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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY

Edward W. Miller, Circuit Court Judge  
CASE No: 2014-CP-23-06070

Benjamin L. Anderson, Appellant

v.

Davita Upstate Dialysis, Respondent

INITIAL BRIEF OF THE APPELLANT

Benjamin L. Anderson  
445 W. Rebound Road  
Lancaster, SC 29720  
Appellant, Pro Se

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# TABLE OF CASES AND AUTHORITIES

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Baughman v. American Tel. & Tel. Co., 306 S.C. 7  
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230 S.E.2d 447 (1976)

Mack v. South Bound R.R. 52 S.C. 323-335, 29 Exh. A  
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Ford v. Hutson, 276 S.C. 157, 276 S.E.2d 778 (1981) Exh. A.

Reid v. Harbinson Dev. Corp. 295 S.C. 557-560,  
330 S.E.2d 532, 534 (Ct. App. 1985) Exh. A.

Relevant Evidence 8.

1 APPELLANT'S STATEMENT OF ISSUES  
2 ON APPEAL  
3

4 Genuine issues of material facts exists as  
5 to whether or not the defendant's, (respondents)  
6 actions of harassment, humiliation,  
7 disparagement, and other conduct was  
8 proximate cause of Plaintiff's mental  
9 anguish, stress and harm.

10 Genuine issues of material fact exists as  
11 to whether or not the defendant employee,  
12 an administrative assistant, created an  
13 intolerable patient care environment when  
14 this female employee patted Plaintiff on  
15 his buttocks at Dialysis center and said,  
16 "I have moves," gyrating her body, in the  
17 presence of others was sexual harassment.

18 Genuine issues of material fact exists as to  
19 whether or not an RN'S' comments lowered  
20 Plaintiff in the esteem of the community,  
21 during dialysis, when the dialysis RN  
22 stated, "You're not a drug dealer..." "You  
23 have drugs in your body now"... when a  
24 girl sits in front of you with her legs  
25 wide apart... she's trying to get money  
26 out of you." whether or not it is  
27 slander per se and is injury to his  
28 reputation.

1 Genuine issues of material fact exists as to  
2 whether or not the facility's social workers'  
3 comments, in her "Patients (comments) Progress  
4 Notes" were fabricated regarding statements  
5 made by Plaintiff's daughter to support  
6 her affidavit as a defendant employee,  
7 Plaintiff produced controverting pleadings  
8 and affidavits to dispute.

9 Genuine issues of material fact exists as to  
10 whether or not the Plaintiff's/Appellants'  
11 affidavits, evidence, opposition pleadings  
12 and deposition controverted defendants'  
13 (Respondents) summary judgment as to  
14 the totality of his record.

15 Genuine issues of material facts exists  
16 as to whether or not defendant's  
17 conduct was so outrageous, reprehensible,  
18 unreasonable, abusive and severe that  
19 no reasonable person could endure it.

20 Genuine issues of material fact exists as to  
21 whether or not an RN (registered) nurse and  
22 a Nephrologist made false representations  
23 with knowledge of its falsity to induce  
24 reliance thereon.

25 Genuine issues of material facts exists as to  
26 whether or not there was an abuse of discretion  
27 by trial Court Judge when there was a glaring  
28 departure from the "standard of Review."

## STATEMENT OF THE CASE

The Plaintiff/Appellant, Benjamin L. Anderson, an inactive Registered Respiratory Therapist (RRT) started dialysis at Davita Upstate Dialysis Center in Greenville, South Carolina approximately January, 2013. The Plaintiff began to notice how the Davita staff of dialysis technicians, and RN's (registered nurses) began to make disparaging statements about him during dialysis. Some of the statements were of personal harassment, humiliation as well as embarrassment. The Appellant alleges this became unbearable on October 31<sup>st</sup>, November 2, 5, 12, 16, 19 and 23<sup>rd</sup>, 2013. The Appellant wrote a letter of complaint to the Davita headquarters in Irvine, California to no avail. The Plaintiff requested a transfer out to another dialysis facility in Greenville. Subsequently, The Appellant filed suit in the Court of Common Pleas, Greenville on November 5, 2014. Prior to his transfer out, he did have to go to the E.R. department on November, 19 2013 after an egregious dialysis session for treatment of harm suffered. The Appellant noticed how the facilities social worker, charge nurse, staff nurse, including the dietitian adjusted their "Patient Progress notes", to cover their actions.

1 STATEMENT OF THE CASE CONT.

2 After Plaintiff filed his original complaint,  
3 The Defendants/ Respondents filed their motion  
4 to dismiss his complaint. Defendant's motion  
5 to dismiss was denied as to all of his

6 causes of action. The parties engaged in  
7 discovery process. During this, Plaintiff filed,  
8 a motion compelling discovery from Defendants.  
9 Very little discovery was allowed by the  
10 Court or the Defendants for a Pro Se.

11 The Plaintiff moved the Court to allow him  
12 to amend his complaint and it was

13 granted. The Defendants moved the Court  
14 for summary judgment on August 4, 2015.

15 Judgment was granted and an order  
16 signed on September 11, 2015 by Presiding  
17 Judge, Miller. The Plaintiff/Appellant

18 filed his Appeal on September, 4 (App. Ct.)  
19 and an amended Appeal on September 21, 2015.

20 A transcript was ordered and finally obtained,  
21 after Appellant filed a request to extend  
22 time get transcript. Appeals court notified  
23 of receipt of transcript.

# ARGUMENT

## STANDARD OF REVIEW

"In determining whether any triable issues of fact exists, the Court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the nonmoving party."

Manning v. Quinn, 294 S.C. 383, 365 S.E.2d 24 (1988)

"Summary Judgment is a drastic remedy which should be cautiously invoked so that a litigant is not improperly deprived of a trial on disputed factual issues."

Baughman v. American Tel. & Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991)

"On appeal from an order granting Summary Judgment, the Appellate court applies the same standard that governs the trial court. The Appellate court will review all ambiguities arising in and from the evidence in a light most favorable to the appellant, the nonmoving party." Osborne v. Adams, 346 S.C. 47, 550 S.E.2d 319, 321 (2001)

Williams v. Chesterfield Lumber Co., 267 S.C. 607, 230 S.E.2d 447 (1976)

1 ARGUMENT CONT.

2 RELEVANT EVIDENCE

3 The Appellant reasonably contends he had  
4 the 'relevant' evidence pursuant Rule 402 SCRP  
5 and cites the following cases:

6 Worsley V. Town of Mt. Pleasant 339 S.C. 51, 55

7 528 S.E.2d, 657, 659 (2000)

8 Levy V. Outdoor Resorts of S.C. 304, 405, 427

9 S.E.2d 387 (1991)

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1 INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS  
2 CASES

3 Ford v. Hutson, 276 S.C. 157, 276 S.E.2d 776 (1981)

4 Mack v. South Bound RR. Co. 52 S.C. 323-335, 29 S.E.2d, 90

5

6 DEFAMATION PER SE

7 CASES

8 Fleming v. Rose 350 S.C. (2002)

9 Holzcheiter, 338, S.E. 300 (CT. App.) 2007

10 Smith v. Phoenix Furniture Co., 399 F. Supp. 969,

11 971 (D.S.C. 1972)

12 Lynch v. Toys R. US Del., 375 S.C. 604 (CT. App. 2007)

13 Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C.

14 469, 514 S.E.2d 126 (1999)

15

16 FRAUD and DECEIT

17 CASES

18 Osborne v. Adams, 346 S.C. 4, 450 S.E.2d 319 (2001)

19 Reid v. Harbinson Dev. Corp. 285, S.C. 557, 560, 330

20 S.E.2d 532, 534 (CT. App. 1985)

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1 CONCLUSION

2 For the reasons stated, this court  
3 should reverse the judgment of the  
4 Circuit Court for trial by jury.  
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13 February 22, 2016

Respectfully Submitted  
14 By: Benjamin L. Anderson  
15 Benjamin L. Anderson  
16 Appellant Pro Se  
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28

Benjamin Anderson  
445 W. Rebound Road  
Lancaster, SC 29720  
(864)-320-2280  
Pro Se

IN THE GREENVILLE COUNTY COURT, SOUTH CAROLINA  
COUNTY OF GREENVILLE

Benjamin L. Anderson  
Plaintiff

VS

DaVita Upstate Dialysis Center,  
Defendants

CASE NO: 2014CP230607

Plaintiffs Opposition  
To Defendants Motion  
to Dismiss

Memorandum of Law  
Date: January 26, 2015  
Time: 11:00 A.M.

Plaintiff Opposes Defendants Motion to dismiss his complaint pursuant to his pleadings, declarations and genuine issues of material facts which he contends are necessary to be litigated.

Plaintiffs' claims are justified. The facts in the complaint must be taken as true.

The court must accept all material allegations in favor of the complaining party. Failure of Defendant to serve Plaintiff the notice of motion to dismiss his complaint per South Carolinas Civil procedure Rule 5.

Plaintiff contends he filed actions sounding in tort pursuant to South Carolina's personal injury law. Plaintiff mitigated damages through seeking medical care as to abuse, however actions continued.

**Memorandum of Law:**

**Intentional Infliction of Emotional Distress**

“Tort of Outrage”

Plaintiff cites: Ford V. Hutson, 276 S.C., 157, 276 S.E. 2d 778 (1981)

(To recover for intentional infliction of emotional distress)

Mack V. South Bound R.R. CO.

52 S.C., 323-335, 29 S.E. 2d, 90

[Emotional Damages]

**Memorandum of Law:**

**Defamation**

Plaintiff cites: Swinton Creek Nursery V. Edisto Farm Credit 334 S.C. 469, 514

S.E. 2d (1999)

332 S.C., 502, 506 S.E. 2d 497 (1998)

[The Tort of defamation allows a plaintiff to recover for injury to his or her reputation as a result of defendant’s communication to others of a false message about Plaintiff]

Public Policy that individuals should be free to enjoy their reputations unimpaired by false and defamatory attack, injury to reputation.

**Memorandum of Law**

**Deceit (TORT)**

“A false representation of material fact made with knowledge of its falsity, or recklessly, or without reasonable grounds for believing it’s truth.”

Reid V. Harbinson Dev. Corp

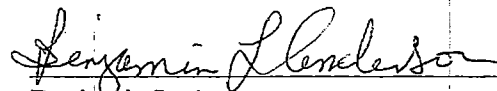
285, S.C. 557-560, 330 S.E. 2d 532, 534 (CT.APP 1985)

Osborne V. Adams, 346, S.C. 4, 550 S.E. 2d 319 (2001)

**PUNITIVE DAMAGES**

Pursuant to 15-32-52 of the South Carolina Code “in order to receive punitive damages the claim for punitive damages must be asked for in the complaint but specific amount may not be.”

July 21, 2015



Benjamin L. Anderson

Pro Se

COPY

1 Benjamin L. Anderson  
2 445 W. Rebound Road  
3 Lancaster, South Carolina  
4 (864) 320-2280  
5 Pro Se

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2015 JUL 21 PM 12 38

6 IN THE COURT OF COMMON PLEAS  
7 GREENVILLE

9	Benjamin L. Anderson	)	CASE NO.
10	Plaintiff	)	
11		)	Plaintiffs' OPPOSITION
12	VS.	)	TO Defendants' Motion-
13		)	Summary Judgment
14	Davita Upstate Dialysis	)	Memorandum of law
15	Defendant	)	Rule 56c
16		)	ADR Rule 3(a)
17		)	Rule 402

18 The Plaintiff in the above captioned case  
19 opposes summary judgment at this stage  
20 for the following: Plaintiffs' discovery is  
21 not yet complete. Notice of ADR preceded  
22 motion for summary judgment, schedule 2 for  
23 9-1-2015. Plaintiffs' copy of his deposition not given.

24 STANDARD OF REVIEW

25 "Rule 56c, SCRCP in determining whether  
26 any triable issue of fact exists, the Court  
27 must view the evidence and all reasonable  
28 inferences that may be drawn from it in the

Exhibit B

(1)

1 light most favorable to the nonmoving party."

2 Worsley Cos. v. Town of Mt. Pleasant 339 S.C.

3 51, 55, 528 S.E2d 657, 659 (2000)

4 "Summary judgment is a drastic remedy,  
5 which should be cautiously invoked so that  
6 no person will be improperly deprived of  
7 a trial of the disputed factual issues."

8 Baughman v. American Tel. & Tel. Co., 306 S.C.  
9 vol. 112, 410 S.E2d 537, 543 (1991), "This

10 means, among other things, that summary  
11 judgment must not be granted until  
12 opposing party has had a full and fair  
13 opportunity to complete discovery, id."

14 OTHER - STANDARD OF REVIEW

15  
16  
17 "Summary judgment is appropriate where  
18 the pleadings, depositions, answers to  
19 interrogatories, and admissions on file,  
20 together with the affidavits, if any,  
21 show there is no genuine issue as to  
22 any material fact and the moving  
23 party is entitled to a judgment as a  
24 matter of law."

25 ARGUMENT

26  
27 Pursuant to Rule 402, Plaintiff has submitted  
28 evidence which is relevant to this action

1 He cites; Levy v. Outdoor Resorts of S.C.  
2 304 S.C. 427, 405 S.E.2d 387 (1991)

3 Plaintiff has submitted pleadings, defendants'  
4 admissions, answers to interrogatories,  
5 affidavits, medical documentary evidence  
6 as well as have filed, "genuine issues  
7 of material facts."

8 Plaintiff's claims are not for medical  
9 malpractice.

10  
11 PROXIMATE CAUSE OF HARM/INJURY

12 Plaintiff checked in at local emergency room  
13 on November 16, 2015. He has stated under oath  
14 in his deposition taken on June 12, 2015  
15 and in pleadings that he was harassed on  
16 October 31, November 5, 12 and the 16<sup>th</sup>, which  
17 dates culminated with stress and humiliation.  
18 Plaintiff asserts there is a causal relation  
19 from the time these actions occurred to  
20 the point he could not physically take any  
21 more and thus to the emergency room.  
22 The Defendants failed to help the  
23 patient (Plaintiff), who knew his blood  
24 pressure was 236/126 immediately prior to  
25 leaving the Davita facility; A Blatant  
26 omission to act, according to standard  
27 policy and procedure.  
28

2015 JUL 30 AM 8 48  
FEDERAL DISTRICT COURT  
GREENVILLE CO. S.C.  
PHIL B. WICKENSIMMER

1 Benjamin L. Anderson  
2 445 W. Rebound Road  
3 Lancaster, S.C. 29720  
4 (864) 320-2280  
5 Pro Se Litigant

6		
7		
8		
9		CASE NO. 2014-CP-23-06070
10	Benjamin L. Anderson	Plaintiff's opposition
11	Plaintiff	To Bad faith Affidavits
12		Submitted by Defendants
13	VS	OPPOSITION TO Summary
14		Judgment by Plaintiff
15	Davita Upsate Dialysis	[Exhibits Attached]
16	Defendant	Rule 56(g)
17		August 4, 2015
		Hall

18 The Plaintiff in the above captioned case  
 19 asserts to the Court that the summary  
 20 judgment affidavits submitted by the  
 21 defendants are all fabrications to thwart  
 22 justice. The following affidavits are bogus:  
 23 The affidavit of social worker Audrey Hartfield,  
 24 is fabricated because she has an office  
 25 outside of the patient dialysis area. As such  
 26 Ms. Hartfield could not have possibly  
 27 over heard any statements from other staff  
 28 employees from her office. Ms Hartfield

1 rarely visited patients in the dialysis  
2 area. The affidavit of Jacqueline Frederick  
3 is also fabricated for the same reason.  
4 Ms. Frederick makes her patients rounds  
5 approximately once to twice per week.  
6 She would not be able to overhear any  
7 statements from these employees per Plaintiff's  
8 allegations. Hence these two would not  
9 have any first-hand knowledge of the facts.  
10 Further, Audrey Hartfield made disparaging  
11 remarks in the "patient progress" notes,  
12 which also were defamatory. As with  
13 Ms. Frederick, Dietitians made remarks in the  
14 medical records of Plaintiff under "Physician  
15 Patient notes" entered on 11-11-2013 at 10:44:19.  
16 The affidavit of Peggy Roper, RN was a blatant  
17 fabrication because she was one of the employees  
18 that actively harassed and brought the Plaintiff  
19 to mental anguish and agitation of 11-16-2013.  
20 The affidavit of Savannah Gaines is another  
21 blatant fabrication because <sup>she</sup> made a sexually  
22 explicit comment regarding Plaintiff's penis,  
23 among other remarks while Plaintiff was on  
24 dialysis. The other affidavits of the  
25 defendant employees merely stated that "they"  
26 did overhear any "negative or derogatory"  
27 statements about Mr. Anderson (Plaintiff).  
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Bad faith Affidavits continued, Signature page.

July 2015

Benjamin L. Anderson  
Benjamin L. Anderson  
Pro Se Litigant

Exhibit

Physician Patient Notes

Patient: Anderson, Benjamin (MPI: 1524972)

Date Range: 10/24/2013 To: 11/25/2013

Date Printed: 11/25/2013

Patient DOB: 5/13/1944

Nephrologist: Alioua, Chokri

Facility: UPSTATE DIALYSIS(86402)

Text:

SW attempted to call pt and his daughter, Sadie, on 11-20-2013. SW left a message for Sadie but pt's phone would not accept messages. SW attempted to call both again this morning. Sadie called SW back this AM. Pt's blood pressure was discussed as well as him not coming for tx today and not answering his phone. Sadie agreed to call pt and discuss makeup tx tomorrow and need for BP meds. SW received a call back from Sadie after she had spoken with pt. Sadie and her brother were on the phone and informed SW that pt has a hx of "thinking everything is a conspiracy." Their only suggestion was to "minimize triggers" but could not give specific triggers other than politics and news. SW informed them that pt has control of his own tv during ICHD txs. They have a supision that pt has dx of Schizophrenia but have never gotten info from his doctor. Per Sadie, pt "moved from CA to SC due to thinking their was a conspiracy against him there." Pt's children assist him financially each month and plan to try to monitor whether he is taking BP and psych meds. SW suggested that they contact local VAMC clinic in Greenville to get pt seen since he has problems paying for his meds. Sadie stated about pt "he has never been violent when he is going through the conspiracy episode." Sadie agreed to maintain contact with pt to monitor his ability to get and take meds. SW agreed to be available for pt in clinic and via phone as needs arise. Sw will continue to monitor pts beahvior in clinic. Sadie informed SW that pt will need his valium to calm his nerves. SW in formed Sadie that pt has not been seen by PCP in over a year, so MD will not refill any meds until pt is seen in office. Sadie is going to work with pt to get him seen at VAMC or by his PCP to get meds refilled. SW will monitor.

Date last modified by:HARTFIELD, AUDREY, MSW on: 11/21/2013 at: 12:08:25

## Physician Patient Notes

Patient: Anderson, Benjamin (MPI: 1524972)

Date Range: 10/24/2013 To: 11/25/2013

Date Printed: 11/25/2013

Patient DOB: 5/13/1944

Nephrologist: Alioua Chokri

Facility: UPSTATE DIALYSIS(86402)

Entered By: FREDERICK, JACQUELINE, RD On: 11/11/2013 At: 10:44:19

### Progress Notes For Discipline: RN

Category Name: BP and Fluid Management

Text:

Pt being accessed by nurse pre-dialysis. Pt states his dry weight has changed from 97 to 98 kg. Order on chart does not reflect this. Pt states that he will only have 0.5kg removed today.

*error  
fabrication*

Date last modified by: ROPER, PEGGY, RN on: 11/19/2013 at: 09:52:31

### Progress Notes For Discipline: RN

Category Name: General

Text:

Nurse observed doctor and patient discussing about a prescription refill of Valium in the lobby. Doctor informed patient he is unable to refill the Valium prescription and referred him to his primary care physician at Barksdale Medical Center. Patient yelled and cursed at the doctor about being tired of not getting his Valium refilled and that he doesn't have time or money to go to his primary care physician. He just needs his Valium. Nurse and doctor educated pt about importance of seeing his primary care physician. Patient voiced not going to see his primary care physician. Nurse and doctor also educated pt about his Hypertension, attempt to discuss his prescribed BP Meds, and importance of running full treatment time for adequate clearance. Sw attempt to speak to patient as well pt refused to talk. Patient left via ambulatory to his car a/o x3 bp standing 206/111. Patient is aware of consequences of hypertension. will continue to monitor.

Patient: Anderson, Benjamin  
(MPI: 1524972)

Date Printed 11/25/2013

Page 5

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PAUL B. WICKENSIMER

2015-JUL 21 PM 12:38

CPX

6 IN THE COURT OF COMMON PLEAS  
7 Greenville, S.C.

10 Benjamin L. Anderson  
11 Plaintiff

13 VS

14 Davita Upstate Dialysis  
15 Defendant

) CASE NO. 2014-CP-2306070  
) Supplemental-  
) Plaintiffs' Affidavit  
) IN OPPOSITION TO Defendants'  
) Motion For Summary  
) Judgment

18 The Plaintiff makes oath and says:  
19 I have first-hand knowledge of the facts  
20 set forth herein and I am competent.  
21 I affirm that discovery is not complete.  
22 I was deposed by the Defendants on June 12, 2015.  
23 I have not signed the deposition nor received  
24 a copy of same.  
25 A motion to grant Plaintiff admendment of  
26 his complaint is pending.  
27 Plaintiff has received a court notice  
28 requiring parties to participate in ADR.

Exhibit D

(1)

1 I affirm that the notice of ADR is June 3, 2015  
2 and all parties were informed.

3 (This notice precedes notice for summary  
4 judgment by Defendants)

5 I affirm that ADR is scheduled for 9-15.

6 I affirm that I informed the Defendants  
7 that I will stipulate mediation.

8 I affirm that Brian Hamrick, RN of Davita  
9 Upstate Dialysis made the following statement  
10 to me during the relevant time period:

11 "You're not a drug dealer... you have drugs  
12 in your body now... When a girl sits in front  
13 of you with her legs wide apart... she's  
14 trying to get money out of you." This  
15 statement was made in the presence of  
16 his peers as well as other patients, who  
17 overheard Brian Hamrick.

18 I affirm that Etoy Flemming, RN charge nurse  
19 made the following statement at Davita  
20 Upstate Dialysis Centers: "I Lied, Lanita  
21 didn't."

22 I affirm that Timothy Coevette, LPN made the  
23 following statement, while I was actively  
24 receiving dialysis; "We are willing to back off  
25 of you buddy." I attest that this RN's  
26 statement was regarding their harassment.

27 I affirm that Peggy Raper, RN made the  
28 following statements to me while I was receiving

1 dialysis: "I Lied... that's why  
2 Ben (Plaintiff) Protested us." I protested  
3 Davita Upstate employees actions against  
4 me outside of the Davita facility with a  
5 protest sign.

6 I affirm that the social worker, Audrey Hartfield  
7 along with a female caucasian employee  
8 witnessed me protesting during the relevant  
9 time period outside of their facility.

10 I affirm that Dr Chokri Ali, quoa, Nephrologist  
11 during the relevant time period made the  
12 following statements: "I see you've got this  
13 group to back off of you." You're not  
14 shaking." I attest that I was actively  
15 receiving dialysis and patients as well  
16 as employees overheard him.

17 I affirm that Savannah Gaines, walking with  
18 Michele Owens, made the following statement:  
19 "We won't poke two of you anymore, now  
20 that we know how big you are."

21 I affirm that Angela Meredith, Tech. made the  
22 following statement, "They will stress you all the  
23 way out." "All they'll do is beat you down."

24 I attest that these statements were made during  
25 the time that I was actively receiving dialysis,  
26 during the relevant time period.

27 I affirm that on the morning of November 19, 2015,  
28

1 Dee lucas, employee made the following  
2 statement to me, regarding her peers.  
3 behavior: "That's why they did you like  
4 that." I attest that she observed my  
5 protest sign and what was on it.

6 I affirm that I spoke with Kevin DONOVAN,  
7 Facility Administrator during the relevant  
8 time period regarding the administrative  
9 assistant, Ms Chris Keefe and my complaint  
10 regarding her unwanted behavior of offensive  
11 touching (patting) of my buttocks in the  
12 presence of other patients as well as staff.

13 I attest and affirm that Mr DONOVAN asked  
14 me if I "wanted her to apologize to me."

15 I affirm that an RN stated, "That's why  
16 I save my moves for my husband," during  
17 the relevant time period after my complaint.

18 I affirm that I went to the emergency  
19 department at St. Francis Hospital, after  
20 receiving dialysis. I attest that after  
21 the harassment on November 16, 2013, I could  
22 not lower my blood pressure, became  
23 dizzy with headache and was unstable on  
24 my feet because of the sustained high  
25 blood pressure and stress. I attest  
26 that I was treated, checked out by  
27 an emergency department physician and  
28 instructed to follow up with other care.

1 I affirm that I checked my blood pressure  
2 on the morning of November 16, 2013 after  
3 dialysis, at home and took more blood  
4 pressure medication prior to going to the  
5 emergency room at St. Francis Hospital  
6 downtown, Greenville.

7  
8 I affirm that in January 2015, a Dr. Chu,  
9 Ophthalmologist/Optometerist examined my eyes at  
10 Walmart in Greenville and told me that my  
11 blood vessels behind my eyes were very  
12 fragile. She stated to me to be "very careful  
13 ... you could have a stroke behind your eyes."

14 I affirm that Elizabeth Reed RN at  
15 Davita Upstate dialysis told me to talk  
16 to "Kevin" if that upset you that much.  
17 (Regarding administrative assistant patting me  
18 on my buttocks)  
19 Prior to coming to my chair, I heard her ask  
20 the patient in the first chair, number one, if  
21 he saw her pat me on the buttocks, and  
22 he said "I was looking right at her."  
23 This occurred during the relevant time period.  
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AFFIDAVIT SIGNATURE PAGE OPPOSING  
Summary Judgment,

July 21 2015

Benjamin L. Anderson  
Benjamin L. Anderson  
AFFIANT

July 21, 2015 Camela J. Phillips  
Notary Public

My Commission Expires January 13, 2021

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Benjamin L. Anderson  
445 W. Rebound  
Lancaster, South Carolina  
(864) 320-2201  
Pro Se

FILED - CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

14-CP-23-06070

IN THE COURT OF COMMON PLEAS

Benjamin L. Anderson  
Plaintiff

VS.

DAVITA UPSTATE DIALYSIS  
DEFENDANT

) CASE NO.  
)  
) AFFIDAVIT OF  
) DELOIS CULP

I Delois Culp of Lancaster, South Carolina  
Make oath and say that: I have known,  
Benjamin L. Anderson, my cousin, for twenty  
years. He has lived in my home for over  
a year. I have never observed him to  
be suspicious of everybody nor paranoid  
about everything is a conspiracy to  
harm him. He has never informed me  
that he hears voices or acted antisocial.  
To my personal observations and knowledge,  
his behavior has never appeared strange.

Exhibit E

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My entire family states he is pleasant  
to be around and has a pleasant  
demeanor.

May 15 2015

Delois Culp  
Delois Culp  
AFFIANT

State of SC County of Lancaster  
Subscribed and sworn before me on 5-15-15  
Elizabeth P. Sollers (Date)  
(Notary Signature)



ELIZABETH P. SOLLERS  
NOTARY PUBLIC  
SOUTH CAROLINA  
MY COMMISSION EXPIRES FEBRUARY 7, 2023

1 Benjamin L. Anderson  
2 445 W. Rebound Road  
3 Lancaster, SC 29720  
4 864-320-2280  
5 Pro Se

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

2015 AUG 4 AM 10 09

6 IN THE COURT OF COMMON PLEAS

8 Benjamin L. Anderson  
9 Plaintiff

CASE NO. 2014-CP-23-06070

11 VS

AMENDED COMPLAINT

14 Davita Upstate Dialysis  
15 Carolina Nephrology  
16 Defendants

18 The Plaintiff in the above captioned case  
19 alleges that the Defendants, Davita Upstate  
20 Dialysis Center and Kevin Donovan, Facility  
21 Administrator, in his individual capacity as well  
22 as Choker Alioua, staff Nephrologist of  
23 Carolina Nephrology, in his individual capacity,  
24 wilfully with the employees of registered nurses  
25 and certified dialysis technicians harassed  
26 the Plaintiff. This included intimidation, humiliation,  
27 disparagement and derogatory remarks made to  
28 the Plaintiff. all while Plaintiff was on dialysis.

Exhibit F

1 Further, the Plaintiff alleges that the  
2 Administrative Assistant, a female caused  
3 the Plaintiff mental anguish when she engaged  
4 in offensive touching of the Plaintiff.

5  
6  
7 First Cause of Action;

8 Intentional Infliction of Emotional Distress

9 The Plaintiff alleges that the Defendants  
10 harassed him throughout the year 2013 and  
11 engaged plaintiff in personal disparagement.  
12 On October the 31<sup>ST</sup> The Administrative  
13 Assistant Ms. Chris Keef, white female,  
14 patted the Plaintiff on his buttocks, while  
15 gyrating her body and said, "I got moves."  
16 Other patients and coworkers observed  
17 her engage plaintiff in this act. The  
18 Plaintiff was trying to exit the dialysis  
19 facility after dialysis. The Plaintiff  
20 alleges that Savannah Gains, RN, white  
21 female along with Michele Owens, certified  
22 dialysis technician, white female said, "we  
23 won't poke fun of you anymore... now that  
24 we know what size you are." (ref. Peniss) [11-12-13]  
25 Timothy Cornette, LPN white male and  
26 along with Michele Owens, technician  
27 said on November 5, 2013, "we are willing to  
28 back off of you buddy."

1 The Plaintiff confronted the Administrative  
2 Assistant on his next scheduled dialysis day  
3 and told her - "I don't like that - don't do  
4 it again." This was stated to her on 11-2-13.  
5 The Plaintiff alleges that Elizabeth Reed,  
6 RN asked the Plaintiff if "that upset  
7 you that much (Ref. to being patted on buttocks)  
8 -- you should talk to Kevin (Facility Administrator).  
9 Ms Reed, RN contacted Kevin Donovan, FA  
10 ON 11-2-13. Kevin Donovan, FA talked to  
11 me, while I was receiving dialysis, regarding  
12 Ms Keefe, administrative assistant and  
13 asked Plaintiff if he wanted her to  
14 "apologize" to me. The Plaintiff alleged  
15 that Dr Chokri Aliqua, Nephrologist of Carolina  
16 Nephrology harassed the plaintiff with his  
17 statement to Plaintiff... "I see you got this  
18 group to back off of you." This was  
19 stated to Plaintiff on 11-5-2013 while  
20 Plaintiff was on dialysis. The Plaintiff  
21 alleges that a white RN stated... "That's  
22 why I save my moves for my husband."  
23 (regarding Ms Keefe, Administrative Assistant patting  
24 Plaintiff on his buttocks) This was stated on  
25 11-2-2013. The Plaintiff alleges that a  
26 patient stated to Elizabeth Reed, RN  
27 when Mrs Reed asked him did he see  
28 her do it he stated, "I was looking right at her."

1 The Plaintiff alleges that Peggy Roper, RN  
2 white female dialysis nurse made the  
3 following statements on 11-16-2013: "He  
4 is silly as shit." "That's stupid." "That's a  
5 bunch of shit." (Ref. to Plaintiff)

6 The Plaintiff alleges that other RN's as  
7 well as dialysis technicians made the  
8 following statements, which severely upset  
9 the Plaintiff on 11-16-2013, while on dialysis:  
10 "That stuff will have you hallucinating and  
11 everything else."

12 "That's why they used those high-powered  
13 satellite transmissions while you were working,  
14 they didn't give a shit whether they hurt  
15 you or not." [ref. to Loma Linda University Med.  
16 Center in Loma Linda, California]

17 "Our Jews didn't give a shit. That's why  
18 they put you out like that."  
19 (Ref. to Cedars-Sinai Med. Center, Los Angeles, CA)

20 "The only ones willing to say things about  
21 you are the church groups."

22 "You shouldn't complain... all we do is  
23 beat you down." This was stated by  
24 Angela, dialysis technician, African American  
25 female.

26 "That's why that SDA group used those high-  
27 powered satellite transmissions on you."  
28 [Referring to Loma Linda University Medical Center, CA]

1 The Plaintiff alleges that Savannah Gaines, RN  
2 stated, "That's why I got her to do you  
3 like that." (Referring to Peggy Roper, RN)

4 The Plaintiff alleges that his blood pressure  
5 was 246/126 (very high) immediately prior to  
6 leaving the dialysis center to go home on  
7 November 16, 2013. The Plaintiff had to go to  
8 the local emergency room after going home  
9 and taking more blood pressure medications,  
10 which medications did not lower his blood  
11 pressure to safe levels.

12 The Plaintiff alleges that Peggy Roper, RN  
13 stated to the dialysis staff as well as  
14 patients, "... I lied that's why Ben (Plaintiff)  
15 protested us." Ms Roper made this statement  
16 on November, 19 2013.

17 The Plaintiff alleges that Angela, dialysis  
18 Technician said this on November 16, 2013: "They  
19 will stress you all the way out."  
20 (Referring to Davita Upstates' actions of  
21 Personal Harassment)

22 The Plaintiff alleges that an RN, white male  
23 made an outrageous statement about Plaintiff  
24 Plaintiff using drugs in the presence of other  
25 patients, while receiving dialysis. The Plaintiff  
26 alleges that the social worker made outrageous  
27 defamatory statements about Plaintiff and what  
28 Plaintiff's daughter said to her via telephone.

1 The facility charge nurse, Eloy Flemming, RN  
2 made a statement in the presence of her staff  
3 while Plaintiff was on dialysis: "I Lied...  
4 Anita didn't." "That's your girl... she really  
5 wants you, its up to you if you want to holler  
6 at her."  
7 Other derogatory statements made by one  
8 employee was, "that little nigger boy is thinking  
9 about going back to our Jews boys to help him out."  
10 Further, Plaintiff alleges that Michele Owens,  
11 Technician stated to Angela, technician that:  
12 "Ben (Plaintiff) told St. Francis hospital that we  
13 made his stress level go up and blood pressure"  
14 (followed by laughter from both technicians)  
15

16 Second Cause of Action:

17 Defamation of Character - Hybrid cause - Slander pe se  
18 and libel

19 The Plaintiff alleges that Brian Hamrick, RN  
20 stated the following in the presence of other  
21 patients including his coworkers, while Plaintiff  
22 was receiving dialysis: "You're not a drug  
23 dealer... you have drugs in your body body now."  
24 "When a girl sits in front of you with her legs  
25 wide apart... she's trying to get money out of  
26 you." The Plaintiff alleges that Audrey Hartfield,  
27 Social worker disparaged Plaintiff in her "patient  
28 notes," when she lied about what she said to my

1 daughter and what my daughter stated  
2 to her, which was false. The Plaintiff  
3 alleged that the social worker wanted to  
4 protect her group of RNs and technicians  
5 as well as nephrologist, Chokri Aliqua of  
6 Carolina Nephrology.  
7

### 8 Fraud/Deceit

9 The Plaintiff alleges that Dr. Chokri Aliqua,  
10 Nephrologist lied to Plaintiff regarding a  
11 medication given by other individuals by  
12 Carolina Nephrology for anxiety and stress.  
13 Dr. Aliqua stated to Plaintiff, "We don't have  
14 this medication for you." The Plaintiff had  
15 requested a refill prescription for valium  
16 after the sustained abuse. The Plaintiff  
17 alleges that nurse practitioner approached the  
18 Plaintiff at Davita Upstate dialysis and  
19 stated, "I hear that is a dispute about  
20 your valium." The Nurse Practitioner immediately  
21 wrote Plaintiff the prescription. The Plaintiff  
22 alleges that he had relied on Dr. Aliqua's  
23 statement until approached by the Nurse  
24 Practitioner of Carolina Nephrology. Until  
25 she wrote the prescription for refill, Plaintiff  
26 suffered from acute stress, insomnia and  
27 mental anguish.  
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Therefore the Plaintiff prays for trial by  
Jury in this matter and or punitive/compensatory  
damages and any other award as court sees fit  
for a Plaintiff with End Stage Renal Disease (ESRD)  
as documented.

Dated July 31, 2015

Benjamin R Anderson  
Benjamin R. Anderson  
Pro Se

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Benjamin L. Anderson  
445 W. Rebound Road  
Lancaster, South Carolina

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER

(864) 320-2280

2015 JUL 23 PM 12:17

Pro se

IN THE COURT OF COMMON PLEAS  
Greenville

Benjamin L. Anderson  
Plaintiff

CASE NO. 2014-CP-23-06070

VS.

DOUGLA UPSTATE DIALYSIS  
Defendant

Plaintiff's Evidentiary  
DOCUMENTATION  
ST. FRANCIS HOSPITAL  
Medical Records  
[ATTACHED AS EXHIBIT]  
OPPOSING Summary Judgment  
Rule 402 (Evidence)

July 2, 2015

Benjamin L. Anderson  
Benjamin L. Anderson  
Pro Se Litigant



**BON SECOURS HEALTH SYSTEM, INC.**

**Benjamin L Anderson**  
 MRN: 791002143

Department: SFD EMERGENCY DEPT  
 Date of Visit: 11/16/2013

Allergies (verified on: 11/16/13)  
 (No Known Allergies)

You were seen by the following provider(s):

1. Daniel J Wetenhall, MD
2. Carl A Howell, PA

You Were Diagnosed With

HTN (hypertension) - Primary Stress

**Current Discharge Medication List**

CONTINUE these medications which have NOT CHANGED

	Dose & Instructions	Dispensing Information	Comments
<b>cloNIDine 0.3 mg tablet</b> Commonly known as: CATAPRESS	Dose: 0.3 mg Take 0.3 mg by mouth three (3) times daily.	Refills: 0	
<b>COREG 25 mg tablet</b> Generic drug: carvedilol	Dose: 25 mg Take 25 mg by mouth two (2) times a day.	Refills: 0	
<b>diazepam 5 mg tablet</b> Commonly known as: VALIUM	Dose: 5 mg Take 1 Tab by mouth three (3) times daily as needed for Anxiety (spasm).	Quantity: 12 Tab Refills: 0	
<b>hydrALAZINE 100 mg tablet</b> Commonly known as: APRESOLINE	Dose: 100 mg Take 100 mg by mouth three (3) times daily.	Refills: 0	
<b>losartan 25 mg tablet</b> Commonly known as: COZAAR	Dose: 25 mg Take 25 mg by mouth daily.	Refills: 0	
<b>tamsulosin 0.4 mg capsule</b> Commonly known as: FLOMAX	Dose: 0.4 mg Take 1 Cap by mouth daily.	Quantity: 30 Cap Refills: 3	

**Where to Get Your Medications**

Information on where to get these meds will be given to you by the nurse or doctor.  
 - diazepam 5 mg tablet

**ED Disposition**

AMA

**Follow-up information**

EXHIBIT



ST FRANCIS DOWNTOWN  
ONE ST FRANCIS DRIVE  
GREENVILLE, SC 29601-3955

ANDERSON, BENJAMIN  
MRN: 791002143  
DOB: 5/13/1944, Sex: M  
Acct #: 30133200044  
Arrival: 11/16/2013, D/C: 11/16/2013

BON SECOURS HEALTH SYSTEM

ED Provider Notes signed by Carl A. Howell, PA at 11/16/13 1325

Author: Carl A Howell, PA	Service: (none)	Author	Physician Assistant
Filed: 11/16/13 1325	Note Time: 11/16/13 1225	Type:	
Cosigner: Daniel J Wetenhall, MD at 11/16/13 2347		Note Type:	ED Provider Notes

**HPI Comments:** Pt presents for refill of valium, states he has had rx for this in the past and needs some now after being harassed by nurses while at dialysis earlier this morning. Denies HA, CP, SOB. States compliant with medication for HTN, took hydralazine and clonidine 30 min pta. Pt with hx of htn, stage iv renal disease, schizophrenia.

Patient is a 69 y.o. male presenting with medication refill. The history is provided by the patient.

**Medication Refill**

This is a new problem. The current episode started 3 to 5 hours ago. The problem occurs constantly. Pertinent negatives include no chest pain, no abdominal pain, no headaches and no shortness of breath. Nothing aggravates the symptoms. Nothing relieves the symptoms. He has tried nothing for the symptoms.

**Past Medical History**

- | Diagnosis  | Date |
|--|------|
| • Diverticulitis   |      |
| • Chronic schizophrenia  |      |
| • Arrhythmia   |      |
| <i>slight murmur; pt states since birth; no medication for it; no sob nor chest pain able to do normal adl's without incidence</i> |      |
| • Hypertension   |      |
| <i>controlled with meds</i>  |      |
| • Coagulation defects  |      |
| <i>hx of anemia</i>  |      |
| • Psychiatric disorder   |      |
| <i>depression and anxiety per pt</i>   |      |
| • GERD (gastroesophageal reflux disease)   |      |
| <i>prevacid prn</i>  |      |
| • Chronic kidney disease   |      |
| <i>Found Jan '10; Right kidney not functioning</i>   |      |
| • Chronic kidney disease   |      |
| <i>Stage IV hemodialysis - M-W-F (Devita - Academy St. Greenville,)</i>  |      |
| • Seizures   |      |
| <i>hx seizure r/t metabolic disorder (RF) - x 2 (2010) prior to AV shunt</i>   |      |
| • Gastrointestinal disorder  |      |
| <i>diverticulitis</i>  |      |

**Past Surgical History**

- | Procedure                                       | Laterality | Date |
|---|------------|------|
| • Hx tonsillectomy                              |            |      |
| • Hx vasectomy                                  |            |      |
| • Hx vascular access                            |            |      |
| <i>L wrist/forearm AV fistula 5/15/11</i>       |            |      |
| • Hx vascular access                            |            |      |
| <i>R Temporary Subclavian port for dialysis</i> |            |      |
| • Pr abdomen surgery proc unlisted              |            |      |
| <i>umbilical and inginal hernia</i>             |            |      |



BON SECOURS HEALTH SYSTEM

ST FRANCIS DOWNTOWN  
ONE ST FRANCIS DRIVE  
GREENVILLE, SC 29601-3955

ANDERSON, BENJAMIN  
MRN: 791002143  
DOB: 5/13/1944, Sex: M  
Acct #: 30133200044  
Arrival: 11/16/2013, D/C: 11/16/2013

Family History

Problem	Relation	Age of Onset
• Cancer <i>prostate</i>		
• Heart Disease	Mother	
• Hypertension	Mother	
• Dementia	Mother	
• Stroke	Mother	
• Diabetes	Father	
• Cancer	Brother	

History

Social History

- Marital Status: DIVORCED
- Spouse Name: N/A
- Number of Children: N/A
- Years of Education: N/A

Occupational History

- Not on file.

Social History Main Topics

- Smoking status: Never Smoker
- Smokeless tobacco: Never Used
- Alcohol Use: No
- Drug Use: No
- Sexually Active:

Other Topics

- Not on file

Concern:

Social History Narrative

- No narrative on file

ALLERGIES: Review of patient's allergies indicates no known allergies.

Review of Systems

Constitutional: Negative for fever, chills and activity change.

HENT: Negative for neck pain.

Respiratory: Negative for shortness of breath.

Cardiovascular: Negative for chest pain, palpitations and leg swelling.

Gastrointestinal: Negative for abdominal pain.



ST FRANCIS DOWNTOWN  
ONE ST FRANCIS DRIVE  
GREENVILLE, SC 29601-3955

ANDERSON, BENJAMIN  
MRN: 791002143  
DOB: 5/13/1944, Sex: M  
Acct #: 30133200044  
Arrival: 11/16/2013, D/C: 11/16/2013

BON SECOURS HEALTH SYSTEM

Neurological: Negative for headaches.  
Psychiatric/Behavioral: Positive for agitation. Negative for suicidal ideas. The patient is not nervous/anxious.  
All other systems reviewed and are negative.

Filed Vitals:

11/16/13 1154  
BP: 220/118  
Pulse: 62  
Temp: 98 °F (36.7 °C)  
Resp: 18  
Height: 5'7" (1.702 m)  
Weight: 65.2 kg (144 lb)  
SpO2: 98%

Physical Exam

Nursing note and vitals reviewed.

Constitutional: He is oriented to person, place, and time. He appears well-developed and well-nourished. No distress.

HENT:

Head: Normocephalic and atraumatic.

Right Ear: External ear normal.

Left Ear: External ear normal.

Nose: Nose normal.

Mouth/Throat: Oropharynx is clear and moist.

Eyes: Conjunctivae and EOM are normal. Pupils are equal, round, and reactive to light.

Neck: Normal range of motion.

Cardiovascular: Normal rate, regular rhythm and normal heart sounds.

Pulmonary/Chest: Effort normal and breath sounds normal.

Abdominal: Soft. There is no tenderness.

Musculoskeletal: Normal range of motion.

Neurological: He is alert and oriented to person, place, and time.

Skin: Skin is warm and dry. He is not diaphoretic.

Psychiatric: His speech is normal. Judgment and thought content normal. His affect is angry. His affect is not labile and not inappropriate. He is agitated. He is not aggressive and not combative. Cognition and memory are normal. He does not exhibit a depressed mood. He expresses no suicidal plans and no homicidal plans.

MDM

Differential Diagnosis; Clinical Impression; Plan:

Medication refill

High BP- down to 169/93 prior to discharge.

4 day rx of valium given. Pt to follow up with pcp.

Amount and/or Complexity of Data Reviewed:

Discuss the patient with another provider: Yes (Attending )

Risk of Significant Complications, Morbidity, and/or Mortality:



BON SECOURS HEALTH SYSTEM

ST FRANCIS DOWNTOWN  
ONE ST FRANCIS DRIVE  
GREENVILLE, SC 29601-3955

ANDERSON, BENJAMIN  
MRN: 791002143  
DOB: 5/13/1944, Sex: M  
Acct #: 30133200044  
Arrival: 11/16/2013, D/C: 11/16/2013

Presenting problems: Low  
Diagnostic procedures: Low  
Management options: Low  
Progress:  
Patient progress: Stable and improved

#### Procedures

I have discussed the results of labs, procedures, radiographs, treatments as well as any previous results found within the St. Francis electronic database with the patient and available family. A treatment plan was developed in conjunction with the patient and was agreed upon. The patient is ready for discharge at this time. All voiced understanding of the discharge plan and medication instructions or changes as appropriate. Questions about treatment in the ED were answered. The patient was encouraged to return should symptoms worsen or new problems develop. A follow up physician was provided to the patient on the discharge papers.

Electronically signed by Carl A Howell, PA at 11/16/13 1325  
Electronically signed by Daniel J Wetenhall, MD at 11/16/13 2347

COPY

1 Benjamin L. Anderson  
2 445 W. Rebound Rd  
3 Lancaster, S.C. 29720  
4 (864) 320-2280  
5 PRO SE

FILED-CLERK OF COURT  
GREENVILLE, CO. S.C.  
PAUL B. WICKENCIMER  
2015 JAN 2 PM 2:53

9 Benjamin L. Anderson )  
10 Plaintiff )

Documentary Evidence  
of Plaintiff Reputation/  
Character as  
Respiratory Therapist

12 V.

14 Davita Upstate Dialysis )  
15 Defendant )

CASE: NO 2014 CP2306070  
Date;

ENTERED COMPUTER

22 January 2, 2015

Benjamin L. Anderson  
Benjamin L. Anderson

SCANNED

Exhibit H

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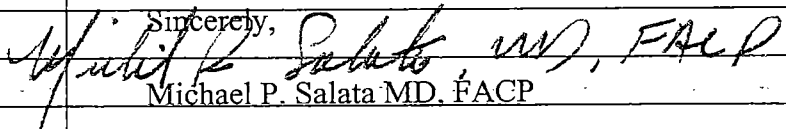


# MUNSON HEALTHCARE

Form #178 (1/99)

To Whom It May Concern:

Monday, November 11, 2002

Date	Record progress of case, complications, changes in diagnosis, condition on discharge, instructions to patient.
	<p>This is a letter of recommendation for Ben Anderson RT. I've had the pleasure working with Ben over the past year at Munson Medical Center in Traverse City Michigan.</p> <p>I can attest to Mr. Anderson's professionalism and competency as I worked with him mostly during night shift when we shared in the care of several critically ill patients together. He has excellent judgment, a strong work ethic, and I found him very easy to work with. I give Ben my highest recommendation without reservation.</p> <p>Please do not hesitate to call me if I can give you any further further information on this excellent respiratory therapist. 231 935-5000.</p> <p>Sincerely,    Michael P. Salata MD, FACP</p>

August 8-02

To Whom it may concern  
R.E. BENJAMIN ANDERSON

I have known Ben Anderson for  
14 months. He lived in my rental  
near Transverse City, M. all that time.

Ben paid his rent on time and  
followed all of the rules that were  
required. He left the unit clean  
when he left this area.

He was a very polite person and  
trustworthy, pleasant to be around.

Hope to see you again

Lucille Lukers

# Shah Associates, M.D., P.A.

## Cardiology

Vinod K. Shah, M.D., F.A.C.C.  
A. A. Patil, M.D., F.A.C.C.  
Mahesh P. Shah, M.D., F.A.C.C.  
Anantha K. Rao, M.D., F.A.C.C.  
Anil K. Shah, M.D.

## Gastroenterology

Umed K. Shah, M.D., F.A.C.G.  
Atul R. Shah, M.D., F.A.C.G.  
Nayan R. Shah, M.D., F.A.C.G.

## Pulmonary

Kiran D. Mehta, M.D., F.C.C.P.

## Neurology

Beena A. Shah, M.D.

## Rheumatology

Robert W. Timmons, M.D.

## Internal Medicine

Bhasker A. Jhaveri, M.D.  
David M. Federle, M.D.  
Mary Kramer, M.D.  
Avani D. Shah, M.D.  
Pranay Patel, M.D.  
Mohammad A. Rahman, M.D.  
Dhiren Shah, M.D.  
Roy H. Bunales, M.D.

## Psychology

John C. Fowler, Ph.D.

## Hematology/Oncology

M.V. Pillai, M.D., F.A.C.P.

## Gerontology

Anwar T. Munshi, M.D.  
Rita B. Jhaveri, M.D.

## Pediatrics

Ila V. Shah, M.D., F.A.A.P.  
M.F.O. Laffer, M.D., F.A.A.P.  
Kirit Patel, M.D., F.A.A.P.  
Amit Sheth, M.D., F.A.A.P.  
Nitin Chopde, M.D.  
Upender K. Munshi, M.D.

## Family Practice

John F. Fenwick, M.D.  
J. Patrick Jarboe, M.D.  
Robert J. Bauer, M.D.  
John L. Bennett, M.D.

## Radiology

Halappa G. Hakkal, M.D.

## Hollywood Office

Philip J. Bean Medical Center  
24035 Three Notch Road  
Hollywood, MD 20636  
301-373-7000

## Leonardtwn Offices

Shanti Medical Center  
26840 Point Lookout Rd. • Ste. 101  
Leonardtwn, MD 20650  
301-475-5579 • 301-475-5524

## St. Mary's Medical Arts Building

22650 Cedar Lane Court  
Leonardtwn, MD 20650  
301-475-5021 • 301-475-5023

## Prince Frederick Office

Calvert Medical Office Bldg.  
110 Hospital Road, Suite 303  
Prince Frederick, MD 20678  
410-535-4333

## Lexington Park Office

22335 Exploration II • Suite 1030  
Lexington Park, MD 20653  
301-863-7041 • 301-863-9000

## California Office

23263 By the Mill Road  
California, MD 20619  
301-863-5835

## Charlotte Hall Offices

Charlotte Hall Medical Center  
29795 Three Notch Road  
Charlotte Hall, MD 20622  
301-884-7322 • 301-884-7330

## Village Medical Annex

28160 Old Village Road • Ste. A  
Mechanicsville, MD 20659  
301-884-4666

## Washington Area

831 University Blvd., #32  
Silver Spring, MD 20903  
301-445-4430

September 25, 1997

RE: BEN ANDERSON

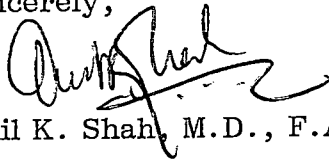
To Whom It May Concern:

It gives me great pleasure to write a letter of recommendation on behalf of Mr. Ben Anderson.

Ben joined St. Mary's Hospital, Leonardtown, MD in March 1997 as Director of Pulmonary and Electroencephalography Department. Being a cardiologist and working in the department on a daily basis with Ben, I had the opportunity to observe and experience first hand the impact of his skills with the department. There was significant improvement in the overall working environment of the department and boost in the employee morale because of his leadership ability. He developed an excellent rapport with the employees and was well liked by everyone. I am confident that Ben will excel at whatever he undertakes.

Please let me know if I can be of any further assistance.

Sincerely,



Anil K. Shah, M.D., F.A.C.C.

AKS:krp  
092597

September 25, 1997

To Whom IT MAY CONCERN

RE: Letter of Reference.

Benjamin L. Anderson, RRT

I have had the opportunity of working under Ben Anderson for 6 months. Within this short period of time, he has brought the Cardiac Department up 3 to 4 grades higher on the scale. He brought with him modern ideas, and teaching skills that we at St. Mary's Hospital will definitely miss. Ben Anderson is a good leader & boss and will be missed by us all.

Doris McElwee CRT

Benjamin L. Anderson, R.C.P., RRT, BS  
Director, Cardiopulmonary/EEG



St. Mary's Hospital

P.O. Box 527, 25500 Point Lookout Road, Leonardtown, Maryland 20650  
301/475-6066 (Fax) 301/475-6189

CEDARS-SINAI (C S) MEDICAL CENTER

TO: TO WHOM IT MAY CONCERN

FROM:

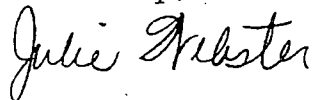
DATE: January 26, 1990

RE: Benjamin L. Anderson, RCP, RRT  
Respiratory Therapy Manager  
Day Shift

I have known Mr Anderson for approximately four months. He has always conducted himself in a professional and courteous manner. I have observed him to have excellent rapport and communication with those under his supervision.

It has been my pleasure to interact with him as a night shift supervisor here at Cedars-Sinai Medical Center.

Sincerely,



Julie Webster, RCP, CRTT  
Supervisor  
Cedars-Sinai Medical Center

CEDARS-SINAI (C S) MEDICAL CENTER

TO TO WHOM IT MAY CONCERN

FROM Respiratory Care Personnel

DATE January 26, 1990

RE Benjamin L. Anderson, RCP, RRT  
Respiratory Therapy Manager  
Day Shift

It has been our pleasure to have personally interacted with Mr Anderson during the past several months. It has been our experience that Mr Anderson has always conducted himself in a courteous, professional manner.

He has always treated his subordinates fairly with dignity and respect. He is a great team player.

- Robert C Berg CRTT RCP*
- Mary Wierzbicki RCP*
- Richard Wright, RCP*
- Betty J Culpepper*
- Eddie Mae Peoples*
- Lynn Deber CRTT RCP*
- Ann ST Brown RCP*
- Saleen Chouteau RCP*
- Barbara M Lee*
- Olivia Debra RCP*
- Janet Christman*
- Therese Casimir RCP*
- Ann Jones, RCP*

CEDARS-SINAI (C S) MEDICAL CENTER

TO

FROM

DATE January 26, 1990

RE

David Mac Juleand RCP  
Scott Furschle RRT  
Jose Aramacion RCP  
Irene Val-Calle  
ED BUENAFE RCP

J. Aguilar RCP CRT  
Gersono RRT, RCP

John Sauto RRT, CRT

Patricia Randall (nurse)  
Walter J. RCP

Betty Ulin RRT  
Michael D. Wade

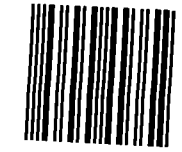
Earnestina Henderson RCP

Gregory L. Ayala RCP

Benjamin L. Anderson  
445 W. Rebound Rd Lancaster, SC  
29720



1000

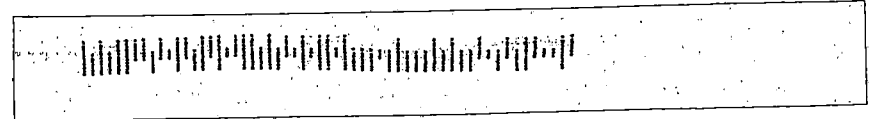


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Clerk of Court