

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Tyrone Laman Robertson, #191327
Plaintiff,

vs.

South Carolina Attorney General,
Alan Wilson, Defendants of Penny
Connections Institution, warden
Larry Cartledge, Associate warden
of program services Stephen Clayton,
et al, and McCormick Corrections
Institution warden, Leroy Cartledge;
and Associate warden, James Parker, Jr.
of inmate program services, et al;
Lieutenant Stanley Terry, Nurse Ms. Tarcia L.
James, third-party Defendants South Carolina
Department of Corrections Director, Bryan P.
Stirling, and SCDC insurance carrier the
State Budget and Control Board committee,
Commissioner of the Palmetto Unified
School District No. #1 Board of Trustee
Randy Reagan, Ed. D., Superintendent, et al,
Defendants

IN THE COURT OF COMMON PLEAS
C.A. No. #2017-CP-23-03406

AFFIDAVIT BY

PLAINTIFF Tyrone L. Robertson

ON PRODUCT LIABILITY
CLAIM IN MEDICAL
MALPRACTICE CLAIM

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Based on 293 FM Charleston Radio Broadcasting Network advertisement
Notice by the Journal of Medical Medicine Association during
November 22, 2017 on Nexicous / prilosek Acid Reflux Drug
Medicine that treat patients with proton pump inhibitors

that is known to cause Chronic Kidney disease and stenosis in patients; and that plaintiff Tyrone Roberson is a member of class affected by proton pump inhibitors and that he is presently entitled to a substantial and significant compensation in the recovery of the Medical Medicine product liability claim. (800) 297-0121, (800) 917-2080;

FACTS

The cause of action in Tyrone Lamar Roberson #191327 Vs. South Carolina Attorney General, Alan Wilson, et al in State Court Civil Tort Action No. #2017-CP-23-03406 is covered by the term 'strict liability in tort' is designed to relieve the plaintiff from proving that the manufacturer was negligent in some particular fashion during the manufacturing process and to permit proof of the defective condition of the product as the principal basis of liability." "Once it can be shown that the product was defective when it left the manufacturer and that the defect proximately caused the plaintiff's injury, a recovery is warranted absent some conduct on the part of the plaintiff that may bar his recovery." 2d. 162 W. Va. 857, at 883, 253 S.E. 2d at 680 (1979) Morningstar v. Black and Decker Manufacturing Company, supra.

The complaint sets forth three causes of action. First, the complaint alleges a cause of action for gross negligence and recklessness. Second, the complaint alleges an intentional tort consisting of or is covered by the term 'strict liability in tort.' Third, the complaint alleges a cause of action based on the breach of an implied warranty.

In order to state a claim for negligence, a plaintiff must show "(1) a duty of care owed by the defendant to the plaintiff; (2) a breach of that duty by a negligent act or omission; and (3) damage proximately resulting from the breach." by an official or municipality acts with deliberate indifference under color of state law if its conduct or adopted policy disregards a known or obvious risk that is very likely to result in the violation of a prisoner's constitutional rights if the constitutional rights allegedly infringed by them defendant's and third-party was clearly established at the time of their challenged conduct, if they knew or should have known that their conduct violated the constitutional norm. That makes all involved party tortfeasor liable to Plaintiff Tyrone Roberson for a sum certain of \$10,000,000 in civil damages and for the recovery of \$150 Hourly Attorney fees and court cost in case # 2017-CP-23-03406

The test for determining whether a tort may be deemed reckless, willful or wanton is whether it has been committed in such a manner and under such circumstances that a person of ordinary

Reason or prudence would have been conscious of it as an invasion of the rights of the injured party. Tart v. Dan River, Inc., cite as 332 S.E. 2d 534 (S.C. App. 1985), (emphasis applied).

"To protect the people from unconstitutional action under color of state law, 'whether that action be executive, legislative, or judicial.'" As this court recognized in Monroe v. Pape, 365 U.S. 167, 172, 81 S.Ct. 473, 476, 5 L.Ed. 2d 492 (1961), the historic purpose of § 1983 was to prevent state officials from using the cloak of their authority under state law to violate rights protected against state infringement by the Fourteenth Amendment.

Although stating that the § 1983 plaintiff must show both that he has been deprived "of a right secured by the 'Constitution and laws' of the United States" and that the defendants Alan Wilson and third-party acted "under color of any statute of any state," Ex parte Virginia, 100 U.S. 339, 346-347, 25 L.Ed. 676 (1880). This is because such officials are "clothed with the authority" of

state law, which gives them power to perpetrate the very wrongs that Congress intended § 1983 to prevent.
United States v. Classic, 313 U.S. 299, 326, 61 S. Ct. 1031, 1043, 85 L. Ed. 1368 (1941), EX PARTE VIRGINIA, supra, 100 U.S. at 346-347, 25 L. Ed. 676. Subsequent interpretations of the Civil Rights Acts by this Court acknowledge Congress intent to reach unconstitutional actions by all state actors. The Court reasoned that the Fourteenth Amendment prohibits a state from denying any person within its Jurisdiction the equal protection of the laws.

"Since 1867, Congress has acted within its constitutional authority to protect the people from unconstitutional action." "Of any state or Territory, or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the Jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity for a sum certain of \$10,000,000 (TEN MILLION DOLLARS), and for the recovery of \$150 (ONE HUNDRED FIFTY DOLLARS) Hourly Attorney fees and Court Cost that sought by plaintiff

in the same manner and to the same extent as a private individual under like circumstances or other proper proceeding for redress..." 42 U.S.C. § 1983. If a government entity's or employee's discretion is exercised in a grossly negligent manner, if it is proved that the employee's conduct was not within the scope of his official duties or that it constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude, then the governmental entity political subdivision of Perry / McCormick Connections Institution of SCDC involved is liable for its torts as if it were a private individual. See South Carolina Code of Law Title Section § 15-78-70(C) provides that a person, when bringing an action against a governmental entity under the provisions of this chapter, shall name as a party defendant only the agency or political subdivision for which the employee was acting. See SOUTH CAROLINA BATTLEGROUND OF FREEDOM CODE OF LAWS OF SOUTH CAROLINA 1976 CIVIL REMEDIES AND PROCEDURES TITLE 15 ARTICLE 3 PERSONAL OR SUBSTITUTE SERVICE IN STATE

§ 15-9-210. Service on corporations generally.
see SCDC inmate correspondence policy / procedure
PS-10.08, § 11.4 indigent inmates and inmates

without funds in their account will only be authorized to send certified mail for summons on complaints going directly to the South Carolina Attorney General office. see SCRul. civ. procedures, Rule 45(C), SCRPC.

And whereas, it is sound principle of law that one who negligently causes injury must respond in damages... the same rules as are applied to actions against individuals on corporations.

It is the business of the law to remedy wrongs that deserve it, even at the expense of a "flood of litigation," and it is a pitiful confession of incompetence on the part of any court of justice to deny relief on such grounds. If injuries are multiplied, actions should be multiplied, so injured parties may have recompense.

see South Carolina Code Ann. § 10-2002 (1962) provides: Courts of record may declare rights, status and other legal relations. — Courts of record within their respective jurisdictions shall have power to declare rights, status and other legal relations whether or not further relief is or could be claimed.

See BLUE CHIP STAMPS V. MANOR DRUG STORES, cite as
95 S. Ct. 1917 (1975), 7d. at 1924: MR. Justice REHNQUIST
delivered the opinion of the Court: [4] We quite
agree that if Congress had legislated the elements of
a private cause of action for damages, the duty of
the Judicial Branch would be to administer the law which
Congress enacted, the Judiciary may not circumscribe
a right which Congress has conferred because of
any disagreement it might have with Congress about
the wisdom of creating so expansive a liability.

SIGNED THIS 23rd DAY OF November 2017.

RESPECTFULLY SUBMITTED
TYNONE S. ROBERSON

TYNONE ROBERSON #191327
Lieben connections & institution
RHN / BMU 143B
136 Wilborn Avenue
Ridgeville, South Carolina 29472
Counsel of Records Plaintiff.

MANIFESTO

From me being Food poisoned, along with ingestion of Lead contaminated water, and overly exposure to harmful pesticides that consist of hazardous chemicals such as chloroacetophenone, and chlorobenzylmalonitrile that has left me with Helicobacter pylori, diverticulitis disease, and with a condition of severe acid reflux that required me to take a number of different medication that has left me with chronic stomach and kidney disease problems that's well documented throughout my entire medical file records and blood lab work reports. However, I was advised by the Journal of Medical Medicine Association broadcasting Radio Network announcement November 22, 2017 via 293 FM station of Charleston, South Carolina that Nexicous, prilosec and other 'proton-pump-inhibitor' medications has been found to cause kidney disease and renal disease in patients treated with said medication that was found by the Food and Drug Administration. And I was advised to contact on call hot lines: 1-800-297-0121 and on 1-800-917-2080 because I may be entitled to a substantial monetary award of significant compensation in the recovery in product defect liability claim.

My name is Tyrone Roberson and my address is:
Lieber Connections Institution 136 Wilborn Avenue
Ridgeville, South Carolina 29472.

Can you please let me know will I be appointed a lawyer to represent me and to help protect my civil legal rights in this matter. Thank you! SIGNED THIS 23rd DAY OF November 20 17

RESPECTFULLY SUBMITTED
TYRONE R. ROBERSON

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Affidavit By Plaintiff Tyrone L. Roberson on product liability claim in Medical Malpractice claim in civil case Action No. # 2017-CP-23-03406 has been served upon the Defendant's Attorney Ms. Stephanie H. Burton, Esq. of GIBBES BURTON, LLC 308 East Saint John Street Spartanburg, South Carolina 29302 by mailing via depositing into the United States postal mail carrier a copy of the same with postage prepaid addressed to be delivered to: Paul B. Wickensimer Greenville County Clerk of Court 305 East North Street Greenville, South Carolina 29601.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

SIGNED THIS 23rd DAY OF November 2017.

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RESPECTFULLY SUBMITTED
~~TYRONE L. ROBERSON~~
TYRONE L. ROBERSON #191327
Lieber Connections Institution
RHU / SMU 143B
136 Wilborn Avenue
Ridgeville, SC 29472

FROM: T. Wayne Lammey Robertson #291827
Lee Connectional Foundation F-71041159A
990 W. Backy Highway
Bishopville, South Carolina 29010

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To: The South Carolina Court of Appeal
1620 Senate Street
Columbia, South Carolina 29801