: "Report of Some of the Effects of Georgia's New Civil Commitment Law on Patients in a Private Psychiatric Hospital." Journal of the Medical Association of Georgia, 69:385-386, May, 1980.

Davis, Dave M., Gonzalez, Victor, Piat, James: "Follow-up of Adolescent Psychiatric Inpatients." Southern Medical Journal, 79:9, pp. 1215-1218, September 1980.

Davis, Dave M.: "Hospitalization of Adolescents." Atlanta Medicine, 56:8, August, 1982.

Davis, Dave M.: "Your Mental Health: New Tests Help Diagnose Depression." Atlanta Medicine, 57:8, August, 1983.

Davis, Dave M.: "Adventure, Tranquility and Exploration." Atlanta Medicine, 58:8, August 1984.

Davis, Dave M.: "Professional Athletes, Drugs and Self-Esteem." Atlanta Medicine, 58:29, December, 1984.

Davis, Dave M.: "Update on the Treatment of Panic Attack in Aberrations of the Mind." Journal of the Medical Association of Georgia, 77:11, November, 1988.

Davis, Dave M.: "Depression and New Age Psychiatry." Insight, 10:1, March 1989.

Davis, Dave M.: "Depression and New Age Psychiatry." Insight, 10:1, March 1989 (Reprinted in Georgia Family Practice and Women's Information and News).

Davis, Dave M.: "Treatment of OCD with Anafranil." Continuing Education Audiotape, Ridgeview Institute, Series #1.

Davis, Dave M.: "The Secret Disease: New Hope for the Treatment of Obsessive Compulsive Disorder." Insight, Vol. XI, No. 1, April 1990.

Davis, Dave M.: "Treatment of Obsessive-Compulsive Disorder." Atlanta Medicine, November 1991.

Davis, Dave M.: "Stories of Patients and Guns." Impact, August, 1992.

Davis, Dave M.: "Medication Can Make Depression Bearable." Atlanta Business Chronicle, January 29, 1993.

Dave M. Davis, M.D.

PUBLICATIONS (CONT'D):

Davis, Dave M.: "Why Lawyers Steal Their Client's Money." Trial Magazine, 1993

Davis, Dave M.: Letters to the Editor, APA News, "Sex with Patients." April 1993

Davis, Dave M.: "Is It Addiction or Poor Coping?" Atlanta Medicine, January 1995.

Davis, Dave M.: "The Recognition of Mental Illness." Clinical Skills for Adult Primary Care. Mark E. Silverman and J. Willis Hurst, Editors. Lippincott-Raven 1996.

Davis, Dave M.: "History of Mozart's Name, Amadeus." September 1997.

Davis, Dave M.: Book Review: "Managing for the Future, The 1990's and Beyond." Peter F. Drucker, Journal of American Association of Psychiatric Administrators.

Davis, Dave M.: "Ethical Issues in Psychiatry." Atlanta Medicine, Vol. 74, pp. 11-12, 2000.

Davis, Dave M.: "Administrative Psychiatrist Celebrate Anniversary." Bulletin of the American Association of Psychiatric Administrators, 2001.

Davis, Dave M.: Psychiatrist Administrator, Volume 1, Issue 3, Fall 2001 "Is There An Ethical Way?: Who Should Make Clinical Decisions - Administrators or Psychiatrist Administrators?", 2001

Davis, Dave M.: Psychiatrist Administrator, Volume 2, Issue 2, Spring 2002 "Is There An Ethical Way?: If I Don't Tell Lies, How Can I Last?"

Davis, Dave M.: Psychiatrist Administrator, "Is There An Ethical Way: What Would Cause You to Resign Your Position As a Psychiatrist Administrator?"

Davis, Dave M.: "They Change the Game"; Readers Forum; Psychiatric Times, November 2002

Davis, Dave M.: "Attention Deficit Disorder," Piedmont Profiles; Spring 2004, Volume 14 #2

Davis, Dave M.: "Come, Here's the Map" Atlanta Medicine Volume 79, Issue 2, 2006

SCIENTIFIC PRESENTATIONS:

"Special Problems of Professional Athletes," NFL Physician's Association Meeting, 1973.

"Malingering vs. Conversion Syndromes," Dave M. Davis, M.D., Association of Surgeons Southern Railway System, Atlanta, Georgia, April 17, 1973.

"Drug Therapy for Mild to Moderate Depression," Grady Hospital Staff Conference, April 23, 1975.

"Psychiatric Care and the Medicare-Medicaid Administrative and Reimbursement Act," Democratic Platform Committee, Atlanta, Georgia, April 17, 1976.

"Family Therapy: Models and Methods," Dave M. Davis, M.D., State of Georgia, School of Psychologists and Counselors Annual Meeting, Atlanta, Georgia, September, 1976.

"Human Sexuality," - Speaker and symposium moderator, Medical Association of Atlanta Public Forums, Atlanta, Georgia, several presentations, winter, 1977.

"Effects of Psychiatric Insurance on Overall Health Costs," U.S. Senate Finance Committee, Subcommittee on Health, Washington, D.C., June 10, 1977.

"An Outcome and Follow-Up Study of Adolescent In-Patients," Dave M. Davis, M.D.; Victor Gonzalez, M.D.; Jim Piat, Ph.D.; Southern Psychiatric Association Annual Meeting, Atlanta, Georgia, October 1-3, 1978.

"An Outcome and Follow-Up Study of Adolescent In-Patients," Dave M. Davis, M.D.; Victor Gonzalez, M.D.; Jim Piat, Ph.D.; American Association of Psychiatric Services for Children, Annual Meeting, Atlanta, Georgia, November 8-11, 1978.

Dave M. Davis, M.D.

SCIENTIFIC PRESENTATIONS (CONT'D):

"Adjustment of Adolescent In-Patients One Year After Discharge," Dave M. Davis, M.D.; Victor Gonzalez, M.D.; Jim Piat, Ph.D.; Central States Conference of the American Society for Adolescent Psychiatry, Winnipeg, Canada, September 14-16, 1979.

"Predictions of One-Year Post-Hospital Adjustments of Adolescents Diagnosed as Anti-social Personality Disorder," Dave M. Davis, M.D.; Victor Gonzales, M.D.; Jim Piat, Ph.D. Southern Psychiatric Association, Annual Meeting, San Antonio, Texas, October 8-9, 1979.

"Follow-Up of Adolescent Psychiatric In-Patients," Victor Gonzalez, M.D.; Dave M. Davis, M.D.; Jim Piat, Ph.D. Southern Medical Association, Annual Meeting, Las Vegas, Nevada, November 5-7, 1979.

"The Essence of Education: Empathy," Dave M. Davis, M.D., McCallie School Symposium, Chattanooga, Tennessee, January 14, 1980.

"Psychiatry and Alcoholism: Psychiatric Consideration in Etiology and Treatment of Alcoholism," Moderator, Menninger Foundation, March 10-12, 1980.

"One Year Follow-Up of Depressed Adolescents," Victor Gonzalez, M.D.; Dave M. Davis, M.D.; Jim Piat, Ph.D.; American Association of Psychiatric Services for Children, Annual Meeting, Williamsburg, Virginia, May 29-31, 1980.

"The Prediction of Dangerousness," Dave M. Davis, M.D., Bradley Center Symposium, Columbus, Georgia, 1981.

"Helpful Factors in Predicting Dangerousness," Judges-Psychiatrists Mental Health Group, Atlanta, Georgia, 1981.

"What is a Forensic Psychiatrist?" Dave M. Davis, M.D., Criminal Section, Atlanta Bar Association, Atlanta, Georgia, February, 1982.

"Conflict Generating Issues in Hospital Psychiatry: Healing Approaches," American Psychiatric Association Meeting, Los Angeles, California, May 9, 1984.

"The Impact of Legal Liability on Financing of Health Care Services," Symposium: The Financing of Mental Health Services - Public and Private Sector Perspectives, Atlanta, Georgia, May 4, 1984.

"Positive Treatment and Rehabilitation Outcomes for Adolescents," Continuing education seminar of the National Advisory Board for Psychiatric Services and Healthcare Services of America, Inc., HSA Cumberland Hospital, Fayetteville, North Carolina, June 23, 1984.

"Ake vs. Oklahoma: How It Affects Georgia's Courts," Jonas Robitscher Society, March 11, 1986.

"Administrative Psychiatry and Malpractice," Institute on Hospital and Community Psychiatry, San Diego, California, October 27, 1986.

"Six Cases of Child Sexual Abuse," Georgia Chapter, American Academy of Psychiatry and the Law, Atlanta, Georgia, February 14, 1987.

"Professional Liability Issues in Hospital Related Suicides," Georgia Chapter, American Academy of Psychiatry and the Law," February 5, 1988.

"Psychological Meaning of the Holidays," Piedmont Hospital, November 4, 1989.

"Child Sexual Abuse," Criminal and Family Law Section, Atlanta, Bar Association, March 14, 1990.

"Power Struggles and Conflict Dissolution in General Hospital Psychiatry," Davis, Dave M. and Pepper, Bert, Management of Psychiatric and Substance Abuse Service: Into the 1990's; American Hospital Association Meeting, San Francisco, California, June 1, 1990.

"Psychiatric Profiles," Annual Convention of American Association of Medical Transcriptionists, August 4, 1990, Atlanta, Georgia.

"Risk Management in Psychiatry," MAG Mutual Seminar, Atlanta, Georgia, 1991

"Munchausen's Syndrome and Factitious Disorders" Piedmont Hospital Medical Staff Meeting, March 29, 1991.

Dave M. Davis, M.D.

SCIENTIFIC PRESENTATIONS (CONT'D):

"100 Psychiatric Medical Malpractice Cases from the Southeast: One Psychiatrist's Experience," Davis, Dave M., Southern Psychiatric Association, Annual Meeting, October 3, 1991.

"Current Trends in Mental Health Malpractice," Georgia Trial Lawyers Association, Atlanta, Georgia, February 1992.

"How to Perform a Psychiatric Examination on a Criminal Defendant," Criminal Bar, Gwinnett County, Lawrenceville, Georgia, August 20, 1992

"The Mapping of the Southeast," Atlanta Antiques Club, Atlanta, Georgia, October 20, 1992

"Sexual Abuse Cases including Child Enticement, Child Molestation, Statutory Rape and Child Pornography," Georgia Association of Criminal Defense Lawyers, Helen, Georgia, November 7, 1992.

"Undue Familiarity: An Evolving Concept - An Ethical Dilemma," Institute of Continuing Legal Education in Georgia, Atlanta, Georgia, November 13, 1992.

"Treatment of Depression," Augusta Physicians CME, August, Georgia, February 12, 1993.

"The History of Georgia in Maps and Prints," Atlanta Breakfast Club, Ansley Park, March 17, 1993.

"The Forensic Psychiatrist as Expert Witness," Gwinnett Criminal Bar Lawyers Association, Lawrenceville, Georgia, August 20, 1993.

"Psychosocial Medicine," Piedmont Hospital Medical Staff, Atlanta, February 15, 1995.

"Appropriate Prescribing of Controlled Substances," Mercer University Southern School of Pharmacy, April, 1995.

"How to Raise Children," Atlanta Clinical Society, March 17, 1996.

"Management of Drug Abuse Problems," Piedmont Hospital Staff, June 26, 1996.

"How to Raise Your Children to Stay Away from Drugs," Atlanta Falcons, August 22, 1996.

"Personal Injury, Managed Care, and Psychiatric Malpractice Issues," Institute of Continuing Legal Education in Georgia, Atlanta, Georgia, October 4, 1996.

"Litigation and Risk Management in Psychiatric Administration," American Psychiatric Association Annual Meeting, San Diego, CA, May 1997.

"Ethical Issues in Managed Care," American Psychiatric Association Annual Meeting, San Diego, CA, May 1997.

"Certification in Administrative Psychiatry," American Psychiatric Association Annual Meeting, San Diego, CA, May 1997.

"Alcoholism," Nicholas E. Davis Center Lecture, Atlanta, GA, May 22, 1997.

"Managed Care, Legal Issues," American Psychiatric Association Annual Meeting, Toronto, Canada, May 1998.

"Certification in Psychiatric Administration and Management," American Psychiatric Association Annual Meeting, Toronto, Canada, May 1998.

"Evaluating Claims of Psychological Damages," [The Psychiatric Independent Medical Examination], Institute of Continuing Legal Education in Georgia, Premises Liability, Atlanta, Georgia, November 5, 1998.

"Executive Roles for Psychiatrists in the 21st Century," American Psychiatric Association Annual Meeting, Washington, D.C., May 1999.

"Mapping of the Southeast." Grolier Club of New York City, New York, June 5, 1999 through July 30, 1999.

"Mental Health Professionals and Malpractice." Institute of Continuing Legal Education, Atlanta, Georgia, September 23, 1999.

"Forensic Evaluation of Damages in a Negligent Security Case," Institute for Legal Education, Atlanta, Georgia, November 5, 1999.

Dave M. Davis, M.D.

SCIENTIFIC PRESENTATIONS (CONT'D):

"Taking a Proactive Approach to Protecting Your Company and Employees from Workplace Conflict and Violence." Personnel Law Update, 17th Annual Georgia Conference of Council on Education in Management, Atlanta, GA, March 8, 2000.

"Certification in Psychiatric Administration." American Psychiatric Association Annual Meeting, Chicago, IL, May 2000.

"Psychiatric Expert Testimony," Georgia Association of Criminal Defense Lawyers, Atlanta, Georgia, January 20, 2001.

Moderator, Administrative Psychiatry Award Lecture – American Psychiatric Association Annual Meeting, New Orleans, Louisiana, May 9, 2001.

"The Administrative Psychiatry Credential." American Psychiatric Association Annual Meeting, New Orleans, Louisiana, May 9, 2001.

"Politics of Administrative Relationships in Psychiatry." Discussant, American Psychiatric Association Annual Meeting, New Orleans, Louisiana, May 9, 2001.

"Prospering: Market Dynamics in the New Political Crucible," American Psychiatric Association Annual Meeting, New Orleans, Louisiana, May 10, 2001.

"Addictions, Relationship and Healthier Pathways," Canyon Ranch Lecture Series. Tucson, Arizona, May 25, 2001.

"Coping skills and Psychological Development," Canyon Ranch Lecture Series. Tucson, Arizona, May 26, 2001.

"Psychological Development, Childhood to Adulthood, and Better Coping," Buckhead Rotary Club, June 6, 2001.

"Coping with Stress – Work Better, Live Better," National Safety Council Annual Meeting, Atlanta, Georgia, September 25, 2001.

"The Healthy Personality," Canyon Ranch Lecture Series, Tucson, Arizona, April 12, 2002.

"A Coping Skills Hierarchy, Canyon Ranch Lecture Series, Tucson, Arizona, April 13, 2002.

"Proper Use of Anti-depressants," Nicholas, Davies Lecture, Atlanta, Georgia, June 26, 2003.

"Art to Science: America and the Southeast in Early Maps," Exhibit and lecture, William P. Cumming Society and University of North Carolina Special Collections Library, Chapel Hill, N.C., February 15, 2003.

"These Parts are Little Known: Exploration and Discovery in Mapping Georgia, 1493-1921." Atlanta History Center June – July 2004.

"Treatment of Personality Disorders," Piedmont Hospital Medical Staff, February 2008

MEDIA APPEARANCES:

1972	NBC Nightly News: "Valium and Addiction."
1974	Bob Neal Show, WSB-TV: "Treatment of Emotional Illness in Adolescents."
1974	Atlanta Journal, July 24, 1974, "Abortion Clinic Ads are Condemned" by Charles Seabrook.
1974	Atlanta Journal and Constitution, August 4, 1974, "Federal Jury to Get William A. Williams Case Today," by Beau Cutts.
1974	The Atlanta Constitution, October 31, 1974, "Is Nixon Depression Behind his Illness?" by Foy S. Joyce.
1975	Atlanta Journal, May 6, 1975, "The Killer Probably a Disease [Not a Man]" by Dave M. Davis, M.D.
1975	Atlanta Journal and Constitution Magazine, November 2, 1975, "A Medical View of Neurotics".
1975	Peg Nugent Call-in Show, WRNG: "Treatment of Depression and Prevention of Suicide."
1982	NBC Nightly News (Areolia Bundles): "Projected Profile of a Multiple Child Murderer."
1982	Harmon Wages Sports Show, WAGA-TV: "Major League Baseball and Why Teams Streak."
1982	WAGA-TV News: "Effect of Stress on Police Attitudes."
1983	WSB-Radio: "Gun Control in America."

MEDIA APPEARANCES (CONT'D):

- 1983 Dick Buerkle Running Show (4 appearances):
"Addiction to Running"
"Effects of Stress on Athletic Performance"
"Psychological Factors that Affect Athletic Performance"
"Anxiety and Performance in Athletic Competition"
- 1983 "The Season of Deferred Payments: Holiday Syndrome," Atlanta Constitution.
- 1983 "Compulsive Running Called 'Positive Addiction Gone Wild,'" Atlanta Constitution.
- 1983 "Did Retirement of Bear Bryant Lead to His Heart Attack?" Atlanta Journal.
- 1983 "Handguns, More a Danger Than Means of Protection," Atlanta Journal.
- 1984 WSSA-Radio: "Handgun Control in Georgia."
- 1984 Atlanta Forum, Brenda Singletary: "Eating Disorders - Anorexia and Bulimia."
- 1984 Corey McPherrin Show, WAGA-TV, Eyewitness News Sports: "Effects of Parental Attitudes on Little Leaguers."
- 1985 WSB-TV Evening News, Vic Carter: "Relationship of Insanity and Crime to the Full Moon."
- 1985 WSB-TV Evening News, Diana Davis, Medical Reporter: "The Survivors Syndrome," (following Delta Airlines crash in Dallas, Texas).
- 1985 Georgia Public Television - Health Matters: "Alzheimer's Disease."
- 1985 "Let's Control Handguns," Atlanta Constitution.
- 1985 "Suicide: Georgia's Newest Growth Industry," Atlanta Constitution.
- 1986 "American Indians and Mental Health," Atlanta Constitution.
- 1986 Georgia Public Television - A Lifetime: "Teenage Suicide."
- 1986 Georgia Public Television - Health Matters: "Pain Control."
- 1986 Scott Reynolds Show, WCNN: "Suicide."
- 1987 Georgia Public Television - Health Matters: "Teen Suicide."
- 1988 WSB-TV Evening News, Diana Davis, Medical Reporter: "Post-traumatic Stress Disorder in Guards Following the Atlanta Prison Riot."
- 1988 WSB-TV Evening News, Mark Pickard, Reporter: "Teenage Suicide; Its Causes and Prevention."
- 1988 "Is Anybody Listening? Teen Suicide, Special Presentation." WAGA-TV 5, August 2, 1988.
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- 1989 "Bundy and Pornography," WSB-TV 2, February, 1989.
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Dave M. Davis, M.D.

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1991 "How to Prepare Yourself and Your Children to Handle the Emotional Impact of Middle East War," WXIA-TV, Channel 9 Evening News, Patricia Knox, January 16, 1991.
1991 Panel on "War in Middle East" with General Gordon Duequemin and Correspondent, WXIA-TV, Channel 11 Midday News, January 17, 1991.
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1991 "Unstable Economy Seen as Factor in Suicide Rise," Carla Murphy, Gwinnett Daily News, January 19, 1991.
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1991 Panel on "Middle East War" with Robbi Allan Goodman, Patricia Hunte, Moderator, WXIA-TV, Channel 22, January 22, 1991.
1991 "Effects of the Threat of Terrorist's Attacks on U.S. Citizens," Jill Becker, WXIA-TV, Channel 11, Evening News, January 23, 1991.
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1991 "Psychological Impact of Losing a Job and How to Handle It," Patricia Hunte, WXIA-TV, Channel 11, Evening News, February 12, 1991.
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- 1991 "Munchausen's Syndrome," Eric Taylor, WSB-Radio, March 26, 1991.
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- 1991 "Suicide Casts Pall on County," Atlanta Journal Constitution, Gwinnett Extra, Rob Johnson, June 22, 1991.
- 1991 "Electronic Mail: Avoiding Communication," Patricia Hunte, WXIA-TV Channel 11, Evening News, June 26, 1991.
- 1991 "Effects of Extended Rainy Weather on Mood," Patricia Hunte, WXIA-TV Channel 11 News, June 28, 1991.
- 1991 "Seasonal Affective Disorder," Atlanta Journal Constitution, Kim Bondy, June 28, 1991.
- 1991 "Serial Killer in Wisconsin," Dave Folkes, WSB News Radio, July 23, 1991.
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- 1992 "Death by Handgun," WGNX-TV 46, Evening News, June 28, 1992.
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- 1992 "Dreams," WSB-TV Evening News, Dianna Davis, August 4, 1992.
- 1992 "Child Abuse: The Hendricks Case," WXIA-TV, Channel 11 Evening News, John Shirels, August 7, 1992.
- 1992 "Porn Flicks," WXIA-TV, Channel 11 Evening News, Bob Sokola, September 3, 1992.
- 1992 "Mental Effects of Braves World Series Loss," WGNX-TV 46 Evening News, Lee Greenwood, October 26, 1992.
- 1992 "The Meaning of Halloween and Its Effects on Children," WSB Radio, Bob Cox, October 27, 1992.
- 1992 "Profile of a Serial Killer," WIBK Radio, Knoxville, Tennessee, Dave Folkes, October 28, 1992.
- 1992 "Halloween and Its Effects on Adults," WSB Radio, October 29, 1992.
- 1992 "Nursing Homes and Suicide," Wall Street Journal, Mike McCartney, November, 1992.
- 1992 "Effect on Children of Seeing Their Mother Killed," Lou Ann Sedano, WGNX-TV, Channel 46, November 30, 1992.
- 1992 "Murder-Suicide," Tracy Green, WXIA-TV, Evening News, December 2, 1992.
- 1992 "Christmas Depression in Children," Jill Becker, Noonday WXIA TV, December 28, 1992.
- 1992 "Holiday Depression and Seasonal Affective Disorder," Kay Flowers, Evening News, WXIA-TV, December 28, 1992.
- 1992 "The Danger in Not Making New Year's Resolutions," WSB Radio News, Scott Slade, December 31, 1992.
- 1993 "Waco Texas Cult Behavior," Channel 11 News at Noonday, March 2, 1993.
- 1993 "Psychological Effects of Gun Control," Peach State Radio, Susan Capoloto, March 19, 1993.
- 1993 "Manic-depressive Illness," Kay Flowers, Channel WKIA-TV, Medical News Report, April 22, 1993.
- 1993 "Effects of a State Lottery on Gamblers and Fanatics," Evening News, Karen Greer, WGNX-TV, April, 1993.
- 1993 "Suicide," Wall Street Journal, Mike McCarthy, 1993.
- 1993 "Grief Process in Children - Do Hospices Help? Video - Amanda Brown, Olmstead, Producer, 1993.
- 1993 "Psychiatric Trauma of Witnessing Murder," WXIA-TV Evening News, June, 1993.
- 1993 "Violence," WXIA-TV Evening News, Sue Yanello, June 17, 1993.
- 1993 "Tokars Murder Case," Evening News, WAGA-TV, WSB-TV, WXIA-TV, July 13, 1993.
- 1993 "Tokars Murder Case and Trial," WXIA-TV Evening News, August 28, 1993.
- 1993 "Violence Erupts in South Florida," Bob Cox, WSB News Radio, September 15, 1993.
- 1993 "The Adolescent Death Penalty," Evening News, WGNX-TV, December 8, 1993.
- 1993 "Psychological Effects of Registering Guns and Licensing Gun Owners," Evening News, WGNX-TV, December 9, 1993.
- 1993 "Holiday Depression," Evening News, WSB-TV, Dianna Davis, December 16, 1993.
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- 1994 "Ira Jackson Talks to Psychiatrist after Angry Tirade," Atlanta Journal-Constitution, January 14, 1994.
- 1994 "Transcripts detail Jackson Behavior," Atlanta Journal Constitution, January 24, 1994.
- 1994 "Ira Jackson Trial," WSB Channel 2 News, January 24, 1994.
- 1994 "Psychiatric Evaluation of Airport Commissioner Jackson," Channel 11 News at 6:00, January 26, 1994.
- 1994 "Treatment Success in NGRI Pleadings," Steve Takin - Press Enterprises, Riverside, CA, February 1, 1994.
- 1994 "Teenage Crime," Jana Fite, WIBX, Knoxville, TN, February 17, 1994.
- 1994 "Courtroom Drama," Martha Sharon, Channel 11 News, March 3, 1994.
- 1994 "Treatment of Sexual Impulse Disorders," Lynn Harrison, Channel 2, Evening News, April 28, 1994.
- 1994 "Teenagers Who Lash Out Violently," Ken McCloud, Channel 5 News, April 15, 1994.
- 1994 "Prozac and Crime," Diana Davis, Channel 2 News, May 13, 1994.
- 1994 "Kevin and the Greek," Jim Martin, WGUN Sports America, June 21, 1994.
- 1994 "O.J. Simpson and Psychiatry," Mr. Schwann, FM100 Atlanta, June 28, 1994.

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1994 "Reactions of Children to Flood Disasters in South Georgia," Diana Davis, Channel 2 Evening News, July 17, 1994.
1994 "Weather and Mood," David Chandley, Channel 2 News, July 21, 1994.
1994 "Spousal Abuse," Keith Whitley, Channel 11 News, August 30, 1994.
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1994 "Marriage and Infidelity," Channel 46 Evening News, October 7, 1994.
1994 "Profile of a Serial Killer in Atlanta," Doug Rink, Channel 2 News, October 11, 1994.
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1994 "Profile of Serial Killer," Kathy Scruggs, Atlanta Journal Constitution, October 21, 1994.
1994 "Profile of a Serial Killer of Prostitutes," Channel 46 Evening News, October 26, 1994.
1994 "Reagan and Alzheimer's Disease," Bob Cox, WSB Radio, November 4, 1994.
1994 "Susan Smith and Infanticide," WSB Evening News, November 8, 1994.
1994 "Infanticide," Nina Jimenez, Channel 11 News, November 9, 1994.
1994 "Three Strikes Crime Bill," Kerry Browning, WSB Radio, November 15, 1994.
1994 "Profile of a Kidnapper and Child Sexual Abuse," Pat Crosby, Channel 2 News, November 18, 1994.
1994 "White House Shooting," Channel 11 News, Keith Whitney, December 20, 1994.
- 1995 "Profile of a Serial Killer," Atlanta Constitution, Jingle Davis, January 6, 1995.
1995 "Prozac and 'Scarlett O'Hara' Shooting," Channel 5 Evening News, January 24, 1995.
1995 "Desecration of Churches in Cobb County," Kevin Rowson, Channel 11 Evening News, February 20, 1995.
1995 "Satanic Destruction of Churches?" Scott Slade, WSB Radio, February 21, 1995.
1995 Piedmont Profiles: "Making Rounds" - Panic Disorder - Spring 1995.
1995 "Hit Man's Remorse: Tokars' Murder Trial," WSB Channel 2 Evening News, March 2, 1995.
1995 "Medicaid Fraud in Child Psychiatry," Lynn Harrison, WSB Channel 2 Evening News, March 3, 1995.
1995 "Adolescents Who Kill Their Parents," Karen Greer, Channel 46 News, March 6, 1995.
1995 "Shootings on Expressways," Kevin Rowson, WXIA TV Channel 11, March 16, 1995.
1995 "Obsessive-Compulsive Disorder in Athletes," Dr. Randy Martin, Channel 2 WSB TV, March 24, 1995.
1995 "Groupies of Serial Killers," Bob Cox, WSB Radio News, March 29, 1995.
1995 "Marijuana Usage and Effects," WXIA Channel 5 Evening News, March 31, 1995.
1995 "People Who Kill Their Parents," Steve Gasque, WSB TV Channel 2, April 27, 1995.
1995 "Unresolved Grief After Oklahoma City Federal Building Bombing," Kevin Rowson, WXIA TV Channel 11 Evening News, May 4, 1995.
1995 "How to Determine Insanity in a Criminal Trial," Laura Newborn, WXIA TV Channel 11 News, July 11, 1995.
1995 "Susan Smith Trial," WXIA Evening News, July 13, 1995.
1995 "Mothers Who Abuse Their Children," Channel 11 WXIA TV Eleven O'clock News, July 20, 1995.
1995 "Violence in Automobiles," KTAR, Phoenix, Arizona, Bruce Kirk, August 24, 1995.
1995 "How to Find a Good Psychiatrist," Channel 11 News, Angela Robinson, September 9, 1995.
1995 "Obsessive-Compulsive Disorder," Channel 11 News, September 25, 1995.
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1995 "Depression: The Disease," Channel 11 News, October 2, 1995.
1995 "O.J. Simpson Trial," WSB Radio, October 2, 1995.
1995 "O.J. Simpson Verdict," Channel 11 News, Keith Whitley, October 3, 1995.
1995 "Panic Attacks," Channel 11 News, October 9, 1995.
1995 "Compulsive Buying," Channel 11 News, October 16, 1995.
1995 "Attention Deficit Disorder," Channel 11 News, October 23, 1995.
1995 "Psychological Impact of Braves World Series Win," Channel 11 News, October 30, 1995.
1995 "Seasonal Affective Disorder," Channel 11 News, October 30, 1995.
1995 "Trichotillomania," Channel 11 News, November 13, 1995.
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1995 "Jealousy," Channel 11 News, December 4, 1995.
1995 "How to Defeat Self-Defeating Behavior," Channel 11 News, December 11, 1995.
1995 "Profile of Murder-Suicide Perpetrators," Channel 11 News, December 13, 1995.
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- 1996 "Post Holiday Depression," WXIA-TV Evening News, January 4, 1996.
- 1996 "How to Appreciate What You've Got," WXIA-TV Evening News, Angela Robinson, January 9, 1996.
- 1996 "Cabin Fever," WXIA-TV News, January 12, 1996.
- 1996 "Day Dreams Can Tell You A Lot About Yourself," WXIA-TV Evening News, January 15, 1996.
- 1996 "Dreams and How They Work," WXIA-TV Evening News, January 22, 1996.
- 1996 "Manic Depressive Illness," WXIA-TV Evening News, January 29, 1996.
- 1996 "Profile of the Unabomber," WXIA-TV Evening News, April 2, 1996.
- 1996 "Valuejet Crash and Grief," WSB News, Diana Davis, May 13, 1996.
- 1996 "Grief and Valuejet Crash," WXIA-TV News, Dennis Doda, June 6, 1996.
- 1996 "Profile of Olympic Centennial Park Bomber," WSB Radio News, Scott Slade, July 26, 1996.
- 1996 "Effects of Olympic Park Bombing," Channel 46 TV News, July 28, 1996.
- 1996 "Profile of Olympic Park Bomber," WSB-TV News, July 28, 1996.
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- 1996 "Profile of a Serial Kidnapper," Channel 5-TV Evening News, August 22, 1996.
- 1996 "Profile of a Serial Kidnapper," WXIA-TV News, Kevin Rawson, August 22, 1996.
- 1996 "Larry Lonchar Death Sentence," WXIA-TV News, Kevin Rawson, September 12, 1996.
- 1996 "Lonchar Appeals In Death Sentence," WSB Radio, Scott Slade, September 13, 1996.
- 1996 "Why Stay In An Abusive Situation?" WXIA-TV Evening News, Cynthia Tinsley, October 15, 1996.
- 1996 "Falcons Blues," Channel 5-TV News, November, 1996.
- 1996 "Holidays Syndrome Solutions," WSB-TV News, Diana Davis, November 26, 1996
- 1996 "Holiday Syndrome," WXIA-TV News, December 5, 1996.
- 1996 "Blended Families," AM Radio 1160 San Antonio, TX, December, 1996.
- 1997 "Mother-Son Conflict and Effects on Personality," Evie Adler, Kansas City Star, January 10, 1997.
- 1997 "New Pharmacologic Treatments in Psychiatry," WXIA-TV, Kay Flowers, January, 1997.
- 1997 "Why Men Cheat," Channel 11, WXIA-TV News, January 9, 1997.
- 1997 "Abortion Clinic Bombings and Post Traumatic Stress," Scott Slade, WSB-Radio, January 16, 1997.
- 1997 "Rapist Profile," Shaunya Chavis, WSB-TV Evening News, February 20, 1997.
- 1997 "Serial Bomber," Scott Slade, WSB Radio, February 25, 1997.
- 1997 "Pedicide," Beth Galvin, Channel 5 TV News, April 3, 1997.
- 1997 "Binet Trial Evidence," Doug Herrod, WGNX-TV News, April 13, 1997.
- 1997 "Prisoner Guilty in Guard's Death," Atlanta Journal Constitution, April 13, 1997.
- 1997 "Highway Violence," Tom Reagan, WSB-TV Evening News, April 26, 1997.
- 1997 "Why People Join Cults," Barbara Gautier, WXLA-TV News, April 27, 1997
- 1997 "Jon Binet Trial," Susan Crowe, CNN, May 29, 1997.
- 1997 "Husbands Who Kidnap Their Wives," Beth Galvin, Channel 5 TV News, June 1, 1997.
- 1997 "Women and Children's Reaction to Concert," USA Today, July 30, 1997.
- 1997 "Importance of Touch in Children," Denise Mann, Medical Tribune, September, 1997.
- 1997 "Athletes Who Turn to Violent Sports," Medical Herald, September, 1997.
- 1997 "Advances in Mental Illness Treatment," Diana Davis, WSB-TV News, October 1, 1997.
- 1997 "Random Violence," Joyce Oscar, WXIA-TV, November 11, 1997.
- 1997 "Holiday Syndrome," Kay Flowers, WXIA-TV News, December 8, 1997.
- 1997 "Differences Between Men and Women in Caring for Ill Spouses," Linda Carroll, MSNBC, December 15, 1997.
- 1998 "The Unabomber Trial," CNN News, January 14, 1998.
- 1998 "Teenager Murders in Kentucky and Mississippi Schools," CNN News, January 14, 1998.
- 1998 "Changes in Sexual Mores - The Clinton-Lewinsky Scandal," Greg Zachary, The Wall Street Journal, January 29, 1998.
- 1998 "Bombing of Abortion Clinic in Birmingham," Sandra Parish, WSB-Radio, January 29, 1998.
- 1998 "Adolescent School Shooting in Arkansas," Chris Wolfe, WSB-TV, March 25, 1998.
- 1998 "Adolescent Homicide in Arkansas," Betty Harrison, Atlanta Journal, March 25, 1998.
- 1998 "Shootings in Arkansas," Paul Crowley, WXIA-TV News, March 25, 1998.
- 1998 "Capitol Shooting," NBC Nightly News with Dan Rather, Joan Roberts and Trudy Baker, July 27, 1998.
- 1998 "Capitol Shooting," CBS News with Susan Shiller and Tom Cosgrove, July 27, 1998.
- 1998 "Capitol Shooting," CNN Talk Back with Susan Deutchmann, July 27, 1998.

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1998 "What is Paranoid Schizophrenia?" Cox Broadcasting, Dayton, Ohio and Todd Riffner for WBDO-Orlando, Florida, July 28, 1998.
1998 "Schizophrenia and Violence," Psychology Today, Leslie Vreeland, July 28, 1998.
1998 "Schizophrenia and Violence," Courtney Prebich, Reston Times, Reston, Virginia, August 3, 1998.
1998 "Schizophrenia and Dangerousness," Monterrey Newspaper, California, Camille Ray, August 4, 1998.
1998 "Innovative Day Care Program for Mentally Ill," New York Times, Russell Shorter, August 5, 1998.
1998 "Families," Dunn McKeen, Salem Magazine, September 2, 1998.
1998 "The Starr Report," Berliner TV, September 13, 1998.
1998 "Musicians and Psychiatry," Chris Genussa, Grammy Magazine, November 13, 1998.
- 1999 "Road Rage," WXIA-TV News, Jim Shuler, January 6, 1999.
1999 "Small Changes, Big Results," Men's Health, Bill Stump.
1999 "Psychological Effect of Superbowl on Fans," WSB-TV Evening News, January 14, 1999.
1999 "Falcons Superbowl Loss," 98.5 Radio, Kelly Stevens, January 29, 1999.
1999 "Blood Pressure and Submissiveness in Marriage," Medical Tribune, Linda Carroll, January 25, 1999.
1999 "Profiles of Serial Rapists," Fox 5 News, March 19, 1999.
1999 "Profile of Serial Rapists," WSB-TV, Monica Kaufman, March 1999.
1999 "Psychological Changes During Weight Loss," WXIA-TV, Audrey Kalsey, March 25, 1999.
1999 "Serial Rapist Profile," Fox 5 News, Danielle Dardashti, April 20, 1999.
1999 "Littleton Colorado Shooting," WXIA-TV News, April 21, 1999.
1999 "Serial Rapist," WSB-TV, May 10, 1999.
1999 "Intervention with Hostile Children," WXIA-TV News, Keith Whitney, May 7, 1999.
1999 "Serial Rapist," WXIA-TV News, May 1999.
1999 "School Shootings in Rockdale, Georgia," WSB-TV News, May 20, 1999.
1999 "Heritage High Shooting," B 98.5 Radio Interview, May 21, 1999.
1999 "Buckhead Shooting," WXIA-TV Early Morning News, July 30, 1999.
1999 "Mass Murder in Buckhead," WSB-TV Morning News, July 30, 1999.
1999 "Profile of a Mass Murder," WXIA-TV Morning News, July 30, 1999.
1999 "Barton Profile," WXIA-TV Midday News, July 30, 1999.
1999 "Atlanta Shootings," NBC Evening News, July 30, 1999.
1999 "Barton Suicide Note," WSB-TV, Diana Davis, July 30, 1999.
1999 "Mass Murder in Atlanta," CNN News, July 31, 1999.
1999 "Buckhead Mass Murders," Global Satellite Network, July 30, 1999.
1999 "Atlanta Shootings," Atlanta Journal-Constitution, Clint Williams, August 1, 1999.
1999 "Atlanta Mass Murders," AP Press Release, August 1, 1999.
1999 "Copy-Cat Shooting in Los Angeles," Watch It with Oliver North, MS NBC, August 11, 1999.
1999 "Causes of Mass Murder in USA," NBC News, August 11, 1999.
1999 "Shooting of Seven People in Hawaii," Keith Whitney, WXIA-TV Evening News, November 3, 1999.
1999 "Shootings in Hawaii," Channel 46 WANX-TV Evening News, November 3, 1999.
1999 "Copy Cat Shootings in Seattle," Channel 5 Evening News, November 4, 1999.
1999 "Hit and Run Accidents," Todd Shearer, WXIA-TV Evening News, November 18, 1999.
1999 "Closing of West Paces Ferry Hospital," WXIA-TV News and Radio, December 5, 1999.
1999 "Creativity, Geniuses and Emotional Instability," National Public Radio, December 8, 1999.
1999 "Panic Disorder," Channel 46 WANX-TV Special, Mark Adler, November 1999.
- 2000 "What is a Psychiatric Disorder?" Dan Michaski, Maxim Magazine, February 2000.
2000 "John Rucker Psychiatric Evaluation," WXIA-TV Evening News, January 7, 2000
2000 "John Rucker Apology," WXIA-TV News, January 15, 2000
2000 "Causes of Mental Illness," Nancy Melville, Health Scout, February 2000.
2000 "Panic Disorder," Tony Thomas, CBS, WANX-TV Special, February 14, 2000.
2000 "Pedophiles and the Internet," Keith Whitney, WXIA-TV News, February 21, 2000
2000 "Psychological Trauma to Elian Gonzalez," Mary Tann, WANX-TV News, April 6, 2000
2000 "Profiling," Chris Rantergiani, WSB-TV, April 16, 2000
2000 "The Elian Gonzalez Case," Jane Robelot, CBS Atlanta News, May 7, 2000.
2000 "Real Estate Rage," New York Times, June 2000.
2000 "Schizoaffective Disorder," Wall Street Journal, July 2000.
2000 "Mike Tyson Personality," John Phillips, Reuters, July 2000.
2000 "Reparenting," Tony Martin, Chicago Reader, August 2000.
2000 "Videotaping Oneself in a Crime," Channel 4 TV News, November 2, 2000.
2000 "Rockdale County Shooting Trial of T. J. Solomon," Channels 2, 5 and 11 News, November 8, 2000.
2000 "Gifted Children," Channel WGCL-TV News, November 13, 2000.

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2001 "Hit Man Hiring Blamed on Mental Illness," Atlanta Journal-Constitution, January 24, 2001.
2001 "Jackass MTV and Its Effects," Channel 5 TV News, February 7, 2001.
2001 "FBI Man Revealed to be Persian Spy – Psychological Profile," MSNBC, February 23, 2001.
2001 "San Diego School Shootings," Tom Reagan, WSB-TV Evening News, March 7, 2001.
2001 "Rape Trauma Syndrome," WSB-TV Evening News, March 29, 2001.
2001 "New Schizophrenia Medications," Kerry Dooley, Bloomberg News, March 30, 2001.
2001 "Viral Causes of Schizophrenia," Robin Eisner, ABC News, April 9, 2001.
2001 "Columbine Shooting Anniversary," Tiff Diaz, WGCL Evening News, April 20, 2001.
2001 "Bipolar Man's Suicide," Scott Slade, WSB Radio, June 21, 2001.
2001 "Bipolarity and Suicide," Don Dornberg, Metro Source News, June 22, 2001.
2001 "Postpartum Depression and Homicide," Dore Carroll, Newark Star Ledger, June 27, 2001.
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2001 "Attack on America: Terrorism." Pam Martin and Gulstan Dart, WSB-TV Morning News, September 12, 2001.
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2001 "Drugs and Schizophrenia," Carey Dooley, Bloomberg News, October 8, 2001.
2001 "Effects of Terrorism on People with Anxiety Disorders," WGCL-TV Evening News, October 9, 2001.
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Dave M. Davis, M.D.

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2002 "Clinical Management of Schizophrenia" Thor Terleckyl, Pharmaceutical Innovations, July 24, 2002.
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2002 "9-11 Anniversary" Joel Thomas, WXIA TV, September 11, 2002.
2002 "Profile of Serial Killer-The Sniper" Kevin Rowson, WXIA TV Evening News, October 7, 2002.
2002 "Sniper Profile" Diana Davis, WSB TV, October 8, 2002.
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2002 "Why did Wynona Ryder Shoplift?" Keith Whitney, WXIA-TV News, December 5, 2002.
2002 "The Body-Mind Connection" Dave M. Davis, M.D., Host – A Radio Talk Show
KFNX Phoenix
WALE Providence Rhode Island
WWW.STREAMAUDIO.COM
2002 "The Mind-Body Connection" Guest: Dr. Harold Eist, February 20, 2002.
2002 "New Treatments for Anxiety and Depression" Guest: Dr. Phillip Ninan, February 27, 2002
2002 "New Developments in the Treatment of Psychiatric Disorders" Guest: Dr. Walker Brown, March 6, 2002
2002 "Substance Abuse" Guest: Dr. Paul Earley, March 13, 2002.
2002 "Helping Adolescents" Guest: Dr. Annie Cooper, March 20, 2002.
2002 "Eating Disorders" Guest: Dr. Patricia Donley, March 27, 2002.
2002 "How to Protect you Children from Child Molestation" Guest: Dr. Gene Abel, April 3, 2002.
2002 "Love at First Sight" Guest: Ms. Kim Jones, April 10, 2002.
2002 "Dreams, Do they Really have any Meaning?" Guest: Dr. Alfred Messer, April 17, 2002
2002 "Hospice and Grieving" Guest: Dr. John Shuster, April 24, 2002
2002 "Marriage, Divorce & Screwing Around" Guest: Dr. Frank Pittman, May 01, 2002.
2002 "New Drugs for the Treatment of Mental Disorders" Guest: Dr. Charles Nemeroff, May 08, 2002.
2002 "Women's Problems" Guest: Dr. Sandra Fryhofer, May 15, 2002.
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2004 "Parents who sell their Children for Sex," Kevin Rowson, WXIA TV, Channel 11 Evening News, April 14, 2004.
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2004 "Helplessness," Mark Andrew, WGCL-TV, May 13, 2004.
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2004 "Sex Bracelets and Their Meanings" Katherine Bohlander, WGCL-TV, November 18, 2004.
2004 "Scientists are scanning our brains to learn how to sell a candidate." Keith Whitney, WXIA-TV Evening News, October 28, 2004.
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Dave M. Davis, M.D.

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2005	"Copy Cat Shootings," Channel 11 Evening News, March 23, 2005
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2005	"How witnesses distort vs. true perception," Channel 2 News, Tom Reagan, September 13, 2005
2005	"The Nichols Case," Fox 5 News, Angelique Proctor, November 16, 2005
2006	"The Choking Game," The O'Reilly Factor, Fox News, January 2006
2006	"Most Depressing Day", MSNBC, January 24, 2006
2006	"Entwhistle Homicide Suspect," The John Gibson Show, Fox TV News, January 31, 2006
2006	"Natalie Holloway Suspected Murder Case," CNN News, February 2006
2006	"Sullivan Murder Trial," Court TV, March 20, 2006
2006	"Jon Benet Case", WOKU, WKOU, WOWO, KVBK Radio Show, August 23, 2006
2006	"Carr Confessions", Various Radio Shows, August 22, 2006
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Revised February 2008 /DMD/djm

FILED

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

MARTHA LEWIN ARGOE)

PLAINTIFF,)

vs.)

THREE RIVERS BEHAVIORAL)
HEALTH, LLC and PSYCHIATRIC)
SOLUTIONS, INC., ITS SUCCESSOR;)
PHYLLIS BRYANT-MOBLEY, MD;)
GLENN HOOKER, MD; AIKEN)
REGIONAL MEDICAL CENTER,)
AURORA PAVILION; DAVID A.)
STEINER, MD; CHERYL C. DODDS,)
MD; DORIS ANN BURRELL, RN;)
CAROLINA CARE PLAN; JAMES F.)
WALSH, JR.; G. LEWIS ARGOE, JR.;)
and GEORGE L. ARGOE, III,)

DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

2008 MAY 18

SETH J. CARRIGG
CLERK OF COURT
LEXINGTON SC

DOCKET NO.: 2007-CP-32-1981

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

MARTHA LEWIN ARGOE)

PLAINTIFF,)

vs.)

GEORGE LEWIS ARGOE, III)
individually and as purported)
"Trustee", G. LEWIS ARGOE, JR.)
JAMES F. WALSH, AMERIPRISE)
FINANCIAL SERVICES, MALCOLM)
LYNN NORRIS AND PANDORA)
JONES-GLOVER,)

DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL DISTRICT

DOCKET NO.: 2006-CP-07-2013

I, Diane M. Bradacs, a paralegal for the law firm of Warner, Payne & Black, L.L.P./ ElderLaw Services of South Carolina, P.A., attorneys for Martha Lewin Argoe, do hereby certify that on this date I caused a copy of the **Plaintiff's Supplemental Response to Interrogatories**, to be served upon the parties listed below by depositing a copy of same in the United States Mail, postage pre-paid, and addressed to the following:

Michael S. Pauley, Esq.
PO Box 2189
Lexington, SC 29072

James Parham, Esquire
PO Box 1576
Irmo, SC 29063

Mitch Willoughby
930 Richland Street
PO Box 8416
Columbia, SC 29202-8416

K. Michael Barfield, Esquire
M. Dawes Cooke, Jr., Esquire
PO Drawer H
Charleston, SC 29402-0197

George C. Beighley, Esquire
PO Drawer 7788
Columbia, SC 29202

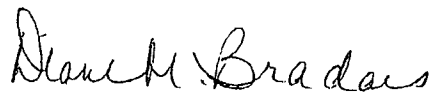
Will Davidson, Esquire
PO Box 8568
Columbia, SC 29202

Donna Givens, Esquire
PO Box 12519
Columbia, SC 29211-2519

Noah M. Hicks II, Esq.
Austin Lewis & Rogers P.A.
Congaree Building
508 Hampton Street, Suite 300
Columbia, SC 29201

Molly Craig, Esquire
Hood Law Firm, LLC
PO Box 1508
Charleston, SC 29402

Lisa A. Delzotti, Esquire
PO Box 12487
Columbia, SC 29211



Diane M. Bradacs

Columbia, South Carolina
May 8, 2008

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
MARTHA LEWIN ARGOE)
PLAINTIFF,)
vs.)
THREE RIVERS BEHAVIORAL)
HEALTH, LLC and PSYCHIATRIC)
SOLUTIONS, ITS SUCCESSOR;)
PHYLLIS BRYANT- MOBLEY, MD;)
GLENN HOOKER, MD;)
AIKEN REGIONAL MEDICAL)
CENTER, AURORA PAVILION; DAVID)
A. STEINER, MD; CHERYL C. DODDS,)
MD; DORIS ANN BURRELL, RN;)
CAROLINA CARE PLAN; JAMES F.)
WALSH, JR.; G. LEWIS ARGOE, JR.;)
and GEORGE L. ARGOE, III,)
DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

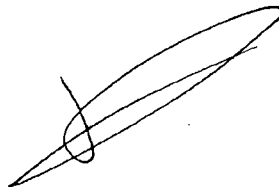
DOCKET NO.: 2007-CP-32-1981

**PLAINTIFF'S SUPPLEMENTAL
RESPONSE TO INTERROGATORIES**

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
MARTHA LEWIN ARGOE)
PLAINTIFF,)
vs.)
GEORGE LEWIS ARGOE, III,)
INDIVIDUALLY AND AS PURPORTED)
"TRUSTEE", G. LEWIS ARGOE, JR.,)
JAMES F. WALSH, AMERIPRISE)
FINANCIAL SERVICES, MALCOLM)
LYNN NORRIS and PANDORA JONES-)
GLOVER,)
DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
(*transferred to Lexington County*)

DOCKET NO.: 2006-CP-07- 2013



TO: ALL COUNSEL OF RECORD:

Plaintiff hereby interposes (and incorporates) each of the following objections into her responses:

- (1) Plaintiff objects to Defendant's discovery requests to the extent they may be interpreted to seek information and/or documents protected from discovery by the attorney-client privilege or the work product doctrine.
- (2) Plaintiff objects to Defendant's discovery requests to the extent they are overly broad, unduly burdensome, oppressive, vague, ambiguous and/or redundant.
- (3) Defendant objects to Plaintiff's discovery requests to the extent that they seek information and/or documents which are not relevant to this action or are not reasonably calculated to lead to the discovery of admissible evidence.
- (4) Plaintiff objects to Defendant's attempts through its instructions or otherwise to impose burdens of production or response greater than those imposed by the South Carolina Rules of Civil Procedure and to non-time-limited requests which are unduly burdensome.
- (5) Plaintiff objects generally to the Interrogatories asking to identify "each and every instance" upon the grounds that such are unduly burdensome and more suited to a less burdensome form of discovery.

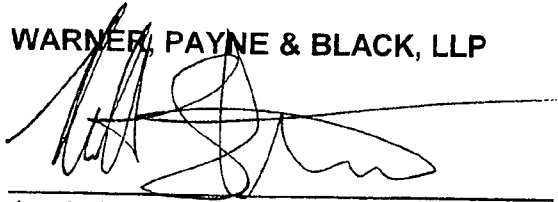
SUPPLEMENTAL RESPONSE TO INTERROGATORIES

In addition to discovery response previously served upon opposing counsel for all Defendants, the Plaintiff identifies the following expert witness:

Dave M. Davis, M.D.
Piedmont Psychiatric Clinic
1938 Peachtree Road NW, Suite 505
Atlanta, GA 30309

Dave M. Davis, M.D., will testify as to the standard of care, violations thereof, and related matters, as set forth in his Affidavit which is attached hereto and incorporated herein by reference and other matters to which he will testify.

WARNER, PAYNE & BLACK, LLP

By: 

Jan L. Warner

Matthew E. Steinmetz

Attorneys for Plaintiff

PO Box 2628 (29202)

1122 Lady Street, Suite 1200

Columbia, South Carolina 29201

Telephone: (803) 799-0554

Facsimile: (803) 799-2517

Columbia, South Carolina
May 8, 2008

RECEIVED MAR 13 2009

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS Civil Action No. 07- CP-32-1981 AFFIDAVIT OF GLENN HOOKER, M.D.
	)	
COUNTY OF LEXINGTON	)	
	)	
Martha Lewin Argoe,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Three Rivers Behavioral Center, LLC and Psychiatric Solutions, Inc., It's Successor; Phyllis Bryant- Mobley, M.D.; Glenn Hooker, M.D.; Aiken Regional Medical Center, Aurora Pavilion; David A. Steiner, M.D.; Cheryl C. Dodds, M.D.; Doris Ann Burrell, R.N.; Carolina Care Plan; James F. Walsh, Jr.; G. Lewis Argoe, Jr.; and George L. Argoe, III,	)))))))))	
Defendants.		

PERSONALLY APPEARED BEFORE ME, GLENN HOOKER, M.D., who first being

duly sworn deposes and states as follows:

1

I am a licensed psychiatrist practicing in the Florence and Orangeburg areas of South Carolina.

2

That on June 8, 2005, pursuant an order of the Orangeburg County Probate Court (copy attached) I saw Martha L. Argoe at the Orangeburg Area Mental Health Clinic.

3

At the time I saw Ms. Argoe, I referred her to the Orangeburg Regional Medical Center for a complete workup which was performed in the Emergency Room at Orangeburg Regional Medical Center. This workup was related to me and was found to be within normal limits.

4

As part of my examination of Ms. Argoe, I went through and identified health issues concerning Mr. Argoe and noted same on the examination for emergency admission form which was dated June 8, 2005. At the time of my examination of Ms. Argoe, I also met with

her husband who sat in during my evaluation.

5

At that time I noted that Ms. Argoe's behavior had become problematic over the last year by testimony of her husband of 40 years and her son. I also was told that the patient had been spending a great deal of money, had been very secretive and accusatory and was going out late at night by herself flashing her jewelry and was taking no precautions with her behavior. It seemed to me at that time that the patient was having perhaps manic symptoms. I also felt that the patient was putting herself at risk of harm and when I discussed with her behavior, she showed no insight or awareness of the risks and the problems she was causing her family.

6

Based on this evaluation, I was of the opinion within a reasonable degree of medical certainty that Ms. Argoe currently possessed a substantial risk of physical harm to herself and that involuntary emergency hospitalization was required. For this reason, it was noted that Ms. Argoe should be referred to the Aurora Pavilion at Aiken Regional Medical Center for involuntary emergency admission. During this admission Ms. Argoe could be evaluated further to determine specific needs to address concerns about her behavior. After this review

and evaluation of her symptoms, I have had no further involvement with Ms. Argoe or her family.

FURTHER AFFIANT SAYETH NOT.

G. Argoe

GLENN HOOKER, M.D.
SWORN TO BEFORE ME THIS 4TH

DAY OF March, 2008

George Watson
NOTARY PUBLIC FOR S.C.

COMMISSION EXPIRES: 9/17/2017

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Martha Lewin Argoe,

Plaintiff,

v.

Three Rivers Behavioral Center, LLC and
Psychiatric Solutions, Inc., It's Successor;
Phyllis Bryant-Mobley, M.D.; Glenn
Hooker, M.D.; Aiken Regional Medical
Center, Aurora Pavilion; David A.
Steiner, M.D.; Cheryl C. Dodds, M.D.;
Doris Ann Burrell, R.N.; Carolina Care
Plan; James F. Walsh, Jr.,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 07-CP-32-1981

**AFFIDAVIT OF
PHYLLIS BRYANT-MOBLEY, M.D.**

PERSONALLY APPEARED BEFORE ME, PHYLLIS BRYANT-MOBLEY, M.D., who
first being duly sworn deposes and says that:

1. I am a Physician licensed to practice medicine in the State of South Carolina. I am Board Certified in General Psychiatry and Neurology. At the time of the matters alleged in the Complaint, I had privileges to provide psychiatric care to patients in the Three Rivers Center for Behavioral Health (Three Rivers).

2. Upon information and belief, by Order of the Orangeburg County Probate Court dated June 6, 2005, Ms. Argoe was involuntarily committed to the Aurora Pavilion at Aiken Regional Medical Center on June 8, 2005. I had no involvement in these proceedings. Because of Ms. Argoe's insurance coverage, she was transferred the following day to Three Rivers where I became Ms. Argoe's admitting and then attending Psychiatrist.

3. Pursuant to my initial psychiatric evaluation of June 10, 2005, it was my psychiatric opinion that Ms. Argoe was suffering from bipolar disorder I, with manic and psychotic features. Additionally, I was concerned that Ms. Argoe might also be suffering from obsessive compulsive disorder (OCD). I felt at that time her global assessment of functioning (GAF) score was 25. Such a score is indicative of behavior considerably influenced by delusions and impairment in judgment. (See Exhibit 1, attached hereto.)

4. Internist Dr. Nehal Desai evaluated Ms. Argoe at my request and also found symptoms consistent with paranoid ideation and bipolar disorder and noted these in his evaluation and assessment. (See Exhibit 1, attached hereto.)

5. Because Ms. Argoe was refusing medications, on June 13, 2005 I asked for a second opinion and consult with Dr. Heath as to the appropriateness of forced medication administration in Ms. Argoe's situation. Dr. Heath evaluated Ms. Argoe on June 14, 2005 and specifically noted her continued paranoia and hypomanic mood. It was his opinion that the benefits of forced treatment outweighed the possible risk and side effects. (See Exhibit 1, attached hereto.)

6. Pursuant to directions from the Probate Court, I examined Ms. Argoe as a designated examiner for mental illness. My findings were presented to the Darlington County Probate Court on or about June 21, 2005. Again, I found that Ms. Argoe was mentally ill and in need of involuntary treatment. Therefore, involuntary hospitalization was recommended as well as involuntary outpatient treatment following her hospital discharge once clinically stable. Upon information and belief, my medical opinions were considered by Judge Marvin Lawson, Probate Judge for Darlington County during a full hearing held June 21, 2005 regarding the issues surrounding Ms. Argoe's mental illness, involuntary commitment and treatment. (See Exhibit 1, attached hereto.)

7. Pursuant to the hearing of June 21, 2005, the Court ordered that Ms. Argoe be committed to a Mental Health Facility for inpatient care and treatment and ordered that upon discharge she was to follow-up with her local Mental Health Center for continued Court ordered outpatient treatment over a period of 12 months because Ms. Argoe was adjudged to lack insight and/or capacity to make reasonable decisions with respect to her treatment and because she was a danger to herself or others. (See Exhibit 1, attached hereto.)

8. I provided care and treatment to Ms. Argoe until June 27, 2005 when Dr. Cheryl Dodds assumed Ms. Argoe's care and may have briefly discussed Ms. Argoe and her care with Dr. Dodds. According to the Three Rivers' records, Ms. Argoe ultimately and voluntarily consented to taking her prescribed medications beginning on or about June 16, 2005. Ms. Argoe improved and became stable on her medication regimen and was discharged to live with her son on July 20, 2005. Ms. Argoe's discharge diagnosis was bipolar disease, manic with psychosis. This diagnosis is consistent with my initial assessment and observations during the time period that I provided care and treatment to Ms. Argoe prior to Dr. Dodds assumption of Ms. Argoe's care and her ultimate discharge from Three Rivers.

9. Even without the historical information provided by multiple sources regarding Ms. Argoe's pre-hospitalization actions, behavior and conduct, I still would have diagnosed Ms. Argoe with a mental illness based upon my examinations and observations of her while under my care at Three Rivers. Further, my findings and diagnoses were corroborated by Drs. Dodds, Heath and Desai.

10. I have not seen or treated Ms. Argoe since her discharge on July 20, 2005. I have not been involved in any subsequent Probate or Family Court hearings involving the Argoes since her discharge.

11. I have not released any of Ms. Argoe's mental health records to any third party, including any Probate or Family Courts, and have not released any information or opinions about Ms. Argoe's mental health or diagnoses except for the information and opinions provided to the Darlington County Probate Court in my role as a designated medical examiner and to Attorney James Walsh, Jr., for use by the Orangeburg County Probate Court in custodian and guardianship proceedings pursuant to that Court's Order appointing me a Physician Examiner for Ms. Argoe. (See Exhibit 1, attached hereto.)

12. I never spoke to or with any of the defendants named in the Lexington County and/or Beaufort County cases about Ms. Argoe's mental healthcare and treatment other than what is mentioned above and to obtain information regarding Ms. Argoe's symptoms from her husband and son and her brother and sister. I never spoke to or with any of the defendants or conspired with any of the defendants about helping Ms. Argoe's husband and son take real and personal property from Ms. Argoe or to secure insurance reimbursement for Ms. Argoe's medical treatment to enrich any defendant.

13. I did not violate any standards of medical or psychiatric practice in my care and treatment of Ms. Argoe that are a proximate cause of her alleged injuries and damages.

FURTHER AFFIANT SAYETH NOT.

Phyllis Bryant-Mobley, M.D.
PHYLLIS BRYANT-MOBLEY, M.D.

SWORN TO BEFORE ME THIS 16th

DAY OF APRIL, 2008

Ngm Bowlt
NOTARY PUBLIC FOR S.C.

COMMISSION EXPIRES: 1-17-2013

EXHIBIT 1

Initial Psychiatric Evaluation

June 10, 2005

Bates# 7456-N-045-046

Dr. Desai's Internal Medicine Examination

June 10, 2005

Bates# 7456-N-047-048

Dr. Heath's Medical Record Entry

June 14, 2005

Bates# 7456-N-086

Notification of Emergency Admission

Appointment of Designated Examiners

June 10, 2005

Bates# 7456-P-009-010

Report of Designated Examiner

June 16, 2005

Bates# 7456-P-005-006

Notice of Hearing &

Judgment and Order

Darlington County Probate Judge Marvin Lawson

June 21, 2005

Bates# 7456-P-011-013

Order Appointing Physician Examiner

Orangeburg County Probate Judge Jones-Glover

July 8, 2005

Bates# 7456-B-013

ARGOE MARTHA L SS#:
062 W-F P MR#:000024396
Adm date: 2005-06-09 DO#
MOBLEY PHYLLIS
Act#: 1018795

Patient Identification

62 yo injured W.F. who per family has long been ill but has had no treatment. On commitment application application 2° psychotic and manic symptoms. Paranoid delusional, always carries gun on hip, sleeps in room separate from husband with the door locked. Goes out late at night, has been expending tremendous amounts of money, seeing witches and warlocks.

[illegible]

- Inability to meet basic life and health needs
 Dangerous to self, others, or property with need for controlled environment
 Toxic effect of therapeutic psychotropic drugs
 Failure of treatment at lower level of care
 Needs treatment for acute intoxication or withdrawal
 Biomedical conditions and complications requiring 24 hour medical and nursing care
 Need for ECT, special drug therapy, or other specific therapeutic program requiring continuous hospitalization
 Emotional or behavioral conditions and complications requiring 24 hour medical and nursing care
 High relapse potential due to inability to control substance abuse despite active participation in less restrictive care
 Recovery environment includes detrimental family
 Patient's occupation presents danger to public safety if they continue to use drugs or alcohol
 Failure of social or occupational functioning
 Legally mandated admission
 Impaired mood, depression, mood swings, suicidal ideation
 Psychosis, hallucinations, delusions, ideas of reference
 Cognitive impairment, orientation, judgement, memory
 Other (Specify)
- afraid of dad, boards nervous
 Pt. denies all, says
 husband "is concocting a tale"
 accuses him of being physical
 and emotionally abusive
 alcoholic
 only her only child, a son who
 is her power
 of attorney. Pt. refused to take
 meds at Burruss Pavilion
 from where she was trans-
 ferred, but says if son
 believes she should medicate

None

None

Cholexynterism, appendicitis,
No other disease alluded to

Level: psychological assessment

MENTAL STATUS EXAMINATION: Smallish, attractive WF. Hair a bit disheveled, otherwise casually and appropriately dressed. Pleasant & cooperative, good eye contact. Affect is expansive, euphoric. Speech brisk & pressured. Thought processes logical & goal-directed. Denies AH/VH but she is paranoid. Need to R/O whether or not beliefs about husband are delusional. Denies SI/HI. A: O x 4. WORLD > memory intact to all spheres. Avg. intelligence. Poor insight and judgement.
PATIENT ASSETS: Supportive Son (POA) and husband

PATIENT LIABILITIES: Long h/ illness & no treatment, lack of insight

PROVISIONAL DIAGNOSIS

AXIS I: Bipolar I, Manic & Psychotic Features, R/O OCD
AXIS II: depressed
AXIS III: none active
AXIS IV: Long h/ illness & no treatment
AXIS V: 25

ESTIMATED LENGTH OF INPATIENT TREATMENT: 7-10 days

INITIAL DISCHARGE PLANS:



HOME



PLACEMENT

OTHER

INITIAL TREATMENT PLAN:

Admit / Level II / Labs: physical exam / mood-stabilizing and antipsychotic medications / supportive group and individual therapy. Will wait until after family session today before prescribing meds to determine if family can convince her to take meds by mouth rather than having to be force medicated (pt is committed).

I believe this patient requires inpatient hospitalization. I do not believe this patient could be adequately and appropriately treated in a less restrictive environment. My decision is based on the preceding clinical information.

Rhyella Mobley, MD
PHYSICIAN'S SIGNATURE

6/10/05 10:30A
DATE/TIME

7456-N-046
CONFIDENTIAL

Three Rivers behavioral health

internal medicine history and physical exam

patient's name: Martha Argoe

Date: 6/10/2005

Chief Complaint: The sheriff came and got me

History of Present Illness: 62 year-old female is admitted on commitment papers secondary to several days history of increasing irritability, insomnia, confusion, paranoid ideation, bizarre behavior. Symptoms are progressively worse and severe. There is questionable prior psychiatric history, she is on no medications, denies significant medical history, denies alcohol or drug abuse. There are no other identifiable precipitators all modifiers. She denies associated chest pain, palpitations, shortness of breath, falls, head injury, seizures or syncope.

Review of systems:

Constitutional: No fever or chills, weight loss, change in appetite, evening temperatures or night sweats. Denies change in appetite or weight loss.

Eyes: No diplopia, floaters, vision changes or field defects.

ENT: No ear pain, discharge, change in hearing, nosebleeds, rhinorrhea, throat lumps, or pooling of saliva

CVS: No chest pain, palpitations, orthopnea, PND, edema, cyanosis or undue shortness of breath on exertion.

RS: No cough or shortness of breath, hemoptysis, expectoration or wheezing

GI: No dysphagia, nausea, vomiting or diarrhea, blood in stool, abdominal pain, change in bowel habits or tenesmus.

Endocrine: No polyuria, polydipsia, temperature intolerance or excessive sweating.

Skin: No rashes, pruritus, skin breakdown, wheals, erythema or raised lesions.

Neuro: No seizures, tremors, akinesia, rigidity, motor weakness, involuntary movements, tingling or numbness.

Musculoskeletal: No joint pains, muscle pains, joint swelling, change in range of motion or gait problems

Past Medical History: None

Past Surgical History: Hysterectomy, cholecystectomy, appendectomy

Family History: Heart disease

Social History: Denies alcohol, tobacco or drug use

Allergies: No known drug allergies

Medications: HRT, she is noncompliant

Vital signs: Temperature: 98.8

Respiratory rate: 16

Pulse: 90

Blood pressure: 136/80

Physical exam:

General: Alert and oriented times three, in no distress, appears in good physical health, ambulates without difficulty. Does display flight of ideas as well as pressured speech during interview.

7456-N-047
CONFIDENTIAL

MA

HEENT: Normocephalic, atraumatic head, pupils are equal round and reactive, sclera are anicteric, oral and nasal mucosa appears pink and unremarkable, there is no sinus tenderness.

Neck: Neck is supple, there is no thyromegaly or bruits, there is no JVD, trachea is central and there is no stridor, there are no carotid bruits, no palpable masses are appreciated.

Respiratory system: There is good air entry bilaterally, there is no wheezing, rhonchi or rales, there is no accessory muscle use.

Cardiovascular system: Rate is normal, rhythm is regular, and no murmurs, rubs or gallops. There are no thrills or palpable masses over chest. There are no abnormal heart sounds or clicks.

Gastrointestinal system: Abdomen is soft, nontender and nondistended. No hepatosplenomegaly is appreciated. No palpable masses are appreciated. There are no bruits on auscultation.

Lymph nodes: No lymph nodes are palpable in neck and axilla or groin

Neurologic System: Cranial nerves are grossly intact, no pathological reflexes are appreciated. No Babinski's bilaterally. No gross sensory or motor deficits are appreciated. Gait and speech are unremarkable.

Skin: There are no rashes, nodules or induration. There is no erythema or skin breakdown.

Genitourinary system: Patient denies any symptoms. This was deferred to primary care physician at patient's request.

Extremities: There is no cyanosis clubbing or edema. There are no local color or temperature changes. There is no muscle tenderness. Peripheral pulses are palpable.

Assessment and Plan:

1 paranoid ideation, bizarre behavior, irritability, insomnia, confusion, flight of ideas, pressured speech: This is consistent with a bipolar disorder. Recommend to check screening labs, rule out organic causes, establish etiology and treat accordingly.

N. Desai

6/10/05 am

Nehal-Desai, examining physician, date and time.

Phyllis Mobley, MD
6/24/05 11:45 AM

7456-N-048
CONFIDENTIAL

02556

THREE RIVERS FOR BEHAVIORAL HEALTH

ARGOE MARTHA L SS#
062 WF P MR#:000024396
Adm date: 2005-06-09 DOB:
MOBLEY PHYLLIS
Act#: 1018795

PHYSICIAN'S PROGRESS RECORD

PATIENT IDENTIFICATION

ADDRESS AS APPROPRIATE EACH OF THE FOLLOWING:

	Date	Time	Prob.#	Disc	Progress/Notes
PROBLEM: Diagnosed Condition Presenting Complaint Complication New Management Problem New Condition Present Side Effects	6/14/2005	nm			Medication Discontinue Xanax
EVALUATION: Discussion With Patient Consultation With Other Clinicians Physical Examination Discussion of Risk/ Benefits of Medication Formal Conference Conference with Family/ Review of Lab / Testing Results					This is a 62 year old white female presenting to present admission and very unusual behavior. The behavior is well documented. She is present, this is documented, and very much using " because I needed some new clothes and the clothes needed to care for her I carry a gun so I have been framed by the FBI." USE: Alert. Mood is hypomanic. Affect is flat. Expansion of time D.B.S. Debarred and present admission present. For the last 24 hours is bigger and that her husband is a heavy smoker who is a sister her mother's father is present and she presents a clear, present and, in my opinion, cannot drive herself. She is using meals to manage her. It is my opinion the behavior is a flat, the last admission, possibly marks and side effects. Cognitive difficulties per other. Consider my B.P. follow up and also as well as R.P. Consider Right for my.
ASSESSMENT / FINDINGS: Patient Progress: Change In Sx / Behavior Change in Relationships Change in Medical Status Need for Continued Treatment Necessity for Level of Care					
THERAPEUTIC PLAN: Medication Laboratory Tests Specialty Consultation Psychotherapies Group Family Individual Change in Privilege Status Discharge Planning					
NURSING PROCESS DOCUMENTATION: Patient Behavior Interventions Provided Patient Response to Interventions Plan					

7456-N-086
CONFIDENTIAL

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Martha Lewin Argoe,

Plaintiff,

vs.

Three Rivers Behavioral Health, LLC
 and Psychiatric Solutions, Inc.,
 Its Successor; Phyllis Bryant-Mobley,
 M.D.; Glenn Hooker, M.D.; Aiken
 Regional Medical Center; Aurora
 Pavilion; David A. Steiner, M.D.;
 Cheryl C. Dodds, M.D., Doris Ann
 Burrell, R.N.; Carolina Care Plan;
 James F. Walsh, Jr.; G. Lewis
 Argoe, Jr.; and George L. Argoe, III,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action Number: 07-CP-32-1981

AFFIDAVIT OF
 CHERYL C. DODDS, M.D.

PERSONALLY APPEARED before me, Cheryl C. Dodds, M.D., who being duly sworn, deposes and says that:

I am a physician licensed to practice medicine in the State of South Carolina. I am Board Certified in Psychiatry and Neurology. At the time of the matters alleged in the Complaint, I had privileges to provide psychiatric care to patients in the Three Rivers Center for Behavioral Health (Three Rivers).

Upon information and belief, by Order of the Orangeburg County Probate Court dated June 6, 2005, Ms. Argoe was involuntarily committed to the Aurora Pavilion at Aiken Regional Medical Center on June 8, 2005. I had no involvement in these proceedings. Because of Ms. Argoe's insurance coverage, the next day she was transferred to Three Rivers, where Phyllis Bryant-Mobley, M.D., was the admitting and

attending psychiatrist. Dr. Mobley's admitting diagnosis was "bipolar I, manic with psychotic features, rule out OCD".

Upon information and belief, on June 21, 2005, after a full hearing on the issues, the Darlington County Probate Court found Ms. Argoe to be mentally ill and a danger to herself or others. The Court ordered that Ms. Argoe be committed to a mental health facility for in-patient care and treatment and ordered that upon discharge she follow-up with her local mental health center for outpatient treatment for 12 months (a copy of the Order is attached). I was not involved in this Probate matter.

I did not provide care and treatment to Ms. Argoe until June 27, 2005, when Dr. Mobley went on vacation. According to the Three Rivers records, Ms. Argoe voluntarily consented to take her medications starting on June 16, 2005. When Ms. Argoe improved and became stable on her medications, I discharged her to live with her son on July 20, 2005. My discharge diagnosis was "bipolar disease, manic with psychosis" (a copy of my Discharge Summary is attached). Even without the history of Ms. Argoe's actions and conduct prior to her involuntary commitment to Three Rivers as told by Ms. Argoe's husband and son, I still would have diagnosed Ms. Argoe with a mental illness based upon my examinations and observations of her at Three Rivers.

On July 8, 2005, the Orangeburg County Probate Court appointed me as a physician/examiner and ordered me to report my findings about Ms. Argoe's mental condition and the need for a guardian and/or conservator to be appointed (a copy of the Order is attached). As ordered, I submitted to the Probate Court my Examiner's Report and Doctor's Affidavit Regarding Capacity (a copy is attached). At that time, I concluded from my treatment of Ms. Argoe that she was an "incapacitated person" and in need of a guardian and/or conservator based upon a mental illness. I stated in my

Affidavit that I was unable to determine at the time whether this condition was permanent or temporary. I did not testify in any Probate hearing regarding guardianship and conservatorship matters, and upon information and belief, my findings were not used by the Probate Court, because the Petitions for Appointment of a Conservator and Appointment of a Guardian were dismissed without a hearing.

I have not seen or treated Ms. Argoe since her discharge on July 20, 2005. I was not involved in any subsequent Probate or Family Court hearings or matters involving the Argoes.

I have not released any of Ms. Argoe's mental health records to any third party, including any Probate or Family Courts, and I have not released any information or opinions about Ms. Argoe's mental health diagnosis or treatment to anyone other than the Orangeburg County Probate Court, as ordered.

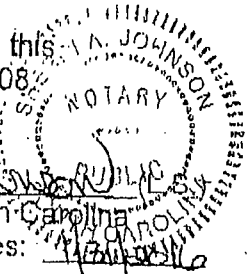
I never spoke to or with any of the Defendants named in the Lexington County and Beaufort County cases about Ms. Argoe's mental health care and treatment other than discussing it with Dr. Mobley. I never spoke to or with any of the Defendants or conspired with any of the Defendants about helping Ms. Argoe's husband and son take real and personal property from her or to secure insurance reimbursement for Ms. Argoe's medical treatment to enrich any Defendant.

I did not violate any standards of medical practice in my care and treatment of Ms. Argoe that are a proximate cause of her alleged injuries and damages.

SIGNATURE ON NEXT PAGE

Cheryl C. Dodds M.D.
Cheryl C. Dodds, M.D.

SWORN to before me this
19th day of March, 2008

A circular notary seal for a Notary Public in South Carolina. The seal contains the text "NOTARY PUBLIC" and "SOUTH CAROLINA". The name "JOHNSON" is visible at the top of the seal.
Notary Public for South Carolina
My Commission expires: 11/20/2011

COPY

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

) IN THE COURT OF COMMON PLEAS

FILED

Martha Lewin Argoe,)

Plaintiff,)

vs.)

Three Rivers Behavioral Health, LLC, and)
Psychiatric Solutions, Inc., Its Successor;)
Phyllis Bryant-Mobley, M.D.; Glenn Hooker)
M.D.; Aiken Regional Medical Center,)
Aurora Pavilion; David A. Steiner, M.D.;)
Cheryl C. Dodds, M.D.; Doris Ann Burrell,)
R.N.; Carolina Care Plan; James F. Walsh,)
Jr.; G. Lewis Argoe, Jr.; and George L.)
Argoe, III,)

Defendants.)

Docket No.: 2007-CP-32-1981

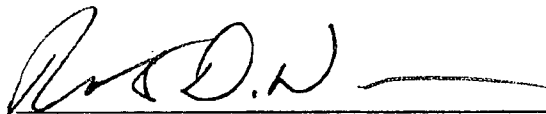
2011 SEP 13 P 4: 32

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON SC

NOTICE OF APPEARANCE

Robert D. Dodson, an attorney licensed to practice law in South Carolina, in good standing with the South Carolina Bar, and in fact practicing law in South Carolina, hereby gives his notice of appearance and intension to represent the Plaintiff, Martha Lewin Argoe, in the above captioned case.

Respectfully submitted,



Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, STE 200
Columbia, SC 29201
Telephone: (803) 252-2600
Facsimile: (803) 771-2259
Email: rdodson@rdodsonlaw.com
Attorney for Plaintiff

September 8, 2011
Columbia, South Carolina

COPY

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF LEXINGTON)

CIVIL ACTION NO.: 2007-CP-32-1981

Martha Lewin Argoe,)

Plaintiff,)

v.)

Three Rivers Behavioral Health, LLC, and)
Psychiatric Solutions, Inc., Its Successor;)
Phyllis Bryant-Mobley, M.D.; Glenn Hooker)
M.D.; Aiken Regional Medical Center,)
Aurora Pavilion; David A. Steiner, M.D.;)
Cheryl C. Dodds, M.D.; Doris Ann Burrell,)
R.N.; Carolina Care Plan; James F. Walsh,)
Jr.; G. Lewis Argoe, Jr.; and George L.)
Argoe, III,)

Defendants.)

CERTIFICATE OF SERVICE

I, Brandi Newman, employee of the Law Offices of Robert Dodson, P.A. do hereby certify that on September 12, 2011, I caused to be served a true, correct and accurate copy of **Plaintiff's Notice of Appearance** by depositing in United States Mail, postage prepaid, addressed to:

Attorney for Psychiatric Solutions:

Sterling G. Davies, Esquire
McAngus Goudelock & Courie, LLC
PO Box 12519
Columbia, SC 29211-2519

Attorney for Doris Ann Burrell and Three Rivers:

Andrew N. Cole, Esquire
Christopher M. Adams, Esquire
Collins & Lacy, P.C.
PO Box 12487
Columbia, SC 29211

Attorney for Dr. Mobley and Dr. Hooker:

Will Davidson, Esquire
1611 Devonshire Drive, 2nd Floor
PO Box 8568
Columbia, SC 29202

FILED
2011 SEP 13 P 4: 32
BETH A. CARRIG
CLERK OF COURT
LEXINGTON SC

Attorney for Carolina Care Plan:

Noah M. Hicks, II, Esquire
Law Offices of Noah Hicks, II, LLc
PO Box 7996
Columbia, SC 29202

Attorney for David Steiner:

Molly Craig, Esquire
Hood Law Firm, LLC
PO Box 1508
Charleston, SC 29402

Attorney for James Walsh:

K. Michael Barfield, Esquire
PO Drawer H
Charleston, SC 29402-0197

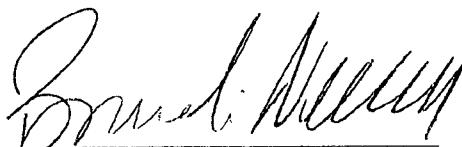
Attorney for Aiken Regional Medical Center:

George C. Beighley, Esquire
PO Drawer 7788
Columbia, SC 29202

Michael S. Pauley, Esquire
Lide and Pauley, LLC
PO Box 2189
Lexington, SC 29072-9155

James C. Parham, Jr., Esquire
Wyche Burgess Freeman & Parham, PA
PO Box 728
Greenville, SC 29602-0728

G. Dewey Oxner, Jr., Esquire
Haynsworth Sinkley Boyd, PA
PO Box 2048
Greenville, SC 29602



Brandi Newman, Paralegal

STATE OF SOUTH CAROLINA

FILED

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON

2013 JUL -9

2:58 PM Action No. 07-CP-32-1981

Martha Lewin Argoe,

Plaintiff,

vs.

Three Rivers Behavioral Health, LLC and
Psychiatric Solutions, Inc., its successor,
Phyllis Bryant-Mobley, MD, Aiken Regional
Medical Centers, Inc., David A.
Steiner, MD, Cheryl C. Dodds, MD; Doris
Ann Burrell, RN and Carolina Care Plan,

Defendants.

CONSENT ORDER OF DISMISSAL

This matter comes before the court on motion of counsel for the Plaintiff, by and with the consent of counsel for Defendant Aiken Regional Medical Centers, Inc., for an order of dismissal with prejudice of the above-entitled action as to Defendant Aiken Regional Medical Centers, Inc. only, pursuant to Rule 41(a)(2) of the South Carolina Rules of Civil Procedure.

IT IS ORDERED that the above-entitled action is hereby dismissed, discontinued and forever ended with prejudice as to Defendant Aiken Regional Medical Centers, Inc. only.

IT IS SO ORDERED.


The Honorable William P. Keesley
Circuit Court Judge
Eleventh Judicial Circuit

July 3, 2013

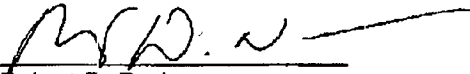
SCANNED

[CONSENT SIGNATURE PAGE TO FOLLOW]

WE CONSENT:

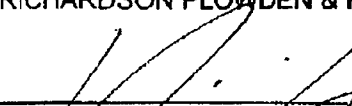
FILED

LAW OFFICES OF ROBERT DODSON, P.A. 2013 JUL -9 2:59


Robert D. Dodson
1722 Main Street, Suite 200
Columbia, SC 29201
803-252-2600
Attorney for Plaintiff

June 25th, 2013

RICHARDSON PLOWDEN & ROBINSON, P.A.


George C. Beighley
Shelton W. Haile
1900 Barnwell Street
P.O. Drawer 7788
Columbia, SC 29202
803-771-4400
Attorneys for Defendant Aiken Regional
Medical Centers, Inc.

June 25, 2013

COPY

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

Martha Lewin Argoe,

Plaintiff,

vs.

Three Rivers Behavioral Health, LLC,
and Psychiatric Solutions, Inc., its
successor; Phyllis Bryant Mobley, MD
Glenn Hooker, MD, Aiken Regional Medical
Center-Aurora Pavilion, David A.
Steiner, MD, Cheryl C. Dodds, MD,
Doris Ann Burrell, RN, and Carolina Care
Plan, Inc.

Defendants.

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

CIVIL ACTION NO.: 2007-CP-32-1981

JOINT STIPULATION OF
DISMISSAL WITH PREJUDICE
OF CAROLINA CARE PLAN, INC.

2013 OCT -2 A 11:09
BETH A. CARRIS
CLERK OF COURT
LEXINGTON

FILED

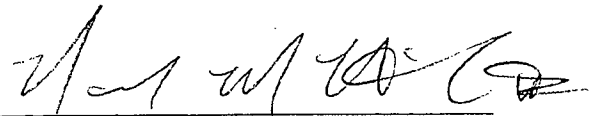
**TO: THE HONORABLE COURT OF COMMON PLEAS LEXINGTON
COUNTY, SOUTH CAROLINA**

Comes now Plaintiff and Defendant Carolina Care Plan, Inc., through undersigned counsel, and jointly stipulate to the dismissal with prejudice of Carolina Care Plan, Inc. from the above-captioned matter pursuant to Rule 41 SCRCF. There are no counterclaims or cross-claims pending on behalf of or against Carolina Care Plan, Inc. in this matter.

WE SO STIPULATE,



Robert D. Dodson, Esquire
Law Offices of Robert Dodson, PA
1722 Main Street
Suite 200
Columbia, SC 29201
(803) 252-2600 Telephone
(803) 771-2259 Facsimile
rdodson@rdodsonlaw.com Email
Attorney for Plaintiff



Noah M. Hicks II, Esquire
Law Offices of Noah M. Hicks II, LLC
Post Office Box 7996
Columbia, S.C. 29202
(803) 708-4842 Telephone
(803) 708-4844 Facsimile
Chicks@NMHLawfirm.com Email

Attorney for Carolina Care Plan, Inc.

COPY

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON)

MARTHA LEWIN ARGOE)

DOCKET NO.: 2007-CP-32-1981

PLAINTIFF,)

vs.)

THREE RIVERS BEHAVIORAL)
HEALTH, LLC and PSYCHIATRIC)
SOLUTIONS, INC., ITS SUCCESSOR;)
PHYLLIS BRYANT-MOBELY, MD;)
GLENN HOOKER, MD;)
AIKEN REGIONAL MEDICAL)
CENTER, AURORA PAVILLION;)
DAVID A. STEINER, MD; CHERYL C.)
DODDS, MD; DORIS ANN BURRELL, RN))
CAROLINA CARE PLAN; JAMES F.)
WALSH, JR.; G. LEWIS ARGOE, JR.;)
and GEORGE L. ARGOE, III,)

CERTIFICATE OF SERVICE

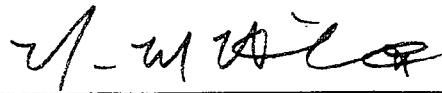
DEFENDANTS.)

BETH A. CARRIG
CLERK OF COURT
LEXINGTON SC

2013 OCT -2 A 11:03

FILED

I confirm that the foregoing Stipulation of Dismissal with Prejudice was served on all counsel of record in this matter by placing a copy of same in the US Mail with proper postage affixed.



Noah M. Hicks II

Attorney for Defendant Carolina Care Plan, Inc.

Columbia, SC
October 2, 2013

COPY

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of August, 2013, served a copy of the Joint Stipulation of Dismissal with Prejudice of Carolina Care Plan, Inc., by mailing copies of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

George C. Beighley, Esquire
Richardson, Plowden & Robinson
P.O. Box 7788
Columbia, S.C. 29202

Robert D. Dodson, Esquire
Law Office of Robert D. Dodson, P.A.
1722 Main Street, Suite 200
Columbia, S.C. 29201

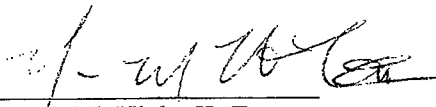
Andrew N. Cole, Esquire and
Christopher M. Adams, Esquire
Collins & Lacy, PC
P.O. Box 12487
Columbia, S.C. 29211

William H. Davidson, II, Esquire
Davidson & Lindemann, PA
P.O. Box 8568
Columbia, S.C. 29202

James E. Parham, Jr., Esquire
P.O. Box 1576
Irmo, S.C. 29063

Molly H. Craig, Esquire
Hood Law Firm, LLC
P.O. Box 1508
Charleston, S.C. 29401

Sterling G. Davies, Esquire
P.O. Box 12519, Capital Station
Meridian, 1320 Main Street, 10th Floor (29201)
Columbia, S.C. 29211-2519


Noah M. Hicks II, Esq.

FILED
2013 OCT - 2 A 11: 03
BETH A. CARRIG
CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA

ORIGINAL

COUNTY OF LEXINGTON

MARTHA LEWIN ARGOE,

Plaintiff,

vs.

THREE RIVERS BEHAVIORAL
HEALTH, LLC AND PSYCHIATRIC
SOLUTIONS, INC., ITS SUCCESSOR,
PHYLLIS BRYAN-MOBLEY, MD,
AIKEN REGIONAL MEDICAL CENTER-
AURORA PAVILION, DAVID A.
STEINER, MD, CHERYL C. DODDS,
MD, DORIS ANN BURRELL, RN AND
CAROLINA CARE PLAN,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No. 2007-CP-32-1981

**STIPULATION OF DISMISSAL
WITH PREJUDICE AS TO
DEFENDANT PSYCHIATRIC
SOLUTIONS, INC.**

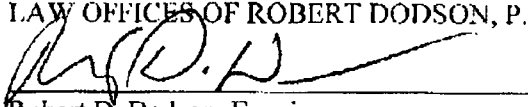
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FILED
NOV - 6 - 2012
CLERK OF COURT
LEXINGTON, SC

Pursuant to Rule 41(a) of the *South Carolina Rules of Civil Procedure*, Plaintiff in the above-captioned case, by and through the undersigned counsel, hereby dismisses Defendant Psychiatric Solutions, Inc. from this case with prejudice. Defendant Psychiatric Solutions, Inc. consents to this dismissal with prejudice. The parties agree to bear their own respective costs.

WE SO STIPULATE:

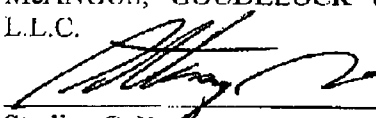
LAW OFFICES OF ROBERT DODSON, P.A.


Robert D. Dodson, Esquire
1722 Main Street, Suite 200
Columbia, South Carolina 29201
(803) 252-2600
ATTORNEYS FOR PLAINTIFF

Date: 11/6/12

WE CONSENT:

McANGUS, GOUDELOCK & COURIE,
L.L.C.


Sterling G. Davies
Post Office Box 12519, Capitol Station
1320 Main Street 10th Floor (29201)
Columbia, South Carolina 29211-2519
(803) 779-2300

ATTORNEY FOR DEFENDANT

Date: 11/7/12



ATTORNEYS AT LAW

Reply To
STERLING G. DAVIES
Direct Dial: (803) 227-2235
sdavies@mgclaw.com
COLUMBIA

November 7, 2012

The Honorable Beth A. Carrigg
Lexington County Clerk of Court
205 East Main Street, Suite 146
Lexington, South Carolina 29072

FILED
2012 NOV -9 A 11:55
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

RE: Martha Lewin Argoe vs. Three Rivers Behavioral Health, LLC and Psychiatric Solutions, Inc., its successor, Phyllis Bryan-Mobley, MD, Aiken Regional Medical Center-Aurora Pavillion, David A. Steiner, MD, Cheryl C. Dodds, MD, Doris Ann Burrell, RN and Carolina Care Plan
Civil Action No. 2007-CP-32-1981
Our File No.: 20203.07116

Dear Ms. Carrigg:

Please find enclosed for filing the original and one (1) copy of a Stipulation of Dismissal with Prejudice as to Defendant Psychiatric Solutions, Inc. in the above-captioned case. I would appreciate your returning a clocked-in copy of the same to me in the envelope provided.

Thanking you in advance for your assistance, I am

Very truly yours,


Sterling G. Davies

SGD/caw
Enclosures
cc:w/enc:

James E. Parham, Jr., Esquire
Molly H. Craig, Esquire
George C. Beighley, Esquire
Noah M. Hicks, II, Esquire
Robert D. Dodson, Esquire
William H. Davidson, II, Esquire
Andrew N. Cole, Esquire and Christopher M. Adams, Esquire

APPLICATION FOR INVOLUNTARY EMERGENCY HOSPITALIZATION
FOR MENTAL ILLNESS

(Complete in Triplicate)

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

FOR HOSPITAL USE ONLY	
Date Admitted	<u>6-9-05</u>
Hospital Register No.	<u>1018795</u>
Approval of Hospital Official	<u>6/10/05</u>
Signature	Date

IN THE MATTER OF:

Martha L. Argoe F 62 W Married
 Person alleged to be mentally ill Sex Birthdate Age Race Marital Status
1155 Putter Path Orangeburg SC 29115 568-2111 Since
 Street Address City State Zip Phone # Length of Time
 Residing There 1983

TO THE HOSPITAL DIRECTOR:

Application is hereby made for the INVOLUNTARY EMERGENCY ADMISSION of the above-named person to a SCDMH Psychiatric Hospital

or to NAME OF NON-SCDMH HOSPITAL

for the following reasons:

That the undersigned believes that the above-named person is mentally ill, and because of this mental condition is likely to cause serious harm to self or others if not immediately hospitalized.

1. The specific type of serious harm thought probable is: ** Martha carries a handgun on her left hip all the time. Martha is a danger to herself and others. She is suspicious of others and as a result has moved silverware and other items out of the house. She refuses to touch or clean anything in the house. She locks herself in the room at night. She is fidgety and drives late at night.
2. That the applicant bases his/her belief on the following grounds: Martha is fearful of people, she is paranoid. She stated that her house is bugged. She has hallucinations of seeing witches and warlocks. She spends monies excessively, she accuses her husband of having an affair and of having another family. Clothes are stacked everywhere.
3. That the applicant understands that for involuntary Emergency Admission to occur that the said person must be examined and certified by at least one licensed physician (Part II, Certificate of Licensed Physician for Mental Illness) as required by Section 44-17-410, S.C. Code, 1976, as amended. If the said person has not been examined, listed below are the reasons:

Martha refuses treatment.

4. That next-of-kin of allegedly mental ill person is G. Lewis Argoe
 Relation Husband Whose address is 1155 Putter Path, Orangeburg, SC 29115
 RFD or Street City and State Zip Phone Number

In case of next-of-kin cannot be contacted, notify George Argoe

- Son 7 Glen Court, Greer, SC (804) 901-4600
 Relation Address City and State Zip Phone Number

SWORN to before me this <u>6th</u> day of <u>June</u> , 20 <u>05</u> <u>Nancy D. Jacobus</u> Notary Public for South Carolina or Probate Judge My Commission Expires: <u>07/07/2008</u>

WHEREFORE, the undersigned requests that the person named above be admitted to a psychiatric hospital for treatment as authorized by law

G. Lewis Argoe Jr.
 Applicant's Signature
G. Lewis Argoe Jr.
 Name of Applicant (typed or printed)
1155 Putter Path Orangeburg, SC
 Address of Applicant
Business 803-568-2111 Cell- 803-575-481
 Telephone Number of Applicant

Spouse.

Relation to Patient or Title, if any

(See reverse side which must be completed)

PART II
CERTIFICATE OF LICENSED PHYSICIAN
EXAMINATION FOR EMERGENCY ADMISSION

PAGE 1

NAME OF PERSON EXAMINED Moitha Argoe AGE 62 COUNTY OF RESIDENCE Dick
PLACE OF EXAMINATION D Am HC HOUR AND DATE OF EXAMINATION _____

I, THE UNDERSIGNED LICENSED PHYSICIAN, have examined the above-named person and am of the opinion that the said individual:

☐ IS MENTALLY ILL AND because of this mental condition CURRENTLY POSES A SUBSTANTIAL RISK of physical harm to self and/or others to the extent that INVOLUNTARY EMERGENCY HOSPITALIZATION is recommended.

My recommendation for INVOLUNTARY EMERGENCY HOSPITALIZATION is based on the following symptoms and specific examples of behavior which indicate mental illness and probable risk of harm:

PT behavior have become problematized over last year by testimony of husband of 40 years before. PT has been spending a great deal of money being secretive & accusatory, going out late at night by herself flashing her jewelry, taking no precautions. Seems to be having major mania symptoms. At any rate putting herself at risk of harm & in talking with her shown no insight or awareness of the risks & the problem she's causing family

The person is therefore to be transported to _____ NAME OF SCDMH PSYCHIATRIC HOSPITAL
or to Quinn Pavilion NAME OF NON-SCDMH HOSPITAL for involuntary emergency admission.

For admission to SCDMH hospital, Physician must complete Part II, Page 2, over.

SIGNATURE OF LICENSED PHYSICIAN B. Hooker, MD S.C. LICENSE NUMBER 16367
TYPED OR PRINTED NAME B. Hooker, MD PHONE NUMBER _____
ADDRESS _____

All information MUST be typed or clearly printed.

APPLICATION FOR INVOLUNTARY EMERGENCY HOSPITALIZATION FOR MENTAL ILLNESS

IMPORTANT NOTICE: All patients receiving treatment in a State Department of Mental Health facility will be charged the established fee as approved by the South Carolina Mental Health Commission.

PERTINENT FINANCIAL RESPONSIBILITY INFORMATION

Present Name Martha Argoe		Full Name at Birth if Different From Present Martha Lewin	
Education Level 14	Social Security Number	Occupation Housewife	Monthly Income
Employer's Name N/A	Address		If not employed, source of income: ☐ Retirement ☒ Public Assistance ☐ Other
HOSPITALIZATION INSURANCE Coverage including group insurance, Medicare, Medicaid, military medical care, etc.			
Policy No. or HIB	Name of Insurance Co. Carolina Care Plan	Address Columbia	If group insurance, name & address of firm V96 1-800-877-6003
MILITARY SERVICE			
Branch N/A	Service Number	Dates of Service	Type Discharge Monthly Pension VA Claim No.
FINANCIAL REPRESENTATIVE Please list the name, address and telephone numbers of the person to receive financial statements and other media related to the personal financial affairs on behalf of the patient.			
Last Name Argoe	First Name Martha	Middle Initial	Relation to Patient Self
Street Address or Rural Route & Box 1155 Putter Path		Telephone (803) 568-2111	
City, State, Zip Orangeburg, SC 29115		Telephone	
LIST OF SCDMH PSYCHIATRIC HOSPITALS			
G. Werber Bryan Psychiatric Hospital 220 Faison Drive Columbia, S.C. 29203 For information and prior to all admissions call: (803) 835-7143 - All Hours	South Carolina State Hospital 2100 Bull Street (P.O. Box 119) Columbia, S.C. 29202 For information and prior to all admissions call: (803) 898-2038 - All Hours	William S. Hall Psychiatric Institute 1800 Colonial Drive (P.O. Box 202) Columbia, S.C. 29202	
Patrick B. Harris Psychiatric Hospital P.O. Box 2907 Anderson, S.C. 29622 For information and prior to all admissions call: (864) 231-2600 - All Hours	JCF / MR 7901 Farrow Road Columbia, S.C. 29203 For information and prior to all admissions call: (803) 935-6334 or (803) 898-2038 - All Hours	Psychiatry Unit Forensic Unit Children's Unit For information and prior to all admissions call: (803) 898-1662 - All Hours	

NOTE: ADMINISTRATIVE PROCEDURE - FORMS:

"Application for Emergency Admission, Part I", and "Certificate of Licensed Physician, Part II", must be completed in triplicate and accompany the patient to the receiving hospital. The hospital must forward one copy to Judge of Probate of the county in accordance with 44-17-410(3) and retain one copy in the person's hospital record. ADMISSION MUST BE WITHIN SEVENTY-TWO HOURS OF THE DATE OF THE CERTIFICATION OF THE LICENSED PHYSICIAN, (PART II).

NOTE: TO LICENSED PHYSICIAN:

1. The licensed physician must consult with the local State Community Mental Health Center regarding the commitment/admission process and the available treatment options and alternatives in lieu of hospitalization at a state psychiatric facility. (Section 44-17-460, S.C. Code, 1976, as amended).
2. The licensed physician must also consult via telephone with the admitting physician of the receiving hospital regarding the appropriateness of admission and the persons mental and physical treatment needs.

NOTE: TO POLICE AND OTHER OFFICERS OF THE PEACE:

The certificate of a licensed physician authorizes and requires taking the proposed patient into custody. Section 44-17-440, South Carolina Code of Laws, 1976, as amended: "The certificate required by item 2 of Section 44-17-410 shall authorize and require any officer of the peace, preferably in civilian clothes, to take the individual into custody and transport him to the hospital designated by the certification. No person shall be taken into custody after the expiration of three days from the date of the certification. Any friend or relative may transport the individual to the mental health facility designated in the application, provided such friend or relative has read and signed a statement on the certificate which clearly states that it is the responsibility as an officer of the peace to provide timely transportation for the patient and that the friend or relative freely chooses to assume such responsibility. A friend or relative who chooses to transport the patient shall not be entitled to reimbursement from the State for the cost of such transportation. Any officer acting in accordance with the provisions of this article shall be immune from civil liability."

NOTE: TO FRIENDS AND RELATIVES:

It is the responsibility of an officer of the peace to provide timely transportation of the person alleged to be mentally ill to the designated mental health facility. However, by freely signing this statement, you can choose to assume that responsibility. Transportation must begin immediately. This form must be hand delivered by you to the admissions office of the designated mental health facility at the time of admission.

**PART II
CERTIFICATE OF LICENSED PHYSICIAN
EXAMINATION FOR EMERGENCY ADMISSION**

PAGE 2

Name of Patient <i>North A 1962</i>		Sex <i>F</i>	County of Residence <i>D. 69</i>	Age <i>62</i>							
Where prior admissions to SCDMH or other mental hospitals? ☐ Yes ☒ No		Where? <i>1</i>	When?								
Are there criminal charges? ☐ Yes ☒ No		If yes, give details (include county, type of charge).									
Reasons for psychiatric admission (specify symptomatology) (Not necessary to repeat if completed on Page 1, over.)											
<i>see page 1</i>											
Medical Condition of patient <i>Complete working down in BPS - WNL</i>											
Is patient medicated prior to transporting? ☐ Yes ☒ No		If yes, give type, amount, route and when administered.									
Medication - Maintenance Drugs											
HEALTH OF PATIENT											
Disease	Yes	No	Date(s)	Disease	Yes	No	Date(s)	Disease	Yes	No	Date(s)
Crippled Limbs				Cancer				Homicidal or Suicidal Tendency			
Blindness or Eye Trouble				TB or Lung Disease				Mental Retardation or Dementia			
Deafness or Ear Trouble				Heart or Hi. Bl. Pressure				Syphilis			
Epilepsy or Seizures				Tremors or Abnormal Movements				HIV			
Arteries				Hepatitis				Alcohol Abuse			
				Serious Allergies				Drug Abuse			
				Head Injury				Types Abused			
Patient's Operations											
Name of treatment facility accepting admission <i>Andros Facility</i>				Name of treatment facility physician authorizing admission <i>Dr. Steiner</i>							
ON THE BASIS OF MY PERSONAL EXAMINATION I BELIEVE THAT THE PERSON IS IN NEED OF INVOLUNTARY EMERGENCY PSYCHIATRIC HOSPITALIZATION. FURTHERMORE, THE PERSON HAS NO MEDICAL/SURGICAL CONDITIONS OR DISABILITIES THAT PRESENTLY REQUIRE A GENERAL HOSPITAL OR NURSING HOME LEVEL OF CARE AND IS MEDICALLY STABLE AND PHYSICALLY ABLE TO PARTICIPATE IN PSYCHIATRIC TREATMENT. I have consulted with the _____ Community Mental Health Center regarding Preadmission Screening. If not, state clinical reason _____											
<i>B. Hooker</i> SIGNATURE OF LICENSED PHYSICIAN <i>G. Hooker</i> (PED OR PRINTED NAME)				M.D. <i>16364</i> S.C. LICENSE NUMBER				NAME OF CENTER			
ADDRESS				PHONE NUMBER				SIGNATURE OF FACE TO FACE SCREENER AND DATE			
								PRINTED NAME OF SCREENER, TITLE AND ID #			

SCDMH FORM

All information MUST be typed or clearly printed.

**7456-N-020
CONFIDENTIAL**

02575

COUNTY OF Darlington

EX PARTE:

G. Lewis Argoe, Jr.

(Petitioner/Applicant)

IN THE MATTER OF

Martha L. Argoe

(A Person Alleged to be Mentally Ill)

**NOTICE OF HEARING
APPOINTMENT OF COUNSEL
APPOINTMENT OF GUARDIAN AD LITEM
APPOINTMENT OF DESIGNATED EXAMINERS**

NOTICE OF HEARING

**TO: Petitioner/Applicant
Person Alleged to be Mentally Ill
Counsel of Record
Guardian Ad Litem
Designated Examiners
Other Interested Persons Known to the Court**

G. Lewis Argoe, Jr.
Martha L. Argoe
Alvin Neal
Alvin Neal
Phyllis Mobley, M.D./Ann Burrell, RN
George Argoe

YOU ARE HEREBY NOTIFIED that, based on the Petition or Application filed in this matter and upon the report of a designated examiner or certificate of licensed physician following an examination of the above-named person alleged to be mentally

ill, finding that said person is mentally ill, a hearing will be held on the 21st day of June 2005,

at 9:15 o'clock a. m., at Three Rivers Center, W. Columbia, SC, for the purpose of taking testimony as to the mental condition of said person alleged to be mentally ill, at which you may appear, testify and within the discretion of the Court, present and cross-examine witnesses and have an opportunity to present to the Court any and all relevant and material evidence bearing on this matter, appearing either in person or by counsel.

YOU ARE FURTHER NOTIFIED that the person's detention at Three Rivers, a facility for the mentally ill, is based on conclusions and the underlying facts as contained in either the Petition for Judicial Admission and Report of Designated Examiner or the Application for Emergency Admission and the Certificate of Licensed Physicians, a copy of which is attached.

YOU ARE FURTHER NOTIFIED that you have the right to request the names of the designated examiners and such other persons who will be called to testify and the substance of their proposed testimony.

YOU ARE FURTHER NOTIFIED that it must be proved by the presentation of clear and convincing evidence that said person alleged to be mentally ill is mentally ill, needs treatment and because of his/her condition:

- (1) Lacks sufficient insight or capacity to make responsible decisions with respect to his/her treatment; or
- (2) There is a likelihood of serious harm to himself/herself or others.

APPOINTMENT OF COUNSEL

IT IS HEREBY ORDERED that Alvin Neal, Esquire, Attorney of the South Carolina Bar, is hereby appointed as counsel of and for the person alleged to be mentally ill and is hereby charged with all the duties, responsibilities, powers and privileges conferred and made incumbent upon an Attorney at Law in such cases. Provided, however, that should a privately retained counsel be obtained by or for the said person alleged to be mentally ill and this Court is so notified, then, in that event, the aforesaid Court-appointed counsel shall be discharged as counsel in this case.

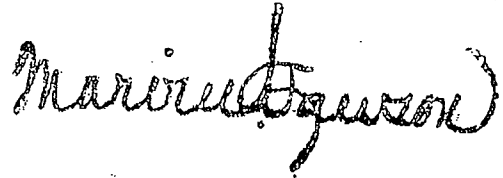
REPORT OF GUARDIAN AD LITEM

IT IS ORDERED that Alvin Neal who is capable of understanding the rights of the person alleged to be mentally ill and who has no interest in conflict with or adverse to the rights of the person alleged to be mentally ill, is hereby appointed Guardian ad Litem of said person alleged to be mentally ill for the purpose of appearing for and acting on behalf of said person in all the proceedings herein, the said Guardian ad Litem having consented to act as Guardian ad Litem for said person alleged to be mentally ill for the purposes of the above-entitled action.

EXAMINATION BY TWO DESIGNATED EXAMINERS

IT IS ORDERED that Phyllis Mobley, M.D., a licensed physician and Ann Burrell, RN shall examine the person alleged to be mentally ill and report without delay to this Court their respective written findings as to the mental condition of said person alleged to be mentally ill and his/her need for treatment.

IT IS SO ORDERED.



Judge of Probate Court

(SEAL)

Dated this 14th day of

June, 20 05

Darlington, South Carolina.

ORDER OF SUBSTITUTION

The corresponding appointments listed above are hereby rescinded by the following substitute appointments:

Counsel: _____

Guardian Ad Litem: _____

Designated Examiner: _____
(Licensed Physician)

Designated Examiner: _____

Date

Signature of Probate Judge

Robert Dodson

From: Keesley, William P. [WKeesleyj@sccourts.org]
Sent: Tuesday, October 08, 2013 8:58 AM
To: Andrew Cole; Robert Dodson; Elloree Ganes; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: William H. Davidson II (wdavidson@DML-LAW.com); Adam J. Bruyere (abruyere@DML-LAW.com); Sherri Johnson; Keesley, William P. Law Clerk (Justin Calliham); Huggins, Mona; Emily Hinson (ehinson@lex-co.com); Russo, Thomas A.; Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)
Subject: RE: Argoe
Attachments: image001.jpg

10 days is fine

From: Andrew Cole [acole@collinsandlacy.com]
Sent: Tuesday, October 08, 2013 8:51 AM
To: Keesley, William P.; Robert Dodson; Elloree Ganes; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: William H. Davidson II (wdavidson@DML-LAW.com); Adam J. Bruyere (abruyere@DML-LAW.com); Sherri Johnson; Keesley, William P. Law Clerk (Justin Calliham); Huggins, Mona; Emily Hinson (ehinson@lex-co.com); Russo, Thomas A.; Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)
Subject: RE: Argoe

Judge Keesley,

Thank you for burning the midnight oil to issue your Memorandum Order.

Would you like the proposed Order Granting Partial Summary Judgment in the next 10 days (which would make it due by next Friday, October 18, 2013), or earlier?

I will inform my client and experts that the case will be continued.

- Andrew

From: Keesley, William P. [mailto:WKeesleyj@sccourts.org]
Sent: Tuesday, October 08, 2013 1:07 AM
To: Robert Dodson; Elloree Ganes; Andrew Cole; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: William H. Davidson II (wdavidson@DML-LAW.com); Adam J. Bruyere (abruyere@DML-LAW.com); Sherri Johnson; Keesley, William P. Law Clerk (Justin Calliham); Huggins, Mona; Emily Hinson (ehinson@lex-co.com); Russo, Thomas A.; Russo, Thomas A. Law Clerk (Hannah C. Honeycutt)
Subject: RE: Argoe

Attached is a draft of a memorandum order that I have prepared that grants partial summary judgment to Three Rivers, Dr. Mobley, and Dr. Dodds. I have not had a chance to proofread it, and I may make some changes. It asks for proposed orders, and it provides for a continuance of the trial to allow sufficient time for the orders to be prepared, any reconsideration to take place, and any appeals to be pursued.

Mr. Dodson requested the continuance in the email today, and I think it is the only reasonable step to take in light of the extensive dismissals following my rulings.

Because we are so close to your trial date and since I am going to be tied up in a trial this week, I wanted to let you know tonight how I intend to rule. Hopefully, this will help avoid some trial preparation time and expense, if you see this early in the morning.

Thank you very much for your assistance. I anticipate hearing from you regarding these issues. [wpk]

From: Robert Dodson [mailto:rdodson@rdodsonlaw.com]
Sent: Monday, October 07, 2013 4:41 PM
To: Keesley, William P.; Elloree Ganes; Andrew Cole; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson
Subject: RE: Argoe

Dear Judge Keesley,

Per your email below, I am attaching Plaintiff's Supplemental Memorandum of Law in Opposition to Defendants' Motions for Summary Judgment. The attachment also contains 4 pages of deposition testimony from Dr. Schwartz-Watts who is one of Defendant's retained experts. I am having my office file the original deposition transcript with the Clerk's office and am also filing the original Memorandum with the Clerk's office. Dr. Schwartz-Watts deposition was not something that was originally submitted in opposition to Summary Judgment because we did not take her deposition until September 23. I am not submitting that deposition transcript in opposition to Defendant Steiner or Defendant Burrell's motions that you have already ruled on. I am, however, submitting this deposition in opposition to the remaining Defendants' Motions because it is directly relevant to the issues you requested we brief. The relevant pages are part of the attachment to this email and there are only 4 pages from her deposition that I am relying upon.

There were a few other things I wanted to call to the Court's attention to. Please allow me to explain in detail.

As indicated in the attached Memorandum, Plaintiff maintains the remaining motions for summary judgment should be denied in their entirety. In your email, you inquired about what other damages the Plaintiff sustained if you decided to grant partial summary judgment limited to the decision to detain the Plaintiff for 41 day but allow the Plaintiff to go forward as it pertains to other damages. Plaintiff maintains that in addition to the 41 day detainment she has other damages which would allow her to proceed to trial. By way of example, Plaintiff testified in her deposition about how the drugs and medications she was forced to take made her feel and Plaintiff's medical expert, Dr. Davis, testified that these drugs and medications were not warranted. By way of another example, Dr. Davis also indicated it was inappropriate to restrict Ms. Argoe's access to the telephone while she was in Three Rivers.

I obviously can't speak to an appeal since we aren't at that point in the case. However, given that there were already two appeals on other issues that is something that is obviously a real possibility in this case. For that reason and for judicial economy, I would respectfully suggest that if Your Honor were to grant any portion of the pending motions (even if the motion were only partially granted) that next week's trial be postponed to determine what, if any, portion of an Order granting summary judgment would be appealed. If we were to proceed to trial on part of the Plaintiff's remaining claims only (i.e. how the medication and drugs made her feel, telephone access but not the 41 day detainment itself), that would leave all parties in a difficult situation procedurally. In effect, this case has already been bifurcated before which is one of the reasons it is so old and has a 2007 docket number. The concern I have is that only trying part of the case next week has the real possibility creating further procedural and practical difficulties going forward.

Again, the Plaintiff's position is that we try the case on all claims and damages against the remaining Defendants next week. However, since Your Honor mentioned partial summary judgment, I felt it prudent to bring these procedural issues up. I hope none of this starts an email writing contest among opposing counsel as I know you directed us not to do that.

Thank you for your consideration of these matters. Please contact me if you need anything further from me or my office. With kind regards, I am,

Very truly yours,

Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: (803) 252-2600
Facsimile: (803) 771-2259
rdodson@rdodsonlaw.com<<mailto:rdodson@rdodsonlaw.com>>
www.robertdodsonlaw.com<<http://www.robertdodsonlaw.com/>>
<https://www.facebook.com/robertdodsonlaw>
<https://www.twitter.com/robertdodsonlaw>
http://www.linkedin.com/profile/view?id=192464797&locale=en_US&trk=tab_pro

From: Keesley, William P. [<mailto:WKeesleyj@sccourts.org>]
Sent: Friday, October 04, 2013 4:45 PM
To: Elloree Ganes; Andrew Cole; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson; William H. Davidson II (wdavidson@DML-LAW.com<<mailto:wdavidson@DML-LAW.com>>); Adam J. Bruyere (abruyere@DML-LAW.com<<mailto:abruyere@DML-LAW.com>>); Sherri Johnson
Subject: RE: Argoe

What follows are not rulings. I thought you may want to submit something related to a more narrow focus (though the following issue is not the only one with which I am wrestling). I apologize for the late nature of this. I assure you that I have spent many hours reviewing all of the materials that were supplied, including this entire afternoon and many nights. I would welcome written submissions, but do not want to get into a back-and-forth of replies, and I need to have anything you send to be concise and in my hand by the end of the day on Monday, October 7, if you wish to respond.

Assuming that nothing changes in my rulings, there are 3 parties left in the lawsuit: Three Rivers, Dr. Bryant-Mobley, and Dr. Dodds. At this point, I believe that the reasoning announced in Vaughan would extend to grant absolute, quasi-judicial immunity to physicians and mental health facilities who are acting within the scope of judicial directives in an involuntary commitment setting. The primary question I have concerns the "scope." What acts or omissions are covered under the umbrella of the judicial directives? As you know, Nurse Burrell and Dr. Steiner are being granted summary judgment. Their roles were clearly performed within the scope of their appointments. They were serving as an arm of the judiciary.

I am struggling to determine where to draw the line. The last full paragraph in Vaughan, before the Conclusion section, reads: "We must determine from the nature of Dr. Wilson's actions, not merely by his status as a court-appointed examiner, whether the absolute quasi-

judicial immunity extends to the challenged acts in this case." It seems that an erroneous diagnosis is protected by immunity. The Supreme Court cites with approval authority holding immunity for affidavits and testimony given in court proceedings. Footnote 6 includes cases dealing with opinions given in court proceedings. I am fairly comfortable in ruling about opinions, testimony, and alleged misdiagnosis, particularly if the misdiagnosis relates to a one-time event with no physical injury. It may be that I decide to grant partial summary judgment to separate those things that are not recoverable from those things that may be pursued, though that seems a difficult thing to separate.

I am troubled, however, about whether some portion of this medical malpractice action can be sustained as to attacks that are aimed not so much at the diagnosis, but the treatment. In addition, can some of the diagnoses not directly reported to the probate court, such as the ones after the last court order, be actionable? I can fully understand the feeling of the plaintiff and her experts that a 41-day hospitalization is extreme, and I can see their argument about forced medication. It seems awfully difficult, however, to separate the diagnosis (an ongoing process) and treatment, assuming that the treatment is not botched in the sense that it is not carried out as ordered by a physician. For example, I believe an action could be brought in a situation where physical injury was caused to a patient by negligent administration of injections. If there is sufficient expert testimony, Ms. Argoe's claims about an allergic reaction to medication might be actionable, if the prescription or administration were done negligently.

The plaintiff claims that the defendants committed malpractice, in part, because of the treatment imposed upon her. To what extent, if any, can that assertion be separated from a misdiagnosis?

Thank you, and I truly apologize for sending this to you so close to 5:00 pm on Friday.
[wpk]

From: Elloree Ganes [mailto:elloree.ganes@hoodlaw.com]
Sent: Thursday, October 03, 2013 5:50 PM
To: Andrew Cole; Keesley, William P.; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson
Subject: Re: Argoe

Your Honor -

I will also plan to submit the Order on behalf of Dr. Steiner on Monday. Kind regards,

Elloree

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.
From: Andrew Cole
Sent: Thursday, October 3, 2013 5:46 PM
To: 'Keesley, William P.'; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes
Subject: RE: Argoe

Thank you.

From: Keesley, William P. [mailto:WKeesleyj@sccourts.org]
Sent: Thursday, October 03, 2013 5:45 PM
To: Andrew Cole; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>)
Subject: RE: Argoe

Monday is fine. If you need more time, let me know. Thank you. [wpk]

From: Andrew Cole [mailto:acole@collinsandlacy.com]
Sent: Thursday, October 03, 2013 5:44 PM
To: Keesley, William P.; Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>)
Subject: RE: Argoe

Judge Keesley,

I will endeavor to get you the proposed order earlier, but can I send you it on Monday. I will be out of the office on Friday.

Andrew

From: Keesley, William P. [mailto:WKeesleyj@sccourts.org]
Sent: Thursday, October 03, 2013 2:50 PM
To: Jim Parham; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>); Andrew Cole
Subject: RE: Argoe

I want Mr. Cole to send me a proposed order granting summary judgment in favor of Ms. Burrell, the R.N., and I want Ms. Gaines to send me a proposed order ruling in favor of Dr. Steiner. Please include all the grounds stated in your briefs and address any issues that were raised, but send the proposed orders to me via email as an attachment in Microsoft Word format so that I can make changes. Obviously, send a copy to the remaining counsel in the same manner and at the same time you send the proposed order to me.

I am unable to reconcile the viability of an action against Ms. Burrell in light of the appellate decision in this case. Nurse Burrell was only involved as a Designated Examiner, and while I recognize that the plaintiff is suing for professional negligence in the current lawsuit, I have read the depositions related to this defendant, including the deposition of Nurse Debruce and Ms. Argoe, and believe there is no genuine issue of material fact that would overcome the grant of immunity.

Dr. Steiner was only involved in the assessment of Ms. Argoe on one day. There are no genuine issues of material fact that would support liability of Dr. Steiner in a malpractice case. The appellate case deals with the court-ordered process. The plaintiff was brought to this doctor pursuant to court order which has been determined to be valid by the Supreme Court. Even if there is to be a reasonableness evaluation - even if there is the ability to

sue in malpractice in this setting - the plaintiff's expert, Dr. Davis, stated that he could not find fault for a period of a couple of days for the initial observation and investigation, and this appears to be so under these facts in the light most favorable to the plaintiff. The plaintiff repeatedly challenges the alleged failure of medical personnel and facilities to confirm the truth of the assertions of the family members, and the only reasonable reading of the record presented to me is that Dr. Steiner was acting well within an appropriate investigative period.

I am still considering the motions for summary judgment raised by Three Rivers, Dr. Mobley, and Dr. Dodds. Thank you. [wpk]

From: Jim Parham [mailto:jparham@jparhamlaw.com]
Sent: Wednesday, October 02, 2013 2:13 PM
To: Keesley, William P.; Keesley, William P. Secretary (Nancy C. Turner)
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>); Andrew Cole (acole@collinsandlacy.com<mailto:acole@collinsandlacy.com>)
Subject: RE: Argoe

Judge Keesley

Since the motion hearing, the Plaintiff deposed 3 additional defense experts. You do not have the following depositions:

Dr. Raley - expert for Dr. Mobley

Dr. Swartz-Watts - expert for Three Rivers and Nurse Burrell

Dr. Bouknight - expert for Dr. Dodds

I do not want to add to your burden, you have limited time and we are close to trial; however, please let me know, if you want me to send you these depositions for you to review.

Thank you.

Jim Parham

From: Keesley, William P. [mailto:WKeesleyj@sccourts.org]
Sent: Wednesday, October 02, 2013 12:59 PM
To: Jim Parham; Keesley, William P. Secretary (Nancy C. Turner); ehinson@lex-co.com<mailto:ehinson@lex-co.com>; Huggins, Mona
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); Shelton Haile (shaile@richardsonplowden.com<mailto:shaile@richardsonplowden.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>); Chip Hicks (CHicks@nmhlawfirm.com<mailto:CHicks@nmhlawfirm.com>); Andrew Cole (acole@collinsandlacy.com<mailto:acole@collinsandlacy.com>)
Subject: RE: Argoe

I am going through the depositions that were provided to me following the hearing on August 29. I may have to make these rulings piecemeal because my court schedule has been full and my ability to consider this case is affected. If anything settles, please let me know immediately so that I won't waste time on issues I don't need to address. Thank you.

From: Keesley, William P.
Sent: Friday, July 12, 2013 1:55 PM
To: 'Jim Parham'; Keesley, William P. Secretary (Nancy C. Turner); ehinson@lex-co.com<mailto:ehinson@lex-co.com>; Huggins, Mona
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); Shelton Haile (shaile@richardsonplowden.com<mailto:shaile@richardsonplowden.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>); Chip Hicks (CHicks@nmhlawfirm.com<mailto:CHicks@nmhlawfirm.com>); Andrew Cole (acole@collinsandlacy.com<mailto:acole@collinsandlacy.com>)
Subject: RE: Argoe

Mona with the Clerk of Court's office is supposed to contact Mr. Parham to try to coordinate hearings during my non-jury term in Lexington the week of August 5. If that does not suit, let me know. My law clerk is off for the remainder of July. Thank you. [wpk]

From: Jim Parham [mailto:jparham@jparhamlaw.com]
Sent: Monday, June 24, 2013 8:23 AM
To: Keesley, William P.; Keesley, William P. Secretary (Nancy C. Turner); ehinson@lex-co.com<mailto:ehinson@lex-co.com>
Cc: Robert Dodson (RDodson@RDodsonLaw.com<mailto:RDodson@RDodsonLaw.com>); Shelton Haile (shaile@richardsonplowden.com<mailto:shaile@richardsonplowden.com>); William H. Davidson II (wdavidson@DML-LAW.com<mailto:wdavidson@DML-LAW.com>); Adam J. Bruyere (abruyere@DML-LAW.com<mailto:abruyere@DML-LAW.com>); Sherri Johnson; Elloree Ganes (elloree.ganes@hoodlaw.com<mailto:elloree.ganes@hoodlaw.com>); Chip Hicks (CHicks@nmhlawfirm.com<mailto:CHicks@nmhlawfirm.com>); Andrew Cole (acole@collinsandlacy.com<mailto:acole@collinsandlacy.com>)
Subject: Argoe

Judge Keesley

The Parties have finally completed the depositions of all of the Plaintiff's experts in the Argoe case (2007-CP-32-1981). We are ready for you to hear arguments for the Defendants' Motions for Summary Judgment. Because there are 6 separate Motions that are based on different facts and circumstances, I believe we will need at least a half-day to complete the arguments (3-4 hours).

Please let us know as soon as possible the day and time it is convenient for you to hear these motions. The two-week trial of the case is set to begin on October 14, 2013.

Thank you.

Jim Parham

James E. Parham, Jr., P.A.
220 Ministry Drive
Post Office Box 1576
Irmo, South Carolina
Telephone: 803-749-8555
Facsimile: 803-749-0277

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Andrew Cole
Direct Line: 803.255.0433
{vcard<<http://www.collinslacy.net/vcards/acole.vcf>>}

[Image removed by sender.]<<http://www.collinsandlacy.com>>
1330 Lady Street, 6th Floor | Columbia, SC 29201
Main: 803.256.2660 | Fax: 803.771.4484

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Andrew Cole
Direct Line: 803.255.0433
{vcard<<http://www.collinslacy.net/vcards/acole.vcf>>}

[Image removed by sender.]<<http://www.collinsandlacy.com>>
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Andrew Cole
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{vcard<<http://www.collinslacy.net/vcards/acole.vcf>>}

[<http://www.collinslacy.net/images/cllogo.jpg>]<<http://www.collinsandlacy.com>>

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-00-01981

Martha Lewin Argoe,

v.

Appellant,

RECEIVED

JUL 01 2014

Three Rivers Behavioral
Health, LLC and Psychiatric
Solutions, Inc., its successor;
Phyllis Bryan-Mobley, MD;
David A. Steiner, MD; Cheryl
C. Dodds, MD; Doris Ann
Burrell, RN; and Carolina
Care Plan,

Respondent,

SC Court of Appeals

NOTICE OF APPEAL

Martha Lewin Argoe appeals the following Orders of the Honorable William P. Keesley:

- Order on Reconsideration of the Honorable William P. Keesley dated June 6, 2014;
- Order Granting Summary Judgment as to David A. Steiner, MD of the Honorable William P. Keesley dated March 19, 2014;
- Order Granting Partial Summary Judgment in Favor of Defendants Three Rivers Behavioral Health, LLC, Phyllis Bryant-Mobley, MD, and Cheryl C. Dodds, MD of the Honorable William P. Keesley dated March 6, 2014; and
- Order Granting Summary Judgment in Favor of Defendant Doris Ann Burrell, RN of the Honorable William P. Keelsey dated March 19, 2014.

Appellant received written notice of entry of the Order on Reconsideration on June 26, 2014.

July 1, 2014


Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200

Columbia, South Carolina 29201

Telephone: 803.252.2600

Facsimile: 803.771.2259

Attorney for Appellant

Other Counsel of Record for *Respondents*:

Will Davidson, Esquire

James E. Parham, Jr., Esquire

Elloree Gaines, Esquire/Molly Craig, Esquire

Andrew N. Cole, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-32-01981

Martha Lewin Argoe,

Appellant.

v.

Three Rivers Behavioral
Health, LLC and Psychiatric
Solutions, Inc., its successor;
Phyllis Bryan-Mobley, MD;
David A. Steiner, MD; Cheryl
C. Dodds, MD; Doris Ann
Burrell, RN; and Carolina
Care Plan.

Respondent,

RECEIVED

JUL 01 2014

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on all Respondents by depositing a copy of it in the United States Mail, postage prepaid, on July 1, 2014, addressed to their attorneys of record, listed below as:

Will Davidson, Esquire
Davidson & Lindemann, PA
1611 Devonshire Drive, 2nd Floor
PO Box 8568
Columbia, SC 29202
Attorney for Phyllis Bryan-Mobley, MD

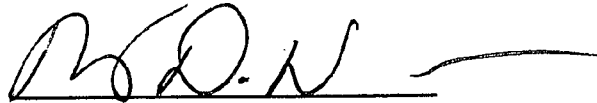
James E. Parham, Jr., Esquire
James E. Parham, Jr., P.A.
P.O. Box 1576

Irmo, SC 29063
Attorney for Cheryl C. Dodds, MD

Elloree Gaines, Esquire
Molly Craig, Esquire
Hood Law Firm, LLC
172 Meeting Street
PO Box 1508
Charleston, SC 29402
Attorney for David A. Steiner, MD

Andrew N. Cole, Esquire
Collins & Lacy, P.C.
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
Attorney for Three Rivers and Doris Ann Burrell

July 1, 2014

A handwritten signature in black ink, appearing to read 'R.D. Dodson', followed by a horizontal line.

Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: 803.252.2600
Facsimile: 803.771.2259
Attorney for Appellant

ORIGINAL

11

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Martha Lewin Argoe,

Plaintiff,

vs.

Three Rivers Behavioral Health, LLC
and Psychiatric Solutions, Inc. its
successor, Phyllis Bryant-Mobley, MD,
Aiken Regional Medical Center-Aurora
Pavilion, David A. Steiner, MD, Cheryl
C. Dodds, MD, Doris Ann Burrell, RN
and Carolina Care Plan

Defendants.

FILED

IN THE COURT OF COMMON PLEAS

2014 MAR -7 A 11: 00 11th JUDICIAL CIRCUIT

BETH A. CARRIGS
CLERK OF COURT
LEXINGTON, SC
CIVIL ACTION NUMBER: 07-CP-32-1981

ORDER GRANTING PARTIAL
SUMMARY JUDGMENT IN FAVOR OF
DEFENDANTS THREE RIVERS
BEHAVIORAL HEALTH, LLC, PHYLLIS
BRYANT-MOBLEY, MD, AND
CHERYL C. DODDS, MD

RECEIVED

JUL 01 2014

SC Court of Appeals

WML
#1

Summary judgment motions filed by five of the defendants in this case were argued on August 29, 2013, with additional submissions provided on October 7, 2013.

This Order GRANTS in part and DENIES in part the motions for summary judgment filed by Defendants Three Rivers Behavioral Health, LLC ("Three Rivers"), Dr. Phyllis Bryant-Mobley ("Dr. Bryant-Mobley"), and Dr. Cheryl C. Dodds ("Dr. Dodds"). All of the other named parties in the Second Amended Complaint have been dismissed from this lawsuit. Dr. David A. Steiner and Nurse Ann Burrell were dismissed previously by orders granting summary judgment in their favor. The Court has been informed and is aware that Plaintiff, Ms. Argoe, separately dismissed Psychiatric Solutions, Inc., Aiken Regional Medical Center-Aurora Pavilion, and Carolina Care Plan from the lawsuit.

This final order follows a memorandum order forwarded on October 8, 2013. The Court grants summary judgment in favor of Defendants Three Rivers Behavioral Health,

LLC, Dr. Phyllis Bryant-Mobley, and Dr. Cheryl C. Dodds on Ms. Argoe's sole remaining claim for medical malpractice for any conduct or treatments that took place on or before June 21, 2005. Summary judgment is denied for any claims alleged to have occurred between the entry of the Probate Court's order of June 21, 2005 and the discharge of the plaintiff from in-patient treatment on July 20, 2005. As described in more detail below, the only claims of malpractice that can be pursued are those alleged to have occurred between the entry of the Probate Court's order of June 21, 2005 and the discharge of the plaintiff from in-patient treatment on July 20, 2005.

BACKGROUND FACTS

WAC #2
The background facts were established in the published opinion of the South Carolina Supreme Court in the case of Argoe v. Three Rivers Behavioral Health, L.L.C., et al., 392 S.C. 462, 710 S.E.2d 67 (2011) (Argoe II). Pursuant to S.C. Code Ann. § 44-17-410, Ms. Argoe's husband "filed an Application for Involuntary Emergency Hospitalization for Mental Illness with the Orangeburg County Probate Court on June 6, 2005." Id. at 466, 710 S.E.2d at 69. "On June 6, 2005, Probate Court Judge Pandora L. Jones-Glover issued an Order of Detention that referenced section 44-17-430 of the South Carolina Code and provided that an 'officer of the peace take the person[, Ms. Argoe,] alleged to be mentally ill into custody for a period of [time] not to exceed twenty-four (24) hours, during which detention said person shall be examined by a licensed physician.'" Id. "On June 8, 2005 at 3:00 p.m., Dr. Glenn Hooker, who evaluated [Ms. Argoe] at the Orangeburg Area Mental Health Center, completed Part II of the Certificate of Licensed Physician Examination for Emergency Admission pursuant to section 44-17-410(2) of the South Carolina Code." Id. at 466, 710 S.E.2d at 70. Dr.

Hooker felt that Ms. Argoe was demonstrating manic symptoms and was putting herself at risk of harm in that she showed no insight or awareness as to the risks of her behavior nor did she have insight into the problems she was causing her family. Therefore, based on his assessment, Dr. Hooker was of the opinion within a reasonable degree of medical certainty that Ms. Argoe possessed a substantial risk of physical harm to herself and that involuntary emergency hospitalization was necessary.

For these reasons, Ms. Argoe was referred to the Aurora Pavilion at Aiken Regional Medical Center for involuntary emergency admission. Id. After Dr. Hooker's evaluation, emergency commitment papers were prepared which authorized the hospitalization of Ms. Argoe at the Aurora Pavilion.

WP
#3
"On June 9, 2005, due to health insurance constraints, [Ms. Argoe] was transferred and admitted to Three Rivers Behavioral Health, L.L.C. (Three Rivers)." Id. at 467, 710 S.E.2d at 70. This transfer to Three Rivers was under the jurisdiction of the probate court as a result of the commitment order for Ms. Argoe. "Based on her initial psychiatric evaluation, which was conducted by [Defendant] Dr. Phyllis Bryant-Mobley, a provisional diagnosis was made that [Ms. Argoe] was suffering from bipolar disorder with manic and psychotic features." Id. (underlined emphasis in original). At that time, Defendant Bryant-Mobley determined that Ms. Argoe's global assessment of functioning (GAF) score was 25, which indicated behavior considerably influenced by delusions and impairment in judgment. Additionally, internist Dr. Nehal Desai evaluated Ms. Argoe at Defendant Bryant-Mobley's request and also found symptoms consistent with paranoid ideation and bipolar disorder.

"On June 13, 2005, [after a motion to change venue from the Orangeburg County Probate Court,] Darlington County Probate Court Judge Marvin Lawson issued an Order for Continued Hospitalization and for Hearing to be held on June 21, 2005." Id. at 467, 710 S.E.2d at 70. Also, on June 13, 2005, "Judge Lawson appointed Dr. Bryant-Mobley and Doris Ann Burrell, a registered nurse, as designated examiners." Id. "On June 14, 2005, [Ms. Argoe] was notified of the hearing and the name of her court-appointed counsel." Id.

WPM
#4

On June 21, 2005, pursuant to her appointment as an examiner, Dr. Bryant-Mobley presented her findings concerning Plaintiff's mental health to Judge Lawson. At the hearing, Judge Lawson also considered the testimony of Ms. Argoe's family members, including testimony from her brother and her sister, and the testimony of the court-appointed designated examiners: Dr. Bryant-Mobley and Nurse Burrell. After considering testimony from Dr. Bryant-Mobley, Nurse Burrell, and Ms. Argoe's family members, Judge Lawson found that Ms. Argoe was mentally ill, and "because of her mental condition lacks sufficient insight or capacity to make responsible decisions with respect to her treatment, and because of her condition, there is a likelihood of serious harm to self or others," He ordered Ms. Argoe committed to a mental health facility for in-patient care and treatment, and following this, that Ms. Argoe undergo an out-patient treatment program for a period not to exceed 12 months. (quoting from Judge Lawson's Order dated June 21, 2005.) The Court retained jurisdiction over Ms. Argoe to insure compliance with the Order.

Because Ms. Argoe was refusing medications, on June 13, 2005, Defendant Bryant-Mobley asked for a second opinion and consulted with Dr. Heath, the medical

director of the hospital, as to the appropriateness of forced medication administration in Ms. Argoe's situation. Dr. Heath personally evaluated Ms. Argoe on June 14, 2005, and specifically noted her continued paranoia and hypomanic mood.

Defendant Bryant-Mobley provided care and treatment to Ms. Argoe at Three Rivers until June 27, 2005, when co-Defendant Dr. Cheryl Dodds assumed Ms. Argoe's care. Ms. Argoe ultimately consented to taking her prescribed medications beginning on or about June 16, 2005. "On July 20, 2005, [Ms. Argoe] was discharged into the care of her son after receiving treatment at Three Rivers and consenting to voluntarily taking her prescribed medication." Id. at 468, 710 S.E.2d at 70. Defendant Dodds' discharge diagnosis was "bipolar disease, manic with psychosis," which was consistent with Ms. Argoe's initial diagnoses recorded by other evaluating and treating physicians. See Id. (underline emphasis in original).¹

WPH
#5
The legal proceedings in this case are extensive. After completing her court ordered, one-year outpatient treatments, Ms. Argoe filed her first claims in Beaufort County on August 15, 2006 (C/A No. 2006-CP-07-2013). Ms. Argoe filed the present action against her caregivers and treatment facilities in Lexington County on June 6, 2007. The Beaufort action was subsequently consolidated into the Lexington action in September/October, 2007. Ms. Argoe appealed two prior grants of summary judgment motions against her to the Supreme Court. These two appeals resulted in two

¹ The Court notes that the diagnosis of Ms. Argoe's mental disorder did not substantially change prior to or after the determination by the Probate Court that Ms. Argoe was mentally ill and in need of involuntary commitment. On June 9, 2005, Dr. Steiner diagnosed Ms. Argoe with psychosis, not otherwise specified, rule out bi-polar mania with psychotic features and rule out delusional disorder. Upon her admission to Three Rivers, Dr. Bryant-Mobley's provisional diagnosis was "Bi-Polar I, Manic with Psychotic Features, rule out OCD." Dr. Desai also diagnosed her with behavior which was consistent with bi-polar disorder. Dr. Dodds discharged Ms. Argoe with a finding of "Bi-Polar I, Manic with Psychosis." After her discharge and during her continued, court ordered out-patient treatments at Coastal Empire, Ms. Argoe's admitting diagnosis was Bi-Polar mania with psychotic features. This working diagnosis did not change when Ms. Argoe was subsequently discharged from the out-patient treatment program at Coastal Empire on August 7, 2006.

published opinions: Argoe v. Three Rivers Behavior Center and Psychiatric Solutions, Its Successor, et al., 388 S.C. 394, 697 S.E.2d 555 (2010), reh'g den. (Sept. 2, 2010) (Argoe I) (finding no attorney-client relationship between Ms. Argo and the attorney for Ms. Argo's Husband and Son, where the Son held Ms. Argo's durable power of attorney); and Argoe II (referenced above) (upholding the underlying involuntary commitment proceedings and upholding the grant of summary judgment on various cases of action in favor of Psychiatric Solutions, the successor owner of the Three Rivers facility).

STANDARD OF REVIEW

WPM
#6

"The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder." Gauld v. O'Shaugnessy Realty Co., 380 S.C. 548, __, 671 S.E.2d 79, __ (2008) (citations omitted). Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." S.C.R.C.P. 56(c); see also Helms Realty, Inc. v. Gibson-Wall Co., 363, S.C. 334, 611 S.E.2d 485 (2005). It is well established that the Court, in considering a motion for summary judgment, must view the facts and reasonable inferences therefrom in the light most favorable to the nonmoving party. A party opposing summary judgment may not rest on the mere allegations of the pleadings, but must set forth or point to specific facts in the record showing that there is a genuine issue of material fact. Bravis v. Dunbar, 449 S.E.2d 495 (Ct. App. 1994); Dickert v. Metropolitan Life Ins. Co., 306 S.C. 311, 313, 411 S.E.2d 672, 673 (Ct. App. 1991), (citations omitted), rev'd in part on

other grounds (311 S.C. 218, 428 S.E.2d 700 (1993)). To withstand a motion for summary judgment the non-moving party must submit evidence of a genuine issue of material fact. Hancock v. Mid-South Mgmt. Co., Inc., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009).

DISCUSSION

Based on the record and the Supreme Court's decision in Argoe II, the involuntary commitment under the applicable Probate Code statutes is "presumed valid" and cannot now be challenged. Argoe II 392 S.C. at 476, 710 S.E.2d at 75. Any attempt now to challenge the underlying commitment orders and the Court's finding that Ms. Argoe was mentally ill and in need of continued in-patient and out-patient psychiatric treatments is untimely and also barred by *res judicata*. It is from this established framework that the discussion on the underlying summary judgment motions starts. This is the same starting point that the Supreme Court used when evaluating the claims in the Argoe II case.

After determining that the underlying commitment was valid, the court in Argoe II addressed whether Judge McMahon properly granted summary judgment on three previously alleged causes of action for false imprisonment, defamation, and intentional infliction of emotional distress. The Supreme Court upheld the dismissal of those claims, summarizing in the final section captioned "Conclusion," that "[b]ecause [Ms. Argoe] failed to timely and properly challenge the probate court's orders, they are presumed valid. Based on these valid orders, we find that Respondent's conduct toward Appellant was lawful, justified, and reasonable." In this court's view, the

Respondent² in Argoe II was in the same position as Three Rivers, its employees, and the private physicians treating Ms. Argoe at Three Rivers.

Following Argoe II, Ms. Argoe was granted permission to amend her Complaint to assert the cause of action for medical negligence. She lodged that assertion against all three of the remaining defendants: Three Rivers Behavioral Health, LLC, Dr. Bryant-Mobley, and Dr. Dodds. The court recognizes, for purposes of the *res judicata* evaluation, that the plaintiff's sole legal theory of recovery is now medical malpractice, not false imprisonment, defamation, or intentional infliction of emotional distress.

WP#
#8

Ms. Argoe has retained various experts related to the amended Complaint, and the court has reviewed the depositions that were supplied at the argument on summary judgment. The court has also considered the well-stated arguments of counsel, all briefs submitted, the pleadings, and the other written submissions in the file. Basically, in the light most favorable to the plaintiff, her experts are saying that Ms. Argoe should never have been involuntarily committed and that it was negligent to keep her against her will, particularly for the length of time that she was kept. However, her primary expert, Dr. Davis, acknowledged on several occasions that he did not complain about an initial detention of Ms. Argoe for up to a couple of days to evaluate her, based on the record.

Typically, any inconsistency in a witness' testimony such as this with Dr. Davis would require the court to defer to a fact finder to resolve the inconsistencies. This case is a medical malpractice case. It requires expert opinion to establish the standard of care, the deviation from the standard, and (at least to some extent) the damages that

² Psychiatric Solutions, Inc., the successor owner of the Three Rivers facilities.

proximately flow from that deviation. See Linog v. Yampolsky, 376 S.C. 182, 656 S.E.2d 355 (2008).

This court is not able to reconcile the rulings of the Supreme Court in Argoe II with the assertions that the involuntary commitment of Ms. Argoe constituted medical malpractice. This court accepts the argument of the remaining three defendants that they are entitled to a determination that it is *res judicata* and the law of this case that the commitment process was "lawful, justified, and reasonable." In the court's view, the elements of *res judicata* are satisfied in this medical malpractice case.

WPH
#9
The court finds that the reasoning announced in Vaughan v. McLeod Regional Medical Center, 372 S.C. 505, 642 S.E.2d 744 (2007), would extend to grant absolute, quasi-judicial immunity to physicians and mental health facilities acting within the scope of judicial directives in an involuntary commitment setting. In Vaughn, the Supreme Court gave the appointed physician absolute quasi-judicial immunity from claims arising from a clinical finding of incompetency. In discussing common-law immunity, the Court stated:

Because one of the guardian's roles is to act as a representative of the court, and because this role can only be fulfilled if the guardian is not exposed to a constant threat of lawsuits from disgruntled parties, a finding of quasi-judicial immunity is necessary. Such a grant of immunity is crucial in order for guardians to properly discharge their duties. The immunity to which guardians ad litem are entitled is an absolute quasi-judicial immunity.

Vaughn at 511-12; 642 S.E.2d at 748 (citation omitted). The Vaughn case agrees with the U.S. Supreme Court that "[c]ourt appointed examiners are essentially an arm of the judiciary." Id. at 512, 642 S.E.2d at 748 (citing Briscoe v. LaHue, 460 U.S. 325, 335, 103 S.Ct. 1108, 1115-16 (1983) "The common law provided absolute immunity from

subsequent damages liability for all persons—governmental or otherwise—who were integral parts of the judicial process.”) The Vaughn court pointed out the clear public policy quandary that “[i]f court-appointed examiners in guardianship proceedings are not afforded immunity, the exposure to liability will have a chilling effect on future acceptances of such appointments.” Vaughn at 512, 642 S.E.2d at 748. Therefore, South Carolina follows the rule that “a physician, who is a court-appointed examiner in a guardianship proceeding, has absolute quasi-judicial immunity for actions and opinions within the scope of the appointment.” Id.

Therefore, it is the ruling of this court that Three Rivers, Dr. Bryant-Mobley, and Dr. Dodds are entitled to partial summary judgment for any acts or omissions that were within the scope of judicial directives in an involuntary commitment proceeding. This ruling is based upon and supported by Argoe II and the final ruling by Judge Lawson that Ms. Argoe was adjudicated mentally ill and in need of psychological treatment. The difficulty then becomes defining the scope of the quasi-judicial immunity and determining what falls within the borders of judicial directives.

After finding that a court-appointed physician in South Carolina has absolute quasi-judicial immunity for actions and opinions within the scope of the appointment, the Vaughn court started the last full paragraph before the “Conclusion” section with the direction that “[the Court] must determine from the nature of [the appointed physician’s] actions, not merely by his status as a court-appointed examiner, whether the absolute quasi-judicial immunity extends to the challenged acts in this case.” Id. at 513, 642 S.E.2d at 748. That is, in this Court’s view, while Vaughn clearly confirms that quasi-judicial immunity applies to all court-appointed examiners and medical professionals,

the duration of the immunity may be limited by the facts in a particular case. A medical professional or medical facility is not entitled to blanket immunity for acts of malpractice simply because the patient came to be treated as a result of involuntary commitment proceedings. This court accepts that under the correct circumstances, a malpractice claim may be raised, even when the patient came into contact with the medical provider because of an involuntary commitment proceeding. Logically, the determination of whether the claim can survive depends on a case-by-case evaluation.

WAL #11
In this case the Court finds that the only reasonable reading of this record, in light of Argoe II and Judge Lawson's order, is that Ms. Argoe is precluded from recovering for acts and omissions alleged of Three Rivers, Dr. Bryant-Mobley, and Dr. Dodds, up to and including those that occurred on June 21, 2005. In addition, because on June 21, 2005, the Court found Ms. Argoe mentally ill and in need of in-patient and out-patient psychiatric treatments, these Defendants are entitled to absolute quasi-judicial immunity regarding the diagnosis of mental illness, and Ms. Argoe is precluded from recovering for an alleged misdiagnosis of mental illness by these Defendants from June 22, 2005, to Ms. Argoe's discharge on July 20, 2005.

Due to the stringent standards applicable to summary judgment decisions, there appear to be genuine issues of material fact related to whether and to what extent the plaintiff can recover for alleged acts of malpractice associated with the continued in-patient hospitalization and treatment for the period from June 21, 2005, through the date of Ms. Argoe's subsequent discharge from in-patient care on July 20, 2005. This Court takes no position regarding the sufficiency of any claims for medical negligence that Ms. Argoe may argue occurred during the continued in-patient treatment. However, the

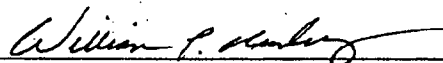
Court does find that the Supreme Court has already determined in Argoe II, and thus it is another established fact in this case, that the plaintiff voluntarily consented to taking her prescribed medications when she was released to out-patient care on July 20, 2005.³ Therefore, to the extent that there may be any claim against Three Rivers, Dr. Bryant-Mobley, and Dr. Dodds for acts or omissions occurring *after* July 20, 2005, the court finds that the only reasonable reading of this record is that the plaintiff cannot recover for any such conduct.

#12 THEREFORE, IT IS ORDERED that Three Rivers, Dr. Bryant-Mobley, and Dr. Dodds are GRANTED partial summary judgment so that they cannot be held liable for any acts or omissions that occurred prior to the issuance of the Probate Court's order on June 21, 2005, nor for any acts or omissions that occurred *after* the discharge of the plaintiff from in-patient treatment on July 20, 2005.

IT IS FURTHER ORDERED that subject to the above stated findings and rulings, summary judgment is DENIED regarding the time period of Ms. Argoe's continued in-patient commitment from June 22, 2005, to July 20, 2005. At trial, Ms. Argoe may attempt to prove medical negligence by the remaining Defendants, Three Rivers, Dr. Bryant-Mobley, and Dr. Dodds, regarding their treatment of Ms. Argoe's mental illness during the continued in-patient commitment period only.

AND IT IS SO ORDERED.

March 6, 2014


William P. Keesley
Circuit Judge

³ The court understands that the record includes assertions that Ms. Argoe eventually voluntarily took medications while receiving in-patient treatment, but her deposition creates a genuine issue of material fact as to whether this was the result of coercion. The court also recognizes that the opinion in Argoe II can be read as finding that the plaintiff voluntarily took some medications while receiving in-patient treatment. Again, since it does not appear to be definitive, the proper course of action, in this court's view, is to deny summary judgment in part at this stage.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF LEXINGTON) ELEVENTH JUDICIAL CIRCUIT

Martha Lewin Argoe,

2014 MAR 21 A 10:32 C/A No. 2007-CP-32-01981

Plaintiff
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

Versus

ORDER GRANTING SUMMARY
JUDGMENT AS TO DAVID A.
STEINER, MD.

Three Rivers Behavioral Health, LLC
and Psychiatric Solutions, Inc., its
successor; Phyllis Bryan-Mobley, MD;
David A. Steiner, MD; Cheryl C. Dodds,
MD; Doris Ann Burrell, RN; and
Carolina Care Plan,

Defendants.

Summary Judgment is granted in favor of Defendant David A. Steiner, MD (hereinafter "this Defendant" or "Dr. Steiner") on the claim of medical negligence (the only remaining claim of the Plaintiff's complaint), pursuant to Rule 56 of the South Carolina Rules of Civil Procedure.

STANDARD OF REVIEW

Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Rule 56(c), SCRCP. The moving party need not support its motion with affidavits or other materials negating the opponent's claims; instead, the moving party can simply point to the absence of evidence to support the nonmoving party's claims. Baughman v. American Tel. and Tel. Co., 306 S.C. 101, 115, 410 S.E.2d 537 (1991). Once the moving party satisfies its burden, the nonmoving party must demonstrate specific facts showing that there is a genuine issue for trial. Id.

Once the party moving for summary judgment meets the initial burden of showing an absence of evidentiary support for the opponent's case, the opponent cannot rest on mere allegations or denials contained in the pleadings. Regions Bank v. Schmauch, 354 S.C. 648, 582 S.E.2d 432 (Ct.App. 2003). Instead, the nonmoving party must come forward with specific facts showing there is a genuine issue for trial. Rule 56(c) SCRPC; Peterson v. West American Ins. Co., 336 S.C. 89, 518 S.E.2d 608 (Ct.App. 1999). When plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted. Ellis v. Davidson, 358 S.C. 509, 595 S.E.2d 817 (Ct.App. 2004).

WPA
#2
"This Court has established that '[t]he plain language of Rule 56(c) mandates the entry of summary judgment . . . against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case, and on which that party will bear the burden of proof.'" Hansson v. Scalise Builders of S.C. and Sam Scalise, 374 S.C. 352, 650 S.E.2d 68 (2007) (citing Baughman v. Amer. Tel. & Tel. Co., 306 S.C. 101, 116, 410 S.E.2d 537, 545-46 (1991)). A court cannot properly deny a defendant's motion for summary judgment after only finding a genuine issue of material fact as to one element of the plaintiff's claim. Id. Under Baughman, to withstand a motion for summary judgment, the court must determine that a genuine issue of material facts exists for each element of the plaintiff's case. Id.

FACTUAL/PROCEDURAL HISTORY

The Plaintiff, Martha Lewin Argoe ("Plaintiff") was married to G. Lewis Argoe, Jr. ("Argoe, Jr.") for forty-two (42) years. They had one child, George Lewis Argoe, III ("Argoe, III"). On or about April 20, 2005, Argoe, Jr. went to Orangeburg

Mental Health Center and spoke with a counselor about involuntarily committing Plaintiff to a psychiatric facility. Plaintiff gave her son her Power of Attorney a year prior to this incident.

This lawsuit has taken various forms over the years. The South Carolina

Supreme Court has ruled on two appeals filed by the Ms. Argoe concerning the same factual scenario as the lawsuit in its current posture. In the second reported appellate decision, the Supreme Court set forth the following factual background.

Pursuant to section 44-17-410 of the South Carolina Code, [Ms. Argoe's] husband (Husband) filed an Application for Involuntary Emergency Hospitalization for Mental Illness with the Orangeburg County Probate Court on June 6, 2005.

On June 6, 2005, Probate Court Judge Pandora L. Jones-Glover issued an Order of Detention that referenced section 44-17-430 of the South Carolina Code and provided that an "officer of the peace take the person [Ms. Argoe] alleged to be mentally ill into custody for a period of [time] not to exceed twenty-four (24) hours, during which detention said person shall be examined by a licensed physician."

WPK
#3
On June 7, 2005, deputies with the Orangeburg County Sheriff's Department transported [Ms. Argoe] to the emergency room of The Regional Medical Center of Orangeburg (TRMC). At 3:35 p.m., [Ms. Argoe] was given a physical and mental evaluation, [Ms. Argoe] was discharged at 5:13 p.m. with a diagnosis of "Altered Mental Status" and instructions for her to return the following day for further evaluation. Subsequently, [Ms. Argoe] was driven home by law enforcement.

On June 8, 2005 at 3:00 p.m., Dr. Glenn Hooker, who evaluated [Ms. Argoe] at the Orangeburg Area Mental Health Center, completed Part II of the Certificate of Licensed Physician Examination for Emergency Admission pursuant to section 44-17-410(2) of the South Carolina Code. In this document, Dr. Hooker certified that inpatient psychiatric hospitalization was medically necessary for [Ms. Argoe] and identified Aurora Pavilion Behavioral Health Services (Aurora), a division of the Aiken Regional Medical Center, as the facility that would accept [Ms. Argoe] for further treatment. [Ms. Argoe's] medical records verify that she was involuntarily admitted to that facility on June 8, 2005 at 5:45 p.m. An attending physician at Aurora [Dr. Steiner] completed the requisite Physician Certification form stating that he certified that "the inpatient psychiatric hospital admission was

medically necessary for psychiatric treatment, which could reasonably be expected to improve the patient's condition."

On June 9, 2005, due to health insurance constraints, [Ms. Argoe] was transferred and admitted to Three Rivers Behavioral Health, L.L.C. (Three Rivers). Based on her initial psychiatric evaluation, which was conducted by Dr. Phyllis Bryant-Mobley, a provisional diagnosis was made that [Ms. Argoe] was suffering from bipolar disorder with manic and psychotic features. On June 10, 2005, Three Rivers completed the Notification of Emergency Admission and Appointment of Designated Examiners.

On June 13, 2005, [after a motion to change venue from the Orangeburg County Probate Court, the] Darlington County Probate Court Judge Marvin Lawson issued an Order for Continued Hospitalization and for Hearing to be held on June 21, 2005. That same day, Judge Lawson appointed Dr. Bryant-Mobley and Doris Ann Burrell, a registered nurse, as designated examiners. On June 14, 2005, Appellant was notified of the hearing and the name of her court-appointed counsel.

WPK
#4
On June 21, 2005, Judge Lawson conducted a hearing at which the court-appointed examiners presented their findings regarding [Ms. Argoe's] mental health. [Ms. Argoe] and her attorney were in attendance and participated in the hearing. On that same day, Judge Lawson issued an Order for Continued Treatment with mandatory outpatient treatment to follow at the Orangeburg County Mental Health Facility for a period not to exceed twelve months.

On July 8, 2005, Probate Court Judge Jones-Glover issued an order appointing Dr. Cheryl Dodds, one of [Ms. Argoe's] treating physicians at Three Rivers, to examine [Ms. Argoe] as to whether she needed a guardian and/or a conservator. Although Dr. Dodds believed [Ms. Argoe] to be an "incapacitated person" and in need of a guardian/conservator, she could not definitively determine whether [Ms. Argoe's] condition was temporary or permanent.

On July 20, 2005, [Ms. Argoe] was discharged into the care of her son after receiving treatment at Three Rivers and consenting to voluntarily taking her pre-scribed medication. Dr. Dodds's discharge diagnosis was "bipolar disease, manic with psychosis."

Argoe v. Three Rivers Behavioral Health, LLC, et al., 392 S.C. 462, 465-68, 710

S.E2d 67, 69-70 (2011) (Argoe II) (underlined emphasis in original; internal

footnotes omitted). Pursuant to the June 21, 2005, Order from Probate Judge

Lawson, Ms. Argoe completed her one-year of out-patient therapy around July/August 2006. Soon after completing her outpatient treatment, Ms. Argoe commenced litigation.

The Supreme Court in Argoe II traced the history of the involuntary commitment process. It stated:

All of Appellant's [Ms. Argoe's] arguments emanate from the following two theories: (1) the Order of Continued Hospitalization (June 13, [2]005) and the Order of Continued Treatment (June 21, 2005) were invalid as they were based on the void initial Order of Detention (June 6, 2005); and (2) there was no factual basis to substantiate the findings underlying the Order for Continued Treatment (June 21, 2005). Without a "lawful" probate court order, Appellant [Ms. Argoe] claims Respondent [Psychiatric Solutions, Inc. - which was in the same position as Three Rivers] was not justified in detaining her . . . and it was not reasonable for Respondent to detain her.

WP#5
The court in Argoe II found that the challenge to the underlying commitment orders was untimely and also barred by *res judicata*. In 2008, Ms. Argoe had filed a Petition to Vacate the Commitment Proceedings. A Probate Judge assigned to the case denied the Petition. That decision was appealed to the circuit court, and The Honorable Diane S. Goodstein affirmed the Probate Judge's decision. The Supreme Court found that the challenge to the commitment proceedings was not timely, that the order of Judge Goodstein constituted the "final adjudication regarding the validity of the commitment proceedings," and that there was a factual basis for the commitment.

After determining that the commitment was valid, the court in Argoe II turned its focus on whether a previous granting of summary judgment by another circuit judge was proper. It then analyzed each of the three causes of action that

were before the court at that time (false imprisonment, defamation, and intentional infliction of emotional distress), and it upheld the dismissal of those claims.

In the section captioned "Conclusion," the Supreme Court wrote, "Because Appellant [Ms. Argoe] failed to timely and properly challenge the probate court's orders, they are presumed valid. Based on these valid orders, we find that Respondent's conduct toward Appellant was lawful, justified, and reasonable." In this court's view, the Respondent in Argoe II was in the same position as Three Rivers and the employees of Three Rivers.

Following Argoe II, Ms. Argoe was granted permission to amend her Complaint so as to assert medical negligence (malpractice). She lodged that assertion against Dr. Steiner, in addition to Three Rivers Behavioral Health, LLC, Dr. Bryant-Mobley, and Dr. Dodds. The court recognizes, for purposes of the *res judicata* evaluation, that the Plaintiffs legal theory of recovery is now medical malpractice, not false imprisonment, defamation, or intentional infliction of emotional distress.

WPC
#6

DISCUSSION

Ms. Argoe has retained various experts related to the amended Complaint, and the court has reviewed the depositions that were supplied at the argument on summary judgment. The court has also considered the well-stated arguments of counsel, all briefs submitted, the pleadings, and the other written submissions in the file. Basically, in the light most favorable to the Plaintiff, her experts are saying that Ms. Argoe should never have been involuntarily committed and that it was negligent to keep her against her will, particularly for the length of time that she was kept. However, her primary expert, Dr. Davis, acknowledged on

several occasions that he did not complain about an initial detention of Ms. Argoe for up to a couple of days to evaluate her, based on the record.

Typically, any inconsistency in a witness' testimony such as this with Dr. Davis would require the court to defer to a fact finder to resolve the inconsistencies.

However, this case is a medical malpractice case. It requires expert opinion to establish the standard of care, the deviation from the standard, and (at least to some extent) the damages that proximately flow from that deviation.

This court is not able to reconcile the rulings of the Supreme Court in Argoe II with the assertions that the involuntarily commitment and treatment of Ms. Argoe by Dr. Steiner constituted medical malpractice. This court accepts the argument of the Defendant that he is entitled to a determination that it is *res judicata* and the law of this case that the commitment process was "lawful, justified, and reasonable." In the court's view, the elements of *res judicata* are satisfied in this medical malpractice case.

WPH
#7

The only evidence related to Dr. Steiner is that he conducted an initial evaluation of the Plaintiff at Aurora, following a determination by Dr. Hooker that emergency admission was necessary. It was Dr. Hooker at Orangeburg Mental Health who issued the Certificate of Licensed Physician Examination for Emergency Admission pursuant to section 44-17-410(2). Dr. Hooker had the Plaintiff transferred to Aurora. Dr. Steiner estimated a ten-day length of stay for the involuntary commitment. He noted in his records that he would speak with her son (whom she trusted) the following day. However, because her health insurance (Carolina Care Plan) would not cover her stay at Aurora, Plaintiff was transferred out of Aurora the next day (June 9, 2005) to Three Rivers Behavioral Health Center

in Lexington County. Dr. Steiner did not participate in any treatment of the Plaintiff before her arrival at Aurora or after her departure for Three Rivers.

Neither Aurora nor Dr. Steiner had any connection with Three Rivers. Ms. Argoe refused all medication while she was at Aurora. So, the only evidence alleged against Dr. Steiner dealt with his initial assessment and, at most, the 26 ½ hours that the plaintiff might have been considered to be under his care at Aurora.

The Supreme Court ruled in Argoe II that "[Ms. Argoe] is procedurally barred from challenging the validity of the underlying orders," including and expressly noting the June 21, 2005, continued commitment order. Id. at 470, 710 S.E.2d at 71. Furthermore, "[Ms. Argoe is] precluded from collaterally attacking the underlying commitment orders." Id. At 471, 710 S.E.2d at 72. These findings by the Supreme Court are the established law of this case. It has been judicially determined that Ms. Argoe's commitment through June 21, 2005, was valid. Dr. Steiner's association with Ms. Argoe ended long before June 21.

Dr. Steiner was legally obligated to perform the initial assessment of the Plaintiff pursuant to the Probate Court's Order. The only evidence in this record is that all of Dr. Steiner's actions were undertaken pursuant to the Order. He did not have the option to disregard the Order of the Probate Court. Dr. Steiner was serving as an arm of the judiciary and he is immune from any act or omission performed within the scope of the Probate Court Order, subject to the caveat discussed below.

Aside from the *res judicata* issue, the court has considered whether there is any evidence that would allow a medical negligence claim to survive against Dr. Steiner. In Vaughan v. McLeod Regional Medical Center, 372 S.C. 505, 642 S.E.2d

744 (2007), the court discussed absolute, quasi-judicial immunity to physicians and mental health facilities acting within the scope of judicial directives in an involuntary commitment setting. It is the ruling of this court that Dr. Steiner is entitled to partial summary judgment for any acts or omissions that were within the scope of judicial directives in an involuntary commitment proceeding. The inquiry then turns to the determination of the extent of protection and to a determination of what falls within the borders of the scope of judicial directives.

The last full paragraph in Vaughan, before the Conclusion section, reads: "We must determine from the nature of Dr. []'s actions, not merely by his status as a court-appointed examiner, whether the absolute quasi-judicial immunity extends to the challenged acts in this case." [Emphasis added.]

WAC #9
This court accepts the argument of Plaintiff's counsel that a medical professional is not entitled to blanket immunity for acts of malpractice simply because the patient initially came to be treated as a result of involuntary commitment proceedings. Vaughan acknowledges that concept in the quotation above. So, this court accepts that a malpractice claim may be raised, even when the patient came into contact with the medical provider because of an involuntary commitment proceeding. Logically, the determination of whether the claim can survive depends on a case-by-case evaluation.

Here, the court finds that the only reasonable reading of this record, in light of *Argoe II*, is that the Plaintiff is precluded from recovering for acts or omissions of Dr. Steiner.¹ Despite the stringent standards applicable to summary judgment

¹ The court has previously granted summary judgment related to acts or omissions of others that took place up to and including those that occurred on June 21, 2005.

decisions, there do not appear to be genuine issues of material fact related to whether and to what extent the Plaintiff can recover for alleged acts of malpractice associated with the continued hospitalization and treatment authorized by Dr. Steiner.

A medical negligence action requires the plaintiff to provide evidence that the physician departed from the recognized and generally accepted standards followed by competent practitioners in the physician's field under same or similar circumstances. Melton v. Medtronic, Inc., 389 S.C. 641, 655, 698 S.E. 2d 886, 893 (2010). The plaintiff must provide evidence that deviations from the standard practice and procedures were the proximate cause of the plaintiff's alleged injuries. Id. Here, Dr. Steiner was only involved in the initial assessment of the Plaintiff after her referral to Aurora by another doctor and pursuant to a valid commitment order of the Probate Court. Plaintiff's expert admitted in his deposition that he could not find fault for a period of a couple of days for the initial observation and investigation of the Plaintiff and the allegations that her family made. Since the only evidence is that Dr. Steiner's involvement occurred entirely within the window of that "couple of days," there is no expert testimony to support the Plaintiff's contention that Dr. Steiner breached the standard of care. Therefore, no genuine issue of material fact exists to show that Dr. Steiner deviated from standard practices and procedures, nor that his initial assessment proximately caused any injury to the Plaintiff.

WPK
#10

CONCLUSION

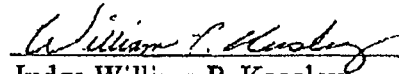
This Court grants Summary Judgment to Dr. Steiner on the Plaintiff's medical negligence claim. The grant of summary judgment is based on the

determination that there is no evidence that Dr. Steiner was acting outside the ambit of the Probate Court Order during the commitment of the Plaintiff. There were orders issued before and after Dr. Steiner dealt with the Plaintiff. There is also no evidence that would allow the Plaintiff to overcome the quasi-judicial

immunity afforded to a physician in these circumstances. There is no expert evidence of a deviation from the standard of care by Dr. Steiner, nor any evidence that any alleged deviation proximately caused recoverable damages to the Plaintiff.

THEREFORE, IT IS ORDERED that summary judgment be granted to Dr. Steiner and all claims against him are hereby dismissed.

IT IS SO ORDERED.



Judge William P. Keesley
Eleventh Judicial Circuit

March 19, 2014

#11

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

FILED IN THE COURT OF COMMON PLEAS

Martha Lewin Argoe, 2014 JUN -9 P 12:55
Plaintiff, BETH A. CARRIGG
-vs- CLERK OF COURT
LEXINGTON, SC
ORDER ON RECONSIDERATION
Three Rivers Behavioral Health,)
LLC, et al.,) Case Number 2007-CP-32-01981
Defendants.)

WPC
#1

The court granted summary judgment in favor of the defendants David A. Steiner, M.D. and Doris Ann Burrell, RN. It also granted partial summary judgment in favor of the defendants Three Rivers Behavioral Health, LLC, Phyllis Brant-Mobley, M.D., and Cheryl C. Dodds, M.D. The plaintiff seeks reconsideration and to have the court alter or amend those orders. The motions are denied.

Upon receiving the motions, the court notified the attorneys that it would decide the issues on written submissions, without further oral argument, pursuant to Rule 59(f), SCRPC. Each party relevant to the motions for reconsideration has now either provided briefs or notified the court that no further submissions are being forwarded.

This is a difficult case, with an extremely protracted history. Each of the attorneys makes very good arguments. Frankly, having reconsidered the matter and recognizing that others (including an appellate court) may view the matters differently, the court does not feel that it can state its reasoning and rulings any better than it has in the memorandum order and the final orders.

Most significantly, this court is not ruling in a vacuum. It has two prior orders from the appellate court which have established certain things that this court feels are binding upon it and the parties. Recognizing the scintilla rule, this court again states that the rulings, particularly those in Argoe II, have a substantial impact upon what can be presented in this case.

As for the *res judicata* issues, the court has acknowledged in the orders that the causes of action here are for medical negligence, which is a different legal theory than the ones previously asserted. The court allowed the plaintiff to make that amendment over the defendants' objections. In considering *res judicata* principles, the citations and authority provided by plaintiff's learned counsel are recognized. The court acknowledges that the parties involved in the appeals are somewhat different, though there is overlap. The underlying factual dispute and alignment of interests have not changed. To the extent that the court applied *res judicata*, it believes that its rulings in that regard have been stated as well as the court knows how to do so. There has to be a reconciliation of the prior decisions by the Supreme Court and the matters currently before the court, and this court has attempted in good faith to make its rulings in the proper context. The court sees no new information or arguments in the motions for reconsideration that were not considered and ruled upon in the previous orders.

As for the arguments about the court's evaluation of expert testimony, it is stated in the orders that the record may reflect inconsistency in the testimony of the plaintiff's experts and that those situations normally dictate that the case be allowed to go forward to a fact finder to resolve any factual inconsistency. The plaintiff asserts that the court has misconstrued or misunderstood the testimony of the plaintiff's experts. Having

reconsidered the matter, the court believes that it has accurately stated what the experts said in depositions and that the court has stated why it ruled as it did. Again, the evaluation of the evidence cannot be done in a vacuum here because the Supreme Court has already made findings. The Supreme Court has affirmatively stated that the plaintiff has waived her ability to object to certain things. The higher court has determined that the plaintiff's failure to challenge the probate courts' orders of commitment and continued hospitalization cause those orders to be presumed valid. The Supreme Court has set out a detailed factual history and, in this court's view, has established certain determinations of fact that are binding on this court and the parties. Having reconsidered the matter, this court finds no basis to modify its previous orders regarding its evaluation of the evidence.

WPK
#3

As for the arguments related to immunity, the court has reconsidered the situation and sees no basis for altering or amending the prior orders. Basically, the prior orders recognized that the mere fact that a patient was involuntarily committed does not automatically bar a medical negligence claim. As noted previously, this court allowed the complaint to be amended to assert medical negligence. This court has granted partial summary judgment as to three defendants, which allows pursuit of the medical negligence claims against them, albeit that the conduct in question has been reduced to a limited period of time. As stated in the initial memorandum order:

This court accepts the argument of plaintiff's counsel that a medical professional or medical facility is not entitled to blanket immunity for acts of malpractice simply because the patient came to be treated as a result of involuntary commitment proceedings. . . . So, this court accepts that a malpractice claim may be raised, even when the patient came into contact with the medical provider because of an involuntary commitment proceeding. Logically, the determination of whether the claim can survive depends on a case-by-case evaluation.

Taking the prior rulings that it found to be binding on this court and the parties, a determination was made that the plaintiff can pursue her medical negligence claims against Three Rivers Behavioral Health, LLC, Dr. Bryant-Mobley, and Dr. Dodds for a brief period. This court explained its reasoning that a medical negligence claim can survive summary judgment against these three defendants for the period between entry of the probate court order of continued commitment (which was done on June 21, 2005) to her release from in-patient hospitalization on July 20, 2005. The court reaffirms that ruling.

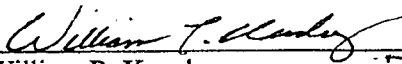
#4 The plaintiff's Brief challenges any finding that Dr. Dodds is entitled to immunity. It is the court's understanding that Dr. Dodds did not begin any involvement with the plaintiff until June 27, 2005. Since the entire time period when Dr. Dodds was involved with the plaintiff falls within the period that the court allowed the plaintiff to pursue a medical negligence claim against her, the court thought it was clear that it was not granting summary judgment in favor of Dr. Dodds on the basis of immunity.

As for the other challenges to the rulings on immunity, the court has reconsidered the arguments and denies the motion to alter or amend.

THEREFORE, IT IS ORDERED that the plaintiff's motions for reconsideration and to alter or amend are denied.

AND IT IS SO ORDERED.

June 6, 2014


William P. Keesley
Circuit Judge

BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

2014 JUN -9 P 12:55

FILED

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2007CP3201981

Martha Lewin Argoe

Glenn Hooker

Three Rivers Behavioral
Health LLC

Psychiatric Solutions Inc

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

 Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other:

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

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

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

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

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

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

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

Circuit Court Judge

Judge Code

6/20/2014

Date

For Clerk of Court Office Use Only

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

Robert Daniel Dodson
1722 Main St Suite 200 Columbia, SC 29201-2851

ATTORNEY(S) FOR THE PLAINTIFF(S)

Donna Seegars Givens
125 Misty Oaks Place Lexington, SC 29072
Lawrence S. Kerr 634 Hatrick Road Columbia, SC 29209
Kenneth Michael Barfield Barnwell, Whaley, Patterson &
Helms, LLC PO Drawer H Charleston, SC 29402-0197
Andrew N. Cole PO Box 12487 Columbia, SC 29211

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

Beth A. Carrigg - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ORIGINAL

9

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Martha Lewin Argoe,

BETH A. CARRIGG
Plaintiff, CLERK OF COURT
LEXINGTON, SC

IN THE COURT OF COMMON PLEAS

11th JUDICIAL CIRCUIT

2014 MAR 21 A 10 33

CIVIL ACTION NUMBER: 07-CP-32-1981

vs.

Three Rivers Behavioral Center and
Psychiatric Solutions, Its Successor; Phyllis
Brant-Mobley, MD; Aiken Regional
Medical Center; Aurora Pavilion; David A.
Steiner, MD; Cheryl C. Dodds, MD; Doris
Ann Burrell, RN; and Carolina Care Plan

Defendants.

ORDER GRANDING SUMMARY
JUDGMENT IN FAVOR OF DEFENDANT
DORIS ANN BURRELL, RN

WPK
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Five named defendants in the above-referenced matter filed motions for summary judgment, which were argued before me on August 29, 2013. This order grants the motion for summary judgment in favor of Defendant Doris Ann Burrell, RN (hereinafter "Nurse Burrell") as I find her protected by qualified judicial immunity and there is no genuine issue of material fact that would overcome the grant of immunity.

BACKGROUND FACTS

This is a medical malpractice claim arising from the involuntary commitment of Plaintiff in June of 2005. The South Carolina Supreme Court has ruled already on two appeals filed by the Ms. Argoe, the Plaintiff, in this case. The second reported appellate decision sets forth the factual background upon which I rely in part.

Pursuant to section 44-17-410 of the South Carolina Code, [Ms. Argoe's] husband (Husband) filed an Application for Involuntary Emergency Hospitalization for Mental Illness with the Orangeburg County Probate Court on June 6, 2005.

On June 6, 2005, Probate Court Judge Pandora L. Jones-Glover issued an Order of Detention that referenced section 44-17-430 of the South Carolina Code and provided that an "officer of the peace take the person [Ms. Argoe] alleged to be mentally ill into custody for a period of [time] not to exceed twenty-four (24) hours, during which detention said person shall be examined by a licensed physician."

On June 7, 2005, deputies with the Orangeburg County Sheriff's Department transported [Ms. Argoe] to the emergency room of The Regional Medical Center of Orangeburg (TRMC). At 3:35 p.m., [Ms. Argoe] was given a physical and mental evaluation. [Ms. Argoe] was discharged at 5:13 p.m. with a diagnosis of "Altered Mental Status" and instructions for her to return the following day for further evaluation. Subsequently, [Ms. Argoe] was driven home by law enforcement.

On June 8, 2005 at 3:00 p.m., Dr. Glenn Hooker, who evaluated [Ms. Argoe] at the Orangeburg Area Mental Health Center, completed Part II of the Certificate of Licensed Physician Examination for Emergency Admission pursuant to section 44-17-410(2) of the South Carolina Code. In this document, Dr. Hooker certified that inpatient psychiatric hospitalization was medically necessary for [Ms. Argoe] and identified Aurora Pavilion Behavioral Health Services (Aurora), a division of the Aiken Regional Medical Center, as the facility that would accept [Ms. Argoe] for further treatment. [Ms. Argoe's] medical records verify that she was involuntarily admitted to that facility on June 8, 2005 at 5:45 p.m. An attending physician at Aurora completed the requisite Physician Certification form stating that he certified that "the inpatient psychiatric hospital admission was medically necessary for psychiatric treatment, which could reasonably be expected to improve the patient's condition."

On June 9, 2005, due to health insurance constraints, [Ms. Argoe] was transferred and admitted to Three Rivers Behavioral Health, L.L.C. (Three Rivers). Based on her initial psychiatric evaluation, which was conducted by Dr. Phyllis Bryant-Mobley, a provisional diagnosis was made that [Ms. Argoe] was suffering from bipolar disorder with manic and psychotic features. On June 10, 2005, Three Rivers completed the Notification of Emergency Admission and Appointment of Designated Examiners.

On June 13, 2005, [after a motion to change venue from the Orangeburg County Probate Court, the] Darlington County Probate Court Judge Marvin Lawson issued an Order for Continued Hospitalization and for Hearing to be held on June 21, 2005. That same day, Judge Lawson appointed Dr. Bryant-Mobley and Doris Ann Burrell, a registered nurse, as designated examiners. On June 14, 2005, Appellant was notified of the hearing and the name of her court-appointed counsel.

On June 21, 2005, Judge Lawson conducted a hearing at which the court-appointed examiners presented their findings regarding [Ms. Argoe's] mental health. [Ms. Argoe] and her attorney were in attendance and participated in the hearing. On that same day, Judge Lawson issued an Order for Continued Treatment with mandatory outpatient treatment to follow at the Orangeburg County Mental Health Facility for a period not to exceed twelve months.

On July 8, 2005, Probate Court Judge Jones-Glover issued an order appointing Dr. Cheryl Dodds, one of [Ms. Argoe's] treating physicians at Three Rivers, to examine [Ms. Argoe] as to whether she needed a guardian and/or a conservator. Although Dr. Dodds believed [Ms. Argoe] to be an "incapacitated person" and in need of a guardian/conservator, she could not definitively determine whether [Ms. Argoe's] condition was temporary or permanent.

On July 20, 2005, [Ms. Argoe] was discharged into the care of her son after receiving treatment at Three Rivers and consenting to voluntarily taking her pre-scribed medication. Dr. Dodds's discharge diagnosis was "bipolar disease, manic with psychosis."

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Argoe v. Three Rivers Behavioral Health, LLC, et al., 392 S.C. 462, 465-68, 710 S.E2d 67, 69-70 (2011) (Argoe II) (underlined emphasis in original; internal footnotes omitted). Pursuant to the June 21, 2005, Order from Probate Judge Lawson, Ms. Argoe completed her one-year of outpatient therapy around July/August 2006. Soon after completing her outpatient treatment, Ms. Argoe commenced litigation.

Nurse Burrell, the only nurse at Three Rivers specifically named in Ms. Argoe's lawsuit, had limited contact with Ms. Argoe. After being appointed by the Probate Court as the second designated examiner by order dated June 10, 2005, Nurse Burrell reviewed the then-existing records, conducted interviews, and issued her examination report on June 15, 2005. Nurse Burrell's recommendations were similar to the conclusions of Dr. Phyllis Mobley, the physician designated examiner who issued her report to the Probate Court on June 16, 2005. The reports from the two designated examiners, together with other information, were reviewed by Probate Judge Lawson at a continued commitment hearing that was conducted on June 21, 2005. Nurse Burrell filled out no additional paperwork and had no other contact with Ms. Argoe after the

June 21, 2005 hearing when Probate Judge Lawson ordered Ms. Argoe to continue her in-patient treatment and, upon discharge, complete twelve months of out-patient psychiatric treatment.

The Supreme Court ruled in Argoe II that "[Ms. Argoe] is procedurally barred from challenging the validity of the underlying orders," including and expressly noting the June 21, 2005, continued commitment order. Id. at 470, 710 S.E.2d at 71. Furthermore, "[Ms. Argoe is] precluded from collaterally attacking the underlying commitment orders." Id. At 471, 710 S.E.2d at 72. These findings by the Supreme Court are the established law of this case.

STANDARD OF REVIEW

WPK
#4
"The purpose of summary judgment is to expedite the disposition of cases which do not require the services of a fact finder." Gauld v. O'Shaughnessy Realty Co., 380 S.C. 548, __, 671 S.E.2d 79, __ (2008) (citations omitted). Summary judgment is appropriate when there is no genuine issue of material fact such that the moving party must prevail as a matter of law. Rule 56(c), SCRPC. "The plain language of Rule 56(c), SCRPC, mandates the entry of summary judgment, after adequate time for discovery against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial." Gauld, at __, 671 S.E.2d at (citations omitted). To withstand a motion for summary judgment the non-moving party must submit evidence of a genuine issue of material fact. Hancock v. Mid-South Mgmt. Co., Inc., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009).

"A complete failure of proof concerning an essential element of the non-moving party's case necessarily renders all other facts immaterial." Gauld, at __, 671 S.E.2d at __ (citations omitted). A party claiming summary judgment is premature because they have not been provided a full and fair opportunity to conduct discovery must advance a good reason why the

time was insufficient under the facts of the case, and why further discovery would uncover additional relevant evidence and create a genuine issue of material fact. Guinan v. Tenet Healthsystems of Hilton Head, 383 S.C. 48, 54-55, 677 S.E.2d 32, __ (2009):

DISCUSSION

As noted above, it is an established fact in this case that Ms. Argoe was lawfully involuntarily committed pursuant to South Carolina's emergency commitment statutes. Nurse Burrell was the second, and non-physician, designated examiner appointed by the Probate Court in an order dated June 10, 2005. The first designated examiner appointed by the Probate Court was Dr. Mobley. I find that the record and the deposition of Nurse Burrell reflect that her only involvement with Ms. Argoe was serving as the second appointed designated examiner in the involuntary commitment proceedings. After the final Probate Court Hearing and Order of Continued Treatment by Probate Judge Lawson on June 21, 2005, Nurse Burrell had no additional involvement with the care or treatment of Ms. Argoe.

Based on the rulings already issued by the Supreme Court in Argoe II, Ms. Argoe cannot now attempt to collaterally attack the underlying commitment orders. Since Nurse Burrell was at all times acting under the authority of and during the pendency of the Probate Court proceedings, she is entitled to quasi-judicial immunity. That is, as a matter of law, there is no issue of material fact that would allow Ms. Argoe to overcome the grant of quasi-judicial immunity in favor of Nurse Burrell in this case.

"Court-appointed examiners are essentially an arm of the judiciary," and "quasi-judicial immunity for acts performed within the scope of appointment is necessary to protect the court-appointed examiners from lawsuits by allegedly incapacitated persons who are upset by the results of the guardianship proceedings." Vaughn v. McLeod Regional Medical Center, 372 S.C.

505, 512; 642 S.E.2d 744, 748 (2007). The Vaughn case is directly on point regarding the claims alleged by Ms. Argoe versus Nurse Burrell. In Vaughn, the Supreme Court upheld the grant of quasi-judicial immunity to a physician who was appointed by the Probate Court and made the alleged incorrect diagnosis that Mr. Vaughn was an "incapacitated person." The Supreme Court cautioned that "[i]f court-appointed examiners in guardianship proceedings are not afforded immunity, the exposure to liability will have a chilling effect on future acceptances of such appointments." Vaughn, at 512, 642 S.E.2d at 748. Indeed, this is "precisely why absolute quasi-judicial immunity must be extended to court-appointed examiners in guardianship proceedings." Id. at 513, 642 S.E.2d at 748-749.

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In the present action, the probate court, pursuant to the South Carolina Code of Laws regarding involuntary commitment proceedings, appointed Dr. Phyllis Brant-Mobley and Nurse Burrell to act as the mental health examiners for Plaintiff. The designated examiner reports as well as other information were reviewed by Probate Judge Marvin Lawson before he issued the June 21, 2005, Order for Continued Treatment. The Supreme Court has already determined that there was a substantial basis for the continued involuntary, in-patient treatment of Plaintiff.

Additionally, we disagree with [Ms. Argoe's] assertion that her involuntary commitment was without a factual basis. In support of this assertion [Ms. Argoe] directs this Court's attention to numerous documents, including Dr. Leonhardt's consulting opinion dated June 14, 2005, which was requested by Dr. Bryant-Mobley and reviewed by Dr. Dodds. It was indicated in the opinion that [Ms. Argoe's] condition was the result of "marital conflict" as she was an "alleged victim of abuse." Initially, we would note that Judge Lawson presumably took into consideration Dr. Leonhardt's opinion as the court-appointed examiners presented their findings to Judge Lawson during the June 21, 2005 hearing. Furthermore, the remaining documents offered by [Ms. Argoe] are depositions and affidavits that post-date the involuntary commitment proceedings. These after-the-fact documents cannot operate to retroactively invalidate the commitment orders that were procedurally proper and factually substantiated by court-appointed medical personnel. To find otherwise, we would undermine the probate court's authority in involuntary commitment proceedings.

Argoe II at 471, 710 S.E.2d at 72-73. The Supreme Court more succinctly reached the same conclusion when addressing Ms. Argoe's prior claim for defamation. "We find that summary judgment was properly granted to [Psychiatric Solutions, the successor owner of Three Rivers] as any communications issued by Three Rivers' employees were qualifiedly privileged as they were done in effectuating the lawful orders of the probate court." Argoe II, 392 S.C. at 474, 710 S.E.2d at 74. Stated another way, "Three Rivers [and its employees were] entitled to quasi-judicial immunity as it was treating [Ms. Argoe] pursuant to the involuntary commitment order." Id. at 475, 710 S.E.2d at 74.

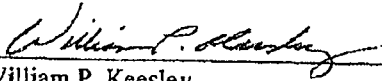
WSP
#7

Ms. Argoe asserts that there is a genuine issue of fact created by the deposition of Nurse Burrell concerning her participation as a designated examiner. It is claimed that Nurse Burrell admitted in her deposition that she did nothing to fulfil the duties of designated examiner, but yielded entirely to the opinions of the doctor. Therefore, it is argued that the nurse is not entitled to qualified judicial immunity (or at least there is a genuine issue of fact) because she completely failed to carry out the duties of the position she occupied. While the court is troubled by this question, there does not appear to be a means of reconciling this assertion with the established law of this case.

CONCLUSION

At all relevant times, Nurse Burrell was working within the bounds of the involuntary commitment order issued by the Probate Court. She was specifically appointed as the second, non-physician designated examiner by the Probate Court. Nurse Burrell's involvement with the care and treatment of Ms. Argoe ended when Probate Judge Lawson issued his order on June 21, 2005, for the continued in-patient treatment of Ms. Argoe followed by twelve months of out-patient treatment. Based on the Supreme Court's previous findings that "quasi-judicial immunity

for acts performed within the scope of appointment is necessary to protect the court-appointed examiners from lawsuits by allegedly incapacitated persons who are upset by the results of the guardianship proceedings," I FIND and ORDER that Nurse Burrell shall be dismissed from this action and GRANT her motion for summary judgment.


William P. Keesley
Judge

Lexington, South Carolina
March 19, 2014

#8

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-32-01981

Martha Lewin Argoe,	v.	Appellant,
Three Rivers Behavioral Health, LLC; Phyllis Bryan- Mobley, MD; David A. Steiner, MD; Cheryl C. Dodds, MD; Doris Ann Burrell, RN,		Respondent,

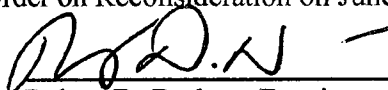
AMENDED NOTICE OF APPEAL

Martha Lewin Argoe appeals the following Orders of the Honorable William P. Keesley:

- Order on Reconsideration of the Honorable William P. Keesley dated June 6, 2014;
- Order Granting Summary Judgment as to David A. Steiner, MD of the Honorable William P. Keesley dated March 19, 2014;
- Order Granting Partial Summary Judgment in Favor of Defendants Three Rivers Behavioral Health, LLC, Phyllis Bryant-Mobley, MD, and Cheryl C. Dodds, MD of the Honorable William P. Keesley dated March 6, 2014; and
- Order Granting Summary Judgment in Favor of Defendant Doris Ann Burrell, RN of the Honorable William P. Keelsey dated March 19, 2014.

Appellant received written notice of entry of the Order on Reconsideration on June 26, 2014.

July 15, 2014


Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: 803.252.2600

Facsimile: 803.771.2259
Attorney for Appellant

Other Counsel of Record for *Respondents*:

Will Davidson, Esquire
Davidson & Lindemann, PA
1611 Devonshire Drive, 2nd Floor
PO Box 8568
Columbia, SC 29202
Attorney for Phyllis Bryan-Mobley, MD

James E. Parham, Jr., Esquire
James E. Parham, Jr., P.A.
P.O. Box 1576
Irmo, SC 29063
Attorney for Cheryl C. Dodds, MD

Elloree Gaines, Esquire
Molly Craig, Esquire
Hood Law Firm, LLC
172 Meeting Street
PO Box 1508
Charleston, SC 29402
Attorney for David A. Steiner, MD

Andrew N. Cole, Esquire
Collins & Lacy, P.C.
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
Attorney for Three Rivers and Doris Ann Burrell

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-32-01981

Martha Lewin Argoe,

Appellant.

v.

Three Rivers Behavioral
Health, LLC; Phyllis Bryan-
Mobley, MD; David A.
Steiner, MD; Cheryl C.
Dodds, MD; Doris Ann
Burrell, RN

Respondent,

PROOF OF SERVICE

I certify that I have served the Record on Appeal on all Respondents by depositing a copy of it in the United States Mail, postage prepaid, on April 1, 2015, addressed to their attorneys of record, listed below as:

William Davidson, Esquire
Andrew Lindemann, Esquire
Davidson & Lindemann, PA
1611 Devonshire Drive, 2nd Floor
PO Box 8568
Columbia, SC 29202
Attorney for Phyllis Bryan-Mobley, MD

Kenneth N. Shaw, Esquire
J. Ben Alexander, Esquire
Haynsworth, Sinkler Boyd, PA
One North Main, 2nd Floor (29601)

PO Box 2048
Greenville, SC 29602
Attorneys for Cheryl C. Dodds, MD

Elloree Gaines, Esquire
Molly Craig, Esquire
Hood Law Firm, LLC
172 Meeting Street
PO Box 1508
Charleston, SC 29402
Attorney for David A. Steiner, MD

Andrew N. Cole, Esquire
Christian Stegmaier, Esquire
Collins & Lacy, P.C.
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
Attorney for Three Rivers and Doris Ann Burrell

April 1, 2015

Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: 803.252.2600
Facsimile: 803.771.2259
Attorney for Appellant

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APR 01 2015

APPEAL FROM LEXINGTON COUNTY

SC Court of Appeals

Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-00-01981

Martha Lewin Argoe,

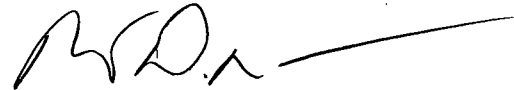
v. Appellant,

Three Rivers Behavioral Health,
LLC and Psychiatric Solutions,
Inc., its successor; Phyllis Bryan-
Mobley, MD; David A. Steiner,
MD; Cheryl C. Dodds, MD;
Doris Ann Burrell, RN; and
Carolina Care Plan,

Respondents,

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: 803.252.2600
Facsimile: 803.771.2259
Attorney for Appellant

April 1, 2015
Columbia, South Carolina

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RECEIVED

APR 01 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2007-CP-32-01981

Martha Lewin Argoe,

Appellant.

v.

Three Rivers Behavioral
Health, LLC; Phyllis Bryan-
Mobley, MD; David A.
Steiner, MD; Cheryl C.
Dodds, MD; Doris Ann
Burrell, RN

Respondent,

PROOF OF SERVICE

I certify that I have served the Record on Appeal on all Respondents by depositing a copy of it in the United States Mail, postage prepaid, on April 1, 2015, addressed to their attorneys of record, listed below as:

William Davidson, Esquire
Andrew Lindemann, Esquire
Davidson & Lindemann, PA
1611 Devonshire Drive, 2nd Floor
PO Box 8568
Columbia, SC 29202
Attorney for Phyllis Bryan-Mobley, MD

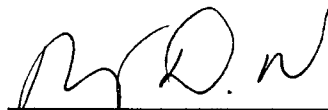
Kenneth N. Shaw, Esquire
J. Ben Alexander, Esquire
Haynsworth, Sinkler Boyd, PA
One North Main, 2nd Floor (29601)

PO Box 2048
Greenville, SC 29602
Attorneys for Cheryl C. Dodds, MD

Elloree Gaines, Esquire
Molly Craig, Esquire
Hood Law Firm, LLC
172 Meeting Street
PO Box 1508
Charleston, SC 29402
Attorney for David A. Steiner, MD

Andrew N. Cole, Esquire
Christian Stegmaier, Esquire
Collins & Lacy, P.C.
1330 Lady Street, 6th Floor (29201)
PO Box 12487
Columbia, SC 29211
Attorney for Three Rivers and Doris Ann Burrell

April 1, 2015



Robert D. Dodson, Esquire
Law Offices of Robert Dodson, P.A.
1722 Main Street, Suite 200
Columbia, South Carolina 29201
Telephone: 803.252.2600
Facsimile: 803.771.2259
Attorney for Appellant