

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2016-CP-40-04463

Jean Watkins, as Personal
Representative of the
Estate of Mildred
Watkins,

Respondent,

v.

Sterling Healthcare, Inc.,
Country Wood Nursing
Center, LLC, and
Guardian Resources, LLC,

Appellants.

RECORD ON APPEAL

VOLUME I

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Order of Admission Pro Hac Vice of
Brantley Rowlen of September 12, 2014

Scheduling Order of July 20, 2015

40(j) Consent Order of August 4, 2015

IT IS SO ORDERED.



The Honorable Alison R. Lee
Chief Administrative Judge
Fifth Judicial Circuit

Date: July 31, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JEAN WATKINS, as Personal
Representative of the Estate of Mildred
Watkins,

Plaintiff,

vs.

STERLING HEALTHCARE, INC.,
COUNTRY WOOD NURSING CENTER,
LLC, and GUARDIAN RESOURCES, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

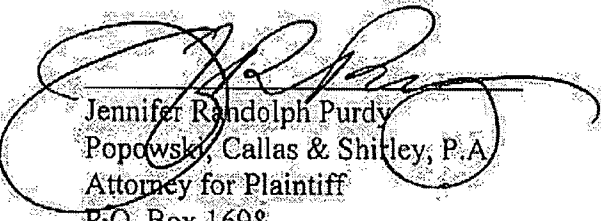
Case No.: 2014-CP-40-05160

CONSENT ORDER RESTORING
CASE TO DOCKET

RICHLAND COURT
FILED
2016 JUL 27 AM 9:11
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

Pursuant to Rule 40 (j) of the South Carolina Rules of Civil Procedure, the parties consent to restore the above-referenced case to the docket. This case was stricken from the docket pursuant to Rule 40(j) and with the consent of each party on July 31, 2015. The parties acknowledge that this agreement is timely and that it is being filed within one year of the date stricken, and that the Statute of Limitations is tolled as to all consenting parties during the time the case is stricken. The parties consent to the restoration of the case to the docket at this time and to the assignment of a new case number for docketing purposes.

WE CONSENT:


Jennifer Randolph Purdy
Popowski, Callas & Shirley, P.A.
Attorney for Plaintiff
P.O. Box 1698
Columbia, South Carolina 29202
(803) 799-2100

Date:


July 20, 2016

Order Granting Plaintiff's Motion to Compel Against
All Defendants of November 30, 2016

2. All Defendants are hereby ordered to fully and completely respond to Plaintiff's Interrogatories and Requests for Production, including but not limited to the specific items specified in Plaintiff's Memorandum in Support of her Motion to Compel and referenced in this Order.

3. The Plaintiff has demonstrated good cause to exceed fifty (50) Interrogatories and is hereby authorized by the Court to exceed fifty Interrogatories to each Defendant. Any Interrogatory not fully answered by the Defendants on the grounds that the maximum number of Interrogatories had been reached, along with any additional Interrogatories submitted by the Plaintiff, shall now be answered by each Defendant in their entirety.

4. Full and complete responses to all Interrogatories and Requests for Production shall be made by the Defendants within twenty (20) days of the date of this Order.

AS TO DEFENDANT COUNTRY WOOD
INTERROGATORIES

5. Defendant Country Wood shall answer, in their entirety, all Interrogatories propounded to the Defendant, including those specifically referenced in Plaintiff's Memorandum in Support of Motion to Compel.

6. Defendant Country Wood is hereby Ordered to completely and fully respond to Interrogatory #2. Additionally, this Order specifically directs the Defendants to produce any and all insurance documents, policies, endorsements, declarations pages, etc. which provide coverage of any type to any or all of the Defendants, owners, members, shareholders, key employees, etc., including but not limited to Robert Hagan.

7. Defendant Country Wood is hereby Ordered to completely and fully respond to Interrogatory #3. Additionally, this Order specifically directs the Defendants to point to specific

but is not limited to the list of individuals provided by the Plaintiff in her Memorandum.

11. Defendant Country Wood is hereby Ordered to completely and fully respond to Interrogatory #11, including but not limited to the complete employee files of independent contractors and companies providing care or services at Country Wood during the period of Plaintiff's residency. This specifically includes, but is not limited to employees of Evergreen Rehabilitation and Healthcare Services Group. The Court further orders that complete and un-redacted copies of all contracts between any and all Defendants and outside independent contractors and/or companies be produced.

12. Defendant Country Wood is hereby Ordered to completely and fully respond to Interrogatory #23. This Order includes, but is not limited to the production of any and all manuals, handbooks, policies and procedures, guides, etc., including but not limited to: the Policy and Procedure Manuals for Nursing, Policy and Procedure Manual for Administration, and Employee Handbook / Manual. The copies should also include title pages, tables of contents, indexes, addendums, etc. for all manuals / handbooks in place for any and all Defendants during the period of Plaintiff's residency.

13. Defendant Country Wood is hereby Ordered to completely and fully respond to Interrogatory #47. Additionally, this Order specifically directs the Defendants to point to specific evidence and provide documentation in support of their allegations that other individuals and/or entities are responsible for the Plaintiff's injuries and death and/or to admit that there are no liable parties to this matter other than those already named in this litigation. Likewise, any and all opinions held by Defendants' expert related to this topic should be disclosed.

14. Defendant Country Wood is hereby Ordered to completely and fully respond to Interrogatory #53.

request, including Quality Assessment and Assurance documents, and not merely documents related to similar incidents. Furthermore, directing the Plaintiff to government agencies for this information is not an adequate response.

21. Defendant Country Wood is hereby Ordered to completely and fully respond to Request for Production #23, 24, and 25 in their entirety for all Defendants.

22. Defendant Country Wood is hereby Ordered to completely and fully respond to Request for Production #27 in its entirety for all Defendants. It is further Ordered that a reference to government agencies is not a sufficient response, nor is a response only providing "similar incidents".

23. Defendant Country Wood is hereby Ordered to completely and fully respond to Request for Production #33 in its entirety for all Defendants. If there are no documents responsive to this request, it is hereby Ordered that the Defendants indicate whether such documents were ever created by Defendants and/or if such documents were created but have since been lost and/or destroyed by the Defendants.

24. Defendant Country Wood is hereby Ordered to completely and fully respond to Request for Production #39 in its entirety for all Defendants. This Order includes, but is not limited to the production of a complete copy of all handbooks, manuals, policy and procedure guides, including but not limited to those for Employees, Nursing and Administration. Defendants are directed to produce full and complete copies of all manuals, handbooks, etc., including title pages, tables of contents, indexes, addendums, etc. in place during the period of decedent's residency.

25. Defendant Country Wood is hereby Ordered to completely and fully respond to Request for Production #43 in its entirety for all Defendants.

26. Defendant Country Wood is hereby Ordered to completely and fully respond to

Interrogatory #3 in its entirety.

33. Defendant Sterling is hereby Ordered to completely and fully respond to Interrogatory #4 in its entirety. Additionally, this Order specifically directs the Defendants to produce any and all insurance documents, policies, endorsements, declarations pages, etc. which provide coverage of any type to any or all of the Defendants, owners, members, shareholders, key employees, etc., including but not limited to Robert Hagan.

34. Defendant Sterling is hereby Ordered to completely and fully respond to Interrogatory #5 in its entirety. Additionally, this Order specifically directs the Defendants to point to specific evidence in support of their allegations that other individuals and/or entities are responsible for the Plaintiff's injuries and death and/or to admit that there are no liable parties to this matter other than those already named in this litigation.

35. Defendant Sterling is hereby Ordered to completely and fully respond to Interrogatory #6 in its entirety. Additionally, this Order specifically directs the Defendants to provide the names of any and all witnesses to this matter, and specifically, all individuals who provided any care, treatment, or services to the decedent while she was a resident of Country Wood, including but not limited to those individuals listed in Plaintiff's Memorandum. Defendant is further Ordered to provide employee files for these individuals, including but not limited to those individuals listed in Plaintiff's Memorandum, and to obtain the employee files from independent and contracted individuals and companies. Defendant is also ordered to provide complete and un-redacted contracts between the Defendants and independent contractors and companies providing services to Country Wood and its patients during the period of the decedent's residency.

36. Defendant Sterling is hereby Ordered to completely and fully respond to

Request for Production #7 in its entirety. Additionally, this Order specifically directs the Defendants to produce any and all insurance documents, policies, endorsements, declarations pages, etc. which provide coverage of any type to any or all of the Defendants, owners, members, shareholders, key employees, etc., including but not limited to Robert Hagan.

43. Defendant Sterling is hereby Ordered to completely and fully respond to Request for Production #11, 12, 16, 17 18, 19, 21, 24, 25, 26, 34, 35, 38, 41, 43, 44, 67, 68, 69, 70, 71, and 72 in their entirety.

AS TO DEFENDANT GUARDIAN
INTERROGATORIES

44. Defendant Guardian shall answer, in their entirety, all Interrogatories specifically propounded to the Defendant, including those referenced in Plaintiff's Memorandum in Support of Motion to Compel.

45. Defendant Guardian is hereby Ordered to completely and fully respond to Interrogatory #4 in its entirety. Additionally, this Order specifically directs the Defendants to produce any and all insurance documents, policies, endorsements, declarations pages, etc. which provide coverage of any type to any or all of the Defendants, owners, members, shareholders, key employees, etc., including but not limited to Robert Hagan.

46. Defendant Guardian is hereby Ordered to completely and fully respond to Interrogatory #5 in its entirety. Additionally, this Order specifically directs the Defendants to point to specific evidence in support of their allegations that other individuals and/or entities are responsible for the Plaintiff's injuries and death and/or to admit that there are no liable parties to this matter other than those already named in this litigation.

47. Defendant Guardian is hereby Ordered to completely and fully respond to Interrogatory #5, 8, 14, 15, and 40 in their entirety.

IT IS SO ORDERED.



The Honorable Edgar W. Dickson
Presiding Judge

November 30, 2016
Columbia, South Carolina



STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
JEAN WATKINS, as Personal)
Representative of the Estate of Mildred)
Watkins,)
Plaintiff,)
vs.)
STERLING HEALTHCARE, INC.,)
COUNTRY WOOD NURSING CENTER,)
LLC, and GUARDIAN RESOURCES, LLC,)
Defendants.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2016-CP-40-04463

**ORDER STRIKING ANSWERS
OF ALL DEFENDANTS**

This matter came before the Court on Plaintiff Jean Watkins' ("Plaintiff") Motion for Rule to Show Cause and Sanctions. A hearing was conducted on July 10, 2017. Present at the hearing were Jennifer Purdy, Esq. for Plaintiff and Brantley Rowlen, Esq. and Leah Parker, Esq. for Defendants Sterling Healthcare, Inc., Country Wood Nursing Center, LLC., and Guardian Resources, LLC. ("Defendants").

Based upon the record, motion, memoranda, and legal arguments of the parties, this Court finds as follows:

PROCEDURAL HISTORY AND FINDINGS OF FACT

The Plaintiff's decedent, Mildred Watkins, was a resident of the Defendants' nursing home, Country Wood, from March 2011 until December 2011. The Plaintiff filed a Complaint against all defendants alleging negligence which resulted in injuries to the Plaintiff and ultimately caused her death. Plaintiff served all Defendants with discovery requests on or about August 22, 2014 and counsel for the Defendants accepted service on September 5, 2014. The Defendants submitted partial responses on or about November 20, 2014. Thereafter, Plaintiff's

of the Order. The time period specified in the Order expired on December 20, 2016 and no information or documents whatsoever were produced by the Defendants by that deadline.

On December 29, 2016, Plaintiff's counsel sent a letter to counsel for Defendants asking for production of all documents and information specified in the Order no later than January 6, 2017. On January 3, 2017, Plaintiff's counsel received an email from counsel for Defendants, advising that they "inadvertently did not calendar the date" but were gathering the information. Subsequently, on January 5, 2017, co-counsel for Defendants, contacted Plaintiff's counsel by email, again referencing the "inadvertent calendaring", and indicated that counsel had been unable to communicate with Defendants about the discovery production until that week, five (5) weeks after the Order was issued by Judge Dickson.³ Defense counsel requested an additional week to produce the information specified in the Order. Upon agreement by counsel the deadline to produce the discovery was extended to January 13, 2017. No documents or information was forthcoming from the Defendants.

On January 19, 2017, Plaintiff's counsel received Defendants' Supplemental Responses to Plaintiff's Interrogatories and Requests for Production Pursuant to the Order of Judge Dickson.⁴ The materials produced did not fully comply with the Order of Judge Dickson in a variety of ways. Many responses indicated: "Defendant is still in the process of collecting information responsive to this request and will fully respond to the same as soon as such information is located." Other non-compliant responses referred Plaintiff's counsel to government agencies for answers.⁵ Ultimately, the Defendant's responses speak for themselves and do not comply with Judge Dickson's Order in timeliness or in content.

³ Additionally, defense counsel was aware on February 24, 2016, eleven (11) months earlier, that Judge Dickson had ruled in favor of the Plaintiff pursuant to the email of his law clerk to counsel.

⁴ See Exhibit B to Plaintiff's Notice of Motion and Motion for Rule to Show Cause and Sanctions.

⁵ Judge Dickson's Order specifically stated that such a response is insufficient. See, *inter alia*, paragraph #20 and #30 of Order.

encourage, rather than discourage, noncompliance with the Rules.¹¹

In determining whether to order sanctions, the trial judge should consider the nature of the discovery request, the discovery posture of the case, the willfulness of the violation, and the degree of prejudice to the opposing party.¹² When a party fails to comply with a discovery order, the trial court has the discretion to impose a sanction it deems just, including an order dismissing the action.¹³ If a party fails to obey an order to provide or permit discovery, the trial court may impose sanctions such as striking pleadings, dismissing the action, or rendering a default judgment.¹⁴ Severe sanctions are warranted in cases involving bad faith, willful disobedience, or gross indifference to the opposing party's rights.¹⁵

In *McNair v. Fairfield County*, 379 S.C. 462 (Ct. App. 2008), the Court of Appeals upheld the trial court's decision to strike the Defendant's answer as a sanction for discovery abuse. The defendant had failed to produce documents more than seven months after a Court Order compelling production.¹⁶ The Court determined that the delay was unconscionable and the defendant's conduct amounted to contempt.¹⁷ The Court held that sanctions less than striking the Answer would not achieve justice and was a blatant violation of the South Carolina Rules of Civil Procedure, Rule 37(b)(2).¹⁸ The Court specifically stated: "The defendant's conduct in

¹¹ Id.

¹² *Historic Charleston Holdings, LLC v. Mallon*, 381 S.C. 417, 435, 673 S.E.2d 448, 457 (2009); See also, *Griffin Grading & Clearing, Inc.*, 334 S.C. at 199, 511 S.E.2d at 719.

¹³ Rule 37(b)(2)(C), SCRPC, See also, *Barnette v. Adams Bros. Logging, Inc.*, 355 S.C. 588, 593, 586 S.E.2d 572, 575 (2003).

¹⁴ Rule 37(b)(2)(C), SCRPC

¹⁵ *Orlando v. Boyd*, 320 S.C. 509, 511, 466 S.E.2d 353, 355 (1996); *Baughman v. Am. Tel. & Tel. Co.*, 306 S.C. 101, 108-09, 410 S.E.2d 537, 541-42 (1991); *Griffin Grading & Clearing, Inc. v. Tire Serv. Equip. Mfg. Co.*, 334 S.C. 193, 198-99, 511 S.E.2d 716, 719 (Ct.App.1999)

¹⁶ *McNair v. Fairfield County*, 379 S.C. 462 (Ct. App. 2008)

¹⁷ Id.

¹⁸ Id.

produced were responsive.²⁴

In an attempt to justify their failure to produce some documents and information, defense counsel asserted that Defendant Sterling went out of business in 2007 stating: “Sterling went out of business in 2007 prior to the plaintiff’s residency at our nursing home. So there is no information.”²⁵ However, this assertion does not align with the evidence that: 1) the April 1, 2014 Affidavit of Robert Hagan, (President of Defendant Sterling, Defendant Guardian and Defendant Country Wood), acknowledged his role as the President of Defendant Sterling in 2014²⁶; 2) Defendant Sterling’s existence and active involvement is well documented throughout numerous employee files for many years after 2007²⁷; and 3) Defendant Sterling was clearly in existence and actively involved with the defense of the Plaintiff’s claim when Defendant Sterling sent a letter on Sterling letterhead to Plaintiff’s counsel regarding Plaintiff’s claim on February 25, 2014, signed by a Sterling corporate officer²⁸. This letter was sent seven (7) years after defense counsel alleged her client was out of business. Likewise, Sterling Healthcare is currently listed with Medicare and other government agencies as the active operator and/or manager of Country Wood Nursing Home.²⁹ Defendants’ attempts at justification are without merit.

At the hearing, defense counsel asserted “we have gone above and beyond” in responding to discovery requests.³⁰ Yet, defense counsel repeatedly admitted that they do not have even so much as a list or other documentation which reflects the items produced in response to each discovery request to date. In fact, defense counsel acknowledged that until just prior to the Rule to Show Cause hearing, she mistakenly believed that no additional information needed to be

²⁴ RTSC hearing transcript p. 29, ll. 13-16.

²⁵ RTSC hearing transcript p. 24, ll. 9-11.

²⁶ See Affidavit of Robert Hagan, attached as Exhibit 9 to Plaintiff’s Memorandum in Support of Motion to Compel.

²⁷ See Exhibits 16-22 to Plaintiff’s Memorandum in Support of Motion to Compel.

²⁸ See Exhibit 13 to Plaintiff’s Memorandum in Support of Motion to Compel.

²⁹ See Exhibit 15 to Plaintiff’s Memorandum in Support of Motion to Compel.

³⁰ RTSC hearing transcript, p. 16, l. 10.

egregious conduct of the Defendants, the sanction of striking the Defendants' Answers is clearly warranted.

ORDER

Based upon the foregoing, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Rule to Show Cause and Sanctions is **GRANTED**. It is hereby ordered that the answers of all defendants are stricken. The Clerk of Court is directed to schedule this matter for a damages hearing. Counsel shall consult with the Chief Administrative Judge for Civil Matters to enable the Clerk of Court to schedule adequate time for the hearing.

Hearing on Motion to Compel of February 24, 2016

1 There's probably 30,000 documents so far, pages worth plus.

2 However, there have been only two documents produced
3 total from defendant Sterling and defendant Guardian; and
4 that is their articles of incorporation, which if you look
5 at my exhibits -- Exhibit 1 and Exhibit 2 -- for both
6 Sterling and Guardian; and then a -- what they are calling
7 a "consulting agreement" between each of these entities and
8 Country Wood Nursing Home.

9 And despite the fact that the interrogatories and
10 request for production were nearly identical between
11 Country Wood, Guardian, and Sterling, two total documents
12 were produced from Sterling and Guardian; and many, many
13 more were produced from Country Wood.

14 It has been the assertion from the very beginning of
15 the owner of Sterling, which also is the owner of Guardian
16 and also the owner of Country Wood -- a Mr. Robert Hagan --
17 that ---

18 THE COURT: Robert, Robert who?

19 MS. PURDY: Hagan, H-a-g-a-n. --- that Sterling has
20 no involvement whatsoever with Country Wood. They are
21 completely independent.

22 And if you look at Exhibit 9, right after we filed our
23 lawsuit, Mr. Hagan, through his counsel, sent over an
24 affidavit basically asserting Sterling has no involvement,
25 doesn't do business. It's not related to Country Wood,

1 you'll see a Sterling Healthcare website. And on the
2 second page, it says (as read): "Sterling Healthcare's
3 skilled nursing and therapy facilities are available in the
4 following areas," and it lists a multitude of nursing
5 facilities that this company owns, one of which is Country
6 Wood Nursing Center. This is in 2012, a year after my
7 client died, and several years after Mr. Hagan's affidavit
8 claims that they have no involvement whatsoever.

9 If you move to the next tab, which is 13, you will see
10 a letter, on Sterling letterhead, dated February of 2014,
11 sent to me. And this is in response to my demands letter
12 to Country Wood, and my response is coming from Sterling
13 Healthcare, indicating that they've requested a full report
14 from Country Wood, and it's signed by Wendell Phillips,
15 under the block of Sterling Healthcare.

16 So again, this is in 2014, over seven years after they
17 claim to have no affiliation whatsoever with Country Wood,
18 that they're sending me legal correspondence indicating
19 that they're investigating my allegations against Country
20 Wood.

21 I'm going to skip 14 for right now, but if you'll turn
22 to 15, Tab -- Exhibit 15. These are a variety of documents
23 provided by Sterling to various government entities. The
24 first one is a Sterling letterhead document, dated 2011, in
25 reference to Country Wood, sent to Medicare, signed by

1 And beyond that is another Country Wood document from
2 Department of Employment and Workforce, listing a Country
3 Wood address as the same as Sterling and Guardian, in
4 Roswell, Georgia.

5 The next tab, which is 16, lists -- provides you with
6 excerpts -- and again, I can provide many more -- from
7 employment files produced by Country Wood for every year,
8 from 2007 to 2014, which indicate clearly on the front of
9 the document that this is a Sterling Healthcare employment
10 application. And there is literally one for -- for every
11 year in there.

12 On the second page of some of those documents it again
13 refers to employment offered by Country Wood and Sterling
14 Healthcare may require criminal record checks. So clearly
15 Country Wood employees and Sterling employees are one and
16 the same.

17 Exhibit 17 shows two occasions where purported
18 employees of Country Wood, Ms. Davis -- who I believe is
19 the HR person -- and Joseph Hunt, who is the facility
20 administrator, have Sterling Healthcare email addresses.
21 One is in 2011, which was when my client was present; the
22 other was in 2010, the year before she was present.

23 Exhibit 18 is just a sampling of job descriptions, all
24 of which have Sterling Healthcare, Inc., as the source
25 providing those descriptions. There are some from 2007,

1 with the fax number at the very top of Sterling Healthcare.
2 And that's shown in 2012.

3 So I will start in -- apologizing into the length of
4 that, but I think it was important to show the Court the
5 absolute total involvement of Sterling Healthcare over
6 these many years, despite the sworn testimony of its owner
7 and the owner of all three of these companies, that it had
8 no involvement whatsoever with Country Wood. I think
9 that's just simply false.

10 So basically, with regard to Sterling and Guardian --
11 and again, I have those specific items itemized out in my
12 memo of the deficiencies. But in essence they haven't
13 answered anything. They produced two documents each and
14 have asserted, in each and every response to their
15 interrogatories, that they are not responsible for
16 employment or hiring or maintaining employees at Country
17 Wood. And I think just this small cross-section of
18 documents produced by the -- by the plaintiff in this case
19 so far, that came from the defense at Country Wood, shows
20 that that's just completely not true.

21 So to begin with, we would ask that all of our
22 interrogatories and request for -- for production from both
23 Sterling and Guardian, be answered completely, which so far
24 they've just stood on the assertion that "we don't deal
25 with employees."

1 sensitive information of its employees.

2 The -- Ms. Purdy answer -- talk about policy and
3 procedure manuals, she said she had gotten piecemeal
4 records. I did a count of what we produced, Your Honor,
5 and we've produced 35 plus -- over 100 pages of our
6 administrative policy and procedures manual that's relevant
7 to the issues in this case.

8 The policy and procedures manual is over 600 pages.
9 We've already produced -- not including medical records, I
10 have a count of over 9,000 documents. And I don't know why
11 she needs the entire policy and procedures manual when
12 she's provided the policy and procedures on the issues
13 relevant to this case, coupled with the burden on my client
14 of producing a 600 page manual.

15 The employee manuals, I can provide Your Honor a copy
16 of the privilege log, but ---

17 THE COURT: I think I was given the privilege log.
18 Did you get a copy of what y'all've responded to?
19 Commercial --

20 MS. COIA: Yes. And I -- Ms. Purdy did accurately
21 point out that we have a protective order in place, but I
22 feel like this is getting into -- this is almost a
23 relevance log at this point, Your Honor. I just don't --
24 I've -- detailed in the privilege log it discusses the
25 types of information that have been redacted. And it's

State of South Carolina)
County of Richland)

In The Court of Common Pleas
Fifth Judicial Circuit
2016-CP-40-04463

Jean Watkins, as Personal)
Representative of the Estate)
of Mildred Watkins,)

Plaintiff,)

vs.)

Transcript of Record

Sterling Healthcare, Inc.,)
Country Wood Nursing Center,)
LLC, and Guardian Resources,)
LLC,)

Defendants.)

July 10, 2017
Columbia, South Carolina

B E F O R E:

The Honorable Alison Renee Lee, Judge

A P P E A R A N C E S:

Jennifer R. Purdy, Esquire
Attorney for the Plaintiff

Leah Fox Parker, Esquire
Attorney for the Defendants

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

1 wasn't any subsequent responses about trying to obtain any
2 additional time. Matter of act, based upon what I've seen,
3 the request had been outstanding for quite some period of
4 time, and I understand that it may have been information
5 that your client had not had to ever produce before. There
6 may have been some issues related to wanting to produce or
7 trying to produce the information, but I never saw any
8 correspondence that showed any attempt to have discussions
9 with counsel about the information, or even tailoring the
10 request in a more narrow way, or any real argument about
11 the merits of your objections that were raised to the
12 initial documents that may have been before Judge Dickson.

13 Now, granted, I did not read the transcript; I don't
14 even think I had access to the transcript. I think there
15 may have been -- the transcript may have been sent to me,
16 but I have a real hard time, given the request that was
17 made and the specificity of Judge Dickson's order. And I
18 understand that there were some issues around which order
19 he was going to sign once he heard the motion. That you
20 were told one thing and then he changed his mind and all of
21 that. I didn't see where there was a request back to Judge
22 Dickson to say Judge Dickson, we need more time to be able
23 to respond to this, given the specificity of what you've
24 ordered.

25 I'm dismissing all of that and basically when I read

1 don't understand how producing Social Security numbers
2 into the record of numerous employees of our company would
3 be remotely relevant or even acceptable with regard to
4 their privilege rights. We -- if Your Honor demands that
5 we produce their Social Security numbers, we will do that
6 but ---

7 THE COURT: Well, that's just a small part.

8 MS. PARKER: Sure.

9 THE COURT: I mean, to ---

10 MS. PARKER: Well, I think the ---

11 THE COURT: --- to quibble over a Social Security
12 number is not the issue.

13 MS. PARKER: Right. Well, and so what, I guess what
14 I'm trying to say is what, what I realized is that there is
15 addition information that's been redacted from those
16 personnel files in addition to those Social Security
17 numbers. I noticed that this weekend, and some of that
18 does include some of the addresses and some of the phone
19 numbers. So, I'm happy -- we're talking about, I think,
20 something like sixty-five personnel files at about seventy
21 pages each. So, several thousand pages of documents.
22 We're happy to have a paralegal go through those this week
23 and completely change all the redactions to remove nothing
24 but the Social Security numbers and provide that. That
25 should handle all the, all of the address and phone number

1 obtain these documents. These aren't companies that, that
2 are continuing to function and that continue to have this,
3 this information at the ready. So, we've continued to work
4 with them in order to obtain that information in doing
5 that.

6 In our ability -- it was the second supplement
7 following the order. We produced the financial records,
8 including, including budgets, including financial
9 statements, including income summary statements and tax
10 returns.

11 THE COURT: What about the policies and procedures
12 that were in effect?

13 MS. PARKER: The policies and procedures that were in
14 effect, we have produced the entire unredacted employee
15 handbook. The other policies and procedures that were in
16 effect is a 600-page nursing manual. We've produced all of
17 the relevant portions of that. We don't have in our
18 possession -- and that, that's our firm -- have possession
19 of the 600-page book. My understanding is that it's
20 actually -- and this may be actually incorrect. My
21 understanding is that it's actually a book. So, we are
22 going to have to find a way to get that from our client,
23 produce it. We have no problem with doing that. That's
24 one other document that I noted this weekend I have not
25 been produced in full and am happy to do that.

1 unredacted personnel files, which we can do by the end of
2 this week; the nursing services manual, which we will talk
3 to our client today to see how soon we can get it and
4 produce it in full, and like I said, we've already produced
5 all the relevant portions of that document; and then the
6 payroll records for the employees of Country Wood.

7 The personnel file of -- Diane Hicks is a third-party
8 subcontractor we've tried to locate, and I've been unable
9 to do so. We're happy to continue doing that, but that's
10 not something we have been able to obtain. It is something
11 that we have requested from our clients.

12 If there's more information that plaintiff's counsel
13 believes that she needs in addition to that, we're happy to
14 talk about it. We're working to meet the demands of this
15 case. We've produced in this case something like 10,500
16 pages from Country Wood, Sterling, and Guardian, not to
17 mention over 10,000 pages of documents from third parties
18 with over, I think, something like 21,000 pages of
19 documents produced to date.

20 Plaintiff's arguments in this case are that she's been
21 unable to take depositions because she doesn't have the
22 information sufficient for her to be able to do that, but
23 we were able to depose her expert who was able to opine on
24 causation in this case. So, if he was able to do that, we,
25 we frankly don't understand why, if nothing else, there

1 because there's nothing, there's nothing -- I've read them.
2 There's nothing in here that identifies the documents.
3 There may be one or two exceptions but it says -- they're
4 saying that we've reviewed the documents, we've reviewed
5 the information, and we've already produced the documents,
6 but your previous response doesn't say what documents were
7 produced. It just says see attached.

8 So, how do you know and how does your client know what
9 documents are produced without referencing what they are?
10 There were many requests for manuals and worksheets and
11 other information. It doesn't -- when I read it, it
12 doesn't tell me, it doesn't tell me what was produced. It
13 just says we gave you documents.

14 MS. PARKER: Yes, Your Honor. Well, we have all of
15 the documents in this case that have been produced with the
16 exception of the full employee handbook, which was produced
17 in response -- in the first supplemental response with a
18 Bates number, and we have an extremely detailed list of
19 every single thing that has been produced with the
20 corresponding Bates number. So, if the court would like me
21 to -- I have a handwritten copy, but if the court would
22 like me to type it up and send it to you, I'll be happy to
23 do that.

24 THE COURT: Have you provided that to the plaintiff?

25 MS. PARKER: We, we have not. We'd be happy to do

1 information for the preparation to her and advised that
2 those documents were never in color. So, we were unable to
3 produce them in color. But that type of detailed
4 information has been discussed and handled for numerous of
5 these interrogatories and request for production.

6 THE COURT: And are you lead counsel for this case?

7 MS. PARKER: I would say that lead counsel is Brant,
8 Brantley Roland, who is pro hac'd in out of Atlanta, and
9 that I am local counsel and...

10 THE COURT: Local with the same firm?

11 MS. PARKER: Local with the same firm, yes, ma'am.

12 THE COURT: Anything else you want to say?

13 MS. PARKER: Just that, you know, I'd like to
14 reiterate that -- well, one other comment I guess that I
15 would like to state just from plaintiff, from plaintiff's
16 demands related to the order. She seems to consistently
17 request that we produce documents that would be in the
18 possession of third parties and government entities. In
19 certain instances in the order, that is demanded and we
20 have worked to do that. But in many of them, it simply
21 demands that we fully respond to interrogatory, request for
22 production. And repeatedly it appears that plaintiff's
23 counsel has been unhappy with responses that we do not
24 possess documentation in response to requests.

25 But under the South Carolina Rules of Civil Procedure,

1 MS. PURDY: May I approach? This is an extra copy of
2 the transcript if you need that, and then these are just
3 some exhibits that hopefully for -- and case law cited in
4 my memorandum, hopefully for ease of reference to the
5 court.

6 At great time on my part, I went through all of
7 defendant's prior responses and the only way I could get a
8 grasp on what has been produced and what hasn't was to
9 create a little spreadsheet of that, and if you'll look,
10 it's under Exhibits 3 through 8, and I have gone through
11 the response -- excuse me, the initial request, the
12 subsequent response to Judge Dickson's order, and where we
13 stand now. And I won't take up court's time going through
14 each and every one of those, but I would estimate 80
15 percent of what Judge Dickson had ordered is still not
16 produced, and those spreadsheets outline that. But I would
17 like to point out to the court a couple of the really more
18 egregious deficiencies to date.

19 First of all, initial discovery was sent back in
20 September of 2014. So, a couple of months shy from three
21 years, and to this date, I do not have an insurance policy.
22 They have yet to produce an insurance policy in this case.

23 THE COURT: Well, now, they say that they're
24 self-insured.

25 MS. PURDY: Well, they say they're self-insured, but

1 is Judge Dickson asked for tax returns and financial
2 documents for all three defendants from 2005 to the
3 present. Sterling produced one year, 2006. Guardian
4 produced two years, 2011 and 2015. Country Wood produced
5 more, but we're still missing five years worth of tax
6 returns for what -- from what Judge Dickson ordered.

7 THE COURT: Now, some of those years would be for
8 years that they were not in business. Is that correct?

9 MS. PURDY: Well, again they allege that they're not
10 in business. However, just a review of the employee files
11 -- I believe Ms. Parker, if I'm not mistaken, said that
12 they ceased doing business in 2017. I have employee files
13 up until the most recent production current that show
14 documents going back and forth to Sterling Healthcare to
15 improve employee up-hires. Likewise, they have reported to
16 Medicare and Medicaid and government entities that the
17 owner of this company is Sterling Healthcare to this date.

18 So, I don't believe for one second that they're not
19 doing business. I don't know what their legal status is in
20 the state of Georgia, but they're certainly operating and
21 telling the government that they're operating as Sterling
22 Healthcare even to this date. So, I do not believe for one
23 second that they're not operating.

24 And again, all of those companies are owned by Robert
25 Hagan. He is the owner, sole member, and he's created all

1 had to take our time and sort out 800-plus pages that came
2 this week; some of it Friday, on the eve of this hearing.
3 The -- it was just overwhelming and before that, we've
4 never received them when they were delineated with which
5 request they were responding to. If we get a document, it
6 comes in a big dump where we have to sort it out, and
7 that's how it's been throughout the course of this case.

8 No payroll records produced. Staffing sheets were
9 produced in the document dump this week. They have a bunch
10 of letters on it. You know, Betsy Smith A, E, F. I don't
11 know what A, E, F means. They've produced documents with
12 no key or code or ability for me to decipher the
13 information that they have give me.

14 Most of these -- everything requested was requested in
15 September 2004 and here we are, July of 2017, and I'm still
16 without just the most basic things, and they're still
17 asking me to tell them what they owe me in response to the
18 judge's order. There's been no effort for them to take any
19 proaction, proactive measures to look at the order line by
20 line like I had to do in compiling this today and say what
21 have I given, what have I not given, what do I still need
22 to produce.

23 We're a firm of four lawyers. This is a national firm
24 with forty to fifty offices nationwide and I'm sure
25 hundreds and hundreds of lawyers, and to stand here and

1 when I had to take the 40(j), and now we're on a roster on
2 July 31st. So, I've been completely tied in trying to
3 pursue this case for my client because I'm getting no
4 cooperation from the defense.

5 THE COURT: And have you received -- Ms. Parker
6 indicates that she has basically a summary of what each
7 document is and what's responsive to each one of your
8 requests. Have you received any type of summary like that?

9 MS. PURDY: No, ma'am. The only summary I have is the
10 one I did myself.

11 MS. PARKER: Your Honor, may I respond?

12 THE COURT: Yes, ma'am.

13 MS. PARKER: And just briefly looking through this
14 chart that, that plaintiff's counsel has submitted to the
15 court which she indicates shows that we've produced
16 responses, full responses to less than 80 or to 80 -- less
17 than 80 percent of her, her requests. I mean, I --
18 obviously I can't look through this all right now, but, you
19 know, when we, when we state that we have no information in
20 response to her request, that's, that's the truth and
21 that's the best that we can do. We can't produce documents
22 that do not exist. And in this case, numerous of these
23 interrogatories and request for production, we've stated
24 that we have no further information, and in -- typically in
25 these, in the very first response -- back in 2014 we

1 existed or that don't exist, there's, there is absolutely
2 nothing that we can do. And for her to continue to try to
3 punish us for not having documentation that we never had
4 does nothing to progress this case and will never help with
5 her discovery or our discovery or the prosecution of this
6 case because it's completely irrelevant.

7 THE COURT: You had a document that you were referring
8 to.

9 MS. PARKER: This is just a list that I -- a
10 handwritten list I made over the weekend. I went through
11 and determined ---

12 THE COURT: No, there was another list. I think it
13 was a yellow ---

14 MS. PARKER: I have a ---

15 THE COURT: --- a yellow list.

16 MS. PARKER: I have a list of all the Bates numbers
17 and what they correlate to in our -- in the Country Wood
18 production.

19 THE COURT: And what about for the other defendants?

20 MS. PARKER: In the recent document production, the
21 other defendants only produced a few additional documents
22 because of the reasons that I've outlined before, and those
23 were included under the Country Wood Bates numbers. I
24 believe there were so few documents produced by them
25 previously for the same reasons explained before, that I'm

1 MS. PARKER: Guardian went out of business in 2013,
2 2013, Your Honor.

3 THE COURT: And Country Wood ---

4 MS. PARKER: Country Wood is still in business.

5 THE COURT: Country Wood still exists?

6 MS. PARKER: Yes, and that's why almost all of the
7 production in this case is for the Country Wood documents.

8 MS. PURDY: Your Honor, may I? If you will -- I don't
9 know if you have this file. If not, I can give you a copy
10 of what I have, but in the exhibits that I produced to
11 Judge Dickson before that hearing for the motion to compel,
12 I produced an Exhibit Number 13 which is a letter from
13 Sterling Healthcare to me in response to a demand that I
14 sent. It's dated February 25, 2014. So, for Ms. Parker to
15 sit here and say that Sterling has been out of business
16 since 2007 when they are responding to me on Sterling
17 letterhead in 2014, signed by Wendell Phillips who's one of
18 the executive officers, is just a falsehood.

19 I've never seen a defendant thumb their nose to the
20 court the way this defendant has. And I don't know if it
21 is -- they're -- I'm not saying that Ms. Parker is doing
22 anything that is unethical, but certainly their client is,
23 is lying to them at a minimum, but you can't stand here and
24 say that there are no documents because they've been out of
25 business when I'm looking at a letter from 2014 after my

1 prepare for the court at some point this week, but that's
2 not something I have in my possession at the moment.

3 THE COURT: So, again in response to my earlier
4 question, you don't have any way of knowing what documents
5 that you sent that were, that were responsive to any
6 particular interrogatory or request for production. You
7 just know the documents that you sent.

8 MS. PURDY: Yes, Your Honor, but, I mean, I think that
9 it's based on the request within the interrogatories. So,
10 where they -- for -- I mean, for instance, where an
11 interrogatory seeks ---

12 THE COURT: Stop. Interrogatory number 1 says XYZ,
13 and your response is we produced documents. Do you have a
14 document that shows what documents were produced in
15 reference to interrogatory number 1?

16 MS. PARKER: No, Your Honor.

17 THE COURT: That's all I'm asking. I'm still asking
18 that you produce that information to her before you leave
19 the courthouse.

20 MS. PARKER: Yes, Your Honor.

21 THE COURT: I'll look at the information again, but
22 let me tell you. Based upon what I've seen and what I've
23 heard, I'm very close to striking your answer. I think
24 that the basic answers tell me nothing. Anyone picking up
25 this file and looking at it, they don't say anything. They

1 to what particular -- what document is responsive to what
2 particular interrogatory or request for production, and
3 that's not sufficient.

4 I think the rules require more than that. The rules
5 do not allow you to just say here they are without
6 identifying what they are, and I don't find those
7 responsive.

8 I'm trying to give you the benefit of the doubt, but
9 two and a half, almost three years down the road, it's very
10 difficult to do that. I understand that you say that
11 you've produced, you know, from what I hear you say 20,000
12 pages worth of documents. But in the format of the answers
13 that you provided, I can't tell what you produced. I can't
14 tell if you produced ten pages, much less 20,000 pages,
15 because there's nothing here that tells me what they relate
16 to, and I just, I don't really need to hear any more. I'll
17 look at it, and I will take it under advisement, and I will
18 do my very best to give you the benefit of every doubt
19 before I make any ruling. Thank you.

20 MS. PARKER: Your Honor, if it would benefit, if it
21 would benefit the court and the plaintiff, we'd be happy to
22 go through all of these responses that we've put together
23 and, and add in addition to this packet that we've
24 produced, these documents, which Bates numbers correlate,
25 and have that to the court and to plaintiff before the end

1 to the defense bar. I used to be a defense lawyer. I
2 understand what happens and it happens on both sides, both
3 the defense side and the plaintiff's side, and especially
4 when there's a large amount of documents. But certainly
5 your firm has enough resources to be able to make a decent
6 response. And to the extent that your client has
7 documents, you've got resources to be able to assist them
8 in being able to provide the appropriate document in the
9 appropriate format.

10 MS. PARKER: Your Honor, I, I would just like to state
11 that in the recent supplements -- we've been referring to a
12 document dump this past week, but in all of those, in all
13 of those responses, you know, where we've produced
14 financial documents, you know, we've stated please see the
15 attached financial documents produced. And typically in
16 those productions that we've done, we've produced financial
17 documents and then later in the week, like the 360 pages we
18 produced at the end where ---

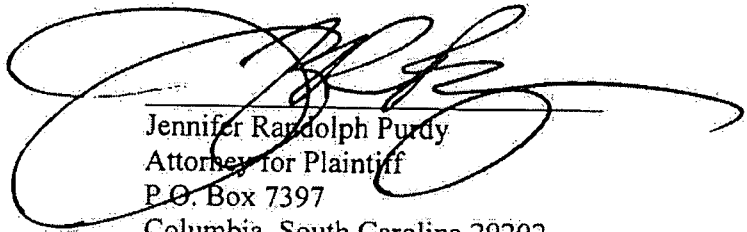
19 THE COURT: Does it tell me what the documents are?
20 Does it tell me whether it's a tax return? Does it tell me
21 whether it's a financial statement? Does it tell me
22 whether it's 2014? Whether it's 2015? No. It says here
23 are the documents. That tells me nothing, and I don't know
24 how, I don't understand how you and your client can figure
25 out what you've already produced by just, by those

Plaintiff's Motion to Compel of July 29, 2015

provided by the Defendants.

For these reasons, the Plaintiff requests that the Court grant this motion and enter an Order requiring all Defendants to provide full and complete responses to all discovery requests.

POPOWSKI, CALLAS & SHIRLEY, P.A.

A large, stylized handwritten signature in black ink, likely belonging to Jennifer Randolph Purdy, is written over the printed name and address.

Jennifer Randolph Purdy
Attorney for Plaintiff

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Columbia, South Carolina
July 28, 2015

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

JEAN WATKINS, as Personal
Representative of the Estate of Mildred
Watkins,

Plaintiff,

vs.

STERLING HEALTHCARE, INC.,
COUNTRY WOOD NURSING CENTER,
LLC, and GUARDIAN RESOURCES, LLC,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2014-CP-40-05160

PLAINTIFF'S MEMORANDUM IN
SUPPORT OF PLAINTIFF'S
MOTION TO COMPEL

RICHLAND COUNTY
FILED
2016 FEB 24 PM 12:11
JEANNETTE W. MORRIS
C.C.P. & G.S.

TO: BRANTLEY ROWLEN, ESQUIRE AND ERIN COIA, ESQUIRE, ATTORNEYS
FOR DEFENDANTS:

The Plaintiff files this Memorandum in support of Plaintiff's Motion to Compel.

FACTS AND BACKGROUND

The Plaintiff was a resident of the Defendants' nursing home, Country Wood, from March 2011 until December 2011. The Plaintiff filed a Complaint against all defendants alleging negligence which resulted in injuries to the Plaintiff and ultimately caused her death. (See Compliant) Plaintiff served all Defendants with discovery requests on or about August 22, 2014. The Defendants submitted partial responses on or about November 20, 2014. Thereafter, Plaintiff's counsel wrote defense counsel March 25, 2015 to request supplemental responses. On May 5, 2015, Defendant Countrywood supplemented their responses, but only to include the identification of an expert and provide his Curriculum Vitae. On September 25, 2015, Defendant Countrywood provided a Third Supplemental Response, but this response only included:

AS TO DEFENDANT COUNTRY WOOD

INTERROGATORIES

2. Identify all insurance companies which provide any type of liability insurance coverage, including but not limited to first party liability policies, self-insured retention policies, liability policies covering individual employees, owners, members, shareholders or key individuals; and/or policies of excess and/or umbrella coverage, and set forth the numbers of policies involved, the policy period dates, and the amounts of liability insurance coverage provided in these policies, including any deductibles.

COUNTRY WOOD'S ORIGINAL (AND ONLY) RESPONSE:

Defendant objects to Interrogatory #2 to the extent it calls for information that constitutes a legal conclusion. Defendant further objects on the grounds that Interrogatory #2 seeks information regarding this Defendant's insurer's attitudes towards question of coverage, which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Ballard v. Allegheny Airlines, Inc., 54 F.R.D. 67 (E.D. Pa. 1972). Subject to and without waiving the foregoing objection, Defendant refers Plaintiff to documents produced herewith, but states that for purposes of this claim, Defendant is self-insured.

LETTER FROM DEFENSE COUNSEL OF SEPTEMBER 25, 2015:

Defense counsel alleges that the single certificate of insurance for a "claims-made policy for \$50,000" is the only insurance document that can be located by the Defendant.

ARGUMENT:

In response to Plaintiff's Requests for Production, Defendant Country Wood produced a Certificate of Insurance with Country Wood listed in the "Schedule of Hazards" with only \$50,000 in coverage. The information provided in response to this Interrogatory is contradictory to documents produced and Plaintiff requests the full and detailed disclosure of all insurance coverage applicable to this claim.

3. If you contend that some other person or legal entity is, in whole or in part liable to you or the party asserting a claim against you in this matter and you contend that said person or entity should be made a party to this lawsuit, identify such person or entity, describe the basis of said liability, and identify the name and current address of each witness who can testify to each fact you rely upon for said contention.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Interrogatory No. 4 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objection to Interrogatory No. 4 to the extent it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. Subject to and without waiving the foregoing objections, Defendant generally identifies employees of County Wood, employees of Decedent's medical providers, and Decedent's family members. In further response, Defendant is not aware of any statements taken of any of the aforementioned witnesses, except for those statements made in Plaintiff's medical records produced concurrently herewith.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Interrogatory as stated in its Original Response above. Subject to and without waiving these objections, Defendant identifies the individuals below as potential witnesses to the facts of this case. All of these individuals are current or former employees of County Wood or current or former therapists/therapy assistants provided to County Wood through a contract with Evergreen Rehabilitation. These individuals either provided care to Decedent while she was a resident of Country Wood or otherwise have knowledge of the care provided to Decedent while she was a resident of Country Wood. No statements have been taken from any of these witnesses except as contained in Decedent's medical records, which were previously produced, and each individual's personnel file, which are being produced herewith pursuant to a Consent Protective Order signed by counsel (except for those individuals provided by Evergreen, which counsel is currently attempting to obtain and will provide upon receipt). All current employees may be contacted through counsel. (Defendant then lists various employees)

LETTER FROM DEFENSE COUNSEL OF SEPTEMBER 25, 2015:

Despite previously stating that they were obtaining personnel files for all individuals who provided services or treatment to the Plaintiff, Defendant now asserts that Dianne Hix was an employee of Healthcare Services Group, Inc. and that they have produced all documents in their possession related to Healthcare Services Group.

ARGUMENT:

The documents produced by the Defendant related to Healthcare Services Group, Inc. consist of two redacted contracts, neither of which cover the date of Plaintiff's admission. Additionally, one of the contracts with Healthcare Services is with Ridgeview Manor instead of Country Wood. Additionally, the Healthcare Services Group is noted to be located in the same one story office building as both Defendant Sterling and Defendant Guardian's corporate headquarters. Thus, it is unclear why the defendants have been unable to obtain this information from a company with

COUNTRY WOOD'S ORIGINAL RESPONSE TO INTERROGATORY #6:

The Defendant referred the Plaintiff to documents produced herewith, while asserting certain objections.

Documents 2057-2060 were produced by the Defendant and were blank.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

The defense stated that "there were no documents contained on pages 2057 to 2060 and that there was an error in the numbering of pages.

30. Identify the staffing requirements for the Defendant as understood by the Defendant, at the Defendant's skilled nursing facility whether as mandated by the South Carolina Department of Health and Environmental Control or any other local, state or federal governmental agencies, or by the Defendant's own policies or guidelines, from January 1, 2005 through December 31, 2011 to include staffing categories and number of persons required for each category by shift.

COUNTRY WOOD'S ORIGINAL RESPONSE TO INTERROGATORY #30:

Defendant objects, but then states that it follows the requirements mandated by the SC Department of Health and Environmental Control, as revised over time.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections and refers the Plaintiff to Bates stamped items 002057-002059 produced with Defendant's original discovery responses, which they assert set forth staffing requirements as understood by the Defendant.

ARGUMENT FOR #6 AND #30:

The page numbers 2057 – 2060 are referenced by the defense in response to both Interrogatories #6 and #30. In the supplemental responses to #6, the Defendant claims that those pages were left blank and erroneously mis-numbered and Bates stamped. However, in the same supplemental responses to #30, the Defendant refers the Plaintiff to those exact pages as a supplemental response. The documents which should have been contained in response to Interrogatory #6 and #30 which are Bates labeled 002057-002060 should be produced.

caregiver, nurse, nurses' aide and/or CNA, who was provided to the Defendant by an outside agency or service, who provided care to Mildred Watkins as well as the name of the agency or service that provided each such person. Do not refer simply to the chart, as the chart does not necessarily contain this information. Produce a copy of any contracts between the Defendant and that agency or service.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Interrogatory No. 11 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Subject to and without waiving the foregoing objection, Defendant refers Plaintiff to documents produced concurrently herewith for information responsive to Interrogatory No. 11. In further responses, Defendant states that occupational therapists, physical therapists and speech therapists are employed by Evergreen Rehabilitation. Defendant reserves the right to supplement its Response to Interrogatory No. 11 in accordance with the Rules of Civil Procedure.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Interrogatory as stated in its Original Response above. Defendant further objects to providing any individuals' social security number due to privacy and risk of identity theft. Subject to and without waving these objections, Defendant is in the process of obtaining the personnel files of each individual supplied through Evergreen and will supplement this Response upon receipt.

ARGUMENT:

Defendant has failed to produce the files of any Evergreen or Healthcare Services Group contracted employee. Furthermore, both the Evergreen and Healthcare Services contracts are redacted and unsigned and provide the Plaintiff with insufficient information related to their relationships with the Defendants.

23. Identify each rule, regulation, guideline, instruction, protocol or other recommendation, manual, handbook, order or notice, or other document which relates to neglect, abuse, restraints, staffing or supervision, policies and procedures, documentation, care plans, hydration, nutrition, dementia care, skin care, medication administration, care of patients with mental conditions, physical therapy, occupational therapy, feeding tubes, catheters, accident prevention, infections and/or infection control at the Defendant's facility which was in effect for Mildred Watkins' residency and any changes since that time.

information upon which this contention is based.

COUNTY WOOD'S ORIGINAL RESPONSE:

Defendant objects to No. 47 to the extent that it calls for an expert medical opinion. Defendant objects to Interrogatory No. 47 on the grounds it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. Subject to and without waiving the foregoing objections, discovery is in the earliest stages and Defendant reserves the right to supplement its Response to Interrogatory No. 47 in accordance with the South Carolina Rules of Civil Procedure.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Interrogatory as stated in its Original Response above. Subject to and without waiving these objections, Defendant again states that discovery is still ongoing in this matter and does not have any additional discoverable information to disclose at this time. Defendant reserves the right and will supplement this Response in accordance with the South Carolina Rules of Civil Procedure if and when any discoverable information is obtained by Defendant.

ARGUMENT:

In its discovery responses, Defendant has repeatedly alleged that the Plaintiff's injuries were caused by someone other than the Defendant. However, they have provided no documentation to support that assertion and no explanation for the Plaintiff's injuries. The Defendant has retained an expert who they purport will refute the Plaintiff's allegations of negligence and provide an explanation for the Plaintiff's injuries other than from their own negligence. The Plaintiff is entitled to information related to the Defendant's assertion that another party or entity is responsible for Plaintiff's injuries and death.

**INTERROGATORY #53 AND PLAINTIFF'S
SUPPLEMENTAL INTERROGATORY #1:**

53. Identify each and every employee of Defendant Sterling and Defendant Guardian who worked at Country Wood's facility in Richland County. State the dates said employee worked at Country Wood's facility and the jobs performed.

further objects on the ground that it seeks information regarding this Defendant's insurer's attitudes towards questions of coverage which is neither relevant nor likely to lead to the discovery of admissible evidence. See Ballard v. Allegheny Airlines, Inc., 54 F.R.D. 67 (E.D. Pa. 1972). Subject to and without waiving these objections, Defendant refers Plaintiff to documents produced herewith, but states that, for purposes of this claim, Defendant is self-insured.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as states in its Original Response above. Subject to and without waiving these objections, Defendant is not in possession of any other documents responsive to this Request, other than the Certificate of Insurance previously produced.

ARGUMENT:

In response to Plaintiff's Requests for Production, Defendant Country Wood produced a Certificate of Insurance with Country Wood listed as an insured with only \$50,000 in coverage. The information provided in response to this Request for Production is contradictory to statements made in their Interrogatories and Plaintiff requests clarification of this issue and the full and detailed disclosure of all insurance coverage applicable to this claim.

10. Any and all documents relating to any and all persons or entities with an ownership or control interest; the officers, directors, members, agents or managing employees; the corporation, association, or other company responsible for management of the facility; and the administrator and director of nursing during Mildred Watkins' residency, as required by 42 CFR § 483.75(p), "Disclosure of Ownership." This would include but not be limited to a copy of an organizational chart of the Defendant showing structure, officers, and all inter-company departments and the titles of the heads of each department since January 1, 2005.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 11 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Subject to and without waiving the foregoing objection, Defendant states that Robert W. Hagan is the sole member and owner of Country Wood Nursing Center, LLC. In further response, Defendant refers Plaintiff to documents produced herewith for information regarding the facility's administrator and director of nursing. Defendant reserves the right to supplement its Response to Request No. 10 in

present in the possession or control of the Defendant. This would also include and not be limited to any and all internal audits, whether computer audits or otherwise, relating to inspection readiness or preparedness, or in-house facility, visit reports or other documents, whether electronic or paper, regarding any issues. This would include the reports, on each area, as well as quality or assessment indicators used, such as program assessment tools. This includes but is not limited to any and all documents related to the Omnibus Budget Reconciliation Act, 42 CFR § 48375 (o), "Quality Assessment and Assurance."

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 21 as overly broad and exceeding the scope of the South Carolina Rules of Civil Procedure. As it seeks information that is not narrowly tailored to the time period of events in question. Request No. 21 is also objectionable because it seeks information regarding prior and subsequent events, which are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as states in its Original Response above. Subject to and without waiving these objections, Defendant refers Plaintiff to the documents from these agencies that she has produced to Defendant as part of her responses to Defendant's First Requests for Production to Plaintiff and documents produced herewith. Defendant does not have any records of similar incidents prior to 2011 in its possession, custody or control.

ARGUMENT:

In lieu of providing the requested information, Defendant merely points the Plaintiff to documents Plaintiff obtained independently from government agencies as a response. Likewise, Plaintiff not request information related only to "similar incidents". Plaintiff requested all documents related to Quality Assessment and Assurance, Plaintiff still seeks the production of these documents.

23. All documents showing the net earnings, gross earnings, expenses, balance sheets, budgets, and all other financial information regarding the Defendant, Defendant Sterling and/or Defendant Guardian from January 1, 2005 – present, including but not limited to all documents of any budget planning and revision which were developed and/or implemented from January 1, 2005 – present. This request specifically includes, but is not limited to, any and all meeting

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 24 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 24 on the grounds that it seeks irrelevant immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Defendant further objects to Request No. 24 to the extent it seeks documents from third parties whom this Defendant does not employ or otherwise control. Defendant objects to producing documents regarding its financial condition, which is neither relevant nor reasonable calculated to lead to the discovery of admissible evidence. Said information is also private, confidential, and otherwise subject to protection.

COUNTRY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as stated in its Original Response above. Subject to and without waiving these objections, Defendant has no documents responsive to this Request.

ARGUMENT:

Defendant has acknowledged contracts between Country Wood, Guardian and Sterling for services to be provided to Country Wood. These contracts outline payments to be received by these defendants for services rendered. To assert that there are no records of any payments between the defendants whatsoever, is not simply not credible. Likewise, based on the overwhelming evidence of Sterling's ongoing involvement with Country Wood, it is simply not possible that Sterling is receiving no compensation whatsoever for its "services". The Plaintiff asserts that the Defendants are intentionally withholding this information and seek the Court's assistance in compelling the disclosure of these documents.

25. All documents showing payment of any kind paid to this defendant by any co-defendant from 2005 to the present and all documents identifying the basis for such payment, including but not limited to contracts, agreements, etc.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 25 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 25 on the grounds that it seeks irrelevant immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Defendant further objects to Request No. 25 to the extent it

South Carolina Rules of Civil Procedure. As it seeks information that is not narrowly tailored to the time period or events in question and seeks information regarding residents other than Decedent and facilities other than the one at issue in this action. Such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Request No. 27 also seeks information regarding prior and subsequent events which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Evidence as to what may have occurred between one party and a third party with reference to a thoroughly distinct incident is irrelevant, not probably and merely prejudicial.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as states in its Original Response above. Subject to and without waiving these objections, Defendant refers Plaintiff to the documents that she produced to Defendant as part of her responses to Defendant's First Requests for Production to Plaintiff and additional documents produced herewith. Defendant does not have any records of similar incidents prior to 2011 in its possession, custody or control.

ARGUMENT:

In lieu of providing the requested information, Defendant merely points the Plaintiff to documents Plaintiff obtained independently from government agencies as a response. Likewise, Plaintiff did not request information related only to "similar incidents". Plaintiff requested all documents related to compliance with 42 CFR §483.13(c)(4) and with DHEC Regulation 61-17 and Standards for Licensing Nursing Homes. Plaintiff requests that these documents be produced by Defendant.

33. All planned, budgeted or projected staffing schedules and/or assignments for personnel at Country Wood from January 1, 2005 – present, including, but not limited to, all monthly staff schedules for nurses, certified assistants, medication aides, or orderlies.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 33 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Subject to and without waiving the foregoing objection, Defendant does not currently possess documents responsive to Request No. 33, but reserves the right to supplement and amend its response to Request No. 33 in accordance with the South Carolina Rules of Civil Procedure should it discovery responsive documents.

- y. receiving and responding to resident's complaints and/or recommendations, and complaints for those speaking on behalf of residents;
- z. responding to and documenting an incident or unusual occurrence relating to a resident, including but not limited to deterioration in status and behavioral emergencies;
- aa. chart audits for accuracy of information and completeness;
- bb. assessing, evaluating and documenting a resident's nutritional status and dietary needs, including food and fluid intake;
- cc. the development, updates and revisions of care plans including, but not limited to, notification of resident and family regarding care plan conferences;
- dd. the protocol for initiating transfer to another facility or discharge once the Defendants are no longer able to control or improve a resident's condition;
- ee. admission and retention of residents whose conditions worsen;
- ff. re-evaluation of resident's condition upon change in condition;
- gg. incident reports, including, but not limited to, any documents that reflect how, when, and why incident reports should be generated;
- hh. as well as any and all changes to the same since that time;
- ii. all documents required by the South Carolina Department of Health and Environmental Control, Regulation 61-17, Standards for Licensing Nursing Homes, § C, et seq., "Resident Care Policies."

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 39 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 39 on the grounds that it seeks irrelevant immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Defendant objects to Request No. 39 to the extent that it seeks documents concerning subsequent remedial measures, which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. S.C.R. Evid. 407. Subject to and without waiving the foregoing objection, Defendant refers Plaintiff to the documents produced herewith.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as states in its Original Response above. Subject to and without waiving these objections, see additional Policies and Procedure documents, produced herewith.

COUNTRY WOOD'S THIRD SUPPLEMENTAL RESPONSE:

Subject to and without waiving the foregoing objections, in addition to the documents previously produced, Defendant refers Plaintiff to selected portions of the Employee Handbook, produced herewith.

ARGUMENT:

The Plaintiff seeks any deposition given by any officer, agent and/or employee of the Defendants for the past 10 years which in any way relates to any of the Defendants, their employment and/or operation of any nursing facility, any negligence alleged related to any nursing facility, any alleged criminal activity, any deposition related to claims made by any governmental agency, and/or any activity which is in any way associated with any duties, obligations, payment or other involvement with any nursing facility.

44. A copy of any and all depositions given by any expert witness identified by the Defendant as well as a copy of any written report ever prepared by any expert witness.

COUNTRY WOOD'S ORIGINAL RESPONSE:

With various objections, the Defendant stated that there was no expert identified at that time.

COUNTRY WOOD'S SECOND SUPPLEMENTAL RESPONSE:

Defendant objects to Request No. 44 to the extent it calls for documents prepared by an expert witness who is not expected to testify at the trial of this case, which is not discoverable expert upon a showing of exceptional circumstances. Defendant further objects to Request No. 44 to the extent it seeks information that is not required to be produced under the South Carolina Rules of Civil Procedure. Defendant also objects to this Request to the extent that it seeks information that is not relevant to any fact or issue in this case and is not likely to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Defendant is not in possession of any depositions previously given or any written reports previously prepared by Dr. Habermann. Defendant reserves the right to further supplement and/or amend this response in accordance with the South Carolina Rules of Civil Procedure as discovery in this case proceeds.

ARGUMENT:

Regardless of whether defense counsel is in possession of any prior depositions of Dr. Habermann, which they certainly would be he had ever been used by them as an expert in the past, clearly Dr. Habermann would have possession of prior depositions given in other case. The Plaintiff requests that these depositions be produced by Dr. Habermann, or in the alternative, if such documents are not in his possession currently, that Dr. Habermann be required to provide the name, address and phone number of counsel who is in possession of such deposition testimony.

57. All documents relating to any inspection/survey undertaken by the South Carolina Department of Health and Environmental Control's survey which occurred during Mildred Watkins' residency finding that Defendant;

- a. failed to hire only people who have no legal history of abusing, neglecting or mistreating residents; or report and investigate any acts or reports of abuse, neglect or mistreatment of residents;
 - b. failed to give each resident a special diet to help when there is a nutritional problem;
 - c. failed to give professional services that meet a professional standard of quality;
 - d. failed to make sure each resident is being watched and has assistance devices when needed, to prevent accidents;
 - e. failed to make sure that residents with reduced range of motion get proper treatment and services to increase range of motion;
 - f. failed to properly care for residents needing special services;
 - g. failed to provide food in a way that meets a resident's needs; store cook, and give out food in a safe and clean way;
 - h. failed to make sure that residents who take drugs are not given too many doses or for too long or given inappropriate medications or overuse of medications;
 - i. failed to make sure that the use of drugs is carefully watched; or stop or change drugs that cause unwanted effects;
 - j. failed to keep the rate of medication errors (wrong drug, wrong dose, wrong time) to less than 5%; and
 - k. failed to provide needed housekeeping and maintenance;
- or any plans of correction or follow-up surveys relating to the same.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objection to Request No. 57 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 57 on the grounds that it seeks irrelevant immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Defendant objects to Request No. 57 on the grounds that it seeks private medical information regarding other residents of Country Wood, which is protected from disclosure by HIPAA. Defendant further objects to Request No. 56 on the grounds that it seeks information regarding prior and subsequent events, which are neither relevant nor likely to lead to the discovery of evidence that would be admissible at trial. Evidence as to what may have occurred between one party and a third party with reference to a thoroughly distinct incident is irrelevant. Information sought regarding prior and subsequent events that are totally unrelated to the subject matter of this lawsuit is not probative, but merely prejudicial. Furthermore, any such information is publicly available and therefore is equally available to Plaintiff.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objects to Request No. 67 on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request as overbroad, as it seeks information not narrowly tailored to the period of time of events in question. Defendant's corporate financial statements are only relevant to Plaintiff's claims for punitive damages, and, at this time, Plaintiff has not produced any affidavit, discovery responses, or other evidence sufficient to show that she has an evidentiary basis supporting her punitive damages claim.

ARGUMENT:

Defendant has stated repeatedly that it is self-insured and/or at most, has \$50,000 in insurance coverage. As such, the financial condition of the facility is completely relevant to this claim. Furthermore, it is relevant to the financial condition of the facility at the time of the Plaintiff's residency and the services being provided to residents of the facility in conjunction with the amount of revenue being made by the facility.

68. Documents which reflect the ownership and value of the property occupied by Country Wood Nursing Care Center.

COUNTRY WOOD'S ORIGINAL RESPONSE:

Defendant objects to Request No. 68 on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Request 68 is relevant only in the event that Plaintiff obtains a judgment against Defendant and such judgment is not paid. Under such circumstances Plaintiff may pursue post-judgment discovery under SCRCP 69. Request 68 is therefore, premature, irrelevant and improper.

ARGUMENT:

Defendant has stated repeatedly that it is self-insured and/or at most, has \$50,000 in insurance coverage. As such, the assets of the facility are completely relevant to this claim. Furthermore, it is relevant to the financial condition of the facility at the time of the Plaintiff's residency and the services being provided to residents of the facility in conjunction with the amount of revenue being made by the facility. Additionally, the ownership of the property where Defendant's facility resides also reflects ownership and control over one or more aspects of the facility. This information is discoverable at this time.

COUNTY WOOD'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as states in its Original Response above. Subject to and without waiving these objections, Defendant is not in possession of any documents responsive to this Request other than those previously produced. Defendant's corporate organization documents are equally available to Plaintiff through a request to the South Carolina Secretary of State's office.

ARGUMENT:

Defendant is creating an unreasonable burden on the Plaintiff by instructing her to obtain these documents from the Secretary of State when Defendant has or should have ready access to these documents.

AS TO DEFENDANT STERLING

3. Identify each and every owner, member, officer of your corporation presently and at the time of Mildred Watkins' residency. State in detail any relationship, (blood, marriage, and/or contractual), you have with any other co-defendant, their officers, owners, members, agents and/or employees.

STERLING'S ORIGINAL RESPONSE:

Robert W. Hagan is the sole owner and managing member of Guardian Resources, LLC. Mr. Hagan was also the sole owner and president of Sterling Healthcare, Inc., before Sterling ceased doing business. Sterling and Guardian have no relationship. Sterling's relationship to Country Wood was contractual, the details of which are set forth in the Consulting Agreement produced herewith.

ARGUMENT:

Defendant Sterling's assertion that it "ceased doing business" is simply false. Only after litigation in this claim when Plaintiff's counsel pointed out to defense counsel that Defendant Sterling was still listed as an active corporation in South Carolina, did Defendant Sterling remove itself from the South Carolina Secretary of State's website in 2014 with the Country Wood address. However, Defendant Sterling is still very much an active corporation and is listed as such on the Georgia Secretary of State's website. Furthermore, Defendant Sterling has continued to do business with Country Wood, with or without a contract detailing its duties, both before, during and after the residency of the Plaintiff. The records produced by Defendant Country Wood are filled with references to Sterling Healthcare and there are

person or entity should be made a party to this lawsuit, identify such person or entity, describe the basis of said liability, and identify the name and current address of each witness who can testify to each fact you rely upon for said contention.

STERLING'S ORIGINAL RESPONSE:

Defendant objection to this Interrogatory to the extent it seeks the mental impressions, thought processes, and/or legal theories of counsel, which are privileged from production. Subject to and without waiving the foregoing objections, Defendant contends that any of Decedent's medical providers outside County Wood could have caused the alleged injuries that are the subject of Plaintiff's claims, including but not limited to, Palmetto Health Richland, Capital City Ambulance, and Regional Ambulance Service. Defendant reserves the right to supplement this Response in accordance with the South Carolina Rules of Civil Procedure as discovery in this case proceeds.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Interrogatory as stated in its Original Response above. Subject to and without waiving these objections, see Defendant Country Wood's Supplemental Response to Interrogatory #3, served simultaneously herewith.

ARGUMENT:

Defendant has alleged that medical providers other than the Defendants caused the Plaintiff's injuries and damages, yet have provided no documentation whatsoever in support of this allegation. The Plaintiff requests that Defendant provide evidence in support of their allegations, or in the alternative, modify this answer to admit that there are no liable parties in this matter other than those already named in this litigation.

6. Give the names and address of each person known to the parties or counsel to be a witness concerning the facts of the case and/or that you intend to call as a witness at the trial of this case. For each person known to the parties or counsel to be a witness, set forth a summary sufficient to inform the other party of the important facts known to be observed by such witness, indicate whether a statement has been taken from said party or witness, and provide a copy of any written or recorded statements taken.

"cuts", electronic data files, jpg files, data emails, web pages, brochures, information packets, contracts, agreements, or other documents or materials now or previously in possession, custody or control of the Defendant that relate to any claim or defense in the case and produce a copy of each.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Interrogatory No. 8 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Interrogatory No. 8 to the extent it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. Subject to and without waiving the foregoing objections, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility and does not possess information responsive to Interrogatory No. 8.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Interrogatory as set forth in its Original Response above. Defendant further states that it did not provide medical or skilled nursing services to Decedent or any other resident at Defendant Country Wood's facility and was not otherwise responsible for employment, staffing, or hiring decisions. Subject to and without waiving these objections, Defendant is in the process of locating payroll information for the individuals who provided care to Decedent during her residency and will supplement this Response upon receipt.

ARGUMENT:

The assertion that Defendant ceased operating prior to Plaintiff's residency is blatantly false. Only after litigation in this claim when Plaintiff's counsel pointed out to defense counsel that Defendant Sterling was still listed as an active corporation in South Carolina, did Defendant Sterling remove itself from the South Carolina Secretary of State's website in 2014 with the Country Wood address. However, Defendant Sterling is still very much an active corporation and is listed as such on the Georgia Secretary of State's website. Furthermore, Defendant Sterling has continued to do business with Country Wood, both before, during and after the residency of the Plaintiff. The records produced by Defendant Country Wood are filled with references to Sterling Healthcare and there are numerous forms with Sterling Healthcare listed thereon. Furthermore, Defendant Sterling continues to report to government agencies, including CMS, that it is the managing agency for Country Wood. Additionally, the personnel files of Country Wood employees reflect that Sterling is heavily involved in staffing, hiring, and employment

such on the Georgia Secretary of State's website. Furthermore, Defendant Sterling has continued to do business with Country Wood, both before, during and after the residency of the Plaintiff. The records produced by Defendant Country Wood are filled with references to Sterling Healthcare and there are numerous forms with Sterling Healthcare listed thereon. Furthermore, Defendant Sterling continues to report to government agencies, including CMS, that it is the managing agency for Country Wood. Additionally, the personnel files of Country Wood employees reflect that Sterling is heavily involved in staffing, hiring, and employment decisions. The assertions made by the Defendant are false and Defendant should be required to answer this Interrogatory completely.

12. State the name, most current or last known address, social security number, professional license/registration number, title and dates employed for each individual who reported any accident, injury, or change in condition of Mildred Watkins to her family and/or physician as well as the date, time and method of this notification.

STERLING'S ORIGINAL RESPONSE:

Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility, and therefore has no information responsive to this Interrogatory.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it did not provide medical or skilled nursing services to Decedent and was not otherwise responsible for employment, staffing, or hiring at Defendant Country Wood's facility; therefore, it has no documents responsive to this Interrogatory.

ARGUMENT:

The assertion that Defendant ceased operating prior to Plaintiff's residency is blatantly false. Only after litigation in this claim when Plaintiff's counsel pointed out to defense counsel that Defendant Sterling was still listed as an active corporation in South Carolina, did Defendant Sterling remove itself from the South Carolina Secretary of State's website in 2014 with the Country Wood address. However, Defendant Sterling is still very much an active corporation and is listed as such on the Georgia Secretary of State's website. Furthermore, Defendant Sterling has continued to do business with Country Wood, both before, during and after the residency of the Plaintiff. The records produced by Defendant Country Wood are filled with references to Sterling Healthcare and there are numerous forms with Sterling Healthcare listed thereon. Furthermore, Defendant Sterling continues to

15. State the date, nature, method and agency notified (Department of Health and Environmental Control Licensing and/or Certification Division, Long-Term Care Ombudsman, licensing board(s), etc.) of any Complaint containing allegations of resident abuse, neglect, injuries, or misappropriation of resident's property which the Defendant have reported or have knowledge of related to Country Wood since January 1, 2005.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Interrogatory No. 15 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Interrogatory No. 15 on the ground that it seeks irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Subject to and without waiving the foregoing objections, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility and does not possess information responsive to Interrogatory No. 15.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Interrogatory as set forth in its Original Response above. Defendant further states that it did not provide medical or skilled nursing services to Decedent or any other resident of Defendant Country Wood's facility and was not otherwise responsible for employment, staffing or hiring decisions at Defendant Country Wood's facility; therefore, it has no information responsive to this Interrogatory.

ARGUMENT:

The assertion that Defendant ceased operating prior to Plaintiff's residency is blatantly false. Only after litigation in this claim when Plaintiff's counsel pointed out to defense counsel that Defendant Sterling was still listed as an active corporation in South Carolina, did Defendant Sterling remove itself from the South Carolina Secretary of State's website in 2014 with the Country Wood address. However, Defendant Sterling is still very much an active corporation and is listed as such on the Georgia Secretary of State's website. Furthermore, Defendant Sterling has continued to do business with Country Wood, both before, during and after the residency of the Plaintiff. The records produced by Defendant Country Wood are filled with references to Sterling Healthcare and there are numerous forms with Sterling Healthcare listed thereon. Furthermore, Defendant Sterling continues to report to government agencies, including CMS, that it is the managing agency for Country Wood. Additionally, the personnel files of Country Wood employees reflect that Sterling is heavily involved in staffing, hiring, and employment

STERLING'S ORIGINAL RESPONSE:

Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility and does not possess information responsive to Interrogatory No. 42, but, to the extent such as statement exists, Defendant requests Plaintiff do the same.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it did not provide medical or skilled nursing services to Decedent or any other resident of Defendant Country Wood's facility and was not otherwise responsible for employment, staffing, or hiring decisions at Defendant Country Wood's facility; therefore, it has no information responsive to this Interrogatory.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

48. State in detail the results of any police investigation, or other federal or state investigation related to the residency of Mildred Watkins and provide documents related thereto.

STERLING'S ORIGINAL RESPONSE:

Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility. Defendant does not possess information responsive to Interrogatory No. 48.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it did not provide medical or skilled nursing services to Decedent or any other resident of Defendant Country Wood's facility and was not otherwise responsible for employment, staffing, or hiring decisions at Defendant Country Wood's facility; therefore, it has no information responsive to this Interrogatory.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is

REQUESTS FOR PRODUCTION

2. Copies of any and all statements given by the Plaintiffs, Plaintiffs' family, and/or Defendant which are in possession of the Defendant or Defendant's attorney, whether written or recorded on a tape recorder or otherwise.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 2 to the extent it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. S.C. R. Civ. P. 26(b) (3). Subject to and without waiving the foregoing objection, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility and, therefore, does not possess documents responsive to Request No. 2.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it did not provide medical or skilled nursing services to Decedent or any other resident of Defendant Country Wood's facility and was not otherwise responsible for employment, staffing, or hiring decisions at Defendant Country Wood's facility; therefore, it has no information responsive to this Request.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

3. Copies of any and all statements given by either eye witnesses or other witnesses to the incidents and matters complained of herein which are in the possession of the Defendant or Defendant's attorney, whether written or recorded or on a tape recorder or otherwise.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 3 to the extent it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. S.C. R.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. Defendants have provided no documents whatsoever other than its Articles of Incorporation and a single contract with Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

6. Copies of any and all photographs, videos, plats, or diagrams which the Defendant or Defendant's attorney may have which relate to the matters alleged herein, including, but not limited to, the photographs, videos, plats or diagrams, to include negatives of such photographs.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 6 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 6 to the extent it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. S.C. R. Civ. P. 26(b)(3). Subject to and without waiving the foregoing objection, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility and, therefore, does not possess documents responsive to Request No. 6.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it did not provide medical or skilled nursing services to Decedent or any other resident of Defendant Country Wood's facility and was not otherwise responsible for employment, staffing, or hiring decisions at Defendant Country Wood's facility; therefore, it has no information responsive to this Interrogatory.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. Defendants have provided no documents whatsoever other than its Articles of Incorporation and a single contract with Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it is not in possession of any responsive documents because it did not provide medical or skilled nursing services to Decedent and was not responsible for employment, staffing, or hiring at Defendant Country Wood's facility.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

12. All medical articles, treatises, and/or any other medical literature you claim support the diagnosis, treatment, or care provided to Mildred Watkins.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 12 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 12 to the extent that it calls for an expert medical opinion. Subject to and without waiving the foregoing objection, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility. Furthermore, Defendant Sterling did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring, and staffing at Defendant Country Wood's facility. Defendant does not possess documents responsive to Request No. 12.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as set forth in its Original Response above. Subject to and without waiving these objections, Defendant further states that it is not in possession of any responsive documents because it did not provide medical or skilled nursing services to Decedent and was not responsible for employment, staffing, or hiring at Defendant Country Wood's facility.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility. Furthermore, Defendant Sterling did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring, and staffing at Defendant Country Wood's facility. Defendant did not employ any individuals working at Defendant Country Wood's facility.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Request as set forth in its Original Response above. Subject to and without waiving these objections, Defendant does not have any responsive documents.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

18. All written or electronic documents, including but not limited to salary information, contracts, and personnel files between the Defendant and any employee, agent, owner, and/or member of Defendant Guardian.

STERLING'S ORIGINAL RESPONSE:

See Defendant's Objections and Response to Request for Production No. 17.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

See Defendant's Supplemental Response to Request for Production No. 17.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

19. A copy of the medical director or co-medical director(s) contract and credentialing file for the period of Mildred Watkins' residency.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory.

24. All documents showing the net earnings, gross earnings, expenses, balance sheets, budgets, and all other financial information regarding the Defendant from January 1, 2005 – present, including but not limited to all documents of any budget planning and revision which were developed and/or implemented from January 1, 2005 – present. This request specifically includes, but is not limited to, any and all meeting minutes or notes, proposed budgets, amended and/or revised budgets, and other items) which describe how the final approved budget was developed and implemented. Produce any documents pertaining to outside companies, entities, or individuals who have any control or input on budgets and financial decisions and identify said companies and/or individuals.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 24 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 24 on the grounds that it seeks irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Records relating to Defendant's financial condition are only relevant to Plaintiff's claim for punitive damages, which is based solely upon the rendering of medical and/or skilled nursing services at Country Wood. Defendant did not and does not provide such services to any resident of Country Wood, including Decedent.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood.

Furthermore, Defendants have alleged that they are self-insured and have provided no information whatsoever regarding insurance coverage. Thus, their financial status is highly relevant to this matter. It is also relevant to determine if the facility was adequately funded so as to provide the proper care and services to the Plaintiff and other patients. The Plaintiff is entitled to a full and complete response to this Interrogatory.

STERLING'S ORIGINAL RESPONSE:

Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility, and, therefore, does not possess documents responsive to Request No. 26.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it is not in possession of any responsive documents because it did not provide medical or skilled nursing services to Decedent and was not responsible for employment, staffing, or hiring at Defendant Country Wood's facility.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood.

Furthermore, Defendant contracted to provide certain services to County Wood, which included compliance and survey, etc. The Plaintiff is entitled to a full and complete response to this Interrogatory

34. All documents showing the actual number of hours of available nursing personnel time (for each shift) or the actual number (quantity) of certified nursing assistants, nurse assistants, orderlies, medication aides, and nurses on duty at Country Wood from January 1, 2005 – present.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 34 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Subject to and without waiving the foregoing objection, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility. Furthermore, Defendant Sterling did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring, and staffing at Defendant Country Wood's facility. Defendant did not employ any individuals working at Defendant Country Wood's facility. Defendant does not possess documents responsive to Request No. 34.

38. Copies of any and all documentation indicating how much the Defendant billed for the care of Mildred Watkins, the amount of money paid to treat Mildred Watkins, and by whom payment was made.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 38 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 38 on the grounds that it seeks irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Subject to and without waiving the foregoing objections, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility, and, therefore, does not possess documents responsive to Request No. 38.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Request as set forth in its Original Response above. Subject to and without waiving these objections, Defendant does not have any documents responsive to this Request.

ARGUMENT:

See prior arguments related to Defendant's operational status. Defendant was and is operational at all times relevant to this matter. Defendant had heavy involvement in employment, staffing and hiring decisions at Country Wood. The Plaintiff is entitled to a full and complete response to this Interrogatory

41. All reports made by officers, agents and/or employees of the Defendant in regard to the acts, omission or occurrences described in Plaintiff's Complaint.

STERLING'S ORIGINAL RESPONSE:

Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility, and, therefore, does not possess documents responsive to Request No. 41.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further states that it is not in possession of any responsive documents because it did not provide medical or skilled nursing services to Decedent and was not responsible for employment, staffing, or hiring at Defendant Country Wood's facility.

44. A copy of any and all depositions given by any officer, agent, and/or employee of the Defendant for the last 10 years in the possession or control of the Defendant, Defendant's counsel, or Defendant's agents and/or employees. If depositions have been given by these individuals which are not currently in the possession or control of the Defendant or Defendant's counsel for this case, provide the identity of attorney or other individual or entity who would have possession or control of the same.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 44 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 44 on the grounds that it seeks irrelevant immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Defendant further objects to Request No. 43 to the extent that it seeks information regarding "prior bad acts," which is neither relevant nor reasonably calculated to lead to the discovery of evidence that would be admissible at trial. S.C. R. Evid. 404(b).

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Request as stated in its Original Response above. Subject to and without waiving these objections, Defendant further clarifies that this Request is overly broad because it does not limit the scope of the topics for which she has requested deposition testimony. Defendant will consider supplementing upon receipt of a narrowly tailored Request from Plaintiff.

ARGUMENT:

Plaintiff is entitled to obtain information related to any officer's, agent and/or employee with regarding to Defendant Sterling and any of its subsidiaries.

67. Corporate tax returns for the years 2005-present.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant's corporate tax returns are only relevant to Plaintiff's claims for punitive damages, which are based on the rendering of medical and skilled nursing services at Country Wood, and this Defendant has produced documents demonstrating that it does not or did provide such services to any resident of Defendant Country Wood's facility,

Defendant objects to Request No. 69 on the grounds that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Request No. 69 is relevant only in the event that Plaintiff obtains a judgment against Defendant and such judgment is not paid. Under such circumstances, Plaintiff may pursue post-judgment discovery under S.C. R. Civ P. 69. Request No. 69 is, therefore, premature, irrelevant and improper.

ARGUMENT:

Defendant has provided no insurance or financial information whatsoever. The Plaintiff is entitled to know the financial status of the defendant for a variety of reasons, but in particular, as it relates to the compensation Defendant received from Country Wood and/or Guardian, its agents, officers and/or employees, and compensation made to County Wood and/or Guardian, its agents, officers, and employees. If the Defendant is self-insured and/or has nominal insurance coverage, the assets of the Defendant and the facility are completely relevant to this claim. Furthermore, it is relevant to the financial condition of the facility at the time of the Plaintiff's residency and the services being provided to residents of the facility in conjunction with the amount of revenue being made by the facility. Additionally, the ownership of the property, including any lienholders, also can be used to prove ownership and control over one or more aspects of the facility. This information is discoverable at this time. The Plaintiff seeks a full and complete response to this Request.

70. Documents which list and value the assets of Defendant Sterling. Include in such documents any liens or mortgages placed on those assets and identify the holder and the amounts of any such liens.

STERLING'S ORIGINAL RESPONSE:

Defendant objects to Request No. 70 on the grounds that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Request No. 70 is relevant only in the event that Plaintiff obtains a judgment against Defendant and such judgment is not paid. Under such circumstances, Plaintiff may pursue post-judgment discovery under S.C. R. Civ P. 70. Request No. 70 is, therefore, premature, irrelevant and improper.

entitled to a full and complete response to this Interrogatory

72. All documents which define, delineate or explain in any way the relationship, duties and responsibilities between you and any co-defendant in this matter. This request includes, but is not limited to contracts, lease agreements, consulting agreements, letters, emails, facsimiles, texts, memoranda, notes, recordings, bills, etc.

STERLING'S ORIGINAL RESPONSE:

Defendant refers Plaintiff to documents produced herewith.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further refers Plaintiff to Defendant Sterling's Articles of Organization, produced herewith. Defendant further states that it is in the process of determining whether any additional responsive documents exist and will supplement this Response with any such documents upon receipt.

ARGUMENT:

The sole documents produced by Defendant Sterling are the "Consulting Agreement" and the Articles of Incorporation. Not a single other document has been produced by this defendant. Plaintiff is entitled to know in detail the relationship between these defendants and be provided with documents in support thereof. Defendant's complete refusal to provide any other documents when it clearly has a past, present and on-going business, financial and managerial relationship with County Wood and/or Guardian is not in good faith. Plaintiff requests a full and complete response to this Request.

AS TO DEFENDANT GUARDIAN
INTERROGATORIES

4. Identify all insurance companies which provide any type of liability insurance coverage, including but not limited to first party liability policies, self-insured retention policies, liability policies covering individual employees, owners, members, shareholders or key individuals; and/or policies of excess and/or umbrella coverage, and set forth the numbers of policies involved, the policy period dates, and the amounts of liability insurance coverage provided in these policies, including any deductibles.

GUARDIAN'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews its objections to this Interrogatory as stated in its Original Response above. Subject to and without waiving these objections, see Defendant Country Wood's Supplemental Response to Interrogatory #3, served simultaneously herewith.

ARGUMENT:

Defendant has alleged that medical providers other than the Defendants caused the Plaintiff's injuries and damages, yet has provided no documentation whatsoever in support of this allegation. The Plaintiff requests that Defendant provide evidence in support of their allegations, or in the alternative, modify this answer to admit that there are no liable parties in this matter other than those already named in this litigation.

8. Identify all photographs, plats, sketches, videotapes, audiotapes, pictures, nursing home records, nursing home bills, drawings, artist's renditions, x-rays, ultrasounds, diagrams, notes, measurements, statements, plats, laboratory slides, laboratory specimens, or laboratory "cuts", electronic data files, jpg files, data emails, web pages, brochures, information packets, contracts, agreements, or other documents or materials now or previously in possession, custody or control of the Defendant that relate to any claim or defense in the case and produce a copy of each.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Interrogatory No. 8 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Interrogatory No. 8 to the extent it seeks disclosure of information privileged and/or protected from disclosure at as attorney work produce, attorney-client privileged information, and/or information prepared in anticipation of litigation. Subject to and without waiving the foregoing objections, Defendant did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring, and staffing at Defendant Country Wood's facility. Defendant does not possess information responsive to Interrogatory No. 8.

GUARDIAN'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Interrogatory as set forth in its Original

states. To force the Plaintiff to search every county, state and district for litigation involving the Defendant is overly burdensome to the Plaintiff when Defendant is well aware and can easily list all suits brought against it. Any litigation involving the Defendants would be relevant to this matter and the Plaintiff seeks a full and complete response to this question

15. State the date, nature, method and agency notified (Department of Health and Environmental Control Licensing and/or Certification Division, Long-Term Care Ombudsman, licensing board(s), etc.) of any Complaint containing allegations of resident abuse, neglect, injuries, or misappropriation of resident's property which the Defendant have reported or have knowledge of related to Country Wood since January 1, 2005:

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Interrogatory No. 15 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Interrogatory No. 15 on the ground that it seeks irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Subject to and without waiving the foregoing objections, Defendant Sterling ceased doing business prior to Decedent's residency at Defendant Country Wood's facility and does not possess information responsive to Interrogatory No. 15.

ARGUMENT:

in Defendant's contract with Country Wood, an aspect of their services was to assist with government compliance, surveys, etc. Thus, to allege that it does not have any involvement or documents related to the same when it is the party identified as the owner / manager to these government agencies is contradictory. The plaintiff requests a complete response to this Interrogatory.

40. State in detail any alteration made to Mildred Watkins' bed at any time during her residency. If the bed was altered in any way, state the alteration made, the reason the alteration was made, by whom it was made and the date of such alteration. Further, identify the number of other beds in the County Wood facility which were altered in the same manner and the dates of such alterations.

received the Court's permission to serve more than 50 interrogatories. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

ARGUMENT:

Of the Interrogatories posed to this Defendant by the Plaintiff, almost none of them have been answered fully and completely. Plaintiff seeks additional interrogatories in this case due to the number of parties involved, the complexity of the injuries and damages and the number of allegations of negligence relative to the Defendants. Plaintiff asserts that this interrogatory is relevant because it provides information related to the relationships between the Defendants. The email addresses of "Guardian" employees may reflect their actual employment and/or on-going affiliation with one or more of the other Defendants. Plaintiff seeks a full and complete response to this Interrogatory.

REQUESTS FOR PRODUCTION

5. Copies of any and all statements, memoranda, reports or other materials which in any other way might relate to the incident which are the subject of this litigation which are in the possession of the Defendant or Defendant's attorney, whether written or recorded or on a tape recorder or otherwise. Defendant objects to Interrogatory No. 15 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Interrogatory No. 15 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 5 to the extent it seeks disclosure of information privileged and/or protected from disclosure at attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation. Subject to and without waiving the foregoing objection, Defendant does not possess document responsive to Request No. 5.

ARGUMENT:

Defendant had a "consulting" contract with Defendant Country Wood at the time of this incident. In this agreement, there are a multitude of tasks to be performed by Defendant Guardian on behalf of Defendant Country Wood. To assert that there are

irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Defendant further objects to Request No. 17 on the grounds it requests confidential information contained in personnel files, which is not automatically discoverable. Subject to and without waiving the foregoing objections, Defendant did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring, and staffing at Defendant Country Wood's facility. Defendant does not possess documents responsive to Request No. 17.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Request as set forth in its Original Response above. Subject to and without waiving these objections, Defendant is in the process of locating payroll information for the individuals who rendered care to Decedent during her residence at Defendant Country Wood's facility and will supplement this Response upon receipt.

ARGUMENT:

No payroll or other documents responsive to this request have been provided to date. The Plaintiff is entitled to a full and complete response to this Interrogatory.

18. All written or electronic documents, including but not limited to salary information, contracts, and personnel files between the Defendant and any employee, agent, owner, and/or member of Defendant Guardian.

GUARDIAN'S ORIGINAL RESPONSE:

See Defendant's Objections and Response to Request for Production No. 17.

STERLING'S FIRST SUPPLEMENTAL RESPONSE:

See Defendant's Supplemental Response to Request for Production No. 17.

ARGUMENT:

No payroll or other documents responsive to this request have been provided to date. The Plaintiff is entitled to a full and complete response to this Interrogatory.

irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Records relating to Defendant's financial condition are only relevant to Plaintiff's claim for punitive damages, which is based solely upon the rendering of medical and/or skilled nursing services at Country Wood. Defendant did not and does not provide such services to any resident of Country Wood. Subject to and without waiving the foregoing objections, Defendant refers Plaintiff to its Consulting Defendant Country Wood produced herewith. Defendant and undersigned counsel will consider supplementing this Response upon clarification and receipt of additional information from Plaintiff.

GUARDIAN'S SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections to this Request as set forth in its Original Response above. Subject to and without waiving these objections, Defendant is in the process of determining whether any responsive documents exist and will supplement this Response with any such documents upon receipt.

ARGUMENT:

No documents have been provided which are responsive to this request. Plaintiff seeks full and complete production of these documents.

34. All documents showing the actual number of hours of available nursing personnel time (for each shift) or the actual number (quantity) of certified nursing assistants, nurse assistants, orderlies, medication aides, and nurses on duty at Country Wood from January 1, 2005 – present.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Request No. 34 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Subject to and without waiving the foregoing objection, Defendant did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring, and staffing at Defendant Country Wood's facility. Defendant did not employ any individuals working at Defendant Country Wood's facility. Defendant does not possess documents responsive to Request No. 34.

GUARDIAN'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections as set forth in its Original Response above. Subject to and without waiving these objections, Defendant is in the process of locating payroll information for the individuals who rendered care to Decedent during her

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Request No. 38 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Subject to and without waiving the foregoing objections, Defendant did not provide medical or skilled nursing services to Decedent and otherwise was not responsible for the employment, hiring and staffing at Defendant Country Wood's facility. Defendant did not employ any individuals working at Defendant Country Wood's facility. Defendant does not possess documents responsive to Request No. 37.

GUARDIAN'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections as set forth in its Original Response above and re-iterates that it has not such documents in its possession because it is not responsible for the employment, staffing, or hiring at Defendant Country Wood's facility.

ARGUMENT:

Defendant does have access to payroll information and has yet to produce the same.

43. A complete copy of promotional materials used by Guardian including, but not limited to, brochures, rate schedules, services available, and responsibilities, etc., in existence between January 1, 2005 and December 31, 2011.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Request No. 43 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 43 on the grounds that it seeks irrelevant, immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Subject to and without waiving the foregoing objections, Defendant does not possess documents responsive to Request No. 43. The financial services Defendant provided to Defendant Country Wood prior to Decedent's admission to the facility are irrelevant to her medical care and/or any allegation or issue in this case.

GUARDIAN'S FIRST SUPPLEMENTAL RESPONSE:

Defendant renews each of its objections as set forth in its Original Response above. Subject to and without waiving these objections, Defendant does not have any such materials as they relate to the services provided to Defendant Country Wood's facility.

67. Corporate tax returns for the years 2005-present.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to this Request on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant's corporate tax returns are only relevant to Plaintiff's claims for punitive damages, which are based on the rendering of medical and skilled nursing services at Country Wood, and this Defendant has produced documents demonstrating that it does not or did provide such services to any resident of Defendant Country Wood's facility, including Decedent. Defendant further objects to this Request as overbroad, as it seeks information not narrowly tailored to the period of time of events in question.

ARGUMENT:

Defendant has provided only a Certificate of Insurance with nominal coverage and no other insurance or financial information whatsoever. The Plaintiff is entitled to know the financial status of the defendant for a variety of reasons, but in particular, as it relates to the compensation Defendant received from Country Wood and/or Sterling and compensation made to Country Wood, its officers, agents and employees, and/or Sterling, its agents, officers, and employees. The Plaintiff seeks a full and complete response to this Request.

68. Corporate financial statements for the years 2005-present. This includes, but is not limited to: income statements, balance sheets, statement of cash flow and audited financial statements.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Request No. 68 on the ground that it is vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure. Defendant objects to Request No. 68 on the grounds that it seeks irrelevant immaterial information that is not likely to lead to the discovery of admissible evidence at trial. Records relating to Defendant's financial condition are only relevant to Plaintiff's claim for punitive damages, which is based solely upon the rendering of medical and/or skilled nursing services at Country Wood. Defendant does not provide such services to residents of Country Wood.

ARGUMENT:

Defendant has provided only a Certificate of Insurance with nominal coverage and no other insurance or financial information whatsoever. The Plaintiff is entitled to

GUARDIAN'S ORIGINAL RESPONSE:

Defendant objects to Request No. 70 on the grounds that it seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Request No. 70 is relevant only in the event that Plaintiff obtains a judgment against Defendant and such judgment is not paid. Under such circumstances, Plaintiff may pursue post-judgment discovery under S.C. R. Civ P. 70. Request No. 70 is, therefore, premature, irrelevant and improper.

ARGUMENT:

Defendant has provided only a Certificate of Insurance with nominal coverage and no other insurance or financial information whatsoever Defendant has provided no other insurance or financial information whatsoever. The Plaintiff is entitled to know the financial status of the defendant for a variety of reasons, but in particular, as it relates to the compensation Defendant received from Country Wood and/or Sterling, its agents, officers and/or employees, and compensation made to County Wood and/or Guardian, its agents, officers, and employees. If the Defendant is self-insured and/or has nominal insurance coverage, the assets of the Defendant and the facility are completely relevant to this claim. Furthermore, it is relevant to the financial condition of the facility at the time of the Plaintiff's residency and the services being provided to residents of the facility in conjunction with the amount of revenue being made by the facility. Additionally, the ownership of the property, including any lienholders, also can be used to prove ownership and control over one or more aspects of the facility. This information is discoverable at this time. The Plaintiff seeks a full and complete response to this Request.

72. All documents which define, delineate or explain in any way the relationship, duties and responsibilities between you and any co-defendant in this matter. This request includes, but is not limited to contracts, lease agreements, consulting agreements, letters, emails, facsimiles, texts, memoranda, notes, recordings, bills, etc.

GUARDIAN'S ORIGINAL RESPONSE:

Defendant refers Plaintiff to documents produced herewith.

GUARDIAN'S FIRST SUPPLEMENTAL RESPONSE:

Defendant further refers Plaintiff to Defendant Guardian's organizational documents, produced herewith. Defendant further states that it is in the process of determining whether any additional responsive documents exist and will supplement this Response with any such documents upon receipt.

PLAINTIFF'S EXHIBIT LIST

1. Sterling Articles of Incorporation and Consulting Agreement
2. Guardian Articles of Incorporation and Consulting Agreement
3. Insurance Certificate
4. Plaintiff's Counsel's Letter to Defense Counsel dated 3/25/2015
5. Defense Counsel's Letter to Plaintiff's Counsel dated 5/18/2015
6. Defense Counsel's Letter to Plaintiff's Counsel dated 9/25/2015
7. Plaintiff's Counsel's Letter to Defense Counsel dated 11/10/2015
8. Plaintiff's Counsel's Letter to Defense Counsel dated 11/13/2015
9. Affidavit of Robert Hagan
10. Healthcare Services Group, Sterling, and Guardian's Physical Addresses
11. South Carolina Secretary of State Incorporation Documents Re: Sterling
12. Sterling Healthcare's Website
13. Sterling's Letter to Plaintiff's Counsel dated 2/25/2014
14. Privilege Log and Redacted Employee Handbook
15. Government Documentation
16. Employment Applications
17. Email Addresses
18. Job Descriptions
19. Employee Benefits
20. Time-Off Requests
21. Employee Termination
22. Payroll

CONFIDENTIAL

ARTICLES OF INCORPORATION
OF
STERLING HEALTHCARE, INC.

ARTICLE I

The name of the corporation is "STERLING HEALTHCARE, INC."

ARTICLE II

The corporation is organized as a corporation for profit pursuant to the provisions of the Georgia Business Corporation Code.

ARTICLE III

The corporation shall have perpetual duration.

ARTICLE IV

The corporation shall have authority to issue not more than one hundred thousand (100,000) shares that together have unlimited voting rights and that together are entitled to receive the net assets of the corporation upon dissolution.

ARTICLE V

The initial registered agent of the Corporation and the address of the initial registered office is as follows:

Wayne T. Elliott
1144 Canton Street, Suite 200
Roswell, Georgia 30075

ARTICLE VI

The name and address of the incorporator is:

Wayne T. Elliott
1144 Canton Street, Suite 200
Roswell, Georgia 30075

ARTICLE VII

The mailing address of the initial principal office of the corporation is:

CONSULTING AGREEMENT

This Agreement is entered into this 7th day of November, 2007, by and between Countrywood Nursing Center, LLC, of 1645 Ridge Rd., Hopkins, South Carolina 29061 ("Facility") and Sterling Healthcare, Inc. of 16 Norcross St. #50B, Roswell, Fulton County, Georgia (Consultant").

WHEREAS, Facility and Consultant agree that Consultant shall provide certain financial and financially related services to the Facility in the furtherance of Facility's financial success; and

WHEREAS, Facility recognizes that the services of Consultant will streamline and facilitate its financial operations and lead to more efficient operation of the Facility, and positively contribute to Facility's overall financial success; and

THEREFORE, Facility and Consultant agree for the provision of services by Consultant to Facility:

I. DUTIES AND OBLIGATION OF CONSULTANT

1.1 Throughout the term of this Agreement, Consultant shall provide its services for the financial improvement of the Facility, and shall provide any "back office" support and guidance necessary concerning the following:

- A.. Administration of the financial operations;
- B. Accounting;
- C. All Facility accounts and billing.;
- D. Patient accounts and billing;
- E. Marketing strategies, if requested;
- F. Computer retention of Facility financial records;

purchasing procedure is desirable, the Consultant agrees to cooperate fully with implementing any change.

1.4 Consultant shall provide advice and guidance to Facility regarding the establishing of an accounting system suitable for Facility's operations. When requested, Consultant shall provide auditing and consulting services relating to the administration of such accounting system or Facility's operations.

1.5 Consultant agrees, if requested by Facility, to seek an independent third party to review any plan of correction prepared by the Facility to respond to any notices, surveys or inspections reports, and make suggested changes in order to properly meet regulatory requirements. However, the final form of the of Facility's plan of correction, the implementation thereof, and following any relevant policies and procedures of the Facility will be the sole responsibility of the Facility.

1.6 Since Consultant has established contacts for obtaining all types of insurance, if Facility requests, Consultant agrees to obtain any requested insurance for the Facility under Consultant's mantel, and Facility shall be responsible for paying any resulting attributable premiums.

2. OBLIGATIONS OF FACILITY TO CONSULTANT

2.1 Facility shall cooperate with Consultant the performance of its duties including providing unrestricted access to any and all documentation relating to the Facility's finances.

2.2 Facility shall pay Consultant a fee of six percent (6 %) of Facility's total revenues in exchange for the services provided by Consultant. Such fee shall be paid on a monthly basis no later than the tenth day of the following month.

2.10 It is mutually agreed and understood that Consultant is at all times acting and performing as an Independent Contractor. Facility neither has, nor exercises any control or direction over the methods by which Consultant shall perform its work and functions, except that Consultant does (by this Agreement) agree to perform its work and functions at all times in strict accordance with currently approved and accepted methods in the field of financial management. It is also mutually agreed and understood that the sole interest of the Facility in this regard is to assure that services provided by Consultant are performed in a competent, efficient and satisfactory manner.

2.11 The parties hereto acknowledge and agree that the Consultant does not advise, consult with, set policy or procedures or is involved in any way with the actual skilled nursing and assisted living operation and services provided by the Facility to its residents.

3. LICENSURE

3.1 Facility shall utilize its best efforts to conduct its operations in a manner necessary to maintain all required licensure, permits, consents and approvals from all governmental agencies having jurisdiction over the operation of Facility.

3.2 Neither Facility or its employee shall knowingly take any action which may (1) cause any governmental authority having jurisdiction over the operation of Facility to institute any proceedings for the rescission or revocation of any necessary license, permit, consent or approval required for Facility's operations, or (2) adversely affect the Facility's right to accept and obtain payments under Medicare, Medicaid, Blue Cross, or any other public or private medical payment or reimbursement program.

3.3 Consultant shall not, by entering into this Agreement or providing any of the services described herein, become liable for any of the existing or future obligations, liabilities or

5. DISPUTE RESOLUTION

5.1 If any controversy should arise between the parties in a performance, interpretation or application of this Agreement which, either party may serve upon the other a written notice stating that such party desires to have the controversy reviewed by an impartial arbitrator. The parties agree to utilize their best efforts to mutually select an impartial arbitrator with specific experience in the long-term care industry. If the parties cannot agree upon the selection of an arbitrator within ten (10) days from the service of such notice to the other party, an arbitrator shall be selected upon mutual strikes from a panel provided by the American Arbitration Association upon the written request of either party hereto. The parties agree that the panel should consist of at least ten (10) years of experience in the profession of legal or accounting services to facilities in the long-term health care industry. Arbitration shall be conducted in accordance with Commercial Dispute Resolution Rules of the American Arbitration Association then in effect. The decision of the arbitrator shall be binding upon the parties and the arbitrator shall have the discretion to award costs and attorney's fees in favor of the prevailing party.

5.2 This Agreement shall be governed by, interpreted, and construed in accordance with the laws of the state where the Facility is located. The Consultant hereby agrees to submit to personal jurisdiction and venue in an arbitration forum having jurisdiction over the city and state where the Facility is located.

B. To Facility:

Countrywood Nursing Center, LLC
1645 Ridge Rd.
Hopkins, SC 29061

7.6 This Agreement constitutes the entire agreement between Consultant and the Facility pertaining to those subjects contained in it and supersedes all prior and contemporaneous agreements, representations and understandings whether written or oral. It is expressly understood and agreed that this Agreement may not be altered, amended, modified or otherwise changed in any respect or particular manner whatsoever except by a writing duly executed by Consultant and an authorized representative of the Facility. The parties acknowledge and agree that neither of them has made any such representations and that any such representations that may heretofore have been made by any of them are void and of no effect that neither of the parties has relied thereon.

7.7 All rights and remedies conferred upon the parties hereto by this Agreement or by law, in equity or otherwise, shall be cumulative of each other, and neither the exercise nor the partial exercise, nor the failure to exercise any such right or remedy or the exercise of any other right or remedy shall be construed as a waiver of any rights or available remedies which either party may otherwise possess in law or equity.

7.8 There shall be no presumption that this Agreement is to be construed against either party as the drafter of this Agreement. The parties agree and acknowledge that, before signing this Agreement, they have read and fully understand each paragraph thereof, and have had an opportunity to consult with their respective attorneys.

EXHIBIT 2

GUARDIAN RESEARCH, LLC
Employee Listing

GUARDIAN
Page 1

1433	COOK, THEO E
9393	HAGAN, CHAD
4802	MCGEE, JIMMY T
7221	PHILLIPS, WENDELL E
8104	WATERS, DALE L

Guardian 000012

- G. Acquisition of supplies if requested.
- H. Securing of payroll services;
- I. Preparing forms and applying for Medicare and Medicaid reimbursements;
- J. Billings to all third party payors;
- K. Review proposed budgets prepared by the Facility, if requested;
- L. Financial analysis of projections, if requested;
- M. Securing of tax preparation services;
- N. Monitoring compliance with all standard accounting principles
- O. Paying all bills and accounting for same
- P. Keeping the Facility's checkbook.

Facility remains free to accept or reject any recommendation or services offered by Consultant, however, Consultant shall at all times remain entitled to earned and/or received fees as otherwise described within this Agreement.

1.2 Included among the services provided by Consultant to Facility will be assistance in the design and maintenance of resident billing and collection records, the preparation and filing of claims for insurance or reimbursement and advice relating to the preparation of any and all necessary or reasonably requested reports relating to the revenue production of the Facility.

1.3 When requested by the Facility, Consultant shall retain and schedule services, supplies or equipment to be delivered to the Facility by outside vendors. Any such actions shall be on behalf of the Facility, and the Facility will remain solely liable for any financial obligations resulting from the provision of such services, supplies or equipment. Notwithstanding anything in this Agreement to the contrary, if at any time during any term of this Agreement, the Facility determines that, for cost saving purposes, a modified or new

2.3 Since Consultant is handling all of the financial matters for the Facility, Facility hereby authorizes Consultant to sign any and all necessary and required documents, forms, financial items, including but not limited to, checks, Medicare, Medicaid and third party payor applications for payment, and all other items necessary to properly conduct and protect the financial status of the Facility..

2.4 Facility shall at all times employ sufficient qualified employees for the skilled nursing operation of the Facility.

2.5 Facility shall be responsible for maintaining all necessary certificates of occupancy and operation relative to the Facility's premises and status as a long-term care facility provider and, if applicable, a rehabilitation provider.

2.6 Facility shall maintain appropriate accreditation with all state and local authorities relating to its overall operations and shall maintain its ability to accept reimbursement through all necessary private and public insurance organizations.

2.7 Facility shall provide sufficient working capital for the operation of the Facility and shall establish any necessary financial accounts, with appropriate balances, for the Facility's maintenance and operating needs. Consultant shall have sufficient access to such financial accounts to allow for the performance of duties required pursuant to this Agreement.

2.8 Facility shall provide Consultant with necessary management and administrative support to provide periodic financial and operating reports reflective of the Facility's financial operations.

2.9 Facility shall reimburse Consultant for reasonable out-of-pocket expenses incurred by Consultant in fulfilling its duties hereunder, subject to any record keeping, reporting and other limitations reasonably imposed by the Facility.

debts of the Facility. Consultant does not assume liability for any present or future debts of the Facility based upon the performance of duties required hereunder. Consultant only undertakes to perform its obligations hereunder through the exercise of reasonable care as an Independent Contractor.

4. TERMINATION

4.1 This Agreement shall become effective for the period beginning January 14, 2011, for a term of one year, and thereafter it shall be renewed automatically for successive periods of one year, unless otherwise terminated as herein provided. Notwithstanding the foregoing, this Agreement may be terminated by either party, without cause, by giving thirty (30) days written notice to the other party.

4.2 The Facility may terminate this Agreement for cause at any time based upon either the Facility or Consultant applying for or consenting to the appointment of a receiver, trustee, or liquidator of all or a substantial portion of its assets, the filing of a voluntary petition for bankruptcy, the general assignment of the Facility's assets for the benefit of its creditors, the filing of a petition for reorganization or arrangement with creditors, any steps to take advantage of any insolvency law, in response to a judgment or decree entered by a court of competent jurisdiction upon the application of the creditor for the appointment of a receiver or manager, an adjudication of the Facility or the Consultant of bankruptcy or insolvency.

4.3 Consultant may terminate this Agreement for cause at any time upon five (5) days written notice to the Facility in the event of the Facility's failure to perform its obligations under this Agreement. Prior to taking any action to terminate this Agreement, Consultant will provide Facility with ten (10) days notice and an opportunity to cure any deficiencies upon which a termination may be based.

6. INSURANCE

6.1 The Facility shall provide and maintain throughout the term of this Agreement the required and necessary forms of insurance with responsible insurance companies in order to comply with all regulatory agencies and any agreements to do so by Facility..

7. MISCELLANEOUS

7.1 Consultant may not assign its rights and/or obligations under this Agreement without the prior written consent of the Facility.

7.2 The Facility may not assign its rights and/or obligations under this Agreement without written consent of the Consultant.

7.3 The terms, covenants, conditions, provisions and agreements herein shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, without regard to the authorship of this Agreement.

7.4 Any taxes or other governmental liabilities imposed upon Facility shall remain the sole obligation of Facility. With the Facility's consent, Consultant may assist in contesting the validity or amount of any such taxes or other imposition on the Facility.

7.5 Notices to be provided hereunder shall be in writing. All notices, demands and requests shall be deemed given upon actual receipt by the party being notified or three (3) days following the deposit with the United States Postal Service, return receipt requested, with sufficient postage affixed as follows:

A. To Consultant:

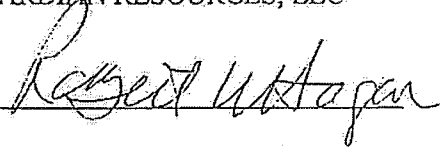
Guardian Resources, LLC
16 Norcross St., Suite 100
Roswell, GA 30075

7.9 The headings and captions in this Agreement are inserted solely as a matter of convenience and for reference and do not in any way modify or amend the terms and conditions of this Agreement.

7.10 Nothing in this Agreement shall be construed to be to the benefit of any third party, nor is it intended that any provision herein shall be for the benefit of any third party.

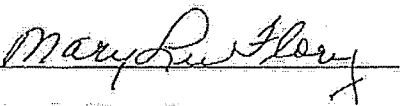
IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CONSULTANT:
GUARDIAN RESOURCES, LLC

By: 

Robert W. Hagan, Managing Member

FACILITY:
COUNTRYWOOD NURSING CENTER, LLC

By: 

Mary Lu Flory, Secretary



COMMERCIAL GENERAL LIABILITY SECTION

DATE (MM/DD/YYYY)
4/26/2011

AGENCY TIS Insurance Services, Inc. 1900 Winston Road, Suite 100 P.O. Box 10328 Knoxville TN 37939-0328	PHONE (A/C No. Exlt): (865) 691-4847 FAX (A/C No.): (865) 694-4847	APPLICANT (First Named Insured) Guardian Resources, LLC
CODE: AGENCY CUSTOMER ID: 00028149	SUB CODE:	EFFECTIVE DATE 4/28/2011
		EXPIRATION DATE 4/28/2012
		DIRECT BILL ☒ AGENCY BILL
		PAYMENT PLAN
		AUDIT
FOR COMPANY USE ONLY		

COVERAGES		LIMITS	
☒ COMMERCIAL GENERAL LIABILITY		GENERAL AGGREGATE	\$50,000
☒ CLAIMS MADE ☐ OCCURRENCE		PRODUCTS & COMPLETED OPERATIONS AGGREGATE	\$
☐ OWNER'S & CONTRACTOR'S PROTECTIVE		PERSONAL & ADVERTISING INJURY	\$
		EACH OCCURRENCE	\$50,000
DEDUCTIBLES		DAMAGE TO RENTED PREMISES (each occurrence)	\$
☐ PROPERTY DAMAGE \$		MEDICAL EXPENSE (Any one person)	\$
☐ BODILY INJURY \$		EMPLOYEE BENEFITS	\$
OTHER COVERAGES, RESTRICTIONS AND/OR ENDORSEMENTS (For hired/non-owned auto coverages attach the applicable state Business Auto Section, ACORD 137)		TOTAL	
PL: \$50K Ea Claim/\$50K Agg; EBL: N/A ; Terrorism Included;			

SCHEDULE OF HAZARDS

LOC #	HAZ #	CLASSIFICATION	CLASS CODE	PREMIUM BASIS	EXPOSURE	TERR	RATE		PREMIUM	
							PREM/OPS	PRODUCTS	PREM/OPS	PRODUCTS
1		Guardian Resources, LLC - Main MGT Office								
2		Crestwood Nursing Center								
3		Edgewood Nursing Center								
4		Lakewood Nursing Center								
5		Riverwood Nursing Center								
6		Woods of Manatee Springs								
7		Countrywood Nursing Center								
8		Brookwood Nursing Center								

RATING AND PREMIUM BASIS	(P) PAYROLL - PER \$1,000/PAY	(C) TOTAL COST - PER \$1,000/COST	(U) UNIT - PER UNIT
(S) GROSS SALES - PER \$1,000/SALES	(A) AREA - PER 1,000/SQ FT	(M) ADMISSIONS - PER 1,000/ADM	(T) OTHER

CLAIMS MADE (Explain all "Yes" responses)

EXPLAIN ALL "YES" RESPONSES	Y/N
1. PROPOSED RETROACTIVE DATE: 2/28/2008	
2. ENTRY DATE INTO UNINTERRUPTED CLAIMS MADE COVERAGE	
3. HAS ANY PRODUCT, WORK, ACCIDENT, OR LOCATION BEEN EXCLUDED, UNINSURED OR SELF-INSURED FROM ANY PREVIOUS COVERAGE?	N
4. WAS TAIL COVERAGE PURCHASED UNDER ANY PREVIOUS POLICY?	N

EMPLOYEE BENEFITS LIABILITY

1. DEDUCTIBLE PER CLAIM: \$	3. NUMBER OF EMPLOYEES COVERED BY EMPLOYEE BENEFITS PLANS:
2. NUMBER OF EMPLOYEES:	4. RETROACTIVE DATE:

ACORD 126 (2007/05)
INS126 (200705)

Page 1 of 4

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Countrywood 002209

EXHIBIT 4

DEFENDANT COUNTRY WOOD:
INTERROGATORIES

Interrogatory #3: In your response, you assert that Mildred Watkins' injuries could have been caused by a variety of other medical providers. The request asks for the basis of your assertion of liability and the names and addresses of witnesses who can testify as to such contentions. Please supplement your response.

Interrogatory #4: You objection to this Interrogatory on the basis that it is "vague, overly broad, unduly burdensome, and oppressive and thereby exceeds the scope of the South Carolina Rules of Civil Procedure" and "to the extent that it seeks disclosure of information privileged and/or protected from disclosure as attorney work product, attorney-client privileged information, and/or information prepared in anticipation of litigation". Please note that your objection is unfounded as the request is taken from Rule 33 (b)(1) "Standard Interrogatories" of the South Carolina Rules of Civil Procedure.

The Plaintiff requests the specific identification of witnesses, and in particular, those witnesses you intend to call at trial. Thus, a general identification of Country Wood employees is insufficient. Please provide a complete list of any and all employees of Country Wood, Guardian and/or Sterling who are a witness concerning any aspect of this matter and specify those witnesses which will be testifying at trial and the subject matter of their testimony.

Interrogatory #6: Bates numbers 2057-2060 are missing from the documents produced. Likewise, Bates number 2080 is blank. Please provide the missing documents.

Interrogatory #7: You reference that numerous people cared for Mildred Watkins during her stay. This request specifically asks for the identity of those individuals, their employment status, and their last known address, and their position/title. This is a small facility with less than forty (40) beds and the Plaintiff was only a resident for eight (8) months. Providing the information requested for a facility of this size and a time period this limited is not overly burdensome. Please produce the information requested.

Interrogatory #8: You have only identified Joe Hunt, the Administrator, and Rebecca Deppe, the Director of Nursing. You have failed to provide the names and dates of employment of the head nurse / charge nurse for Ms. Watkins' hall and you have not provided information related to dietary, nutritional or other consultants employed by the facility. Please provide the same immediately.

Interrogatory #9: You reference that numerous people cared for Mildred Watkins during her stay. This request specifically asks for the identity of those individuals providing specific services to Mildred Watkins and seeks their employment status, their last known address, their position/title, license and social security information. This is a

the information in response to this interrogatory. The Group Assignment sheets provided (Bates 001460-002054) do not provide census numbers per shift, employment categories, or identify the person(s) responding to the Interrogatory. Please supplement.

Interrogatory #17: You object to this request based on relevance and admissibility. The information requested is clearly relevant to the matter and whether or not information is admissible is for the Court to determine and is not grounds for refusal to produce documents and information in discovery. You direct us to documents produced in response to this request, however, no such documents were produced. Please provide the names and current addresses of all members of the Resident Care Committed from January 2005 to the present and describe the policies reviewed, the frequency of policy revision or review. Likewise, produce Policy and Procedure manuals related to the same as requested in our Requests for Production.

Interrogatory #18: You object to this request based on relevance and admissibility. The information requested is clearly relevant to the matter and whether or not information is admissible is for the Court to determine and is not grounds for refusal to produce documents and information in discovery. You direct us to documents produced in response to this request, however, no such documents were produced. Please identify all members of the Quality Assessment and/or Assurance Committee from January 2005 to the present and disclose the dates and locations of the meetings. Produce any and all minutes and records as requested in the interrogatory. Likewise, produce Policy and Procedure manuals related to the same as requested in our Requests for Production. Additionally, as indicated previously, Plaintiff does not seek the identity of any other resident of Defendant's facility and the information requested can be produced with identifying information redacted and therefore, be fully compliant with HIPAA.

Interrogatory #19: Plaintiff asserts that she has the right to the social security number of each employee of the Defendant who provided treatment and/or services to the Plaintiff. This information is not being placed on file with the Court or in the public record and can be produced to the Plaintiff in a confidential manner. You reference that numerous people cared for Mildred Watkins during her stay. This request specifically asks for the identity, employment status, their last known address, their position/title, their license / registration number and social security number of individuals who reported any accident or change in condition in Mildred Watkins to her family or physician, as well as the date and time notified. This is a small facility with less than forty (40) beds and the Plaintiff was only a resident for eight (8) months. Providing the information requested for a facility of this size and a time period this limited is not overly burdensome. Please produce the information requested.

Interrogatory #22: You indicated that you were in the process of obtaining this information and that it would be supplemented. Please provide the requested information.

Interrogatory #38: This question has not been fully answered. Why were the alterations made? Identify the employees who made the alternations.

Interrogatory #47: Please supplement your response.

REQUESTS FOR PRODUCTION

RPD #7: Please produce the entire policy of insurance, including all endorsements, not just the declarations page.

RPD #10: This request requires disclosures of ownership to include a copy of the organizational chart showing structure, officers, and all inter-company departments and titles of the heads of departments since 2005. Please provide the information requested.

RPD #17: Produce a proposed Protective Order for consideration, along with a list of all items contained in each personnel file. Please indicate those items for which you object to producing and we can attempt to resolve those on an individual basis.

RPD #18: Produce the contract for Dr. Stephen Barnett. Produce a proposed Protective Order for consideration, along with a list of each item contained in each personnel file. Please indicate those items for which you object to producing and we can attempt to resolve those on an individual basis.

RPD #19: This request has not been answered. The information requested is relevant. Admissibility will be determined by the trial judge at the appropriate time and is not a determining factor for discoverability. Likewise, complaints from others related to incidents involving other residents (the identity of which is not sought) is probative with regard to the overall care provided by the facility. The fact that they are prejudicial does not make them less relevant or probative. Please produce the items requested.

RPD #21: This request has not been answered. The information requested is relevant. The time period has been limited to a period of five years and references specific documents. Please produce the documents requested.

RPD #23: This request has not been answered. In RPD #7, Defendant indicated that it is self-insured, but herein states that requests related to its earnings, and financial information is irrelevant, private and confidential. If Defendant is self-insured for this claim, this it's financial status is highly relevant to this matter. Likewise, it financial status at the time of Mildred Watkins' residency is also highly relevant to this matter. Please provide the requested documents.

RPD #34: The Daily Hour Tracking Report was produced for November 2011 but for no other date. Please produce this report for the entire period of Mildred Watkins' residency. Please also provide all payroll records for the period of Mildred Watkins' residency. Produce a list of all licensed and unlicensed employees.

RPD #35: The request is clear as stated. Please provide documents which reflect the number of hours worked by Defendant's nursing staff per resident per day during the period of Mildred Watkins' residency. Please produce the documents requested.

RPD #36: This request clear is as stated. Provide documentation to show training provided by Defendant of staff on each of the listed areas and include the date, time, location, instructor and individuals in attendance for each training session, as well as the materials provided during training.

RPD #37: The information requested is discoverable and relevant to this matter. Furthermore, this is a small facility with less than forty (40) beds. Providing the information requested related to the number of employees for a facility of this size is not overly burdensome. Likewise, Defendant has failed to produce any list of employees and their job titles as previously requested to enable the Plaintiff to narrow her request. The file of any employee who provided direct care to the Plaintiff during the period of her residency should be produced.

RPD #38: You reference documents produced concurrently herewith, but have produced only records related to payments received from Medicaid. No documents have been produced related to amounts billed, nor have there been any documents produced related to payments received from other sources, including Medicare, despite the fact that County Wood has received payments from Medicare related to Ms. Watkins' care.

RPD #39: Only a few excerpts from a few policies and procedures were produced. Please produce ALL policy and procedure manuals and handbooks in place at County Wood at the time of Mildred Watkins' residency. This includes, but is not limited the Administration Policies and Procedures manuals and the Nursing Services Policies and Procedures manuals. Please also note that this request seeks COMPLETE policy and procedure manuals, which includes, but is not limited to the following: the cover page, the title page, the copyright page, the index, the table of contents, and each and every page of the manual.

RPD #40: Some, but not all, of the listed job descriptions were produced. Please produce all of the listed job descriptions.

RPD #42: The document produced, Bates # 2079, is only a one page document. Bates # 2080 is blank. Please provide the information missing from this page. Additionally, no information was produced related to rates and services available.

Plaintiff further reiterates that she does not seek the identities of other residents and such information can be redacted. Likewise, please produce color copies of the Bates stamps Country Wood 002061-002072. Please identify each person who completed the Nosocomial Infection Summaries.

RPD #63: Please explain why you would object to providing a sworn assurance that your client has provided a complete disclosure of documents requested other than those documents specifically identified and listed with an objection.

RPD #64: This question has not been answered. The Plaintiff has identified expert witnesses in this matter, including, but not limited to, Terrance Baker, M.D. Please respond to this request for production.

RPD #66: Defendant's tax returns are completely relevant to this matter as Defendant has indicated that it is self-insured. Thus, its financial status is of great importance to this matter on related to claims of both actual and punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently.

RPD #67: Defendant's financial statements are completely relevant to this matter as Defendant has indicated that it is self-insured. Thus, its financial status is of great importance to this matter on both the issues of actual and punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently.

RPD #68: Defendant's assets are completely relevant to this matter as Defendant has indicated that it is self-insured. Thus, its financial status is of great importance to this matter related to claims of both actual and punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently.

RPD #69: Defendant's assets are completely relevant to this matter as Defendant has indicated that it is self-insured. Thus, its financial status is of great importance to this matter related to claims of both actual and punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently.

RPD #71: The information requested is critical to determine the exact nature and extent of the relationship between the Defendants. Without this information, I am unable to determine if Guardian and Sterling are proper parties to this suit. I have been provided no information other than a single contract for each Defendant and am certain that these are not the only documents that exist responsive to this request. Please provide the requested information.

Interrogatory #14: The information is clearly relevant to the facts of this particular case and is discoverable. Our limit of ten (10) years was reasonable and the question should be answered. The Plaintiff should not be required to perform the overly burdensome task of searching every jurisdiction for information that is well known and readily available to the Defendant.

Interrogatory #40: With regard to Guardian's duties related to acquisition of supplies, please state if any items were purchased related to beds or the alteration of beds during the period of Mildred Watkins' residency at County Wood. If so, produce documents in support thereof.

REQUESTS FOR PRODUCTION:

RPD #6: While Guardian may or may not be in possession of medical documents, given the duties designated under their contract with Country Wood, they are responsible for a variety of task, including: "administration, accounting, facility accounts and billing, patient accounts and billing, marketing strategies, computer retention of facility financial records, acquisition of supplies, payroll, Medicare and Medicaid reimbursement, third party payor billing, budget proposal review, financial analysis projections, tax prep services, paying bills and keeping the company checkbook, supplies, equipment, assistance with plans of correction, obtaining insurance, licensure, etc.". Therefore, there should be a wealth of information and documents responsive to this request which has not been produced. Please supplement this answer accordingly.

RPD #7: If Guardian was covered by any policy of insurance during the period of Mildred Watkins' residency, please provide a complete copy of the same.

RPD #10: Your interrogatory response previously identified Robert Hagan as the owner and member. Please provide documents in support thereof, along with other documents responsive to this request.

RPD #17: While Guardian may or may not be in possession of medical documents, given the duties designated under their contract with Country Wood, they are responsible for a variety of task, including: "administration, accounting, facility accounts and billing, patient accounts and billing, marketing strategies, computer retention of facility financial records, acquisition of supplies, payroll, Medicare and Medicaid reimbursement, third party payor billing, budget proposal review, financial analysis projections, tax prep services, paying bills and keeping the company checkbook, supplies, equipment, assistance with plans of correction, obtaining insurance, licensure, etc.". Therefore, there should be a wealth of information and documents responsive to this request which has not been produced, particularly with regard to payroll information. Please supplement this answer accordingly.

RPD #18: While Guardian may or may not be in possession of medical documents, given the duties designated under their contract with Country Wood, they are responsible

POPOWSKI, CALLAS & SHIRLEY, P.A.

RPD #64: Please explain why you would object to providing a sworn assurance that your client has provided a complete disclosure of documents requested other than those documents specifically identified and listed with an objection.

RPD #65: This question has not been answered. The Plaintiff has identified expert witnesses in this matter, including, but not limited to, Terrance Baker, M.D. Please respond to this request for production.

RPD #67: Defendant's tax returns are completely relevant to this matter as Defendant has provided no insurance information and thus, appears to be self-insured. Thus, its financial status is of great importance to this matter. This request seeks information for County Wood and Guardian, not merely Country Wood. Please provide the requested information.

RPD #68 Defendant's financial statements are completely relevant to this matter as Defendant has indicated that it is self-insured. Thus, its financial status is of great importance to this matter on both the issues of actual and punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently. This request seeks information for Country Wood and Guardian, not merely Country Wood. Please provide the requested information.

RPD #69: Defendant's assets are completely relevant to this matter as Country Wood has indicated that it is self-insured and Guardian has provided no insurance or financial information whatsoever. Thus, its financial status is of great importance to this matter related to claims of both actual and punitive damages, as well as the over-all financial condition of the Defendants at the time of Mildred Watkins' residency and presently.

RPD #70: Defendant's assets are completely relevant to this matter as Defendant has provided no insurance information and thus, appears to be self-insured. Thus, its financial status is of great importance to this matter related to claims of both actual and punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently.

RPD #72: The information requested is critical to determine the exact nature and extent of the relationship between the Defendants. Without this information, I am unable to determine if Guardian and Sterling are proper parties to this suit. I have been provided no information other than a contract for each Defendant and am certain that these are not the only documents that exist responsive to this request. Please provide the requested information.

DEFENDANT STERLING:
INTERROGATORIES:

Interrogatory #2: This question has not been answered. The Defendant has asked to be dismissed from this suit. Yet, refuses to provide any information related to the nature

Interrogatory #28: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, I ask that the information requested be produced.

REQUESTS FOR PRODUCTION:

RPD #2, 3, 5, 11: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, I ask that the information requested be produced.

RPD #6: While Sterling may or may not be in possession of medical documents, given the duties designated under their contract with Country Wood, they are responsible for a variety of task, including: "administration, accounting, facility accounts and billing, patient accounts and billing, marketing strategies, computer retention of facility financial records, acquisition of supplies, payroll, Medicare and Medicaid reimbursement, third party payor billing, budget proposal review, financial analysis projections, tax prep services, paying bills and keeping the company checkbook, supplies, equipment, assistance with plans of correction, obtaining insurance, licensure, etc.". Therefore, there should be a wealth of information and documents responsive to this request which has not been produced. Likewise, Sterling was only dissolved in South Carolina in May of 2014 and is still an active corporation in Georgia. Thus, I ask that the information requested be produced.

RPD #7: If Sterling was covered by any policy of insurance during the time period of Mildred Watkins' residency, please provide a complete copy of the same.

RPD #9: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, I ask that the information requested be produced.

RPD #10: Your interrogatory response previously identified Robert Hagan as the owner and member. Please provide documents in support thereof, along with other documents responsive to this request.

RPD #12, 13, 14, 15, 16: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no

asserts that its primary function was to provide financial services to County Wood. Thus, the information requested should be in Sterling's possession. The fact that Sterling asserts that it does not provide medical services to County Wood does not prevent it from disclosing financial information related to County Wood. Please produce the requested information.

RPD #25: The question speaks for itself. Provide documentation showing any and all payments made between Country Wood and Sterling and specify the basis for such payments with invoices, receipts, bills, etc. Please produce the requested information.

RPD #26, 27, 28, 29, 30, 31, 32, 33, 36, 39, 40, 41, and 42: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, any documents responsive to this request which are in the possession of the Defendant should be produced.

RPD #34, 35, 37: Please provide payroll and other personnel records used by Sterling related to compensation of workers and employees at County Wood and other items requested in response to this request. Likewise, Sterling was only dissolved in South Carolina in May of 2014 and is still an active corporation in Georgia. Thus, I ask that the information requested be produced.

RPD #38: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, any documents responsive to this request which are in the possession of the Defendant should be produced.

RPD #43: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, any documents responsive to this request which are in the possession of the Defendant should be produced. This request seeks materials related to Sterling, not Country Wood. Please produce the requested items.

RPD #44: The information requested is discoverable and relevant. Admissibility is an issue to be determined by the trial judge at a later date and has no bearing on discoverability or relevancy. The documents requested should be produced.

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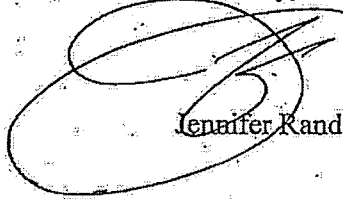
punitive damages, as well as the over-all financial condition of the Defendant at the time of Mildred Watkins' residency and presently.

RPD #71: You indicate that Sterling, a Georgia corporation, ceased doing business prior to Mildred Watkins' residency at County Wood and thus, has no documents responsive to this request. However, according to the South Carolina Secretary of State, Sterling was only dissolved in South Carolina in May of 2014. Additionally, according to the Georgia Secretary of State, the corporation is still active. Thus, any documents responsive to this request which are in the possession of the Defendant should be produced.

RPD #72: The information requested is critical to determine the exact nature and extent of the relationship between the Defendants. Without this information, I am unable to determine if Guardian and Sterling are proper parties to this suit. I have been provided no information other than a contract for each Defendant and am certain that these are not the only documents that exist responsive to this request. Please provide the requested information.

Should you wish to discuss any of these matters in greater detail, please do not hesitate to contact me. I look forward to receiving the information outlined above in the near future.

Sincerely,



Jennifer Randolph Purdy

JRP/mee

**LEWIS
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BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

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May 18, 2015

File No.
3303.7743

Jennifer Randolph Purdy
Popowski, Callas & Shirley, P.A.
1430 Blanding Street
P. O. Box 7397
Columbia, South Carolina 29202

Re: Jean Watkins, et al. v. Sterling Healthcare, Inc., et al.
Civil Action File No. 2014-CP-40-5160

Dear Jennifer:

Please find enclosed a copy of all Defendants' First Supplemental Responses to Plaintiff's First Interrogatories and Requests for Production. In addition, please allow this letter to serve as our explanation regarding why certain documents and information will not be produced.

You have requested that all Defendants submit an affidavit verifying that document production is complete and, if not, explaining why certain documents have not been produced. As stated in Defendants' original responses, discovery is ongoing in this matter, and Defendants are under a duty to supplement their responses when discoverable information becomes available. We are aware of this duty, and Defendants will continue to supplement its responses as discoverable information is obtained. Requiring Defendants to complete an affidavit to this effect is overly burdensome and imposes requirements on Defendants beyond those required by the South Carolina Rules of Civil Procedure. That said, if you are aware of any authority requiring the execution of such an affidavit, please let us know, and we are happy to reconsider our position.

Defendants will not be producing any documents regarding their financial condition, including earnings statements, tax returns, financial statements, and documents regarding their assets. Such documents are irrelevant to the issue of whether Country Wood breached the standard of care and is otherwise liable for Decedent's death and other injuries alleged in Plaintiff's Complaint. Documents regarding Defendants' financial condition are only relevant to Plaintiff's claim of punitive damages and Defendants' ability to satisfy any judgment entered against them. Plaintiff has yet to come forward with evidence that the conduct of any

EXHIBIT 6

subpoena to the following address: 3220 Tillman Drive, Suite 300, Bensalem, PA 19020.

4. Personnel files and all contracts of all Evergreen employees: Again, Evergreen Rehabilitation, LLC, is a third-party vendor, and Country Wood has produced all materials in their possession regarding Evergreen employees who worked with Mildred Watkins during her residency. A copy (unexecuted) of Country Wood's contract with Evergreen has been produced. You may request additional records from Evergreen by sending a subpoena to the following address: 136 St. Matthews Avenue, Louisville, KY 40207.
5. Contract between Evergreen and Country Wood: This document has been produced, albeit in unexecuted form. This is the only copy of the contract that Country Wood could locate in its possession. Please note that this document has been marked "Confidential" pursuant to the parties' Consent Protective Order in place.
6. Expert's fee schedule: Dr. Ralf Habermann's fee schedule has been produced.
7. Employee payroll records for period of Ms. Watkins' residency: In reviewing Plaintiff's discovery requests, we have not identified any interrogatories or requests for production that would require production of these responses. Further, these documents are highly confidential and are not relevant to any issue in this case. Plaintiff has been provided with the relevant staffing information, so there is no need for these records to ensure Country Wood met the relevant staffing requirements. Please explain why you believe these documents are relevant, and we will be happy to reconsider our position.
8. Color copies of Bates # 002061-002070 and the identity of the person who completed these forms: The Nosocomial Infection Summaries were completed by Betty Atkinson, MDS Coordinator at Country Wood. The originals of these documents are not in color, so there are no color copies to be produced.
9. Documents showing payments made between any of the defendants during the period of Ms. Watkins residency: Defendants stand by their previous objections to this request. If Plaintiff is able to provide an explanation as to why these documents are relevant to the care provided by Country Wood to Ms. Watkins during her residency at the facility, we will be happy to reconsider our position.
10. Emails exchanged between Sterling and/or Guardian and any employee of Country Wood during the period of Mildred Watkins' residency: Defendants stand by their previous objections to this request. If Plaintiff is able to provide an explanation as to why these documents are relevant to the care provided by

EXHIBIT 7

POPOWSKI, CALLAS & SHIRLEY, P.A.

explanation. We ask that you produce the entire agreement, in its original form, without redactions, immediately.

- 4) Expert's Fee Schedule: Only Dr. Habermann's CV has been produced. His fee schedule has not. Please provide his fee schedule immediately. Likewise, a supplement to Interrogatories 44 and 64 is required now that an expert has been named.
- 5) Employee payroll records: There are several Interrogatories and Requests For Production which would require disclosure of payroll records. See RPD # 5, 6, 17, 23, 24, 25, 28, 29, 30, 31, 34, 35, 37, 66, and 67; and Interrogatories #6, 15, 25, 51, 53. These documents are relevant and necessary to confirm that the staff that Defendants claim were working at Countrywood on any given day were actually present at work and/or employed as claimed. The Plaintiff is entitled to investigate and determine if there is any discrepancy between the hours and staff reported working and the payroll records.
- 6) Documents showing payments made between any of the defendants during the period of Ms. Watkins' residency: Clearly, these documents are relevant to show ownership and control over Countrywood by and between the defendants and the funds each Defendant is paid for their services. In particular, Sterling claims that it had no involvement with Countrywood during this time period. However, documents produced by Defendant to date indicate otherwise. The requested documents are relevant to show Sterling and Guardian's involvement in Countrywood's operations at the time of Ms. Watkins' residency and beyond. Please produced these documents immediately.
- 7) Emails exchanged between Sterling and/or Guardian and any employee of Countrywood during the period of Ms. Watkins' residency: Again, these documents are relevant to show ownership and control over Countrywood by and between the defendants. In particular, Sterling claims that it had no involvement with Countrywood during this time period. However, documents produced by Defendant to date indicate otherwise. The requested documents are relevant to show Sterling and Guardian's involvement in Countrywood's operations at the time of Ms. Watkins' residency and beyond. Please produced these documents immediately.
- 8) Copies of all insurance policies applicable to this incident: Plaintiff again requests copies of all insurance policies, including those covering Countrywood, Sterling and Guardian. No such documents have been produced. Only a certificate of insurance from TIS Insurance has been provided which covers 4/28/2011-4/28/2012. Ms. Watkins was a resident of Countrywood as early as March 2011. Thus, please produce insurance documents for all dates that Ms. Watkins was a resident. Furthermore, the

EXHIBIT 8

EXHIBIT 9

5.

Sterling ceased being the management company for Country Wood in 2008.

6.

Sterling does not own Country Wood.

7.

Sterling has never owned Country Wood, including at the time of the events in question.

8.

Sterling does not currently do business as Country Wood.

9.

Sterling has never done business as Country Wood, including at the time of the events in question.

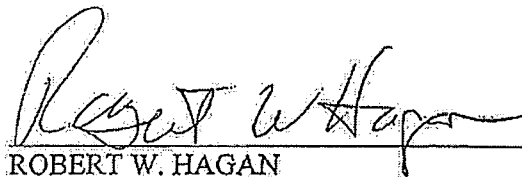
10.

There is not, nor has there ever been, any parent-subsidary relationship between Sterling and Country Wood.

11.

There is not, nor has there ever been, any affiliation between Sterling and Country Wood other than the contract between the two entities for Sterling to provide management services to Country Wood, which contract ended in 2008.

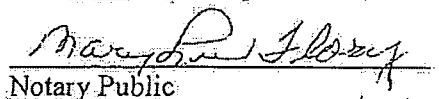
FURTHER AFFIANT SAYETH NOT.



ROBERT W. HAGAN

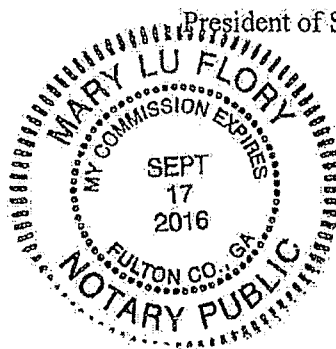
President of Sterling Healthcare, Inc.

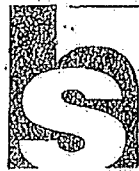
Sworn and subscribed to before me
This 1st day of April, 2014.


Notary Public

My commission expires: 9/12/16

4817-9177-3466.1





**HEALTHCARE
SERVICES
GROUP, INC.**

Healthcare Services Group

Ridgeview of the Midlands

Food Service Agreement

May 2007

Divisional Office: 16 Norcross Street • Suite 200 • Roswell, GA 30076 • (800) 433-2710 • (770) 587-3580 • Fax: (770) 587-3623
Corporate Office: 3220 Tillman Drive • Suite 300 • Bensalem, PA 19020 • (215) 639-4274 • (800) 523-2248 • Fax: (215) 639-2152 • <http://www.hcsgcorp.com>

CONFIDENTIAL

COUNTRYWOOD 009167

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GEORGIA
CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRIAN P. KEMP

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	GUARDIAN RESOURCES, LLC	Control Number:	11005008
Business Type:	Domestic Limited Liability Company	Business Status:	Active/Owes Current Year AR
Business Purpose:			
Principal Office Address:	16 NORCROSS STREET, SUITE 100, Roswell, GA, 30075	Date of Formation / Registration Date:	1/14/2011
State of Formation:	Georgia	Last Annual Registration Year:	2015

REGISTERED AGENT INFORMATION

Registered Agent Name:	ROBERT W HAGAN
Physical Address:	16 NORCROSS STREET #50B, Fulton, ROSWELL, GA, 30075, USA

[Back](#)

[Filing History](#)

[Name History](#)

[Return to Business Search](#)

Office of the Georgia Secretary of State Attn: 2 MLK, Jr. Dr. Suite 313, Floyd West Tower Atlanta, GA 30334-1530, Phone: (404) 656-2817 WEBSITE: <http://www.sos.ga.gov/>

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EXHIBIT 11

EXHIBIT 12

Map

Sterling Healthcare skilled nursing and therapy facilities are available in the following areas

- **Crestwood Nursing Center**
501 South Palm Avenue
Palatka, FL 32177 (Putnam)
Phone: (386) 328-1472
Fax: (386) 325-1531
- **Edgewood Nursing Center**
1771 Edgewood Ave. West
Jacksonville, FL 32208 (Duval)
Phone: (904) 766-7436
Fax: (904) 766-5749
- **Lakewood Nursing Center**
100 North Lake Street
Crescent City, FL 32112 (Putnam)
Phone: (386) 698-2222
Fax: (386) 698-2717
- **Sandalwood Nursing Center**
1001 So. Beach Street
Daytona Beach, FL 32114 (Volusia)
Phone: (386) 258-3334
Fax: (386) 257-5548
- **Riverwood Nursing Center**
40 Acme Street
Jacksonville, FL 32211 (Duvall)
Phone: (904) 724-5933
Fax: (904) 721-1274
- **Woods of Manatee Springs**
5627 9th Street East
Bradenton, FL 34203
Manatee Co
Phone: (941) 753-8941
Fax: (941) 739-4409
- **Countrywood Nursing Center**
1645 Ridge Road
Hopkins, SC 29061
Phone: (803) 776-3873
Fax: (803) 217-0365
- **Brookewood Nursing Center**
332 River Road
Decatur, TN 37332 (Meigs)
Phone: (423) 334-3002
Fax: (423) 334-5591

EXHIBIT 13