

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
DEADRA L. JEFFERSON, Circuit Court Judge

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**RECEIVED**

SEP 10 2019

**SC Court of Appeals**

Case No. 2015-CP-10-5000  
Appellate Case No. 2019-000640

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Jim Washington, .....Appellant,

v.

Trident Medical Center, LLC, .....Respondent.

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**SUPPLEMENTAL CITATIONS**

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Jim Washington  
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WTS-Transport, LLC@yahoo.com  
803-496-4655  
Appellant, Pro Se

Graham Law Firm, P. A. v. MAKAWI, 396 S.C. 290, 299-302 n.2, 721S.E.2d 430(2012); Nelson v. Q H G of South Carolina, 354 S.C. 290, 304-308, 580 S.E.2d 171(Ct. App. 2003); Graham v. Town of Loris, 272 S.C. 442, 446-454, 248 S.E.2d 594(1978); Jinks v. Richland County, 355 S.C. 341, 349-350, 585 S.E.2d 281(2003). These supplemental citations are in reference to issues on page 8 discussion section of Appellant initial brief that he was not given a full and fair hearing prior to the January 14, 2016 order and that the issues were different than those litigated in circuit court and at the appellate proceeding in this action. Therefore, the issues are not barred to litigate. The above supplemental citations should be cited immediately following the above mentioned issues and the bracket and period citing the 3 motions with exhibits and records which are cited therein on page 8.

1b. Johnson v. Sonoco Products Company, 381 S.C. 172, 174-178, 672 S.E.2d 567(2009); Holmes v. East Community Hospital, Inc., 408 S.C. 138, 161-162, 758 S.E.2d 483(2014); Russell v. Wachovia Bank, N.A., 370 S.C. 5, 20-21, 633 S.E.2d 722(2006); Raby Construction,, L.L.P. v. Orr, 358 S.C. 10, 23-24, 594 S.E.2d 478(2004); Milgroom v. Mcdaniel, 308 S.C. 5, 7-9, 416 S.E..2d 626(1992); Leviner v. Sonoco Products Co., 339 S.C. 492, 493-494, 530 S.E.2d 127(2000); In re Beard, 359 S.C. 351, 356-358, 597 S.E.2d 835( Ct. App. 2004); Ness v. Eckerd Corp., 350 S.C. 399, 402, 566 S.E.2d 193,195(Ct. App. 2002); Cox v. Fleetwood Homes of Georgia, Inc., 334 S.C. 55, 57-58, 512 S.E.2d 498(1999); Jackson v. Speed, 326 S.C. 289, 311, 486 S.E.2d 750(1997); Hudson v. S.C. Dept. of Hwy. & Public Transp., 478 S.E.2d (1996); State v. Campbell, 376 S.C. 212, 215-217, 656 S.E2d 371(2008); Andrick Development Corp. v. Maccaro, 280 S.C. 103, 105, 311 S.E.2d 95(Ct. App. 1984); State v. Warren, 392 S.C. 235, 237-240 & fn. 3, 708 S.E.2d 234(Ct. App. 2011); State v. Smith, 276 S.C. 494, 496-498; 280 S.E.2d 200(1981). The above supplemental citations are in reference to the issues on page 8 through 9 of Appellant's initial brief and are the same issues raised in the circuit court in Appellant's motion to reconsider conclusion, pages 2-10 dated 7/6/18 and in Appellant's motion to reconsider/motion to vacate, pages 2-7 dated 2/22/19 that the circuit abused its discretion at the 2/7/19 hearing and in its final order dated 2/14/19 is without evidentiary

support that the court lack jurisdiction to grant relief to Appellant's motion to vacate judgment and motion to amend the pleadings. These supplemental citations should be cited immediately after the bracket and period citing record of notice of roster scheduling motion hearing on page 9 of Appellant initial brief; and, also should be cited immediately prior to the citation of Patton v. miller on page 10, line 16 of Appellant initial brief. Finally, Mr. T. v. Ms. T., 378 S.C. 127, 134-140, 662 S.E.2d 413(Ct. App. 2008); Wright v. Cordesville Pentecostal Holiness Church, 310 S.C. 321, 322-323, 426 S.E.2d 772(1993); Perry v. Heirs at law of Gadsden, 357 S.C. 42, 45-49, 590 S.E.2d 502(Ct. App. 2003); Saro Investments v. Ocean Holiday Partnership, 441 S.E.2d 835, 838-840(Ct. App. 1994); Johnson v. Johnson, 310 S.C. 44, 46-47, 425 S.E.2d 46(Ct. App. 1992); Werner v. Carbo, 731 F.2d 204, 206-209(4<sup>th</sup> Cir.1984). These supplemental citations are cited in reference to the circuit court order dated 3/18/19, R\_\_ as it relates to the issues Appellant raises in his initial brief on page 8-10 and in Appellant's memorandum of law in support of motion to vacate judgment and motion to amend the pleadings, dated 2/4/19, R\_\_ pages 2-29 that the circuit court was put on notice but overlooked and fail to consider in its order dated 2/14/19, R\_\_. Likewise, these supplemental citations are in reference to the circuit court order dated 3/18/19 disposing of Appellant's motion to vacate/motion to reconsider dated 2/22/19, R\_\_ pages 7-14 again failing to consider Appellant memorandum of law in support of motion to vacate judgment and motion to amend the pleadings in its order dated 3/18/19 requested by Appellant to modify its 2/14/19 because Appellant's memorandum of law in support of the motion to vacate judgment and motion to amend the pleadings were timely filed on 2/4/19 prior to judgment and should be made part of the record showing he met his burden of proof that his SCRPC Rules 60(b)(3) and 60 (b)(5) motions for relief should have been granted under the citation of authorities under S.C. Code Statutes 15-79-125(A)for the proposition of laws he relied on in his Rule 60 motions which in effect actually vacate and reverses the circuit court opinion under the controlling case laws and the order would be inequitable to have Prospective

application . The above supplemental citations should be cited on page 10, line 16 immediately prior to the citation Patton v. Miller.

II. Buist v. Buist, 410 S.C. 569, 574- 576, 766 S.E.2d 381(2014); ATLANTIC COAST BUILDERS AND CONTRACTERS, LLC, v. Lewis, 398 S.C. 323, 325-337, 730 S.E.2d 282(2012); Kennedy v. The South Carolina Retirement System, 349 S.C. 531, 532-535, 564 S.E.2d 322(2001). These supplemental citations are cited in reference to the issues raised in Appellant initial brief on pages 13 that the circuit abuse its discretion and controlled by error of law in finding Appellant could not use a motion to reconsider to raise issues that could have been raise prior to judgment but were not . The above supplemental citations should be cited on pages 13 immediately prior to the citation Ex Parte Carter in Appellant initial brief.

III. Shirley's Iron Works Inc. v. City of Union, 403 S.C. 560, 573-574, 743 S.E.2d 778(2013); Salmonsén v. CGD, Inc., 377 S.C. 442, 454-460, 661 S.E.2d 81(2008); State ex rel. Medlock v. . Nest Egg Society Today, Inc., 290 S.C. 124, 130, 348 S.E.2d381(Ct. App. 1986); Andrick Development Corp. V. Maccaro, 280 S.C. 103, 105-106, 311 S.E.2d 95(Ct. App. 1984). These supplemental citations are in reference to the issues raised in Appellant's initial brief on page 15 that circuit court Judge Jefferson abused its discretion ruling that it had no authority to vacate the order of Judge Dennis dated 2/5/16. The above supplemental citations should be cited on page 15 of Appellant initial brief immediately after citation Graham v. Town of Loris and also should be cited on page 16 immediately prior to the second citation of Narruhn v. Alea of London Limited appearing on page 16 of Appellant initial brief.

IV. Ray v. Ray, 374 S.C. 79, 83-87, 647 S.E.2d 237(2007); Chewing v. Ford Motor Company, 354 S.C. 72, 84-86, 579 S.E.2d 605(2005). These supplemental citations are in reference to the

issues raised in Appellant's initial brief on page 17 concerning attorneys deliberately misrepresented that to the circuit court that Appellant was treated with anticoagulation and discharged in stable condition with a prescription for refill and that aspirin treatment is a common knowledge; and, intentional tort claim under oath tolling the statute of limitation issue. The above supplemental citations should be cited on page 17 immediately after these bold highlighted issue and the bracket and period citing the records and exhibits of the 3 motions cited therein; and, also should be cited after the bracket and period in the next paragraph below it citing these same motions and exhibits in the records on page 17 of the initial brief.

b. Dean v. Heritage Healthcare of Ridgeway, 408 S.C. 371, 385-388, 759 S.E.2d 727(2014); Ellie, Inc. v. Miccichi, 358 S.C. 78, 92, 594 S.E.2d 485(Ct. App. 2004); Hagy v. Pruitt, 339 S.C. 425, 431-434(2000); Gilliland v. Elmwood Properties,301 S.C. 295, 301-302, 391 S.E.2d 577(1990); Player v. Chandler, 299 S.C. 101, 104-105, 382 S.E.2d 891(1989); Therasense, Inc. v. Becton, Dickinson and Co., 649 F.3d 1276, 1290-1291(2011)( Ct. of Appeals-Fed. Circuit); Martinez v. Bank of New York Mellon,198 So.3d 911, 912-913(Fla. Dist. Court of Appeals, 3<sup>rd</sup> Dist. 2016); Faddis v. City of Homestead, 121 So.3d 1134, 1135(Fla. Dist. Court of Appeals, 3<sup>rd</sup> Dist. 2013); Bishop Logging Co. v. John Deere Industrial Equipment Co., 455 S.E.2d 183, 187(Ct. App. 1995); Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1117-1122(Court of Appeals 1<sup>st</sup> Circuit 1989). These supplemental citations are in reference to the issues in Appellant's initial brief on page 19-20 of the valid oral contract consent agreement dated 9/30/12 alleging deliberate misrepresentation by Respondent attorneys with intent to present extrinsic fraud upon the court; and, concealed negligent diagnosis of embolism and aspirin treatment common knowledge; and, subject

matter jurisdiction over the accompanying documents which the circuit court would not admit into evidence at the 1/7/16 hearing and in its final order for medical malpractice action is the basis for Appellant argument that Trident attorneys deliberately set in motion a scheme to defraud the court which effectively deprived him of the opportunity to present his case and be heard in the medical malpractice action in making a particularized showing that the fraud was extrinsic not intrinsic fraud. The above supplemental citations should be cited on page 20, line 15 of Appellant initial brief immediately prior to the first citation of Chewning v. Ford Motor Company.

V. South Carolina Public Interest Foundation v. Lucas, 416 S.C. 269, 282 n. 3, 786 S.E.2d 124(2016); Patel v. Patel, 359 S.C. 515, 523-526, 599 S.E.2d 114(2004); Mallett v. Mallett, 473 S.E.2d 804, 807-808(Ct. App. 1996); Ellis v. PROCTER AND GAMBLE DISTRIBUTING COMPANY, 433 S.E.2d 856(1993); Kizer v. DORCHESTER COUNTY VOCATIONAL EDUCATIONAL BOARD OF TRUSTEES, 287 S.C. 545, 552-554, 340 S.E.2d 144(1986); Sun News V. Stevens, 278 S.C. 26, 34-41, 292 S.E.2d 30(1982)(HARWELL and NESS, dissenting opinions); Davenport v. Summer, 269 S.C. 382, 384-385, 237 S.E.2d 494(1977); Stevens v. The Sun News, 267 S.C. 63, 65-71, 226 S.E.2d 236(1976); Williams v. Pennsylvania, 136 S. Ct. 1899, 1910(2016); Marshall v. Jerrico, Inc., 446 U.S. 238(1980); Withrow v. Larkin, 421 U.S. 35, 46-47(1975); Taylor v. Hayes, 418 U.S. 488, 501-505(1974). These supplemental citations are in reference to the circuit court order dated 3/18/19 explicitly making specific findings of the issues by referencing citations of authorities to the issues Appellant raised in his 2/22/19 motion to reconsider/motion to vacate and at the 2/7/19 hearing seeking a change of venue on the ground the circuit court judge was judicially bias and prejudice denying Appellant of constitutional right to due process of law to a fair and impartial adjudicator and the opportunity to present his objections and be heard in a meaningful time and meaningful manner. The 3/18/19 order made finding there was no evidence of judicial bias and

prejudice depriving Appellant of his constitutional right to a fair and impartial trial as it appears in the record in the 3/18/19 order, transcript and attached exhibits. Appellant argues these issues in his initial brief on pages 21-22, lines 1-24. However, due to typographical error on page 22, lines 14-15 of Appellant initial brief it obviously incorrectly states the circuit court did not dispose of the constitutional violation due process issues. The above supplemental citations should be cited on page 23, line 1 immediately after the bracket and period citing the circuit court order denying Plaintiff motion to vacate judgment and motion to amend the pleadings, record.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

SC Court of Appeals

DEADRA L. JEFFERSON, Circuit Court Judge

Case No. 2015-CP-10-5000  
Appellate Case No. 2019-000640

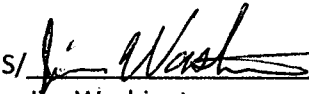
Jim Washington, .....Appellant,  
v.  
Trident Medical Center, LLC, .....Respondent.

**PROOF OF SERVICE**

I, the undersigned, do hereby certify that I have served all attorneys of record in this action

With a copy of the **supplemental citations** herein below specified by mailing a copy of the same by

United States Mail, postage prepaid, to the following addresses:

s/   
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September 10, 2019

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
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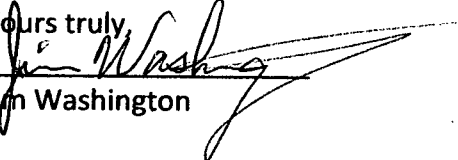
SEP 10 2019

SC Court of Appeals

RE: Jim Washington v. Trident Medical Center, LLC  
Appellant Initial Brief-**Supplemental Citations**  
Appellate Case No. 2019-000640

Dear Ms. Kitchings

Enclosed in this letter is a copy of Supplemental Citations pursuant to SCACR Rule 208(b)(2)((7) after the Appellant Initial Brief has been filed. These citations substitutes the 9/5/19 citations. By copy of this letter to all counsel, Appellant is hereby serving notice with copies of the above referenced supplemental citations and opportunity for a prompt response from Respondent.

Yours truly,  
S/   
Jim Washington