

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Diane Shaffer Goodstein, Circuit Court Judge

Appellant Case No. 2018-001842

Thelma R. Garrick..... Appellant

v

Dr. George H. Khoury and Bon Secours Roper St. Francis..... Respondents
West Ashley

RECORD ON APPEAL


Thelma R. Garrick, Pro Se
195 Crescent Oaks Court
Orangeburg, South Carolina 29115
(803-534-9912)

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AUG 27 2019
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
(In the Supreme Court)

Appellant Case No. 2018-001842

Appeal from Charleston County
Court of Common Pleas

Circuit Court Case No. 2018-CP-10-01163

The Honorable Diane Schafer Goodstein, Circuit Court Judge

Thelma R. Garrick

Appellant

v.

Dr. George H. Khoury and Bon
Secours St. Francis West Ashley

Respondents

RECORD ON APPEAL


Thelma R. Garrick
Attorney, pro se
195 Crescent Oaks Court
Orangeburg, S. C. 29115
(803) 534-9912

Dated: August 26, 2019

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

Appellate Case No. 2018-001842

Appeal from Charleston County
Court of Common Pleas

Circuit Court Case No. 2018-CP-10-01163

Diane S. Goodstein, Circuit Court Judge

Thelma R. Garrick

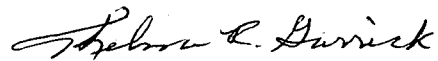
Appellant

v

Dr. George H. Khoury and Bon
Secours Roper St. Francis West Ashley

Respondents

PROOF OF SERVICE



Thelma R. Garrick
195 Crescent Oaks Court
Orangeburg, South Carolina
803-534-9912

Attorney, pro se

I, Thelma R. Garrick, Appellant acting as her attorney, pro se, do hereby certify
that she served all parties the Record on Appeal by depositing copies of same in the U.S.

Mail on August 26, 2019 to the following addresses:

Ms. V. Claire Allen, Deputy Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

To the following Attorneys for the Respondents,
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Respectfully submitted,


Thelma R. Garrick
Attorney, pro se

Orangeburg, South Carolina
Dated: August 26, 2019

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Appellant certifies that the Records on Appeal herein contains all material proposed to be included by any of the parties and only material pertaining to those matters discussed.

August 26, 2019/tg

 , Appellant

INTRODUCTION AND OPENING STATEMENT

Record on Appeal

Thelma R. Garrick, Appellant
Appellant Case No. 2018-001842

v

Dr. George H. Khoury and Bon Secours
Roper St. Francis West Ashley, Respondents
In the Court of Common Pleas, No. 2018-CP-10-1163

The Civil Action Case was originally filed in the Court of Common Pleas in Charleston, South Carolina, Charleston County, with the Honorable Diane Schaffer Goodstein as the Circuit Court Judge. The YCRLaw Firm, Young Clement Rivers, LLP are representing the Respondents with Mr. Joseph J. Tierney, Jr., Esquire, Mr. Stephen Lynwood Brown, Esquire, and Mr. Russell Grainger Hines, Esquire handling the case.

I, the Appellant (pro se), am a resident of Orangeburg, South Carolina, in the county of Orangeburg, and reside at 195 Crescent Oaks Court. Appellant represents herself because all attorneys contacted said due to Representatives limits of payment it was not feasible but each said I had a case and willingly gave names of other attorneys. Appellant's income is just above the amount where assistance cannot be obtained; therefore, not willing to let doctors or hospitals think that they can do anything to their patients under sedation without their knowledge or permission has to be brought to justice in the hopes these actions will be stopped.

Appellant filed a Summons and Complaint on March 5, 2018 in The Court of Common Pleas in Charleston, South Carolina because the surgeon and hospital did not perform the surgery discussed with the Appellant, fusion to relieve pressure on the left Sciatic nerve, but did perform a massive experimental surgery with implants that had not been tested, and never been approved for this surgery. It took three years plus for the Appellant to learn everything that was done in that surgical room on August 20, 2015. In fact on July 26, 2018 found out that the implant rod securing the Distribution Pain Port to the Lumbar spine had broken, and on January 4, 2018 that a piece of bone was removed when the spine was severed and a device known as Infuse was implanted into the spine.

Appellant knowing she was not qualified to sue for Product Liability or Medical Battery (two Medtronic Technicians were in the operating room, again without my knowledge or permission) she chose to file for the reason "the Respondents premeditatedly, willingly, knowingly, and with intent to harm (had to keep Appellant in pain to test the Pain Port in the Lumbar) without her knowledge or permission did so for gain (monies received for testing their devices).

Appellant was so angry when she filed the lawsuit that a lot of cause and effect of the operation was told to the Court. The Appellant felt like a rape victim! Her body was turned over to the Medtronic Technicians who performed the operation and training with the staff and God only knows whom else looking at my naked body. (I know this because Respondent told Appellant when she asked, "how could you do this to me?" His answer was I didn't do anything, I only put a rod and two screws in". This was a surgeon that I trusted, as I have always trusted my doctors even when they made mistakes over the years because I knew they were not perfect and they did not deliberately make the mistakes. This case was planned well ahead of the operation due to the equipment, monitoring the nervous system when releasing nerves, setting up Navigation System (Medtronic Robotic arm that did most of the surgery), implants, and so much more for them to sever the spine removing a piece of the spine bone and grafting in an Infuse device to test bone growth that is known in many states as growing abnormal bones; and place an implant (still do not know correct name only what Respondent's staff told her) Distribution Pain Port that covers her Lumbar spine (questionable size?)

Doctor-Patient Relationship. Appellant met the Respondent when her medical doctor made an appointment in 2011 from a spinal stenosis diagnosis. This resulted in surgery on April 12, 2011 (record not in medical file), and several weeks later a lumbar disk ruptured requiring another surgery on October 20, 2011 to replace disk with cadaver bones and grafting. Even though Appellant had told Respondent and PA that not only was she having problems with the right sciatic nerve but also the left. The left was ignored with "but the right is giving you more trouble?" The left sciatic nerve continued to bother Appellant for four years until she went for a check-up with Respondent who scheduled x-rays and MRI. Respondent indicated to Appellant only surgery would get rid of the pain. Appellant did not want another operation so she waited six months (6-22-15) before agreeing to surgery. The fusion was scheduled for August 20, 2015.

Appellant went into the hospital like a lamb to the slaughter! She was sedated immediately upon arrival at the hospital with a Flexril tablet and a hypodermic needle, that nurse tried to keep her from seeing, possibly Versed, because before she could ask what was she giving she put it into the IV and before she said, "something to relax you" appellant was out. (Appellant mentioned to the Respondent during the discussion of the fusion that it was a shame that they could not use Versed for the operation because it was the only thing that did not make her nauseous for a week.) Appellant is not 100% sure this was used (she has asked for a copy of the medicines ordered for the day of surgery but have not received a copy) but she had this before and it worked the same; any time anyone woke her up she could respond. Appellant was sedated when she was awakened to sign the incomplete regular release to give permission for the surgery. Appellant did not know of the massive experimental surgery that has changed her entire life and body in constant pain. Appellant was allergic to so many medicines including the medicine to be used in the Distribution Pain Port that she was not a candidate for this surgery. The Respondent knew this.

This Record on Appeal information you will see Appellant reiterating time and again the crime that was committed by the Respondents, possibly too much that may even harm her case. But each time her memory is so strong when she thinks of what these Respondents did to her, everything in detail is remembered, and she wonders how many more unsuspecting elderly people have been permanently damaged?

Appellant has never been afraid of anything but now when she remembers the inhumane pain she was in after the surgery, and she has a strong tolerance to pain, she is afraid she will get ill and have to go to a doctor or hospital who will do a massive surgery on her spine again. She dreads and is fear of her life because she knows eventually surgery will be necessary, according to the Respondent. Appellant does not fear death only the inhumane pain that she could not do again. (Just as the well-known neurosurgeon in Columbia, wanted to help her with an even more massive experimental surgery than the Respondents performed (see Expert Witness).

Enclosed a copy of the Summons and Complaint that was filed in Charleston, South Carolina in the Court of Common Pleas.

Common Pleas
Clerk : Julie Armstrong
Charleston County Judicial Center
Charleston, SC 29401
(843) 958-5000

Received From: Garrick, Thelma R

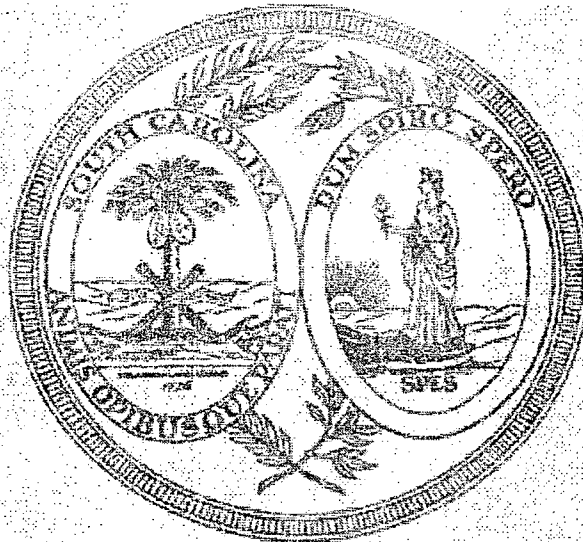
Date: 3/ 5/2018
Receipt #: 585759
Clerk: coceba

Paying for: Self
Transaction Type: Payment

Payment Type: Credit Card \$150.00
Convenience Fee \$2.55
SC.gov Portal Fee \$1.00
Total Paid: \$153.55

Reference #:
Comment: new case
Non-Refundable

Case #	Caption	Previous Balance	Amount Paid	Balance Due
2018CP1001163	Thelma R Garrick VS George H Khoury Dr	\$150.00	\$150.00	\$0.00



Total Cases: 1	\$150.00	\$150.00	\$0.00
	Convenience Fee:	\$2.55	
	SC.gov Portal Fee:	\$1.00	
	Total Paid:	\$153.55	

Page 4

STATE OF SOUTH CAROLINA

COUNTY OF CharlestonThelma R. Garrick

Plaintiff(s)

vs.

Dr. George H. KhouryRoper St. Francis West Ashley

Defendant(s)

Submitted By: Thelma R. GarrickAddress: 195 Crescent Oaks Ct.Orangeburg, S.C. 29115

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2018-CP-10-1163

SC Bar #:

Telephone #: 803-534-9912

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

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

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|--|---|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199)
Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☒ Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI-
☐ Notice/ File Med Mal (230)
☐ Other (299) | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Label (380)
☐ Other (399) | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Incapacitated Adult Settlement (790)
☐ Other (799) | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) | |
| Special/Complex /Other
☐ Environmental (600) ☐ Pharmaceuticals (630)
☐ Automobile Arb. (610) ☐ Unfair Trade Practices (640)
☒ Medical (620) ☐ Out-of State Depositions (650)
☐ Other (699) ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510) ☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)
☐ Interpleader (690) | | | |

Submitting Party Signature: Thelma R. GarrickDate: 3-4-2018

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

STATE OF SOUTH CAROLINA,
COUNTY OF Charleston

IN THE COURT OF COMMON PLEAS
2018-CP-10-1163

SUMMONS

FILE NO.

Thelma R. Garrick Plaintiff,

vs.

Dr. George H. Rhoury
Bon Secours St. Francis West Ashley Defendant.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Charleston, South Carolina

Thelma R. Garrick
Plaintiff/Attorney for Plaintiff

Dated:

March 5, 2018.

Address:

195 Crescent Oaks Ct.
Orangeburg, S.C. 29115
803-534-9912

STATE OF SOUTH CAROLINA
SOUTH CAROLINA SUPREME COURT
IN THE COURT OF COMMON PLEAS
COUNT OF CHARLSTON

Civil Action No. 2018 CP 10 1163

Thelma R. Garrick
195 Crescent Oaks Ct.
Orangeburg, South Carolina 29115
Telephone No. 803-534-9912

Plaintiff

VS

Dr. George H. Khoury MD
Bon Secours St. Francis, West Ashley
2145 Henry Tecklenburg Drive
Charleston, South Carolina 29414
Telephone No. 843-723-8823

Defendants

Complaint

Doctor-Patient Relationship

Plaintiff's medical doctor made an appointment with Dr. George H. Khoury (here-in after known as Doctor) in 2011 from a spinal stenosis diagnoses. This resulted in surgery on April 12, 2011 (record not in medical file), and several weeks later a lumbar disk ruptured requiring another surgery on October 20, 2011 to replace disk with cadaver bones and grafting. After this surgery at Bon Secours St. Francis (here-in after known as Hospital) Plaintiff had slight problem with left sciatic nerve. Over time, pain escalated from the back down leg below the knee and at times into the groin. Plaintiff contacted Doctor in December 2014. X-rays and MRI of the entire spine was ordered by Doctor on 1-30-15. After being unsuccessful in trying to get out of having surgery again the surgery was scheduled on June 22, 2015 for August 20, 2015. Dates of all appointments outlined on personal calendar.

Surgery discussion between Defendant and Plaintiff

A fusion would be done to relieve pressure on left sciatic nerve. Date was set for August 20, 2015. There was no other pain. Only discussion with Doctor.

FILED
2018 MAR -5 PM 12:29
JULIE L. HARRINGTON
CLERK OF COURT

Reason for Case

Let me first say that I am not an attorney nor do I claim to be. I therefore ask the Court to be a little lenient. Thank you.

My reason for this case is to expose a Doctor and Hospital that there are consequences of their actions in experimentation and deceit no matter what their reasons for posterity or gain.

Complaint

Doctor performed major back surgery using medical devices for experimentation and benefit. Doctor premeditatedly, willingly, knowingly implemented experimental devices and medication known for it's permanent, debilitating injuries without Plaintiff's knowledge or permission.

Permanent physical and emotional damage done from the experimental devices inserted into the spine have caused pressure on all nerves resulting in spasms, and cramps above and below waist with any twisting of body thus causing constant pain. The pinched left sciatic nerve was never repaired causing even greater pain and often sharp knife-like pain when turning or twisting. Placing the large distribution port (still do not know name) into the lumbar spine when it did not have the depth required for this implant, and the Doctor knew of Plaintiff's medication allergy that was to be used to test this device; the Plaintiff was never a candidate.

Six months after the surgery during a visit in the Trident office on March 7, 2016, Plaintiff informed Doctor that she did not understand she was getting worse instead of better. The Doctor replied, "Your body is rejecting what I put in you." The next appointment was on April 18th and turned into a massive cover-up.

History Before Operation of August 20, 2015

Called Doctor in December about sciatica pain. Appointments:

January 16, 2015, left sciatic pain

January 30, 2015, MRI and x-rays (available)

February 2, 2015, follow-up on results

February 25, Pain clinic, shot of steroids (Had one but due to severe reaction cancelled others.)

March 16, 2015, follow-up, advised Doctor of reaction to shot

April 27, 2015, follow-up

May 20, 2015, follow-up. (Still trying to keep from having more surgery.)

June 22, 2015, finally agreed to have a fusion to relieve pressure on left sciatic nerve.

Operation date was set for August 20, 2015.

Activity Before Surgery

Very difficult with a pinched nerve but Plaintiff has high tolerance of pain.

1. Walked two miles 3-4 times a week in the AM with my brother who has macular degeneration and is legally blind.
2. Maintained own home.
3. Maintained yard (grass cutting, edging, scrubs, weeding, straw in beds, and raking.
4. Washed own car.
5. Did all shopping.
6. Repaired minor plumbing and other small jobs.
7. Worked Part-time as a receptionist in law firm (2008 and 2009 full-time).
8. Went on senior trips when possible.
9. Active in Church, nominating committee visitation committee for those in nursing homes, assisted living, and shut-ins (as well as family and friends).
10. Taught Sunday s chool until 3 weeks ago. (Taught 60 years.)
11. Helped prepare meals for bereaved.
12. Did some kind of exercise every day. (Now cannot carry 5 lbs without pulling on back.)

Activity After Surgery

1. Sleepless (sometimes read two books) or 2-3 hours at night due to pain.
2. Standing causes almost immediate pain, the longer you stand the greater the pain. Cannot take walks any more.
3. Have to wear certain bands or brace to relieve pressure that causes pain but never completely out of pain.
4. Cannot stand long enough to prepare a full meal.
5. Cannot get in or out of bed normally, cannot sit straight up or twist body.
6. Bought new mattress, helped somewhat
7. Cannot sit on hard surfaces without pain.
8. Cannot stand long enough to prepare a full meal.
9. Cannot go to mail box at end of drive-way without severe pain.
10. In other words, Plaintiff cannot do anything without being in pain.

The only thing Plaintiff can do to relieve pain is to sit in a certain type chair. Activity is now reading or watching the television. This can be done without pain because all pressure is off of spine and back is braced against chair back. All other activity causes pain, spasms, cramps, or knife like pain, and certain days when I push ahead knowing the pain will increase, I have a dull pain in lumbar like a toothache. Just standing causes pain without doing any of the house chores or buying groceries (no shopping or just looking anymore). Plaintiff stays in more pain than she should because of not having the financial support to do the things she is not supposed to do,

and does not want to become addictive to pain medication which only dulls the pain but does not get rid of it, and only lasts two hours.

Witnesses

Daughter-in-law (took Plaintiff to hospital for the surgery)

Son, retired Major USAF

Niece

Radiology at Moncks Corner

Other Employees at Hospital

Plaintiff who has lived this nightmare.

Records not on Hand

Medication given between 6-8 AM? (The side effects indicate Versed but there is no record of the medication or it's generic counterpart Midazolam. (Records do not indicate the doctor who gave the anesthesia knew of the administration of any drug before surgery. Dangerous!) Xylocaine, deadening agent, was administered at 7:50 AM but Plaintiff knows with surety a shot was given to her in her right wrist IV port shortly after going into pre-op area. After this shot was given Plaintiff was able to awaken, give answers or do what she was told but still heavily sedated. This is a side effect of Versed and another side effect is that it causes temporary amnesia.

Information on a ^{*}Donnell who signed as the witness to Plaintiff's signature on Consent form when she was not even there? (Even in my drug state I woke up enough to hear one of the ladies, taking me to the operating room, that she would not witness and the other lady said she would not that Donnell would have to. So Donnell witnessed my signature and was not there. Plaintiff was told on 2-26-18 at the Hospital that there was no such employee. (Consent Form - Daughter-in-law can testify that she did not see Plaintiff sign anything before going into pre-op nor did she see Plaintiff sign anything in pre-op.)

** Corroborated -
MacDonald*

Information and accurate name of the Distribution Port .

Information about Medtronic Cage?

More information regarding the experimental medication Medtronic "Infuse".

Medical record of the spinal stenosis surgery of 4-12-11 not in file. (Only surgery of 10-20-11 repairing the ruptured disk from 4-12?)

Information on the Medtronic Stealth Navigation System (Robotic arm) used in surgery.

Information on the full spine MRI shown to Plaintiff on 4-18-16? (Not sure if it was one of mine; possibly the January 2015 MRI?)

Surgery August 20, 2015

Plaintiff arrived at Hospital approximately 6:10 or 6:15 AM. Was taken immediately back to pre-op waiting area. After the IV port was put into right wrist a nurse or one of Doctor's team brought in a hypodermic needle filled with medication. (daughter-in-law still in waiting room). I wanted to know why she was giving me a shot and she said, "It is to relax you." No sooner than she said "you" I was out. (This is why I believe the medication was Versed because it is the only pre-op medicine I can take without becoming nauseas, and had mentioned this to the Doctor on 6-22.) Plaintiff was able to wake up when prompted with a question or do what she was instructed to do, another side effect of Versed. Yet, Plaintiff is unable to remember going over her meds, anesthesia, getting an EKG, preparing for surgery other than the gown and IV port. Another effect of Versed is temporary amnesia. What they forgot is that I could remember before the shot was given!) Plaintiff next remembers being in the hallway going back to the operating room when daughter-in-law awakens her with a kiss on the forehead and telling her she would see her when she got back. Then I was out again until I was awakened and told I had to sign a paper on a clipboard. I asked her what it was and she said, "It is to give us permission to do your surgery". I remember chuckling and saying you do need my signature to relieve the pressure on the left sciatic nerve. I could not see the signature line and asked her to show me where it was. She took my hand and guided my signing of the Consent form. After this she told me to initial the top of the release. When I looked everything was still hazy but was able to make out that there were two lines of handwriting. I could not read it, not clear, and remember asking her "what is all that, I am only supposed to have a fusion releasing the left pinched sciatic nerve. Her voice was very sharp when she said, "just initial it".

By this time I am thinking I needed to talk to my doctor because I felt something was wrong but being so sedated I having a hard time concentrating, trying to read what was written, and wondering where to sign. However, one word became legible and stuck out from all others "fusion". I initialed by this word because I knew this was the reason for the surgery. I then immediately went back to sleep and knew nothing until I awakened after surgery in inhumane pain.

Doctor Appointment March 7, 2016

Plaintiff was still having so much pain the Doctor had requested an MRI to be done on March 3rd in Moncks Corner.

As I entered the patient waiting area on the 7th the Doctor met me at the door and took me to the computer room. He showed me this device that was implanted in the lower lumbar (later in a telephone conversation his staff said it was a Distribution Port). I had a fusion on the right sciatic nerve so I knew this was nothing like that fusion that was needed after the spinal stenosis surgery in April of 2011. I was shocked at what I was seeing and sick from a week's steroid pills that I did not ask any questions that day. The Doctor explained in detail how this port worked. You would go into the first screw using an x-ray and put a massive dose of steroids that would trickle down over time. (No other

implants were mentioned. (And it has taken me over two years to learn all he did to me in the surgery of August 20, 2015.) The Doctor told me that my body was rejecting what he put in me and we had to get it out but first I would have to take the massive dose of medication. (Plaintiff was so tired of being in pain all of the time she agreed to having the massive steroid shot.) Arrangements were made for me to have the shot but I reminded the Doctor that I was allergic to steroids. He ignored me and seemed extremely pleased that I have finally agreed to take the shot. Plaintiff realized at that moment he really did not care about me, only in testing this port. (Another appointment was made for April 18, 2016 to finalize the removal of the port or so I thought. But before keeping this appointment I realized how naive I had been to trust my Doctor so explicitly. I spoke to my nephew who is a doctor (outside of his expertise) about the medication and he said he was unable to advise me because of the variables but that I would be sick. I chose not to take the shot! Something was already wrong because Doctor said one shot by x-ray but when I called about shot she said it would be three shots in three screws.)

Last Physical Visit to Doctor

Appointment on April 18, 2016 with Doctor. He knew I had not taken the shot. This visit was a cover-up of what he had told Plaintiff and the MRI shown on March 7, 2016. Different MRI (full spine) and different information as if the appointment and what he previously said did not take place.

Doctor again met Plaintiff at the door as she entered the waiting rooms, took Plaintiff into same computer room and showed her an MRI of the entire spine (on 3-3-16 only had a lower lumbar MRI) and tried to make Plaintiff think her memory was bad and that this was what he had previously showed her. He spent at least an hour trying to convince Plaintiff that she did not see what she saw or heard on 3-7-16, that her memory was bad. Plaintiff continued to say "this is not what you showed me on the 7th and not what you told me". Doctor continued with "this is all I have". This went on for approximately an hour, back and forth. He said again she needed to have this port removed but first she would have to have the shot. That he would only use the deadening agent and leave out the steroids. My comment was that I did not know about the deadening agent in steroids so now I did not know what I was allergic to, either or both? When I refused to take the shot that would make me very ill, he said that I needed to give him a date for surgery to remove the port. At this point I still did not know about the other implants; I am still wondering why I am having spasms and locked in cramps in the upper part of my body. After this visit I realized I needed a second opinion before contemplating any removal surgery. I also knew in my heart and head that the port would be tested with a massive dose of medicine after they put me to sleep. I left his office with the thought I needed to get a second and possibly third opinion. Medicare approved all I needed.

Last contact with Doctor

February 20, 2018 Doctor called Plaintiff twice (first left message he would call back). (This call was in reference to Plaintiff's call to his nurse or PA asking them to get back with the actual name of the port in the Lumbar spine. At this point I knew about the

Navigation system used for implementation, the severing of spine/nerves and the Cage.) He began by saying he thought that we were all right and then tried psychology by saying my memory was not good and I just did not remember our conversation about the surgery. I told him that no one in their right mind would agree to the type surgery and risks he had indicated in his Operative Report. I told him I was disappointed that he would not only alter my entire spine but alter my entire life, that he had taken twelve good years away from me and replaced it with a lifetime of suffering and inactivity. He said I reminded him of my mother and he would not hurt her. He also said he had only put one rod and two screws in my spine (he must have let the robotic arm do the rest). I became angry, but tried to maintain respect and decorum and in an angry tone told him the things I knew he did. He kept saying do not holler at me even though I was not, only using an angry tone of voice without raising my voice. He even indicated that he wanted me to come in and let him give me a shot other than one with steroids. He had forgotten we had gone over this in the office appointment on 4-18. Testing this port is very important for some reason, more important than Plaintiff. (Is this a prototype? This would explain why they are so anxious to remove it.) At the end of our conversation or rather arguing for forty-five minutes to an hour, he said he would have his nurse call me to set up an appointment for us to talk, ignoring me telling him I would never trust him again. He said he would like to get our relationship back on a friendly basis. The last thing he said not acknowledging anything I said as if he thought intelligence was beyond me said again, "I will have my nurse call you for an appointment but if you holler at me I will stop the meeting immediately". I took this call to be intimidation.

February 21st Nurse called and left message and telephone number for me to call to set up a meeting with the Doctor. I did not return call.

March 14, 2018 Nurse called again to set up appointment with Doctor. I informed her that I did not think it would be wise. This was the last communication with the Doctor's office.

Last communication with Hospital

Plaintiff spoke to Calm Department, RN MSN sometime the first of February, in which she asked me if to fill out a grievance form. This was acknowledged and I asked her to send the form and I would look at it. She sent a letter dated February 19th (that I did not get until 23rd) and sent the RSFH Grievance form. This was too late. This was a ploy to get the Plaintiff to delay filing before statute of limitations ran out.

February 26 – Plaintiff with Niece went to the Hospital, Record Department, to get some records they had left out of the packages. Also went to the Hospital surgical waiting room to ask about the witness who witnessed my signature and was not there. No one knew this person and said they had never had a Donnell. Most cooperative. (See signed release.)

March 2, 2018 contacted pharmacy regarding medicines order before surgery (could not find where Versed was ordered or any other kind of medicine that would drug me before surgery.

March 2, 2018 contacted Printing company to get a copy of all meds.(Being mailed.)
(It has been quiet a journey to get information.)

Plaintiff's search for Neurosurgeon and answers

(All other doctors seen will be referred to as "doctors" (first letter being the lower case "d").

Plaintiff contacted a group of neurosurgeons in Columbia. Instead of the surgeon Plaintiff wanted to see, she saw another who no longer operates but does evaluations and then forward them to the surgeons. This doctor was my second opinion. Since I have a hard time sitting on hard surfaces I was going back and forth standing/sitting but was standing when he entered the room. When he saw me standing, before introducing himself he said, "I thought you would be in a wheel chair, they cut you in half, split you open and altered your whole back." We discussed risk or damage to remove the implant. This doctor hesitated and seemed cautious but did say there would be damage and it would be worse than putting it in. He said he was sorry but could not help me. He asked the Plaintiff if she still wanted to see the other doctor and she told him she needed to hear another doctor say they could or could not help. This other doctor studied the x-rays and MRI's and had his nurse call to say there was no need to make an appointment because he could not help me. Plaintiff can well imagine his confusion because she had no idea why a fusion to relieve the left sciatic nerve turned into implanting a device for medications in her lumbar spine. Keep in mind I only knew about the port at this time.

Medicare Summary Notice

After Plaintiff got over disappointment of not being able to get any help she realized that further information was need for what the "cut you in half" and altered your entire back referred to. Plaintiff contacted Medicare 11-6-15 and asked them to send a copy of the Doctor's notes to them for payment. Summary:

- "Fusion of lower spine bones
- Partial removal of spinal cord and/or nerves
- Insertion of posterior spinal instrumentation for spinal stabilization
(After implant?). 3-6 vertebral segments
- Harvest of bone from same spine incision graft
- Donor bone graft for spine surgery
- Fusion of spine bones, posterin"
- Continuous intraoperative neurophysiology monitoring and recording of electrical activity of muscles of arms or legs
- Ultrasound behind abdominal

The defendant did not inform Medicare of the port, cage, "Infuse", none of the implants; Therefore, from the Medicare information Plaintiff knew only that the spine had been compromised.

Plaintiff went next to a doctor in North Carolina for a third opinion and to learn more about what the Doctor, defendant, had done in the surgery of 8-20-15. Plaintiff was unable to get any answers but did find out that the doctor had called (without my permission) and talked to Doctor, Defendant, before my appointment. From the x-rays this doctor did on my spine Plaintiff did learn that she had a cage supporting the spine where it had been severed. Plaintiff was also not told that this hospital was affiliated with the Hospital where the surgery was performed (Plaintiff learned about this when she returned home.)

In his report to medical doctor he implied that most everything was normal with only a shuffling gate, flexion and extension also was normal when just twisting my body slightly causes spasms, cramps, pain. Plaintiff was not examined and Plaintiff most assuredly could have told them how much pain I was in just sitting in their uncomfortable chair.

The doctor in North Carolina got angry with me when I told him I would never go back to the Doctor or Hospital again. He said then you have four options:

1. "Go back to Doctor, surgeon, who operated.
2. Let him give me the shot to test implant.
3. Get me a lawyer and sort it out. Or
4. Go home and learn to live with the pain. (Pain he did not acknowledge in his report)."

(Witness to his actions and comments were my niece and two of his personnel.)

Plaintiff has also learned that the comments doctors make to a patient are never in their reports.

MRI of March 3, 2016

Plaintiff received the correct MRI (after being given the wrong one – the one the Doctor showed her on 4-18-16) when she called Radiology and told Radiologist it would be in her best interest to give me the right MRI because I was going to a doctor in North Carolina. I picked it up the next morning in Moncks Corner. It cannot be viewed normally but they have notes on envelope how to get images. (The MRI given to me and shown to me in Doctor's office and Moncks Corner on 4-18 was part of the cover-up. (Images attached from this MRI of 3-3-16.)

Radiology Report

MRI ordered of entire spine in Orangeburg by medical doctor on 11-30-17, copy attached. Paramagnetic artifacts now obscure much of the spine, report attached.

Greatest Fear

After the operation of 8-20-15 Plaintiff was in inhumane pain and was not able to handle it even though she had a very high tolerance of pain. Everything they did made the pain worse. (Plaintiff believes that her body was rejecting the material implanted in her body even at that time.) Morphine made the pain worse so they took away the medications and the pain had to be endured. Son did not get any sleep for 72 hours. (Witnesses – Son and niece of Plaintiff said they had never seen anyone in that much pain.) Screaming with pain Plaintiff called on her Lord and he immediately blocked my mind. If not, that kind of pain would make you go insane. Plaintiff was still in severe pain when she was discharged on August 27 and taken by ambulance to a rehab facility in Orangeburg. Plaintiff, because of pain, could not get up and walk for another week, and then the pain became normal pain (8-10) after surgery. The therapy started the severe pain back again so Plaintiff left nursing home to get well at home.

After reading and studying some of the medical reports I found that the pain could have been accelerated by testing the port by the Doctor and giving me a deadening agent that evidently I was allergic too. From what I understand Doctor used X-ray to give shots that were sent through the recent surgical area into the screws of the port. (I think this would be like sticking into a sore.) Also the infuse medication was continued after operation during my inhumane pain. This too may have been administered through a needle? If I interpreted this correctly his actions would be sadist but I do not believe Doctor meant to be cruel; he was just so into the experimental program?

also
"infuse"
davis 1-4-18
verified

For reasons above and deterioration to remove said port reasons plus doctor's comments I am afraid that if I am ever alone or if I get sick someone will send me back to this Doctor and Hospital and they will test the Distribution Port, and I will not survive the removal of the said experimental device. Again without Plaintiff's knowledge or permission.

Pain Clinics

Pain clinic in Sumter, South Carolina would only dispense pain medication, Oxycodone 5 MG Tab RHO every six hours. Only gave prescription and discussed how I was doing, then reported it back to Doctor. Did not know they were affiliated.

Pain clinic in Orangeburg. Could do nothing to help but give pain mediation so he would not even see me. He was not taking on any more patients who needed only pain medication.

Waiting to get an appointment with pain clinic in Columbia. Medical doctors are no longer giving out pain medication because of the drugs sold illegally. This has put a burden on people who actually need pain medication, not counting the expense. Plaintiff does not want to become addicted to pain medications therefore she is in more pain than she should because of refusing a regimented dosages. Plaintiff realizes that eventually she will have no choice and until that time will be less active and sit more to get out of pain.

Financial Report

Income:	Social Security Monthly Income	\$1,584.00
	Less: Medicare Insurance	134.00
	Prescription Co.	<u>46.30</u>
		- <u>180.00</u>
	Net deposit	\$ 1,403.70
Less Monthly drafts:		-606.46
	Supplemental Ins. BCBS	269.77
	\$5,000 Life Ins. Policy	26.52
	Car/House Insurance	110.17
	Next Year expenses, (Prop. taxes, car taxes, insurance, shortfalls)	200.00
Less shortage from previous month (usually runs \$40 to \$70)		- ?
Balance all Other Expenses:		\$ <u>797.24</u>
	AT&T basic telephone	32.39
	Cable	36.05
	Church	50.00
	Utilities (Dec.192, Jan. 246., Feb.\$211.)	200.00
	Cardmember Service (Bank checks	150.00
	Account, running account for extras like tires, water heater, heating/air maintenance, major expenses you do not usually allow for -Interest free checks for one year	
	Capital One credit card for drugs only	?
	Discover card used for all other expenses: like groceries, pain meds, gas, gifts, Personal, minor repairs (I use to take care of.) Usually runs approx.	<u>400.00</u>
Approximate Total of all other expenses		- \$ <u>868.44</u>
Shortage forward next month		- \$ <u>71.20</u>

(Sometimes I play with the figures and they come out even. I use to tithe but after my retirement ran out in 2011 I give what I can and will not change that.)

As long as I could do my own work there was not a problem. But after the operation and it totally handicapped me. I can no longer rely even on a part-time job to supplement my income. Now I need yard service each month, someone to come in at least once a week to clean house, right now I need a mobile (scooter) and a carrier for the car to be able to get a little more active and make grocery shopping easier. I need a med-a-alert because I never know if I will become paralyzed when I turn over in the bed because of something shifting or slamming into my back, back bands (have to wear all of the time to relieve some of the pressure on the spine, or something as simple as a seat for the shower. In other words, necessary things to make life a little easier.

Assets

A 2007 Buick Lucerne CXL	\$10,000
5 Rooms of Furniture	\$10,000
Approximate checking account	\$ 1,000
(Have to maintain this amount to take care first of month bills before I get SS check.	

Retirement

My financial situation is not because we did not save there were to many variables involved as follows.

My husband was disabled with Primary Lateral Sclerosis (this is a paralyzing disease that fortunately started in his feet (instead of his head – death almost a surety after 7 years). Prior to this diagnosis he almost died with ruptured appendix, was in and out of the hospital the first fifteen years we were married with ulcers, later hemmorage and had 75% of stomach removed. We had about five years without major sickness, and then he was diagnosed with the sclerosis. Then he had a heart attack and had to have five bi-passes. The disease slowly progressed until he was disabled at the age of 51. He was disabled 26 years of our 46 years of marriage, and died with cancer in 2001.

When he was disabled because of his age he could only draw \$200 a month disability for five years, and social security disability was \$500 a month (he kept \$300 for personal uses and I used the rest on bills). He was making approximately \$3,000 monthly prior to his disability. At the time of his disability retirement he received approximately \$42,000 profit sharing. This money I invested (and did not touch it for any reason) until it reached over \$100,000. This money was used the last three years he lived to pay \$2,762 a month for medicine and any charges remaining from Medicare insurance.

We had two boys who finished private school and college owing only \$7,000 on the youngest (Todd) when he graduated from USC. Tim, eldest son, paid for his college after the first year because he said it was only fair since he had left college and went back. Tim died with liver cancer ten months after his Dad. Todd was diagnosed with Multiple Sclerosis six week before his Dad died. He is doing well, retired as a Major in the Air Force (continued in the AF for 7 years after diagnosed), and is still working with the Military as an expert consultant contractor.

What I am trying to say is that we saved for retirement (I could not save much of my own because of my responsibilities.) However, I did save \$41,000 before I retired. Every ten years we sold and bought a new house. After I landscaped the yard we sold again and each time had to pay less on the house until I worked it that the last house we built was paid for. I knew if we did not have that expense I could take care of my family. Just before Hilton died, Hospice came in on Friday before I was supposed to go into my retirement on Monday for his medicine. My retirement ran out in 2011. We were very blessed.

Health Downward Trend/Needs

The Hospital sent Plaintiff a Grievance form to complete and put down on form what I wanted. Since this form came too late to process and would not be discussed within the statute of limitations I did not complete and return it. However, I have thought long and hard. To have a worry free existence I would need \$1,500 a month for the twelve years that were taken from me. This would be retroactive to August 20, 2015; payable up to date (this would allow me to get the mobile scooter and carrier so that I can be more active and walk with my brother again as well as get a med alert, yard maintenance, household assistance, and additional costs for medication), then \$1,500 monthly. If the "Infuse" medicine known for having permanent injuries causes complications the monthly \$1,500 would be doubled until my death. Also medical care would be paid.

The women in my family do not slow down until they reach the age of 90 and then live from 90 to 106. My grandmother lived to be 106 with only three hospital stays (cataract surgery at 90, Hong Kong flu, and the last bowel obstruction that killed her. My Aunt Mildred lacked two weeks being 102 when she died, My Aunt Edith lived a week longer than her 100 birthday. I have one remaining Aunt who is 93 and a sister who is 94 and just went into Assisted Living last year. The one's who died earlier had cancer but lived to be in their eighties.

I was happy and active. I only had pain in the left back and left sciatica and able to do most of the things I had always done until the Doctor thought me to be an experimental candidate. My high tolerance of pain was an also an asset. How he thought he could get by without my knowledge is a mystery because he had to test these implants. He must have thought I was senile and lacked knowledge and an excellent memory. My family only has an excellent memory. We remember too much!

I have also received an education in my two years investigation into what a Doctor did to me during surgery. I do not know how he thought he would get by without Plaintiff finding out. I have learned about our Legislative laws, conglomerates owning hospitals and insurance companies who dictate to hospitals/doctors. Also the lack of honesty and integrity. Hospitals/doctors greed in their desire to experiment and thought to use the elderly without their knowledge. They think the elderly are dispensable, not thinking they are next. My greatest desire is that in trying to file this lawsuit doctors should realize they took a Hippocratic oath, not to harm others.

It is not always easy or popular to do what is right under very difficult circumstances but what Plaintiff has proposed to do in this lawsuit is for the following reasons.

1. Expose the lie that I knew and consented to this operation.
2. To expose manufacturer of defective implants.

3. To expose manufacturer's contract with Doctor, three years 2013, 14, 15, and 16.
4. To expose compensation to use devices were paid.
5. To expose an act so horrendous that it changed a person's life forever with pain and inactivity. Also if I met my soul mate I could not get married. (See Operative report.)
6. To expose "Infuse" medication that causes permanent disabilities. (Doctor said he uses it all the time.)

Fact

1. Doctor admitted that on 3-7-16 he implanted a port in Plaintiff's lumbar spine with visual from MRI taken 3-3-16.
2. In order to test the Distribution Port Plaintiff had to continue to be in pain.
3. Doctor did not tell Plaintiff the change in operation from the fusion to relieve pressure on the left sciatic nerve.
4. Doctor on 4-18-16 tried to cover up what he had shown and explained to Plaintiff on 3-7. (When I showed Doctor my drawing and notes from the appointment of 3-7, he showed me where I had too many screws so he drew what he had put in me. Copy available.)
5. Doctor knew when he operated on Plaintiff that there would be "continued complication" as per his operative report.
6. Plaintiff did not know full scope of the surgery until January 4, 2018 when manufacturer's employee who worked with patients confirmed that "Infuse" had been used in her during surgery. Plaintiff has a Distribution Port, Cage, Infuse device implanted.
7. Doctor in Operative Report said that Plaintiff would have long-term complications.
8. Doctor never informed Plaintiff about the severed spine, cage or "Infuse", only the port after Plaintiff had complications of body rejecting the material from the implant. This was found out over a period of two years and through other channels. (Why would anyone pursue this surgery so diligently seeking answers for over two years if the Doctor had discussed it with Plaintiff?) Each time Plaintiff tried to get information she relieved the pain and suffering.
9. Plaintiff would never have agreed to this operation if she had known or been told of only the litigation against the manufacturer.
10. The only way someone would have agreed to this surgery would have been someone who was hopeless and did not care whether they lived or died. (I was not that person nor will be that person whatever complications come in the future. I have a strong faith that will sustain me.)

Documents Available for Perusal

1. Operative Report.
2. All MRPs and X-rays prior to surgery.
3. Personal Calendar listing appointments.

6. Personal notes from appointments with doctors and from doctors.
7. Medicine notes.
8. Photos from 3-3-16 MRI.
9. Radiology Reports Information on "Infuse"
10. Information proving Doctor had a four-year agreement with manufacturer.
11. Information proving compensation was paid.
12. Information on manufacturer's lawsuits.
13. Latest Perscription of Oxycodone 5 mg.
14. 4-27-15 Perscription Refill of Cyclobenzaprine 10 mg (problems with kidneys). Was due to be refilled 4-27-16.
15. The MRI shown on 4-18-16 (full spine).
16. The correct MRI of 3-3-16 (Also one given from Hospital at a later date?)
17. X-rays from North Carolina hospital.
18. MRI and Report from Orangeburg Radiology.
19. All other records.
20. Doctor tested port with deadening agent while Plaintiff in inhumane pain.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____

Day of March 4, 2018

Thelma R. Garrick
Plaintiff

[Signature]
Witness

Catherine James
Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

The foregoing instrument was acknowledged before me by the Thelma R. Garrick as having been executed by her this 4th day of March, 2018.

SWORN to before me this

4th day of March 2018
Ethel C Reed 1/24/22
Notary Public for South Carolina

195 Crescent Oaks Ct.
Orangeburg, S.C. 2915
803-534-9912

Other Surgeries

Plaintiff found reference to hand surgeries in Doctor's medical records even though they may be incidental to this case felt the need to include.

Plaintiff went to a hand surgeon in Charleston and was diagnosed with carpometacarpal in both right and left hands. The right hand, giving more problems, was surgically corrected on 6-22-10. The left hand was surgically corrected in the Hospital on 8-26-13. At this time the surgeon told me about experimental surgery that would save the doctors two hours. He was honest and up front with me even when I told him I wanted the surgery done the same way as the first hand. He informed me that he could not promise this because he would go into the operating room and take a number that would tell him how he had to operate. The hand healed but not as flexible as the right hand. I had problems of the thumb swelling up like a big drum stick but could not detect any infection so I toughed it out for two years before problems of swelling went away. The only thing wrong with this hand now is that I cannot pick up any thing small with my fingers. Now I guess I have my answer as to which operation procedure was done even though I reiterated again before going into surgery that I wanted the hand corrected with same procedure as first one.

Plaintiff also had two shoulder surgeries because of stupidity. Cutting grass too close to the drainage ditch the lawnmower started to go down into the ditch. It took all of my strength to pull it back up thus pulling tendons in both shoulders from the bone. Columbia surgeon did a beautiful job and I have not had any more trouble with them.

Other Documents Attached

Personal Notes of meeting with Doctor on March 3, 2015 as well his drawing.
Preoperative Sheet
Radiology record 11-30-17
Benefit Amount
Consent form
Manufacturer information
Information to extract info on public portal
Operative report
Photo of MRI 3-3-16
All records in hand and available for perusal

STATE OF SOUTH CAROLINA,
COUNTY OF Charleston

IN THE ☐ FAMILY COURT
☒ COURT OF COMMON PLEAS
☐ MAGISTRATE COURT

Helma R. Garrick
Plaintiff(s)

9th JUDICIAL CIRCUIT

AFFIDAVIT OF SERVICE

George H. Khoury, MD
PO Box ST. Francis, W. Ashley
Defendant(s)

FILE NO: 2018 CP 10 1163

PERSONALLY PREPARED BEFORE ME, the undersigned deponent, who being duly sworn

that (s)he served the Summons and Complaint in this action
(Describe document(s) served)

Dr. George H. Khoury, MD by delivery to
(Name of party served)

☒ Dr. George H. Khoury, MD personally;
(Name of party served)

☒ Dr. George H. Khoury, MD the Defendant of the party served,
(Name of person served) (Note relationship to party)

I a person of discretion residing at the residence of the party served;

☐ _____ the _____ of _____
(Name of person served) (Title) (Name of corporate party served)

I leaving with ☒ (him) ☐ (her) a copy at Adm. Suite 220, 2145 Tecklenburg Drive
Charleston, South Carolina 29414 (Street address)

Charleston Charleston County, South Carolina,
(City or Town) County

March 14 2018 at 4:47 PM o'clock

that deponent knows the person so served, and that deponent is not a party of this action, is not less than
thirteen (18) years of age and has no interest therein or connection therewith.

☐ Unable to locate and serve the above process on the defendant after diligent efforts to do so.
The process is returned unexecuted.

Subscribed before me
on 20th day of March, 2018

Walter C. Reed
Notary Public for South Carolina

My Commission expires 1/24/22

Helma R. Garrick
Signature of Deponent

Entered in the Sheriff's Service Book on _____

Book _____

Page _____

Number _____

2018-CP-10-1163 Summons and Complaint

SENDER: COMPLETE THIS SECTION

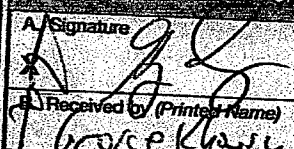
- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Dr. George H. Khoury
 Administration, Suite 220
 2145 Henry Taskelburg Drive
 Charleston, S.C. 29414

2. 
 9590 9402 2517 6306 3044 50

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☒ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail Restricted Delivery (over \$500)

COMPLETE THIS SECTION ON DELIVERY

A. Signature


B. Received by (Printed Name)
 George Khoury

C. Date of Delivery
 3/14/18

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

RESTRICTED DELIVERY

☐ Agent
☐ Addressee

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☒ Signature Confirmation Restricted Delivery

7018 0360 0000 3387 2312

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic

2018-CP-10-1163 Summons and Complaint

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Bon Secours St. Francis, W. Ashlen
 Administration, Suite 220
 2145 Henry Taskelburg Drive
 Charleston, S.C. 29414

2. 
 9590 9402 2517 6306 3042 45

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Insured Mail Restricted Delivery (over \$500)

COMPLETE THIS SECTION ON DELIVERY

A. Signature


B. Received by (Printed Name)
 Elizabeth Sidorska

C. Date of Delivery
 3/14/18

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

☐ Agent
☐ Addressee

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

7018 0360 0000 3387 2329

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

Delivered 10:55 AM

=====

ORANGEBURG
 1550 MIDDLETON ST
 ORANGEBURG
 SC
 29115-9998
 4565400115
 03/12/2018 (800)275-8777 3:23 PM
 =====

Product Description	Sale Qty	Final Price
First-Class Mail	1	\$2.05
Large Envelope (Domestic) (CHARLESTON, SC 29414) (Weight:0 Lb 5.90 Oz) (Estimated Delivery Date) (Wednesday 03/14/2018)		
Cert Mail RstrDel	1	\$8.55
(@@USPS Certified Mail #) (70180360000033872312) (Recipient name:GEORGE KHOURY)		
Return Receipt	1	\$2.75
(@@USPS Return Receipt #) (9590940225176306304450)		
First-Class Mail	1	\$2.05
Large Envelope (Domestic) (CHARLESTON, SC 29414) (Weight:0 Lb 5.90 Oz) (Estimated Delivery Date) (Wednesday 03/14/2018)		
Certified	1	\$3.45
(@@USPS Certified Mail #) (70180360000033872329)		
Return Receipt	1	\$2.75
(@@USPS Return Receipt #) (9590940225176306304245)		
Botanical Bklt/10	1	\$5.00
(Unit Price:\$5.00)		
Total		\$26.60
Credit Card Remitd (Card Name:Discover)		\$26.60

(Approval #:01283R)
 (Transaction #:181)
 (Entry Mode:Chip)
 (AID:A0000001523010)
 (Application Preferred Name:
 Discover Credit)
 (Application Label:Discover)
 (PIN:PIN Not Required)
 (Cryptogram:DA2D592231874100)
 (ARC:00)
 (CVR:1E0300)
 (IAD:01056080030000001E030000000000
 0000000)
 (TSI:E800)
 (TVR:0000008000)

Text your tracking number to 28777
 (2USPS) to get the latest status.
 Standard Message and Data rates may
 apply. You may also visit USPS.com
 USPS Tracking or call 1-800-222-1811.

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
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Civil Action Summons and Complaint filed March 5, 2018.

On August 20, 2015 Respondents premeditatedly, without Appellant's knowledge or permission changed the procedure from a fusion to relieve pressure on the left sciatic nerve to a massive experimental surgery for gain and training purposes, using non-approved and non-tested implants.

The Attorneys for the Respondents filed immediately on March 20, 2018 for a dismissal stating Appellant filed the lawsuit on "negligence" of the Respondents and allegedly neglect care and treatment provided by the nurses and other non-physician staff at BSSF". At no time or anywhere in her documents has Appellant accused or filed for negligence. There was no negligence on the part of the Respondents or anyone who had orders from the Respondents. (Copy enclosed)

Evidently the surgery was performed correctly because Appellant was told by an affiliate of the Respondents that the surgery was beautiful. At this point Appellant knew only of the one implant. When the Respondent told her six months after the surgery on March 7, 2016 the reason she was not getting better he said, that it was because of what I have implanted in you and your body is rejecting it". (His staff when I called and requested the name said it was a Distribution Pain Port.) Respondent mentioned no other aspect of the surgery, even to this date. Appellant did not find out all until January 4, 2018.

The only thing Respondent said to me when he returned a telephone call is recorded on my answering machine, and on tape proving he never told me all he had done. In this message he left he said to call and make an appointment and he would tell

me what implants were surgically implanted in my spine.

My Complaint and reason Appellant filed please see Summons and Complaint, page 2, paragraph 3 that reads, "Doctor performed major back surgery using medical devices for experimentation and benefit. Doctor premeditatedly, willingly, knowingly implemented experimental devices and medication known for it's permanent, debilitating injuries without Plaintiff's knowledge or permission".

This means a surgeon and hospital (Respondents) I trusted, premeditatedly planned ahead for this massive surgery, willingly, knowingly and with intent to harm (had to keep Appellant in pain to test the implant); without the knowledge or permission of the patient (Appellant) surgically changed the operation that had been discussed to a massive experimental surgery that altered the entire spine. There was no negligence; they knew exactly what they were doing without thinking of the illegal actions.

Again, see Rebuttal to Attorneys Dismissal Request of March 20, 2018. Page 1 of 6, paragraph 2: "The only negligence in this case is Dr. Khoury, Defendant, neglected ^{To} tell Plaintiff he had changed the operation from a fusion to relieve pressure on the left sciatic nerve to using Plaintiff as a "guinea pig", as used in biological experiments. I believe I have proven this and will again with Rebuttal. Paragraph 3: "Defendant's (Respondents) actions, again, were without my knowledge or permission. (He knew I would never agree. See operative report included in Summons and Complaint.) With premeditation, knowingly, willingly, and with intent to harm (because without Plaintiff being in pain Defendant could not successfully test the distribution port implanted in the lumbar) proceeded with his experimentation". Intent!

Appellant filed because Respondents falsified the Operative Report, sedated patient before signing the incomplete hospital release, had knowledge of money paid to Respondents during a four year contract with Medtronic, 2013, 14, 15, and 16. (Respondent has been informed that the government has removed the year 2015 so it is no longer accessible.) Failed to report implants to Medicare, and also falsified the diagnosis to Lumbar stenosis with lumbar instability. As you can see there were so many factors necessary to perform this operation it had to be well planned in advance. No negligence!

Respondents Attorneys are quiet determined to continue to misconstrue the reason for filing the lawsuit because it could have been on Product Liability, Medical Battery and others; but Appellant knew, not being an attorney, she would not stand a chance of pursuing such a case. (Appellant did not know about these until an attorney mentioned this to her. Also, Appellant did not find out about the Infuse device until January 4, 2018, and that the defective Distribution Port was broken at the spine until July 26, 2018.

Appellant would like the reason for filing be acknowledged once and for all; no matter how many times you say a thing does not make it so as has been proven.

Knowing that a training of this magnitude (Robotic arm, implants) was performed, Appellant has requested a copy of the video; also requested a copy of any legal documents pertaining to this case between Respondents and Medtronic as well as a signed document by Appellant giving her permission to perform this experimental surgery? Surely a signed, incomplete normal hospital release signed under sedation, and witnessed by someone not even there cannot be legal and binding. Due to

the life threatening risks and legal ramifications to protect themselves the Respondents surely had legal documents signed by all parties and witnessed? Appellant has also requested the medication on order for the surgery performed on August 20, 2015. Respondents has not even acknowledged these requests.

If the Appellant was only given one question to ask it would be, "How did Respondents think they could get by with this"?

Garrick, Thelma
16 Mar-03-2016 10:38
Ac: 4118995
Sag T2
Series: 3

T8 S

Berkeley Day Hospital
SIGNA EXCITE GEMSOV

T9

HFS

512 x 512 x 16

BMR SPINE LUMBAR WWO CTRST MR

T10

T11

T12

L1

L2

L3

L4

L5

S1



2D
Echo: 1
TR: 4.416.66
TE: 119.20
Slice: 4.00 Loc: 10.33

160. mm 450
NEX: 2.00
%FOV 100.00
Flip: 90.00
W: 402 L: 201
Filter: None Fact

1-16-MRD

Personal Notes

2-2

2-85 Pain down back to take shots

3-11-11a

2-18-11a

Discussed the operation and agreed on fusion relieve nerve

March 7 Appointment

Doc 2

Aug. 20, 2015 1) Operation performed with a test apparatus being implanted in back! Unlabeled all pair! body rejecting at that time?

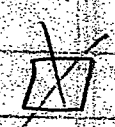
Notes of 3-1-11a

2) Follow-up visits, back getting worse (10-14 Jan. 4 Mar. 3 on 4/10/11. Not told my body rejecting, and I will have to be removed but I had to take

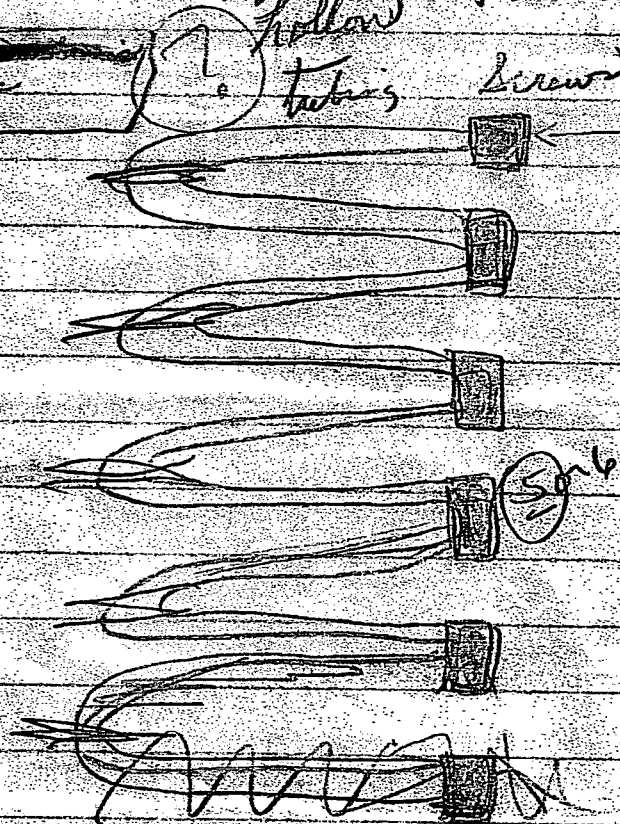
Test! 1) Shot first? Very sick on 1st when in office from taking 6 days of steroids. Had to stop on way home to start throwing up diarrhea, steroids from system.

Found out on 3-1-11a will miss this as on Medtronic Distribution part

3-1-11a



Screws?



shot
Hold one
in screw (top) with max
steroid, then
it is suggested
to pull down
over time.

However, if
not work
because muscle
pull they would
steroid, not
(steroid) make
me sick!
I would be in
until steroids
was out of
my system?
How was it
checked on
condition?

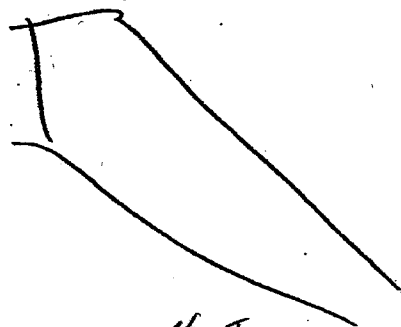
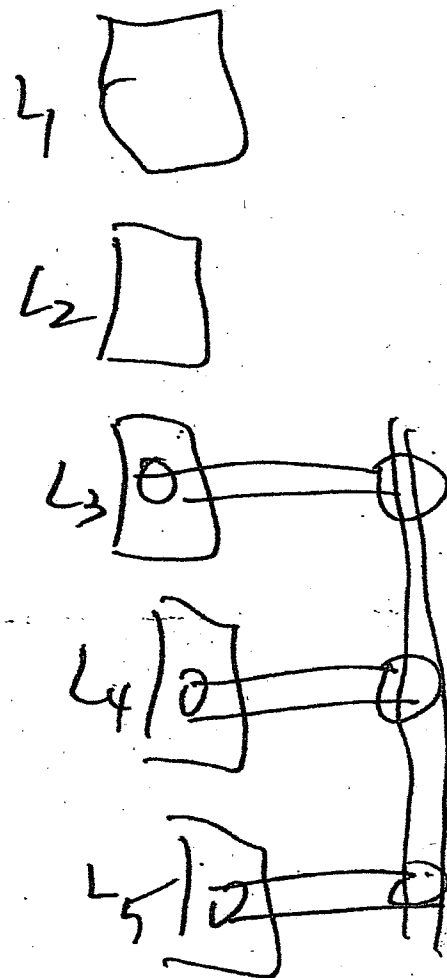
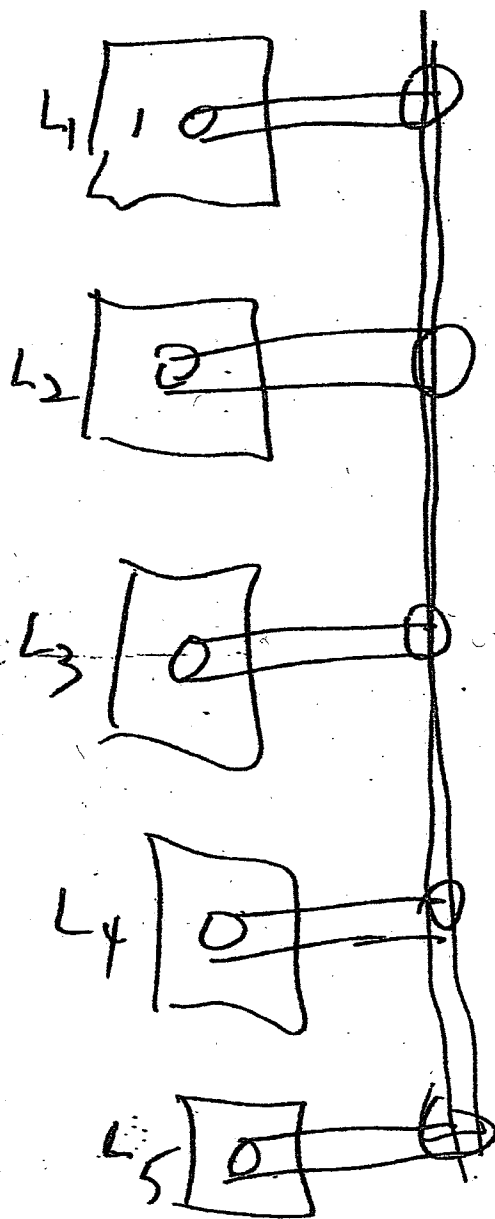
Said I had it turned on wrong side.
Asked how he could do this without my knowledge
or permission?
Questions (I did not get to ask)
April 18th -

1. Removal - Risks?
2. Back pain - bone on bone
run over in bed, then lumber
making bone on bone noise & crunching, sound
3. Left sciatic pain
4. Spasm between shoulder blades, above waist
with twisting, movement like sweeping, turns
moving?

(Medtronic Distribution Port)
 per Sherry, Dr. Khoury's nurse
 in a telephone conversation on
 March 1, 2017. (S)

Left

Right



Drawn by Dr. Khoury (on 4-18-16)

Denied Having told me
 this on 4-18-16

MOTION TO DISMISS

Immediately after filing Summons and Complaint for Respondents their Attorney filed a Motion to Dismiss. (Copy enclosed)

Copy of Rebuttal and Motion to Dismiss their motion also enclosed. Clearly the Attorney misinterpreted reason for filing.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
	)	
THELMA R. GARRICK,	)	CASE NO. 2018-CP-10-1163
	)	
PLAINTIFF,	)	
	)	
vs.	)	
	)	MOTION TO DISMISS
DR. GEORGE H. KHOURY, BON	)	
SECOURS ST. FRANCIS WEST	)	
ASHLEY ,	)	
	)	
DEFENDANTS.	)	
	)	

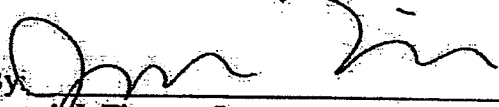
TO: THELMA R. GARRICK, PRO SE PLAINTIFF:

The undersigned, as counsel for George H. Khoury, M.D. and Bon Secours St. Francis Xavier Hospital moves before this honorable Court for an Order dismissing the complaint in the above referenced matter pursuant to S.C. Rule of Civil Procedure 12(b)(1) (lack of jurisdiction over the subject matter).

The basis for this motion is that plaintiff has alleged professional negligence against Dr. Khoury and Bon Secours St. Francis Xavier Hospital (medical malpractice). As such, Plaintiff is required by law to follow the statutory requirements set forth in section 15-79-125 of the S.C. Code (attached as exhibit A).

Plaintiff has failed to file the requisite Notice of Intent and subsequent Affidavit from an expert delineating deviations from the standard of care by the Defendants in this matter. By law, Plaintiff cannot file a complaint in a medical malpractice action without first meeting these procedural requirements. As such, the case should be dismissed as a matter of law.

YOUNG CLEMENT RIVERS, LLP

By 

Joseph J. Tierney, Jr.

Christine Kent Toporek

P.O. Box 993, Charleston, SC 29402

(843) 720-5406; jtierney@ycrlaw.com

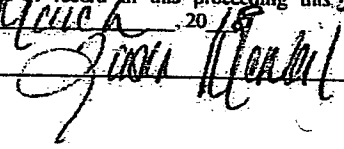
Attorneys for the DR. GEORGE H. KHOURY,
BON SECOURS ST. FRANCIS WEST ASHLEY

Charleston, South Carolina

Dated: 3 / 20 / 18

CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing pleading was mailed to
all counsel of record in this proceeding this 20th day of

March, 20 18


March 29, 2018

Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Dear Ms. Armstrong:

Re: Thelma R. Garrick vs. Dr. George H. Khoury, Bon Secours St. Francis West
Ashley
Case No.: 2018-CP-10-1163
YCR File: 3810-20180252

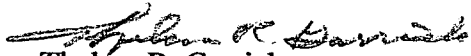
Enclosed for filing with the Court you will find a Rebuttal to the request for a "Motion to Dismiss" Case No. 2018-CP-10-1163 filed against Dr. George H. Khoury and Bon Secours St. Francis, West Ashley that has been presented to you by Mr. Joseph J. Tierney, Jr., Partner, of the law firm Young Clement Rivers, LLP.

As I stated in my Summons and Complaint I am representing myself PRO SE but knowing that I do not have the skills or intellect of an attorney but not of intelligence, I am presenting honestly my case.

Also research is limited because of being totally handicapped from the surgery that has caused pressure from the implants on all nerves in the lumbar spine; and any twisting or bending of my body causes spasms, cramps and when I stand extreme pain goes down both legs limiting my total activity.

The South Carolina Judicial System has neglected to update or even have procedural instructions for a Pro Se case filing in the Court of Common Pleas. Therefore, Plaintiff has had to use materials as near to actual forms and instructions needed as possible. Therefore, I request that you not accept the Motion to Dismiss. Thank you for your understanding.

Sincerely,


Thelma R. Garrick
195 Crescent Oaks Court
Orangeburg, South Carolina 29115
Telephone: 803-534-9912

/tg

Enclosure: Rebuttal

cc: Mr. Joseph J. Tierney, Jr., Partner YCRLaw Firm, via Certified Mail

Page 38

STATE OF SOUTH CAROLINA

COUNTY OF Charleston

Thelma R. Garrick

Plaintiff,

vs.

Dr. George H. Khoury, Bon
Secours St. Francis, West Ashley
Defendant.

IN THE COURT OF COMMON PLEAS
9th JUDICIAL CIRCUIT

CASE NO.: 2018-CP-10-1163

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Motion To Dismiss
YCR File: 3810-20180252

Plaintiff's Attorney: <u>Pro Se</u> , Bar No. _____ Address: <u>195 Crescent Oaks Ct.</u> <u>Orangeburg, S.C. 29115</u> Phone: <u>803-534-9912</u> Fax _____ E-mail: _____ Other: _____		Defendant's Attorney: <u>Joseph J. Tierney, Jr.</u> , Bar No. <u>SC</u> Address: <u>Young Clement Rivers, LLP</u> <u>P.O. Box 993, Charleston, SC 29402-0993</u> Phone: <u>843-726-5466</u> Fax <u>843-519-1318</u> E-mail: _____ Other: _____	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information Nature of Motion: <u>Motion To Dismiss YCR 3810-20180252 Motion To Dismiss</u> Estimated Time Needed: _____ Court Reporter Needed: ☐ YES/ ☐ NO			
SECTION II: Motion/Order Type ☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order. <u>Thelma R. Garrick</u> <u>April 3</u> , 20 <u>18</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant Date submitted			
SECTION III: Motion Fee ☒ PAID - AMOUNT: \$ ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCF) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: _____			
JUDGE'S SECTION ☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		JUDGE CODE _____ Date: _____, 20____	
CLERK'S VERIFICATION Collected by: _____ Date Filed: _____, 20____ ☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

THELMA R. GARRICK,) CASE NO. 2018-CP-10-1163

PLAINTIFF,

Vs.

REBUTTAL TO YCR 3810-20180252

DR. GEORGE H. KHOURY, BON)
SECOURS ST. FRANCIS, WEST)
ASHLEY)

MOTION TO DISMISS

DEFENDANTS.

TO: MR. JOSEPH J. TIERNEY, JR., ATTORNEY FOR DEFENDANTS

Mr. Tierney states that I have not proved professional negligence. (Plaintiff has not used Professional etiquette or legal verbiage but have used verbose).

The only negligence in this case is Dr. Khoury, Defendant, neglected to tell Plaintiff he had changed the operation from a fusion to relieve pressure on the left sciatic nerve to using Plaintiff as a "guinea pig", used in biological experiments. I believe I have proven this and will again in this Rebuttal.

Defendant's actions, again, were without my knowledge or permission. (He knew I would never agree. See Operative Report included in Summons and Complaint.) With premeditation, knowingly, willingly, and with intent to harm (because without Plaintiff being in pain Defendant could not successfully test the distribution port implanted in the Lumbar) proceeded with his experimentation.

(Page 1 of 6)

Page 40

FILE
2018 APR -3 PM 12:
JULIE J. ARMSTRONG
CLERK OF COURT

The Plaintiff has been accused by Mr. Tierney that she did not notify the Defendants that she was going to file suit against Defendants. The Defendants knew Plaintiff was very unhappy and researching records at the Hospital. Debra Jones, Risk Manager/ CALM Department sent her the RSFH Grievance form but it was too late before filing date. The Plaintiff believes notification was accomplished by forwarding a copy of the Summons and Complaint. Other than receipt of the Motion to Dismiss Plaintiff has not heard anything from the Defendants or their attorney. The Plaintiff took this action of Dismissal like you would swat a rat or fly because of their annoyance or insignificance. There has been no contact for mediation.

The Plaintiff has in her possession all medical records, that were given to her over time, some contradictory from earlier reports. I also know the person who gave me the shot to drug me when I first got to the hospital, and is the same one who witnessed my signature and was not even there.

The medications listed drugs Plaintiff is allergic to and was given during her stay in the hospital. If she had verified the allergies she would have added: Steroids including xylocaine, Gabapentin, Ambien, Zolpiden, and Tramadol. Five of which were used during my hospital stay, possibly six.

Plaintiff would also like to correct a statement made in the Summons and Complaint about the person who witnessed her signature, pages 4 of 31, paragraph 4, with new evidence. Plaintiff in her drugged state on the way to the operating room thought the two scheduled to take her to surgery said that "Donnell" would witness because they would not. After checking with the employees at the Hospital who said

(Page 2 of 6)

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they did not nor had they ever had a Donnell, I went back to the release and realized that the person was actually MacDonald, signed as DonaldMac. The two employees (names withheld) knew the surgery I was supposed to have because I had asked them what was all the writing at top they wanted me to initial when all I was supposed to have was a fusion to relieve the left sciatic nerve.

When a Hearing date is given I would like to Subpoena the following employees of Bon Secours St. Francis, West Ashley: Melanie MacDonald, Circulator; Donna Hughes, Admitting nurse; Chris Hensley, Cert. Reg. Nurse Anesthesia; Dr. Rex Gerding, Anesthesia; and Summer Landers, PA. Also question defendant, Dr. George H. Khoury.

Plaintiff has been advised by two surgeons that they cannot help her because removing the port would be worse than putting it in. The second opinion surgeon greeted me by saying, "I thought you would be in a wheel chair. They cut you in half, split you open and altered your whole back." Then he introduced himself. He told me he could not help me that removing the implant would be worse than putting it in. Thinking, not believing, a doctor had not informed me said, "For her to believe that she would be pain free after such a massive procedure is simply unfounded." Proof of pain.

The second would not make me an appointment after studying the X-rays and MRIs. He had his nurse call and said there was no need to make an appointment because he could not help me.

The third is affiliated with the Defendants. (I did not know this until I returned home from North Carolina and looked at the pre-op package Dr. Khoury's nurse had handed me when I left his office on 4-18-16 after reminding me that Dr. Khoury wanted

me to get back to them within twenty-four hours with a date to operate.) Breach of trust here because he had contacted Dr. Khoury before my visit?

This surgeon gave me four options:
No. 1) Go back to Dr. George H. Khoury, 2,) Let him give me the shot (to see if the port works), 3,) Get me an attorney and sort it out. Or, 4,) Go home and learn to live with the pain. (Even though in his report he said I did not seem in distress according to his evaluation that he did not do.) I have a witness who will testify.

The Plaintiff's PA is in the process of making an appointment with another neurosurgeon and a Pain Clinic. (The Pain Management Clinic in Sumter only gave me prescriptions for pain; the Low Country Pain Clinic of Orangeburg, Dr. Gunta, would not even see me even though I had an appointment. I was told that he was not taking anymore patients who had to be treated with medications and that I was in this category. I do not look for any help because of Dr. Khoury's surgery.)

The Defendant, Dr. Khoury, on February 26, 2018 left a message on my answering machine that indicates that I did not know of the surgery. It is going to be put on a tape recorder to bring to Court. The message: "Hey, Ms. Garrick this is Dr. Khoury calling back regarding your surgery. I can tell you what implants you have if you want to give me a call back. If you want the reports from the hospital they are probably available, just give me a call and let me know what you want."

The Defendant did not wait for a call. He called back that afternoon and we had a long discussion. I will not go into everything but I did make notes. He denied what he had done to me, tried to make me believe that my memory was bad that I just did not remember, that everything I remembered did not happen, that I reminded him of his

mother and wanted us back on friendly terms, and wanted me to come talk to him that his nurse would call me back for an appointment. He said he wanted me to come in and let him give me the shot. He also said that he could relieve my pain by removing a couple of screws. He used soft persuasive words, psychology trying to intimidate the Plaintiff. Plaintiff told him she could never trust him again but he acted like he did not hear and told her he would have his nurse call and make me an appointment.

Dr. Khoury's nurse, Sherry, called twice. The first call I missed, message left was for me to call and gave number. The second time she called on March 26, 2018, she said she had called for Dr. Khoury to make me an appointment. My answer was that I felt it "was not wise at this time". The answer was not taken well because I had to repeat it twice.

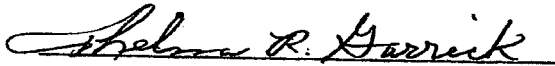
Plaintiff has all x-rays and MRI's, CT scan, even a copy of the one showed to me on 4-18-16 in lieu of the 3-3-16 MRI. Also copies of all reports.

The x-ray at Duke Health showed something out of alignment but the doctor shrugged it off. The jolt to my spine that causes extreme pain when I turn over at night or if I forget and stretch indicates that the weight of the device is deteriorating the bones where the screws are in place and it is shifting and the weight of this thing is pressing even more on the nerves that is causing constant pain. The pain I endure every day I would not wish on my worst enemy. I fight every day not to lose hope. I ask myself every day why did Dr. Khoury choose me and why did God allow this to happen? I trust and have faith that some good will come from my suffering.

This is not a normal case and prayerfully will be treated within the law as such.

It is about a Doctor who took control of me, my body and put me in a state where I had no choice in any thing he did with it. I feel violated like a rape victim must feel; I do not know exactly what was done to my body. Dr. Khoury said he only put in a rod and two screws during his telephone call to me. If he did not operate any more than that who or what did he turn my body over too for this massive surgery?

THELMA R. GARRICK, PRO SE PLAINTIFF
195 Crescent Oaks Court
Orangeburg, South Carolina 29115
Telephone: 803-534-9912



/tg

Attachments: Plaintiff's Exhibit Summary

CERTIFICATE OF MAILING: I hereby certify that a copy of the foregoing rebuttal is being sent by mail to Counsel for the Defendants this 3rd day of April, 2018

(Page 6 of 6)

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NOTICE OF MOTION SCHEDULING June 13, 2018

Appellant was notified of the Court date of July 12, 2018. (Copy enclosed.)



Thelma R Garrick
195 Crescent Oaks Court

Orangeburg, SC 29115

NOTICE OF MOTION SCHEDULING

June 13, 2018

**Motion "MDISMS - Motion/Dismiss by Defendant, crt/mailling" for Case: 2018CP1001163 -
Thelma R Garrick VS Dr George H Khoury , defendant, et al has been added to the
following Motions Roster:
285 - MOTIONS ROSTER - JUDGE GOODSTEIN**

This hearing of this motion has been scheduled for 7/12/2018 at 10:00 AM.

HEARINGS WILL BE BEFORE JUDGE GOODSTEIN IN COURTROOM 3E
PLEASE SUBMIT ALL MEMOS THREE DAYS PRIOR TO THE HEARING.
THE DEADLINE FOR CONTINUANCE REQUESTS IS TUESDAY, JULY
3rd at 5PM

PLEASE CONTACT CAROLINE LEONARD, NON JURY DOCKET COORDINATOR AT
ccleonard@charlestoncounty.org IF YOU HAVE QUESTIONS.

*Caroline Leonard
Time allowed?
6-18? Still no
answer! (4 times)
Even called after
pending out Court
hold on 7-12
ignoring my request
for extension.*

Mail Notice To:	Court Info:
Thelma R Garrick 195 Crescent Oaks Court Orangeburg, SC 29115	Common Pleas Charleston County Judicial Center 100 Broad Street - Suite 106 Charleston, SC 29401-9401

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(843)958-5000

Respectfully,

Julie Armstrong
Clerk of Court

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CONTINUANCE REQUEST SCCA233 June 30, 2018

Appellant, according to instructions from the Notice of Motion Scheduling document, filed for a continuance to the Court following the guidelines to do so and sending the fee to have it recorded. This was done within the timeframe allowed and was received by the Court within the timeframe. (Copies enclosed)

This request has never been acknowledged by the Court of Common Pleas. The Respondents Attorneys indicated in their brief that Appellant did not have a good reason for the requested continuance and did not have a bearing on the case.

The Appellant followed the law, the court did not. We all make mistakes but in this case a mistake is very important. You do not assume or choose the value of a mistake. And, as you can see from the Attorneys documents they do not even know why or reason Appellant is filing a lawsuit against Respondents.

STATE OF SOUTH CAROLINA

COUNTY OF Charleston

Thelma R. Garrick

Plaintiff,

vs.

Dr. George H. Khoury and Bar

Secours St. Francis West Ashley

Defendant.

IN THE COURT OF COMMON PLEAS

9th JUDICIAL CIRCUIT

CASE NO: 2018-CP-10-1163

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

Plaintiff's Attorney: <u>(David T. K...</u> <u>Pro SE</u> , Bar No. <u>on Oath</u> Address: <u>195 Crescent Oaks Ct.</u> <u>Orangeburg, S.C. 29115</u> Phone: <u>803-534-4712</u> Fax <u>---</u> E-mail: <u>---</u> Other: <u>---</u>		Defendant's Attorney: <u>Joseph T. Tierney, Jr., Esquire</u> <u>As Christine K. Toppan, Esq., Bar No</u> Address: <u>Young Clement Rivers LLC, P.O. Box 993,</u> <u>Charleston, SC 29403</u> Phone: <u>843-720-5406</u> Fax <u>843-379-1518</u> E-mail: <u>---</u> Other: <u>---</u>	
☐ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: ☐ YES/ ☐ NO			
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
<u>Thelma R. Garrick</u> Signature of Attorney for ☒ Plaintiff / ☐ Defendant		<u>June 30,</u> 20 <u>18</u> Date submitted	
SECTION III: Motion Fee			
☒ PAID - AMOUNT: \$25.00 ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ ☒ Other: Motion To Extend Time of hearing 7-12-18			
JUDGE'S SECTION		JUDGE CODE	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____		Judge <u>Goodstein</u> Date: _____, 20 _____	
CLERK'S VERIFICATION			
Collected by: _____		Date Filed: _____, 20 _____	
☐ MOTION FEE COLLECTED: \$ _____ ☐ CONTESTED - AMOUNT DUE: \$ _____			

MEDIATION

Appellant had learned that Mediation must be done before going to Court; therefore, she tried to instigate a meeting with the Attorneys and the Respondents.

Enclosed you will find copies of three letters of correspondence:

1. 4-10-18 Letter of Introduction, pages 1 of 4 (Not applying for a job but thought this would give general information other than just a widow.)
2. 4-19-18 Letter giving general information Appellant would like to discuss, and a Settlement offer (that is no longer viable). Page 1 of 3

These were never acknowledged by Respondents Attorneys.

3. 5-11-18 Letter to the Honorable Julie J. Armstrong, Charleston County Clerk of Court asking her to make the letters a part of the court record. Page 1

May 11, 2018

Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Re: Thelma R. Garrick vs. Dr. George H. Khoury & Bon Secours
St. Francis, West Ashley
Case No. 2018-CP-10-1163
Young Clement Rivers, LLP File No. 15499-20180314

Dear Ms. Armstrong:

I was advised to forward a Settlement Offer to the Defendants' through their attorneys, Young Clement Rivers, LLP (Mr. Joseph J. Tierney, Jr. and Ms. Christine K. Toporek). This was forwarded to them on April 19, 2018. A telephone call to Mr. Tierney's secretary on May 9, 2018 confirmed that the correspondence had been received. To date not even an acknowledgment by the attorneys has been received.

Since this has not even been acknowledged I am enclosing a copy of this correspondence for your files; and refer to my Request for Hearing dated March 20, 2018. Thank you for your kindness in this matter.

Yours truly,


Thelma R. Garrick, Pro Se
195 Crescent Oaks Ct.
Orangeburg, S. C. 29115
803-534-9912

/tg

Enclosure

April 10, 2018

Mr. Joseph J. Tierney, Jr., Esquire
Ms. Christine K. Toporek, Esquire
Young Clement Rivers, LLP, Attorneys at Law
P. O. Box 993
Charleston, South Carolina 29402

Reference: In The Court of Common Pleas
Ninth Judicial Circuit
Case No.: 2018-CP-10-1163
YCR file No.: 15499-20180314

Dear Sir or Madam:

Please be advised that I am in receipt of your letter and request of the motion "Notice of Appearance" in your representation of the above case of Dr. George H. Khoury, Bon Secours St. Francis West Ashley to The Honorable Julie J. Armstrong, Charleston County Clerk of Court. Thank you for this information.

I realize that this has nothing to do with the charges that have been made against defendants, but will try to satisfy your curiosity as to "who is this woman and who does she think she is" to try to represent herself as an attorney. Thus being said I have enclosed a brief resume' to introduce myself as a lowly lay person who is depending on answers from one much more qualified.

Yours truly,


Thelma R. Garrick
195 Crescent Oaks Court
Orangeburg, South Carolina 29115
803-534-9912

cc: The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, South Carolina 29401

Enclosure: Resume' for personal information only

Telephone 803/536-3500
FAX 803/536-2545

Telex RCA 216906

THELMA R. GARRICK
Mayer & Cie. Coordinator/Services Manager

 **Mayer Wildman Industries, Inc.**
P. O. Drawer 1466, Orangeburg, S. C. 29116-1466

Telephone 803/536-3500
FAX 803/536-2545

Telex RCA 216906

THELMA R. GARRICK
Administrations Manager
(MCT)

 **Mayer Industries Inc.**
P. O. Drawer 1466, Orangeburg, S. C. 29116-1466

Telephone 803/536-3500
FAX 803/536-2545

Telex RCA 216906

THELMA R. GARRICK
Administration Assistant to the President

 **Mayer Wildman Industries, Inc.**
P.O. Drawer 1466, Orangeburg, SC 29116-1466



Mayer
Circular Knitting Machinery, Inc.

THELMA R. GARRICK
Marketing Administration Manager

P.O. Box 212847
Columbia, S.C. 29221-2847

Telephone 803/798-3400
FAX 803/798-8733

Page 54

RESUME of

Thelma R. Garrick

Retired

PERSONAL: Resides at: 195 Crescent Oaks Court
Orangeburg, South Carolina 29115
Telephone 803-534-9912

Church Affiliation: Baptist
Northside Baptist Church, Orangeburg, S. C.
Sunday school teacher
Assist in various other activities

Health: Excellent

Recreation: Walking, working in yard, reading, concerts,
theater, doing things with family

Job Desired: A Part-time position to supplement income

My goal: To be an asset to the company for whom I work.

EDUCATION: Graduate of Holly Hill High School, Associate Degree in Business Administration at Spartanburg Junior College, and continuing education through business related seminars/training at the University of South Carolina, State and Federal Government Seminars and others

POSITIONS: Twenty-seven years with Mayer Industries Inc., Orangeburg/Columbia serving in many capacities (doing actual work in many Managerial positions); Accounting Supervisor, Executive & Confidential Secretary/Staff Payroll to CEO, Mayer & Cie Coordinator/Payroll working in sales with parent company in Germany, Assistant to the President, and last thirteen years Administrative Marketing Manager for the USA and Puerto Rico working for parent company out of Germany.

Also experience in Mortgage Broker Business and Finance, part time.

Receptionist for Bryant, Shuler & Fanning Law firm January 10, 2008 through October, 2009. Then filling in parttime.

QUALIFICATIONS: My position At Mayer Industries for the last thirteen years required me to work with all Nationalities in the USA and Abroad. Responsible for the overall successful operation of the office, adhering to written Company policies, State and Federal laws, and other designated Company representatives. Worked with Agents all over the world, Customers, handled the sales and shipments of the machines sold all over the world and manufactured in Germany (one model but four different machines manufactured in USA), training and assisting Sales Representatives; and worked with the Vice President of Marketing and for the Vice President of USA sales of Mayer, Germany while maintaining a high degree of professionalism. Responsible for Advertising for brochures, being able to know why our machines were a better product than our competitors and relaying this information to our Sales Department. Maintained all records on all customers as to the statistical/financial records for the department. Responsible for the price quotations of machinery for salesmen. Also responsible for and assisted in set-up of a booth at the International Machine Exhibition every four years at the Greenville, South Carolina Textile Exhibition, and any other duties that were related to our department.

Typed policies and procedures, took dictation in all of the meetings related to the Executive Office and Personnel, Classification and Rate schedules for salaried employees, maintained and taught employees accounting procedures.

Responsible for preparing the presentation records proving that the company was eligible to receive the E-Award for International Sales made to other countries and shipped from the USA. (The company received the E-Award from the President of the United States, Ronald Regan, for two consecutive years.) Also worked with Government representative to secure a large loan from Government.

Also worked as one of a selected group to obtain an A Classification for the company.

April 19, 2018

Mr. Joseph J. Tierney, Jr., Esquire
Ms. Christine K. Toporek, Esquire
Young Clement Rivers, LLP
Attorneys at Law
P. O. Box 993
Charleston, South Carolina 29402
843-720-5406

*Never acknowledged
my request!*

Reference: Thelma R. Garrick vs. Dr. George H. Khoury/
Bon Secours St. Francis, West Ashley
Case No.: 2018-CP-10-1163
YCR File No.: 15499-20180314

Dear Sir or Madam:

I do not feel the need here to reiterate my case, because I have with all integrity presented my case to the Court of Common Pleas.

This case has become wide spread not just in South Carolina (both local and governments), because of the research my son and I have done due to the lack of cooperation from both Doctor and Hospital Director. It is my understanding that there has been a change in Director.

My son did not know the Attorney General's office handled only South Carolina cases concerning the state, therefore he called and spoke to him and he was given the name of an attorney to contact. It seems this Law Firm wants to use my case to take to the Legislature. I have not spoken to them. *(Mr. Patrick Bosae replaced by Mr. Anthony Jackson shortly after I approached the Administration office about surgery.)*
It is difficult to believe the Defendants thought a general signed release that was coerced under sedation would give them the right to use the Plaintiff's body at will in such a massive experimental surgery. Since the Plaintiff was not informed prior to the surgery and there is no contract, I would like a copy of the contract between Doctor, Hospital and Medtronic for 2013, 14, 15 and 16; especially for the year 2015.

According to Hospital records there were two Medtronic agents on the staff and in the operating room during my surgery of 8-20-15: Mr. Sam Fordney and Mr. Josh Haumschild. Were they the ones my body was turned over to, and who tested and taught operating staff how to use the Medtronic navigation system (Robotic Arm); and did most of the operation at my expense? This would make sense of Dr. Khoury telling via telephone that he "only put in a rod and two screws" as if that exonerated him. This tells me the first experiment, according to records, was testing this Robotic arm?

The Operative report does not list any implants used nor are they listed on information sent to Medicare and BCBS, the Hospital cannot find a list on Implants, and the first records Plaintiff received did not list them, but the last records I received in 2017 does have them.

The Operative Report also indicates Dr. Khoury gave me lidocaine with epinephrine (epinephrine is not listed under the list of medications). This medication is a dangerous drug you use with precision and will cause heart spasms (that occurred) during surgery, and can cause death.

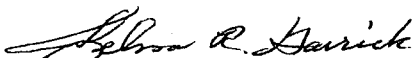
The article by Joe Carlson and Jim Spence, Star Tribune staff writers <http://www.startribune.com/federal-data-shine-a-light-on-medtronic-payments-to-doctors/313962671/> gives much information about the Medtronic company (and their unorthodox methods, especially the use of "Infuse" that I learned on 1-4-2018 was implanted in my spine), as well as the attorney information I received from California where they are in litigation with this company, and I have already given you proof of the Defendants four-year agreement with Medtronic and monies paid out to them.

My health is rapidly deteriorating and having to take more medication that does not help very much is devastating. My kidneys and bowels are being affected, my blood sugar and high blood pressure cannot be regulated because of the pain, and I am having spasms of the arteries more often, and sleeping two to three hours at night does not help. (Other issues with pain see Summons and Complaint.) As I have stated Plaintiff was a very active person and this can be verified by many. I have no quality of life now! The more pain and less inactivity I have, settling this case seems almost too insignificant to the illegal acts performed.

However, I was advised to offer a settlement for you to present to your clients. As time goes on and my life continues to deteriorate, the settlement offer will not be as lenient. I believe this Settlement is more than fair for ruining a person's entire way of life with constant pain. The amount for pain and suffering I will leave to their consciences. There is no amount of money to compensate, and I really want to know what a human Quality of life is worth no matter their age according to the Defendants. Please advise Defendants that this time "good" will overcome "evil". If not, then I am prepared to go forward until justice is achieved.

If you would like to meet and discuss the Settlement enclosed please let me know the time place and location; however, make sure I will only have a short distance to walk. Thank you.

Yours truly,


Thelma R. Garrick, Plaintiff
cc/tg

SETTLEMENT OFFER

Mr. Joseph J. Tierney, Jr., Esquire
Ms. Christine K. Toporek, Esquire
Young Clement Rivers, LLP
Attorneys at Law
P. O. Box 993
Charleston, South Carolina 29402
Attorneys for Defendants Dr. George H. Khoury
and Bon Secours St. Francis West Ashley
803-720-5406

YCR File No. 15499-20180314

CASE No. 2018-CP-10-1163

Thelma R. Garrick vs Dr. George H. Khoury, Bon Secours St. Francis, West Ashley

1. \$1,500.00 monthly for the rest of Plaintiff's life.
2. Retroactive to August 20, 2015 to current date payable in a lump sum.
3. Thereafter \$1,500.00 monthly deposited to Plaintiff's bank account on the 20th of each month.
4. Pay Medicare and Blue Cross Blue Shield for all hospital and medical expenses related to the surgery of August 20, 2015.
5. Pay for any and all future medical expenses related to the surgery of August 20, 2015.
6. Pay all legal expenses pertaining to this case.
7. Pain and suffering, within reason, to be determined by Defendants and discussed with Plaintiff.

Thelma R. Garrick, Plaintiff

Thelma R. Garrick

/tg

TRANSCRIPT AND COURT ORDER

The Transcript dated July 12, 2018 and signed by Ms. Karen V. Anderson, RMR, CRR, Circuit Court Reporter for South Carolina, in the Court of Common Pleas, Case No. 2018-CP-10-1163. (Copy enclosed)

At the beginning of the Transcript the Judge wanted to know why Appellant/Plaintiff was not at the Hearing. Respondents/Defendants Attorney and the Clerk of Court both knew I was waiting for an answer from the Court about the requested Continuance.

A request that was never recorded and never acknowledged.

Judge Goodstein asked if Appellant had been informed. Respondents Attorney told her I had been informed. The hearing continued.

Attorney informed the Judge that Appellant had filed the case on "professional negligence against Dr. Khoury and against St. Francis hospital". And she had not filed a professional negligence petition, and had not filed the affidavit to the notice of intent. He told the Judge I had to jump through the hoops. Judge agreed. (Attorney deliberately misconstrued the reason for the lawsuit again as was proven in the Civil Action Summons and Complaint.)

The Judge asked if there had been mediation? The Attorney's answer, "None of that has occurred". The Judge than said, "Dismissal is appropriate", and asked attorney to prepare the order. The Dismissal Order was prepared and signed by Judge Diane S. Goodstein, Circuit Court Judge for Charleston County on July 25, 2018.

1 STATE OF SOUTH CAROLINA)

2 COUNTY OF CHARLESTON)

) Court of Common Pleas
) Case No. 2018-CP-10-1163
)

3 THELMA R. GARRICK,)

4 Plaintiff,)

5 vs.)

) Transcript of Record
)

6 DR. GEORGE H. KHOURY and)
7 BON SECOURS ROPER ST. FRANCIS,)

8 Defendant.)

) DATE: July 12, 2018
)

9
10 B E F O R E:

11 THE HONORABLE DIANE S. GOODSTEIN
12

13 A P P E A R A N C E:
14

15 JOSEPH J. TIERNEY, JR.
16 Attorney for the Defendants

17 Karen V. Andersen, RMR, CRR
18 Circuit Court Reporter
19
20
21

22 ORIGINAL
23
24
25

(Page 1 of 5)

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1 MR. TIERNEY: Good morning, Your Honor.

2 THE COURT: Good morning. Give me one second. All
3 right. Now, you are here alone?

4 MR. TIERNEY: I apparently am here alone.

5 THE COURT: All right. And this is No. 59; is that
6 right?

7 Okay. All right. And this is a pro se plaintiff, Ms.
8 Garrick. Do we know that Ms. Garrick received notice of
9 today's hearing?

10 THE CLERK: She did.

11 THE COURT: Ms. Garrick, are you present? I'm looking
12 for Thelma R. Garrick. Okay. She did receive notice?

13 THE CLERK: She did.

14 THE COURT: Listening to you.

15 MR. TIERNEY: Thank you, Your Honor. First of all, by
16 way of introduction, my name is Joe Tierney. I represent
17 Dr. George Khoury, who is a neurosurgeon here in town. And I
18 also represent St. Francis Hospital in this matter filed by
19 Thelma Garrick.

20 In addition to notice being provided to Ms. Garrick,
21 she also filed several responsive pleadings in this matter and
22 was aware of the fact that a motion hearing was going to take
23 place today.

24 The issue of the case is as follows. Ms. Garrick has
25 alleged professional negligence, medical malpractice against

1 Dr. Khoury and against St. Francis Hospital. She actually
2 filed complaint in this matter. Rather than file an answer on
3 behalf of the hospital and Dr. Khoury, we filed a 12(b)(1)
4 motion to dismiss because Mrs. Gárrick has alleged in her
5 complaint some highly technical issues that had to do with
6 neurosurgery, in particular, cervical surgery that Dr. Khoury
7 performed. We filed a motion to dismiss based on the Medical
8 Malpractice Reform Act, or Section 15-79-125 of the South
9 Carolina Code, which states that if you are going to file a
10 professional negligence action, you have to do the affidavit.
11 You have to do the notice of intent. You have to jump through
12 all the hoops.

13 THE COURT: She did not do that?

14 MR. TIERNEY: She did not do that. I sent her a copy
15 of the statute and told her this is the reason for the
16 argument. Because in her rebuttal filings -- I understand
17 she's a layperson -- she states, well, there is negligence, and
18 she goes A, B and C. And I told her, no, but you have to
19 follow the statute and then you can make all those arguments.

20 So that's why I'm here today seeking a dismissal of
21 the case for lack of jurisdiction for her failure to follow the
22 statute.

23 THE COURT: Very well. The statute is not optional.
24 It is mandatory. You must have an affidavit. You must file
25 your notice of intent. And you must have that initial

1 mediation. And I gather none of that has occurred.

2 MR. TIERNEY: None of that has occurred, Your Honor.

3 THE COURT: Very well. Then dismissal is then
4 appropriate. If you will prepare an order for me.

5 MR. TIERNEY: I will. Thank you, Your Honor.

6 THE COURT: And be sure you put in there for me,
7 Mr. Tierney, that the plaintiff was notified and did not
8 appear.

9 MR. TIERNEY: Yes, Your Honor.

10 THE COURT: And that despite that, that this matter ..
11 was not dismissed on the basis of her failure to appear, but
12 you went forward and argued your motion and merits of that
13 motion, so that it is clear that this matter has been dismissed
14 on the merits.

15 MR. TIERNEY: Yes, I will do that.

16 THE COURT: Merits meaning the procedural --

17 MR. TIERNEY: Procedural requirements of the statute,
18 yes. Thank you, Your Honor.

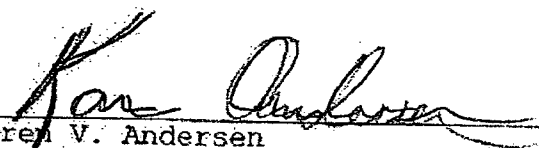
19 THE COURT: Thank you.

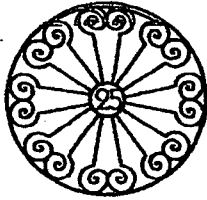
20 (Whereupon, proceedings are adjourned.)
21
22
23
24
25

CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter,
Certified Realtime Reporter for the State of South Carolina at
Large, do hereby certify that the foregoing transcript is a
true, accurate and complete Transcript of Record of the
proceedings.

I further certify that I am neither related to nor
counsel for any party to the cause pending or interested in the
events thereof.


Karen V. Andersen
Registered Merit Reporter
Certified Realtime Reporter



YCR LAW

Christine Kent Toporek
Partner

Direct Dial: (843) 720-5402
Direct Fax: (843) 579-2946
E-mail: ctoporek@ycrlaw.com

July 16, 2018

Via e-mail (dgoodsteinj@sscourts.org) and US Mail

Honorable Diane S. Goodstein
First Judicial Circuit Court of Common Pleas
P.O. Box 234
St. George, SC 29477

Re: Thelma R. Garrick v. Dr. George H. Khoury, Bon Secours St. Francis West
Ashley
Case No.: 2018-CP-10-1163
YCR File: 3810-20180252

Dear Judge Goodstein:

Enclosed please find a proposed Order Granting Defendants' Motion to Dismiss in regards to the above referenced matter. We do not have an e-mail address for Ms. Garrick and therefore she is being sent a copy of this proposed Order at her last known address.

If this Order meets your approval, please sign where indicated and return to me for filing with the court. I have enclosed a postage paid return envelope for your convenience.

Please contact me should you have any questions or concerns regarding this matter. Thank you in advance for your consideration.

With kindest regards, I am

Sincerely,

Young Clement Rivers, LLP

Christine Kent Toporek
Partner

CKT/apd
Enclosure(s)

cc: Thelma R. Garrick (via US Mail)

23 CALHOUN STREET, SUITE 400, P.O. BOX 993, CHARLESTON, SC 29402 • (843) 577-4000 • www.ycrlaw.com

Charleston - Columbia

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	NINTH JUDICIAL CIRCUIT
THELMA R. GARRICK,	)	CASE NO. 2018-CP-10-1163
	)	
PLAINTIFF,	)	
	)	
vs.	)	DEFENDANTS' ORDER GRANTING
	)	MOTION TO DISMISS
DR. GEORGE H. KHOURY AND BON	)	
SECOURS ST. FRANCIS WEST	)	
ASHLEY ,	)	
	)	
DEFENDANTS.	)	

FILED
 2018 JUL 25 PM 19
 JULIE J. ARMSTRONG
 CLERK OF COURT

This matter was before the court on July 12, 2018 on a Motion to Dismiss filed on behalf of Defendants George H. Khoury, M.D. ("Dr. Khoury") and Bon Secours St. Francis Xavier Hospital ("BSSF") (hereinafter collectively referred to as "Defendants"). Present at the hearing was Joseph J. Tierney, Jr., counsel for the Defendants. The Plaintiff, Thelma R. Garrick, was provided notice of the date and time of the hearing but was not present at the hearing. After considering the pleadings, arguments of counsel, and relevant South Carolina statutes and case law, I hereby GRANT the Defendants' Motion to Dismiss.

Factual and Procedural Background

On March 5, 2018, the Plaintiff filed a Summons and Complaint in which she asserts allegations of medical negligence the Defendants. The allegations in the Complaint relate to a back surgery performed by Dr. Khoury and allegedly negligent care and treatment provided by the nurses and other non-physician staff at BSSF. The Plaintiff alleges that she has sustained injuries and suffered damages as a result of the actions of the Defendants.

On March 22, 2018 the Defendants filed a Motion to Dismiss the Plaintiff's Complaint for failure to comply with S.C. Code Ann. §15-79-125. In pertinent part, S.C. Code Ann. §15-79-125(A) provides that "[p]rior to filing or initiating a civil action alleging injury or death as a result of medical malpractice, the plaintiff *shall contemporaneously file a Notice of Intent to File Suit and an affidavit of an expert witness*, subject to the affidavit requirements established in Section 15-36-100." (emphasis added) Section 15-36-100(C) provides, in pertinent part, that [i]f an affidavit is not filed within the period specified in this subsection...and the defendant against whom an affidavit should have been filed alleges, by motion to dismiss...that the plaintiff has failed to file the requisite affidavit, the complaint is subject to dismissal for failure to state a claim." The Plaintiff filed a pleading entitled *Rebuttal to YCR 3810-20180252 Motion to Dismiss* on April 3, 2018.

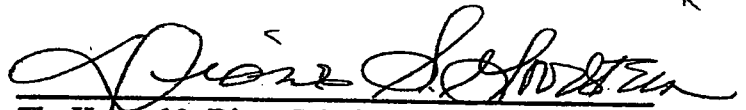
Findings of Fact and Conclusions of Law

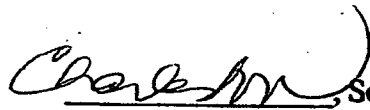
I find that the Plaintiff's Complaint alleges medical negligence against the Defendants and as such the Plaintiff is required to comply with S.C. Code Ann. §15-79-125. S.C. Code Ann. §15-79-125(A) provides, in part, that "[p]rior to filing or initiating a civil action alleging injury or death as a result of medical malpractice, the plaintiff *shall contemporaneously file a Notice of Intent to File Suit and an affidavit of an expert witness*, subject to the affidavit requirements established in Section 15-36-100."

I find that the Plaintiff has not filed a Notice of Intent to File Suit or the affidavit of an expert witness as required by S.C. Code Ann. §15-79-125(A) and therefore I find that the Plaintiff's Complaint is subject to dismissal in accordance with S.C. Code Ann. § 15-36-100(C) and Rule 12(b)(6) of the South Carolina Rules of Civil Procedure.

WHEREFORE, it is hereby ORDERED that the Plaintiff's Complaint is hereby
without DSS
dismissed ~~with~~ prejudice in accordance S.C. Code Ann. §15-36-100(C) and Rule 12(b)(6) of the
South Carolina Rules of Civil Procedure for failure to comply with §15-79-125(A). Defendants'
Motion to Dismiss is hereby GRANTED.

AND IT IS SO ORDERED.


The Honorable Diane Schafer Goodstein
Presiding Judge, Ninth Judicial Circuit

 South Carolina

Dated: 7-25-18

EXPERT WITNESS

Respondents Attorneys also indicated that she had no Expert Witness to prove her medical condition. Appellant still continues to seek an Independent Medical Opinion but no one wants to get involved in a lawsuit to date. She hopes by the time of the hearing she will either have an expert witness present or an affidavit to substantiate her condition resulting from this experimental surgery.

Appellant is enclosing three documents from three well-known and respected neurosurgeons. Two are honest in their opinions and a non-medical person can see Appellant was put in constant pain from the surgery. The third is a (Medtronic) neurosurgeon who lists an even larger experimental surgery as how to help the Appellant.

1. Dr. Drye, neurosurgeon now evaluates patients before sending them to a surgeon on staff. When he saw Appellant he exclaimed, "I thought you would be in a wheel chair, they cut you in half, split you open and altered your entire spine". In his report to my medical doctor he could not imagine a doctor doing the kind of operation Appellant had without patient knowing and indicated so in the diagnosis. He also told Appellant he could not help her and would not see her again for her to even ask questions on how to care for herself. Also in this report he said she should have known I would be in pain. (Verification of constant pain.)
2. Dr. Friedman, neurosurgeon, The Guy L. Odom Professor of Neurological Surgery, Department of Neurosurgery, Duke University stated after studying all the x-rays, CT scan and MRIs said, "I cannot tell you whether further intervention will be of any benefit to you". This was before the broken rod and knowledge of the Infuse device. (An appointment was made with Dr. Richardson, Orthopedic surgeon. An affidavit of that visit by a witness is enclosed.)
3. Dr. Gunter, neurosurgeon at Lexington Brain and Spine Clinic said he could help me with a seven-hour operation. Assessment: "Complex patient with advanced degenerative changes and

4. instrumentation failure with a pseudoarthrosis.”

“I have reviewed in detail the risks, benefits, and alternatives.”
(He really did not, Appellant found out from this report.)

“I have informed the patient and family of the fact that not all medical procedures and techniques have been studied for FDA ‘approval’, and by necessity some procedures and devices may be used in a manner that has not been studied (considered “off label”). I have specifically discussed with the patient and family the risks of worsening neurologic function, even death, infection, significant bleeding including injury to surrounding structures. These injuries may lead to the need for additional surgery or treatment. I have informed them that artificial devices or products from animal, human, or inanimate origin may be used. I have instructed them that the devices that may be used are subject to mechanical failure and may need to be replaced or revised. I have fully described the expected procedure and some possible deviations that may occur by necessity.”

Plan:

“Revision thoracolumbar fusion with removal of previous instrumentation, Left sided transforaminal lumbar interbody fusion L2-3 possible L1-2 thoracolumbar fusion T 11-S1 right sided transforaminal lumbar interbody fusion L5-S1 specifically with the use of infuse bone morphogenic protein and other levels and procedures as indicated.”

Dr. Gunter sent my records over to Lexington Hospital to one of the Medtronic Technicians who was in the operating room on August 20, 2015 doing most of Appellant’s surgery, and training.

Appellant would no more agree to this surgery than she would have Dr. Khoury’s experimental surgery. Appellant is in a royal fix with pain and other problems but at least I am not dead yet.

(Enclosed three doctors signed opinions,
An affidavit of a witness and
Certain risks of the Infuse Device)

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**Spine & Neurological
Surgery**

Thomas Holbrook, F., MD
William Rambo, F., MD
Randall G. Drye, MD
Ken Lozanne, MD

Pain Medicine

Eva J. Rawl, MD
Steven B. Stonick, MD

All Offices:
(803) 256-4107 or (803) 794-3700

Office Locations:
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Columbia, SC 29201

1013 Lake Murray Blvd.
Irmo, SC 29063

114 Gateway Corp. Blvd., Suite 110
Columbia, SC 29203

2989 Sunset Blvd.
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Surgery Center
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Columbia, SC 29201

(803) 256-4107 Ext. 7140
1013 Lake Murray Blvd.
Irmo, SC 29063

www.columbianeurosurgical.com or
www.midlandsortho.com

05/19/2016

Dr. James H. Brunson
1170 Blvd. St.
Orangeburg, SC 29115

RE: Thelma Garrick
DOB: 01/12/1937

Dear Dr. Brunson:
Our mutual patient, Thelma Garrick, was evaluated in the office on 05/17/2016. I have copied my evaluation and plan below.

Assessment/Plan

Ms. Garrett and I have spent well beyond one hour together through a very difficult session. Her history is quite complicated and the events of her last surgery which resulted in a disappointing outcome are not abundantly clear to me. I have no records of that surgery, what was actually proposed or what was eventually done at her operation. I certainly believe there was serious miscommunication in so much as her expectations are and remain entirely unrealistic. For her to believe that she would be pain free after such a massive procedure is simply unfounded. I see no evidence of any bony erosions, metallic failure, fluid accumulation or other markers that would suggest a rejection of the implants or infectious process. As I explained to her, the instrumentation was likely placed for stabilization purposes. To remove them would be neither advisable nor is it medically indicated at this time. I see no justification for additional surgery as her ongoing symptoms are not unexpected, not out of line with the magnitude of her surgery, particularly with a history of multiple surgical procedures prior. She however clearly feels otherwise. While expressing that she is grateful for my opinion, she is adamantly insisting upon a third opinion regarding removal of the instrumentation. She has asked if I might arrange a consultation with Dr. William Rambo whom she knows through reputation. I have agreed to this referral only in an attempt to appease her and perhaps allow her to move forward. She states a full understanding, acceptance and agreement with this referral as well as being released from my care as I have nothing further to offer.

Thank you very much for allowing us to participate in the care of your patient. Please do not hesitate to contact us if further questions arise.

Sincerely,

Randall G. Drye

Electronically Signed by: RANDALL G. DRYE, MD

On spine

There were only three surgeries, all performed by Dr. George H. R. Houry:
Spinal Stenosis
Ruptured disk and
the experimental surgery on 8-20-15.

T. Garrick

SLAH 3
JB

March 14, 2018

Dr. Randall G. Drye, MD
Midlands Spine & Neurosurgical surgery
1930 Blanding St.
Columbia, South Carolina 29201

Reference: Your comments and report
of my visit of May 17, 2016

Dear Dr. Drye:

I am still astonished when I read your report to my doctor dated May 19, 2016. Your assumptions without concrete evidence were unbelievable. My multiple operations were a spinal stenosis surgery (referred by my medical doctor, Dr. James H. Brunson, Jr. who has retired); and the second was to repair a ruptured disk almost immediately after the spinal stenosis surgery that still left a problem with the left sciatic nerve; and the third surgery was after suffering with the left pinched nerve for approximately four years went back to the same surgeon for some type of treatment. (I believe people make mistakes and have always given doctors this out all of my life.) For six months I tried, even things I was allergic to, to keep from having surgery but the surgeon said surgery was the only way to correct. I went into the hospital thinking I was finally going to get relief.

And, yes, with the surgery I thought I was having I had hoped to be pain free. It has taken me over two years to piece together what this surgeon did to me, with the latest being January 4, 2018.

When I came to you I knew nothing other than what the surgeon was saying, "Your body is rejecting what I put in you". That was when he showed me the distribution port (still do not know the exact name) and explained how it worked. He said, "I need to remove it but you will have to take a shot first." The shot being steroids that I am highly allergic to. An appointment was made for me to come back on April 18, 2016. When I kept this appointment the surgeon staged the biggest cover-up I had ever seen. He showed me an MRI (not the one actually done on 3-3-16 of which you did not get a correct copy either) and when I argued back and forth with him about it not being the correct MRI because I only had the lower lumbar done on 3-3 he would shrug and say, "this is all I have". I really think he thought because I was old he could talk me into anything. There is so much more to this, like the hypodermic needle quietly slipped into my IV port before any of my family was called back. Before the nurse answered my question about what she was giving me I was out. They had me sign the release on the way to the operating room under sedation. Also no medical report lists any medicine before going to the operating room but there is nothing wrong with my memory.

Anyway, during the back and forth with the surgeon, and he wanting me to give him a date for surgery something told me to get a second opinion. Thus my coming to Midlands.

You gave me the first hint that there was more to the surgery than the surgeon had told me. You, and spasms and cramps below my shoulders. So very discouraged one day I thought about what you had said when you entered the waiting room, before you even introduced yourself to me. You said, "I thought you would be in a wheelchair, they cut you in half, split you open and altered your whole back with the massive surgery." I sat there stunned and shocked again and I failed to ask you questions. I did not even know what to ask at that point.

I thought, what did he mean cut me in half? I remembered where I could get some answers and contacted Medicare asking them to forward the verbiage from the surgeon's billing. From this report I learned that my spine had been severed but could not find a reason. Now I was more in shock than ever. The surgeon who did not care about me at all wanted to give me shots to test the port, and if that did not work remove this port from my body no matter the damage. (A navigation system – Robotic arm – was used in this surgery I learned the latter part of 2017.)

A few months later I contacted a surgeon that was a friend in North Carolina and made an appointment with the orthopedic surgeon. I did not know nor was told they were affiliated with my doctor and hospital. He had contacted the surgeon without my permission before I arrived. He took x-rays of my entire spine, and that is when I found out I had a cage around the area where the spine was severed. Now I know I have a port, a cage, and my spine was severed. But severing the spine and just grafting it back together did not make sense to me.

This surgeon in N. C. gave me four options (witnessed by my niece):

1. Go back to the surgeon.
2. Let him give me the shot.
3. Get me a lawyer and sort it out or
4. Go home and learn to live with the pain.

Another disappointment. They got caught but are determined to test the port or remove it no matter what happens to me. That is another fear for me.

I still was not satisfied so I started looking further and this led me to two reporters who had issued a report on the manufacturer. There was litigation and massive lawsuit of over 6,000 people over the use of "Infuse" (information attached) that includes a genetically engineered protein that causes bones to fuse rapidly after lower back pain surgery. Thousands of patients claimed permanent, debilitating injuries. I prayed this had not happened to me but why pray after the fact? The manufacturer admitted to me on January 4, 2018 that "Infuse" had been used on my spine.

Dr. Drye, as God is my witness I never agreed to this massive surgery. This surgeon called me at my home last week and wanted me to come in and talk, let him give me a shot, and talk about surgery. I told him I would never trust him but he still had his nurse call to set up an appointment. He even said that he had only put one rod and two screws into my body. He denied severing my spine and grafting it back together. He indicated that the screws were causing my pain and could be removed. (Is he talking about the three screws stabilizing the port?) I asked him how he could use the "Infuse" on me knowing the outcome for so many? He said, "I use it all of the time." I wonder how many people out there that are having problems and do not even know the reason?

I will not even discuss the pain! It is so much worse than when I came to you. Life as I knew it is over. But I tell myself there are those who are much worse off than you are. At least you have a good mind.

The reason I am writing to you I am not sure why after reading over your report. But two consecutive nights in the middle of the night I have awakened with the thought I should write to you. So to get this off my mind I am doing what I have been told. If you really looked at the MRI you know that the instrumentation was not for stabilization. I have found the surgeon had a four-year agreement with the manufacturer to insert their devices into patients and also found where he was paid to do so.

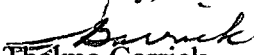
Will you look at the CT Scan and see if the screws being removed would be advisable or can they be removed?

I need also for you to send me a statement of your exclamation when you entered the room and first saw me because I feel it was an honest one. Quote (I have an excellent memory as did my grandmother at the age of 106.) "I thought you would be in a wheelchair, they cut you in half, split you open and altered your whole back with a massive surgery." Knowing the truth will you do the right thing?

Thank you Dr. Drye for at least putting me on the right trail of what all was done to me in a surgery that was without my knowledge and without my permission. What they did to me was a crime, premeditated, willingly, knowingly with intent to harm so that they could test experimental devices.

This case is about honesty and integrity so I will tell you that I am pursuing this case representing myself. I know I am not an attorney nor do I claim to be but someone has to stop wicked people who do harm because of greed. I am asking the judge to make a decision in this case, not a jury. He may even throw out the case. I expect nothing but pray for closing and peace. May your good heart allow you to do the right thing?

Yours truly,


Thelma Garrick
1915 Crescent Oaks Ct.
Orangeburg, S. C. 29115

DUKE NEUROSURGERY

Allan H. Friedman, M.D.

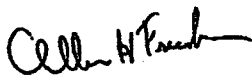
July 19, 2016

Ms. Thelma Garrick
1913 Francis Street NE
Orangeburg, SC 29118

Dear Ms. Garrick,

Thanks for your note. It looks to me as if your spine situation is extremely complicated. My strong suggestion is that you see one of our spine experts here at Duke. Dr. Richardson certainly falls in that category. Two other names would be Dr. Isaac Karikari and Dr. Robert Isaacs. These folks do nothing but spine surgery and would probably be the best to figure out what's going on. From looking at your scans, I cannot tell you whether further intervention will be of any benefit to you.

Be well,



Allan H. Friedman, M.D.
The Guy L. Odom Professor of Neurological Surgery
Department of Neurosurgery
Duke University Health System
Durham, NC 27710

AHF/npc

Page 76

To Whom it may Concern

May 28, 2019

On 8-31-2016 I accompanied my Aunt, Helma Herrick, to Duke Medical Center in Durham, NC to see Dr. William Richardson. The purpose of this trip was to get Dr. Richardson's opinion and advice on what if anything could be done to alleviate my Aunt's extreme pain and discomfort following a massive surgical procedure done by Dr. George H. Kheury on August 20, 2015. Even though there was no mention of Dr. Kheury during said procedure, it was evident, Dr. Richardson already knew who had performed the surgery.

Dr. Richardson looked at X-rays they had taken there and wanted to give her a steroid shot. Aunt Helma told him how previous steroid shots had affected her. He offered to do another surgical procedure to remove the device in her back but my Aunt was not receptive to another surgery. Upon her refusal Dr. Richardson became quite angry and gave her four things she could do:

- 1- Go back to Dr. Kheury
 - 2- Let him give her shots to see how long any relief would last
 - 3- Get a lawyer and sue it out
 - 4- Go home and learn to live with the pain
- Upon saying this he obviously dismissed her by getting

up to leave the room. As he approached the door he turned and said to give him a call if she wanted him to give her the steroid shot.

Jessie F. Moore
435 Whisperwood Road
Cameron, SC 29030

803-823-2944 - Home

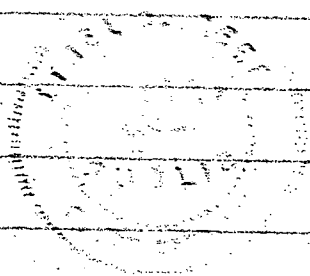
803-702-4007 - Cell

Notary of SC 5/28/2019

Ethel C Reed

Ethel C Reed

Expiration 1/24/22



LEXINGTON Brain and Spine INSTITUTE

A Lexington Medical Center Physician Practice

Lexington Brain and
Spine Institute
155 N. Hospital Dr,
Ste 200
West Columbia SC
29169-4800
Outpatient

Garrick, Thelma R
MRN: M000460300, DOB: 1/12/1937,
Sex: F
Encounter date: 6/27/2018

Garrick, Thelma R

MRN: M000460300
Description: 81 year old female

Office Visit 6/27/2018
Lexington Brain and Spine
Institute

Provider: Gunter, Brett C, MD (Neurosurgery)
Primary diagnosis: Stenosis of lateral recess of lumbar spine
Reason for Visit: Follow-up

Progress Notes

Gunter, Brett C, MD (Physician) • Neurosurgery

LEXINGTON BRAIN AND SPINE INSTITUTE FOLLOW UP VISIT

DATE OF SURGERY/PROCEDURE:

Lumbar Laminectomy 2011

Lumbar Fusion 8/2015 Dr. Khoury Charleston

Chief Complaint

Patient presents with

- Follow-up

MRI and CT review

SUBJECTIVE:

Thelma R Garrick is a 81 y.o. female seen today in follow up for evaluation of back and leg pain.

Low back: 60%. The patient describes diffuse axial back pain throughout her lower lumbar spine. Her symptoms generally present in worsening fashion with prolonged standing and walking. Mechanical activities such as bending, twisting, lifting, and basic housework also worsen her syndrome. She describes intermittent spasm of her back particularly with leaning forward. She is able to find some relief with sitting, although it takes a while for her pain ease off.

Bilateral legs: 40%. The patient describes LEFT greater than RIGHT pain and spasm. She describes about 90% of the pain in the LEFT, 10% on the RIGHT. She has a sensation of dysesthesias into her RIGHT thigh, however this is relatively manageable. She describes very reproducible radiating pain into her LEFT buttock into the LEFT lateral thigh to the anterior thigh to about the knee. Her symptoms are present primarily with standing and walking as well as mechanical type activities.

HPI

Review of Systems

OBJECTIVE:

Vitals:

*Get
Opinion
No more trying to
get help! Advised to
wait until it becomes life
threatening!*

Garrick, I helma K (MK # MU00400300) DOB: 01/12/1951

ENCOUNTER DATE: 06/27/2018

06/27/18 1050
BP: 153/82
Pulse: 62

PHYSICAL EXAM:**Vitals:**

06/27/18 1050
BP: 153/82
Pulse: 62

GAIT: Ambulates without external stabilization
GENERAL: appropriate for age
HEAD: normocephalic
EYES: pupils equal and reactive, extraocular movements intact
EARS: external anatomy unremarkable
THROAT: oropharynx clear to visual inspection
LUNGS: clear to auscultation bilaterally
HEART: regular rate and rhythm
ABDOMEN: soft non-distended, nontender
EXTREMITIES: warm, moist, pulses present
BACK: unable to flex or extend

NEUROLOGICAL EXAM:

MENTAL STATUS: awake alert and oriented to person, place and time
SPEECH: fluent and conversant

POWER EXAM:**LOWER EXTREMITIES:**

HIP FLEXORS: power 5/5 bilaterally
QUADRICEPS: power 5/5 bilaterally
HAMSTRINGS: power 5/5 bilaterally
ANTERIOR TIBIALIS: power 5/5 bilaterally
EXTENSOR HALLICUS LONGUS: power 5/5 bilaterally
GASTROSOLEUS: power 5/5 bilaterally

SENSORY EXAM:

LOWER EXTREMITIES: sensation intact to light touch
REFLEXES: lower extremity reflexes symmetric and intact

IMAGING:

CT scan of the lumbar spine demonstrates what appears to be fractured instrumentation at L2-3 where there is some sort of the construct connection. There is a presumed nonunion at L1-2 and L2-3. There is an apparent solid bony union at L2-3 and L3-4.
MRI of the lumbar spine demonstrates lateral recess stenosis at L2-3 and degenerative changes consistent with nonunion at this level. There are advanced degenerative changes at L5-S1.

ASSESSMENT:

Complex patient with advanced degenerative changes and instrumentation failure with a pseudoarthrosis.

Not!
I have reviewed in detail the risks, benefits, and alternatives. I have informed the patient and family of the fact that not all medical procedures and techniques have been studied for FDA "approval", and by necessity some procedures and devices may be used in a manner that has

Page 80

not been studied (considered "off label"). I have specifically discussed with the patient and family the risks of worsening neurologic function, even death, infection, significant bleeding including injury to surrounding structures. These injuries may lead to the need for additional surgery or treatment. I have informed them that artificial devices or products from animal, human, or inanimate origin may be used. I have instructed them that the devices that may be used are subject to mechanical failure and may need to be replaced or revised. I have fully described the expected procedure and some possible deviations that may occur by necessity. After this discussion they have instructed me to proceed. I have given them opportunity to ask questions. They have voiced an understanding of the risks, benefits, and alternatives.

*Pain Clinic
Cola*

PLAN:

Revision thoracolumbar fusion with removal of previous instrumentation, LEFT sided transforaminal lumbar interbody fusion L2-3 possible L1-2 thoracolumbar fusion T 11-S1 right-sided transforaminal lumbar interbody fusion L5-S1 specifically with the use of infuse bone morphogenic protein and other levels and procedures as indicated

Gunter, Brett C

This note was created with voice recognition software. Typographical and grammatical errors, as well as errors of content are related to the software capture, and every attempt is made to correct these prior to note submission.

Instructions

 Return if symptoms worsen or fail to improve.

After Visit Summary (Automatic SnapShot taken 6/27/2018)

Additional Documentation

Vitals: BP 153/82 Pulse 62

Flowsheets: Custom Formula Data

Encounter Info: Billing Info, History, Allergies, Detailed Report, Reviewed This Encounter, Patient Report

Orders Placed

None

Medication Changes

As of 6/27/2018 11:56 AM

None

Visit Diagnoses

Stenosis of lateral recess of lumbar spine M48.061

2

June 30, 2018

Dr. Brett Gunter
Lexington Brain and Spine Institute
Lexington Medical Park 3
155 North Hospital Drive, Suite 200
West Columbia, S. C. 29169

Reference: Follow-up appointment
Thelma R. Garrick

Dear Dr. Gunter:

Thank you for seeing me and for the tests that gave me so much information to the why of my pain, and the devastating outcome of an experimental surgery gone bad, and performed without my knowledge or permission.

However, it seems you are involved with the Medtronic Company, one of their doctors. Not knowing of my extensive research, I caught you protecting this company, even saying I broke the rod attaching this experimental device to my spine instead of admitting the material of this implant is defective. The port is not titanium. Titanium as you know is used in molten steel, therefore, the fusion rod is as hard as steel.

I came to you for assistance in determining if there was any alternative to living with pain the rest of my life and for no other reason. Two other doctors did not recommend surgery and told me that removing the port would be worse than putting it in; and I almost died then. You did not tell me of any danger to my body from this broken rod; no instructions, no alternative to the surgery you explained you would perform. I heard loud and clear that with surgery there are no guarantees.

This experimental surgery has changed my entire life not only health wise but also monetarily, and there will be closure of some kind. They picked the wrong little ole lady this time for their experiments! People in South Carolina need to know of the experimentation on elderly people. They want to break a new frontier; I will make them famous!

Faith and trust in your doctor, after faith in God, is paramount to a patient's recovery. I had that kind of faith until 8-20-15. Therefore, I cannot be your patient. I wish you future success, and thank you again for seeing me.

Yours truly,

Thelma R. Garrick
/tg

additional surgical procedures, a return of underlying symptoms, and/or a clinically significant or fatal drug underdose or overdose. Avoid using shortwave (RF) diathermy within 30 cm of the pump or catheter. Effects of other types of diathermy (microwave, ultrasonic, etc.) on the pump are unknown. Drug infusion is suspended during MRI; for patients who can not safely tolerate suspension, use alternative drug delivery method during MRI. Patients receiving intrathecal baclofen therapy are at higher risk for adverse events, as baclofen withdrawal can lead to a life threatening condition if not treated promptly and effectively. Confirm pump status before and after MRI. Reference product labeling for information on sources of EMI, effects on patient and system, and steps to reduce risks from EMI.

PRECAUTIONS:

Monitor patients after device or catheter replacement for signs of underdose/overdose. Infuse preservative-free (intraspinal) saline or, for vascular applications, infuse heparinized solutions therapy at minimum flow rate if therapy is discontinued for an extended period of time to avoid system damage. EMI may interfere with programmer telemetry during pump programming sessions. EMI from the SynchroMed programmer may interfere with other active implanted devices (e.g., pacemaker, defibrillator, neurostimulator).

ADVERSE EVENTS:

Include, but are not limited to, spinal/vascular procedure risks; infection; bleeding; tissue damage; damage to the system or loss of, or change in, therapy that may result in additional surgical procedures; a return of underlying symptoms; and/or a clinically significant or fatal drug underdose or overdose, due to end of device service life; failure of the catheter, pump or other system component; pump inversion; technical/programming errors; injection into the pocket or subcutaneous tissue, or improper use, including use of non-indicated formulations and/or not using drugs or system in accordance with labeling; pocket seroma; hematoma; erosion; infection; post-lumbar puncture (spinal headache); CSF leak and rare central nervous system pressure-related problems; hygroma; radiculitis; arachnoiditis; spinal cord bleeding/damage; meningitis; neurological impairment (including paralysis) due to inflammatory mass; potential serious adverse effects from catheter fragments in intrathecal space, including potential to compromise antibiotic effectiveness for CSF infection; anesthesia complications; body rejection phenomena; local and systemic drug toxicity and related side effects; potential serious adverse effects from catheter placement in intravascular applications.

Lioresal® is a registered trademark of Medtronic, Inc.

USA Rx Only

Rev 0815

SYNCHROMED EL

SYNCHROMED EL DRUG INFUSION SYSTEM BRIEF SUMMARY:

Product technical manual must be reviewed prior to use for full disclosure.

INDICATIONS:

US: Chronic intraspinal (epidural and intrathecal) infusion of preservative-free morphine sulfate sterile solution in the treatment of chronic intractable pain, chronic intrathecal infusion of preservative-free ziconotide sterile solution for the management of severe chronic pain, and chronic intrathecal infusion of Lioresal® intrathecal (baclofen injection) for the management of severe spasticity; chronic intravascular infusion of floxuridine (FUDR) or methotrexate for the treatment of primary or metastatic cancer.

CONTRAINDICATIONS:

When infection is present; when the pump cannot be implanted 2.5 cm or less from the surface of the skin; when body size is not sufficient to accept pump bulk and weight; when contraindications exist relating to the drug; drugs with preservatives.

WARNINGS:

Comply with all product instructions for initial preparation and filling, implantation, programming, refilling, and injecting into the catheter access port (CAP) of the pump. Failure to comply with all instructions can lead to

Never been done

1. Infuse Bone graft device, a bone Morphogenic Protein (grows abnormal bones)

2.

on 3-7-16
Dr. K said my body was rejecting the pain distributor port. (And port too large for the size of my lumbar?)

Appellant body too small for implants?

ARGUMENT

Medical Negligence has never been the issue or filed as such regardless of how the Attorneys for the Respondents try to portray it! Too many times this is brought up to try to brain wash everyone to focus on this erroneous filing in this case. There was NO negligence on the part of the Respondents, they knew exactly what they were doing was a crime.

According to the Law Appellant had to file the lawsuit under Medical Malpractice and did so, but when a predator or someone deliberately plans to harm/hurt another it is a different kind of crime? To Appellant, just because Respondents was in a medical facility does not make it less of a crime. The "intent" was there to test a device for experimental purposes, and the patient had to be kept in pain so that the implant could be tested. Yet she was not a candidate for this surgery because of being allergic to the drug to be used.

Appellant would like to reiterate that negligence or the implants themselves is not the issue for the lawsuit it is about a doctor and hospital's lies and deception by taking a patient and ruining many good years of her life (longevity in her family is 90 to over 100+), not being honest with her about needing the surgery they had discussed (fusion to relieve pressure on left sciatic nerve) so they could perform a massive experimental surgery for gain; committing fraud on the Operative Report when Respondent said he had discussed the operation with the Appellant. Three years plus before the Appellant knew the extent of the massive surgery. The Respondent broke his Hippocratic oath taken by

(Page 1 of 2)

medical graduates that sets an ethical code not to harm anyone when becoming a doctor.

Appellant actually wrote a letter of forgiveness to Dr. Khoury before learning of the massive surgery, and the lies and deceit. (Copy enclosed)

(Page 2 of 2)

Page 85

August 20, 2017

George H. Khoury
Charleston Neurosurgical associates, LLC
Trident Area Office
9275-B Medical Plaza Drive
N. Charleston, South Carolina 29406

George H. Khoury,

God says we "must forgive our enemies if we want Him to forgive us our trespasses". I have given this much thought therefore; I would like to forgive you for each thing you did to me.

- I forgive you for breaking your Hippocratic oath where you promised to harm no one.
- I forgive you for willingly, knowingly and with intent to harm, without my permission, implant experimental devices into my spine.
- I forgive you for immediately sedating me intravenously upon arrival at the hospital.
- I forgive you for getting the nurses to have me sign the release form when I was heavily sedated on the way to the operating room. I signed the release, like always, but when I was told to initial the top of the sheet and saw two lines of handwriting was written I became uncomfortable even in my drugged state. I knew something was wrong because I had never had to do this before, so I asked what all the writing was? The woman handing me the clipboard said in a stern voice, "Just initial it". You will notice I had just enough presence of mind to initial by the word "fusion" because that is all you were supposed to do, relieve the pressure on the left sciatic nerve. I was dozing back off when I heard them arguing, saying they were not going to witness my signature. Each one asked the other if they would witness my signature and both said "NO". The one who did not have the clipboard asked if Donnel would witness my signature. The one with the clipboard said she would have to because she was not going to witness my signature. Donnel evidently did witness my signature without being there because her name is the one listed under witness.
- I forgive you for lying on your operative report saying that you had discussed this procedure with me and I had agreed. (After reading the risks you indicated in your operative report no one would have agreed to this type of surgery.)
- I forgive you for placing a five-distribution port, experimental Medtronic distribution Port, into my lumbar spine, rupturing a disc and putting more pressure on the left sciatic nerve and also other nerves in my back. (Look on the MRI and you will see where you put a screw ½ above and ½ below the ruptured disc at the first screw when implanting the ports and did not repair the damage.) Also using a company you knew had multiple law suits against and do not always get FDA approval; are the experimental devices you implanted FDA approved?
- I forgive you for cutting my spine into, grafting it back together, so that you could implant a second experimental device, Medtronic experimental cage, to protect this area

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you compromised in my upper spine. (This cage shifts at times.)
 I forgive you for altering my entire spine.
 I forgive you for causing me constant pain for the rest of my life.
 I forgive you for taking away at least twelve years+ of my quality of life. (The women in my family do not slow down until they reach the age of 90.)
 I forgive you for not doing the surgery to relieve the pressure on the left sciatic nerve, the only surgery you were supposed to do; this implant causes more pressure on this nerve and causes extensive pain when I stand or walk any distance.
 I forgive you each morning for the spasms, cramps and pain from just standing on my feet. (The pressure on the nerves is so great that all I can do is take a pain pill lasting only two hours or sit in a chair for hours, only getting up often so I will not become stiff. I have to wear some kind of support all of the time but this does not always work.)
 I forgive you for not being able to take my walks.
 I forgive you for not being able to shop for a piece of clothing because I cannot stand that long because the pain becomes so intense.
 I forgive you for not being able to do the things I enjoy; take care of my house, yard and flowers (cutting grass, planting, edging, trimming shrubs, etc) now an extra expense.
 I forgive you for not being able to go to church three times a week, visit shut-ins, go on Senior trips, sit or stand at my granddaughter's graduation, or help take care of my sister who is 94 years old. etc.
 I forgive you because you knew I was not a candidate for the port implementation because of my being highly allergic to steroids. The very drug you insert into the port.
 I forgive you for putting me in a financial position so that I will have to sell my home in order, hopefully, to take care of myself. (I live on a very limited budget and was doing fine before you totally disabled me.)
 I forgive you for taking away good years from my life. (You know what pain can do to a person even if they take all the pain medication in the world. You fight each day to retain a positive attitude, to stay clear headed without drugs that can help with the pain, and you try to survive and not fall into a state of depression. I have fought the pain and these symptoms for two years now but it is not a state that will continue because you get worn down with exhaustion and want to just give in – give up the fight.)
 I also forgive you for the time I will be in a wheel chair. (A known fact!)
 I forgive you for the greed that instigated your actions. (I hope it was worth it! I can forgive you because of God's promise. Romans 12:19 "for it is written, Vengeance is mine; I will repay saith the Lord.")
 I forgive you for asking me for a date for surgery knowing this was not feasible for me. (Three doctors have stated "no surgery" because it would be worse than putting in the devises, and you know I almost died after the first operation, you knew of the inhumane pain I had to endure.)
 I forgive you for thinking just because I was a strong, active, elderly woman you thought you and your team could play god with my life.
 I forgive you for thinking that you could actually test these devices without my knowledge of the implants? (The surgery was on August 20, 2015 and I continued going back to you because the pain was worse than before the surgery. You did not say anything until on March 7th when you told me my body was rejecting what you had

put in me! You explained at that time, showing me the port from the MRI I had done on March 4th. You explained how it worked. You did not tell me about cutting my spine into and putting in another transplant. I did not know anything about this until Dr. Richardson at Duke Health pointed it out to me from an x-ray they had taken. I did not find out the full extent of the two massive operations until Dr. Drye greeted me by saying he thought I would be in a wheel chair because I had been literally cut in half and sliced open in a massive surgery. I should have known but your heinous crime was almost too unbelievable. I never really understood why you cut my spine in half until I saw the new Medtronic cage in the x-ray. The MRI of January 15th 2015 did not indicate this action was necessary. (Will this cage support the spine in the future? If not, will the weakened spine hold? What will my future be?)

I forgive you for lying on April 18th, 2016 for trying to make me think I did not see or hear what you told me on March 7th; even showing me an incorrect MRI of a full spine.

I forgive you and Roper St. Francis for deliberately giving me the incorrect MRI when I requested a copy of the March 4th MRI. (However I do have a copy of this MRI because I called Radiology at Moncks Corner and told them it would be in their best interest to give me the correct MRI. They did!)

I forgive you for thinking I would never find out what you, your team and Roper St. Francis did to me; for thinking just because I was a strong elderly woman I lacked intelligence and would not find out about the devices. You definitely chose the wrong little "ole" lady for your experimentation. Where was your intelligence?

I forgive you for wanting me to give you a date to operate and remove the devices, for trying to get rid of the evidence, and possibly eliminate me entirely. (At this point you knew you were in trouble with lies and deceit. What else can I think?)

Yes, I have forgiven you because it will do me no good to hate you on top of everything I have to endure in a day. Yes, something moves in the top of my spine and in the lumbar region. The jar is so great when I turn over at night that I am awakened and this determines how much pain I will be in the next day. So that day is one I sit and try to get back some control over the pain (My nights are worse than my days. Most days I cannot prepare my own breakfast. I eat what is readily available instead of keeping to my diabetic diet.)

Forgiving you is second nature to my faith, however, that does not mean I respect you or ever want our paths to cross again. You have said in your inaccurate operative report that an operation either inner spine or inner abdominal will be necessary in the future but I would rather die before I let you or any of you affiliates touch me. (Yes, I have been told by two of your affiliates to go back to you. My greatest fear is that if I get sick that I will be put to sleep in a facility that is affiliated with you or Roper St. Francis and the Medtronic Distribution port will be tested no matter how ill it will make me. It is not my well being you or Dr. Richardson is interested in. But I am told I can draw up a legal document so that this will not happen.)

You are my greatest disappointment! Just remember I wish you no harm, that has been very hard, but I do not recognize you as a doctor, therefore, I have removed your title.

There are consequences to our actions. We have choices, and those choices should not cause harm to anyone.

Even though I am living this nightmare it is difficult to believe that your plan for this surgery was premeditated. But it was! You cannot say that my back was in such bad shape that you were doing it to help me because no one would have had all these devices and outside monitoring done during this massive surgery (Dr. Drye's words!) without prior planning.

You also know, as you indicated in your operative report, that I will eventually have to have the distribution port removed. I will not be able to endure the pain too much longer but you will not do the operation. You also know what the end result will be! If I do not die on the table I will be paralyzed completely or, if lucky, I will be in a wheel chair. This will not happen until I get to the point I cannot tolerate the pain any longer and do not care.

If I had one question answered it would be, "How do you justify and live with your actions?" Your decisions were premeditated (a definite criminal action). There was no physical or medical reason for you to do anything but the fusion to relieve the pressure on the left sciatic nerve. I had no other pain! Instead you chose to insert implants without repairing the pinched nerve, therefore, putting more pressure on that nerve and other nerves in my lumbar spine; and ruptured a disc you did not repair. (You cannot even contemplate what I will endure for the next two days after sitting here at the computer and typing this letter to you.)

I do not know God's plan in allowing this since He has always taken care of me but I know he has a plan and will reveal it to me in time. May He give you a Christian work ethic!

You may think because I have given so much detail that I have not really forgiven you but that is not the case. I wanted you to really understand what you have done to my life and me, and not ever do this to someone else. Yes, I forgive you.


Thelma Garrick, Patient

/tg

CONCLUSION

The greatest injustice would be for the Honorable Judges of the South Carolina Court of Appeals, with all of the facts in this case to Dismiss a case of so great a significance that will allow continued experimental operations on the elderly for gain by such evil men will be horrendous in the coming future. Dr. George H. Khoury and Bon Secours Roper St. Francis West Ashley hospital are the new breed of doctors who think that they can get by with disabling someone by working with disreputable companies who choose to in their greed go outside of the Law.

Appellant requests that this Honorable Court affirm a future trial court date to hear and decide the verdict of the case of Thelma R. Garrick vs Dr. George H. Khoury and Bon Secours Roper West Ashley.

I respect and honor the integrity of the Honorable Judges of the South Carolina Court of Appeals; and if within the Court guidelines, issue subpoenas to the following employees of Bon Secours Roper St. Francis West Ashley.

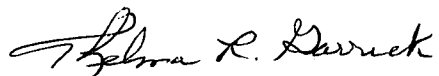
Ms. Melanie MacDonald (Position during surgery – Circulator)
Dr. Rex Gerding – Anesthesia
Ms. Donna Hughes – Admitting nurse
Mr. Chris Hensley – Cert. Reg. Nurse Anesthesia
Ms. Summer Landers – PA (Assisted Dr. George H. Khoury)
Ms. Belinda Mitchum – Roper Hospital Moncks Corner, S. C.
Dr. George H. Khoury – The Surgeon who was supposed to operate.


Appellant, Pro Se

/tg

ORDER

Enclosed you will find a copy of an Order from the South Carolina Court of Appeals that was filed on March 6, 2019 stating "After careful consideration and because Appellant timely served Respondents with the notice of appeal, Appellant's motion to allow the late filing of the notice of appeal is granted".



Thelma R. Garrick, Pro Se
195 Crescent Oaks Ct.
Orangeburg, South Carolina 29115
(803) 534-9912

Copies of all documents have been forwarded separately to Attorneys
for Respondents on this date 8-26-19 via
The U.S. postal service.
Law Firm of Young Clement Rivers, LLP
Mr. Russell Grainger Hines, Esquire
Mr. Joseph John Tierney, Jr., Esquire
Mr. Stephen Linwood Brown, Esquire
P, O, Box 993
Charleston, South Carolina 29402-0993

The South Carolina Court of Appeals

Thelma R. Garrick, Appellant,

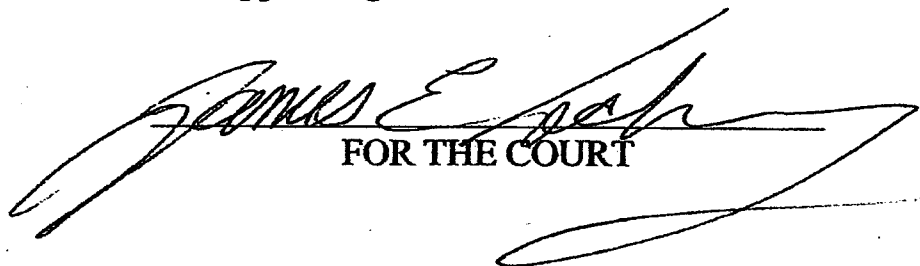
v.

Dr. George H. Khoury and Bon Secours St. Francis West
Ashley, Respondents.

Appellate Case No. 2018-001842

ORDER

After careful consideration and because Appellant's proof of service establishes Appellant timely served Respondents with the notice of appeal, Appellant's motion to allow the late filing of the notice of appeal is granted.


FOR THE COURT

Columbia, South Carolina

cc:

Thelma R. Garrick

Joseph John Tierney, Jr., Esquire

FILED

March 6, 2019

(copy)