

"Exhibit A"

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION

applicable portions of this form must be completed to constitute a valid authorization for the release of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. 45 CFR 164.508 & 1.512.

Providence Orthopedic Group, 2435 Forest Drive, Columbia, South Carolina 29204  
(Insert full name and address of Hospital or Physician)

Authorize the use and disclosure of health information about me maintained by the health care provider or health care facility identified above to:

DAVIDSON & LINDEMANN, P.A.  
1611 Devonshire Drive, Second Floor  
Post Office Box 8568  
Columbia, South Carolina 29202-8568

Health information" encompasses any and all medical records, reports, documents and/or notes pertaining to the treatment or diagnosis of Sammie Lee Goodwin, Sr., Social Security Number 250-11-4755, Date of Birth September 12, 1956, including, but not limited to: admission summaries, discharge summaries, operative reports, all prescriptions, bills, invoices, telephone call or log sheets for medications, in-patient, out-patient and emergency medical records, medical reports, tests results, lab test data, reports of results of diagnostic tests, x-rays, radiology reports, physician's reports, progress notes and reports, consultation reports, office notes, nurses' notes, healthcare questionnaires, correspondence to and from any source, bills for services rendered, evaluations, x-rays, views, charts, diagrams, treatment plans, telephone call reports, medical logs, disability determination information, questionnaires, and other written or printed information, records regarding drug abuse, alcohol abuse, psychological or psychiatric impairments, evaluations and/or treatments, communicable diseases, and HIV and/or AIDS contained in your medical records concerning the above-named patient.

Reason of Disclosure: Litigation

Authorization Expiration: This authorization will expire at the end of litigation, unless an earlier date or a different expiration date is specified below. I understand that I have the right to revoke this authorization at any time in writing to DAVIDSON & LINDEMANN, P.A., or to the disclosing health care facility or health care provider, or pursuant to the terms of the Notice of Privacy Practices of the disclosing facility or provider, except where the aforementioned parties have already made disclosures in reliance on my prior authorization.

Expiration date or event (if other than the end of litigation): END OF LITIGATION.

Providence Orthopedic Group may not condition treatment, payment, enrollment or eligibility for benefits on signing this authorization.

By voluntarily authorizing the use and disclosure of my health information, I acknowledge that I have received written notice from DAVIDSON & LINDEMANN, P.A., of their request for such information. Additionally, I understand that such information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by law. DAVIDSON & LINDEMANN, P.A., will use the information requested within the context of litigation and where necessary, consistent with HIPAA regulations, will require satisfactory assurances from contractors, subcontractors and business associates to appropriately safeguard such information.

[Signature]  
ESS

X Sammie Lee Goodwin  
PATIENT

8-30-17  
DATE

10:10 AM  
TIME (A.M./P.M.)

PATIENT IS UNABLE TO CONSENT BECAUSE: \_\_\_\_\_  
BEFORE, CONSENT FOR THE PATIENT.

\_\_\_\_\_  
ESS

\_\_\_\_\_  
AUTHORIZED SIGNATURE (RELATIONSHIP/AUTHORITY TO SIGN)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TIME (A.M./P.M.)

"Exhibit A"

AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION

All applicable portions of this form must be completed to constitute a valid authorization for the release of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) privacy regulations. 45 CFR 164.508 & 164.512

TO: Palmetto Health-USC Orthopedic Center, 14 Richland Medical Park Drive, Suite 200, Columbia, South Carolina 29201  
(Insert full name and address of Hospital or Physician)

I authorize the use and disclosure of health information about me maintained by the health care provider or health care facility identified above to:

DAVIDSON & LINDEMANN, P.A.  
1611 Devonshire Drive, Second Floor  
Post Office Box 8568  
Columbia, South Carolina 29202-8568

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Expiration date or event (if other than the end of litigation): END OF LITIGATION.

Palmetto Health-USC Orthopedic Center may not condition treatment, payment, enrollment or eligibility for benefits on signing this authorization.

By voluntarily authorizing the use and disclosure of my health information, I acknowledge that I have received written notice from DAVIDSON & LINDEMANN, P.A., of their request for such information. Additionally, I understand that such information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by law. DAVIDSON & LINDEMANN, P.A., will use the information requested within the context of litigation and where necessary, pursuant to HIPAA regulations, will require satisfactory assurances from contractors, subcontractors and business associates to appropriately safeguard such information.

[Signature]  
WITNESS

[Signature]  
PATIENT  
8-30-17  
DATE  
10:10 AM  
TIME (A.M./P.M.)

THE PATIENT IS UNABLE TO CONSENT BECAUSE: \_\_\_\_\_  
I, THEREFORE, CONSENT FOR THE PATIENT.

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
AUTHORIZED SIGNATURE (RELATIONSHIP/AUTHORITY TO SIGN)  
\_\_\_\_\_  
DATE  
\_\_\_\_\_  
TIME (A.M./P.M.)



I N D E X

<u>WITNESS/DESCRIPTION</u>	<u>PAGE NO.</u>
Case Called/The Court	4
Motion/Mr. Garfield	4
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EXHIBITS

NO.	DESCRIPTION	I.D.	EV.
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-- NO EXHIBITS ENTERED --

1 THE COURT: Number 2016-CP-40-00387, *Sammie Goodwin v.*  
2 *Richland County*. Mr. Goodwin, you're representing  
3 yourself; is that correct?

4 MR. GOODWIN: Yes, Ma'am.

5 THE COURT: And the County is represented by Robbie  
6 Garfield.

7 We're here on two motions. One is Mr. Garfield's  
8 renewed motion to dismiss, and Mr. Goodwin is -- is  
9 objecting to that and so we'll take up those.

10 Mr. Goodwin --

11 MR. GOODWIN: Yes, ma'am?

12 THE COURT: -- you -- you know how this works?

13 MR. GOODWIN: Yes, ma'am.

14 THE COURT: I've seen you several times before. I'll  
15 give Mr. Garfield a chance to -- to make his motion and --  
16 and give you a chance to respond to it and add anything  
17 that you wish to add related to your motion.

18 MR. GOODWIN: Yes, ma'am.

19 THE COURT: Yes, sir, Mr. Garfield?

20 MR. GARFIELD: Thank you, Your Honor. And again, I  
21 appreciate the Court willing to take this -- hear our  
22 motion. This is our -- Defendant's motion to dismiss, a  
23 renewed motion to dismiss, and I know Your Honor indicated  
24 that you're familiar with the basic facts, but just --

25 THE COURT: I am. And I -- and I actually had a

1 chance to look at the record yesterday and refresh my  
2 recollection about it and so --

3 MR. GARFIELD: Yes, ma'am.

4 THE COURT: -- I'm -- and I -- and I've heard other  
5 motions previously --

6 MR. GARFIELD: Yes, ma'am.

7 THE COURT: -- relating to discovery as I recall. So  
8 I'm -- I'm familiar with it.

9 MR. GARFIELD: But I would like to address a couple  
10 of issues previously with discovery, at least to establish  
11 a time line for Your Honor.

12 THE COURT: Yes, sir.

13 MR. GARFIELD: The initial discovery requests that we  
14 had sent Mr. Goodwin were served in September of 2016. He  
15 did not respond. We sent a Rule 11 letter and then we  
16 filed a motion to compel.

17 The hearing on the motion to compel was heard before  
18 Judge McFaddin on June 6, 2017. And again, Your Honor, I  
19 know realizes this is all in the record, but a couple of  
20 pertinent points here. At the hearing before Judge  
21 McFaddin, we placed several things on the record, concerns  
22 from our standpoint.

23 From the little bit we had gleaned up into that time  
24 as far as the Plaintiff's medical course, and EMS had been  
25 summoned to the scene, the Plaintiff had refused any kind

1 of attention, any kind of treatment by the -- by the  
2 paramedics. Didn't really want the paramedics to get near  
3 him.

4 He was later seen at Providence emergency room and he  
5 was told by the emergency department officials that he  
6 needed a follow up, of course, with his primary care  
7 physician and he did that.

8 And he went to his family doctor, and his family  
9 doctor examined him and then referred him out to an  
10 orthopaedic specialist for his complaints.

11 He went to an orthopaedist. It's a local  
12 orthopaedist that's now with the Providence Group, saw him  
13 three times during the interim of September, 2014 to July,  
14 2015.

15 We had explained to Judge McFaddin, and again to Your  
16 Honor it -- at -- at the subsequent hearing, that we  
17 basically had a glaring blind spot because what -- what  
18 had happened up until that point is that Mr. Goodwin had  
19 provided us pieces and parts -- if I may approach -- of  
20 his overall medical record.

21 (Mr. Garfield hands documents to the Court.)

22 And what I'm providing -- what I'm providing for the  
23 Court are deposition -- exhibits to the -- my deposition  
24 of the Plaintiff in June of last year. And what you see  
25 here, as Exhibit No. 4, is an MRI patient medical history

1 screening in which, before he actually goes in to have his  
2 MRI conducted as Your Honor would be familiar with, he  
3 needs to go ahead and provide a history.

4 And as the Court can note, it says -- unless my eyes  
5 are playing tricks on me (as read): "Body part to be  
6 examined, left shoulder." And (as read): "Reason for the  
7 visit ..." or the exam, it said (as read): "Bad pain in  
8 left shoulder."

9 At his deposition, you can see in the second page,  
10 with his permission, we took a picture of him, and under  
11 oath he pointed to the body part, which is his left  
12 shoulder area, and that is where he testified that the  
13 officers tased him and that's -- relates his injuries back  
14 to the initial tasing in January of 2014.

15 So Judge McFaddin, at that time, had given him 30  
16 days to comply and get his medical records. He was  
17 unwilling nor was he under an obligation, but he was  
18 unwilling to sign any authorizations. He assured the  
19 Court that he would personally go to all these entities  
20 and -- and round them up.

21 And that brings me to the history to Your Honor's  
22 hearing on this. Last summer this came up on the trial  
23 roster. We were still basically empty handed. We didn't  
24 have the medical records. In August of 2017, we moved to  
25 dismiss for failure to prosecute, and this was the hearing

1 before Your Honor on August 30 of last year where we moved  
2 to dismiss for failure to prosecute.

3 Your Honor did not grant my -- grant my motion, but  
4 you graciously provided him the opportunity to assist and  
5 facilitate getting those records and he did. And he got  
6 his medical authorizations and we promptly went -- sent  
7 those out and we pursued these medical records.

8 And when we started collecting them, we finally  
9 started to have some ideas about what this case about --  
10 what this case was about and his allegations. So we  
11 noticed Dr. Plymale -- his treating orthopaedist, we  
12 noticed his deposition and we took his deposition on  
13 January 22 of this year, and he provided sworn testimony  
14 as far as Plaintiff's medical reports and now we were able  
15 to piece together what really happened.

16 And what really happened, according to Dr. Plymale,  
17 was that on September 5 of 2014, that this would be  
18 roughly seven-and-a-half/eight months post event, the  
19 Plaintiff presents to Dr. Plymale's office with Providence  
20 Orthopaedic Group and his only complaint at the time was a  
21 left shoulder pain. Dr. Plymale treated this soft tissue  
22 related complaint, performed a full physical exam. He  
23 ordered x-rays at that time, revealed no acute  
24 abnormalities. So he ordered, as the normal course, an  
25 MRI of the shoulder.

1           Mr. Goodwin reports to the MRI appointment three days  
2 later on September 5 -- excuse me -- September 8, 2014,  
3 and the same screen form that I handed up to Your Honor,  
4 this is the form we received.

5           (Mr. Garfield hands a document to the Court.)

6           MR. GARFIELD: I just have two copies. This is the  
7 form we received pursuant to our medical authorizations  
8 and the HIPPA request.

9           And as Your Honor can note, that the actual document  
10 states that Mr. Goodwin indicated that he had bad pain  
11 left in his shoulder, that he was hurt at work lifting a  
12 motor.

13           So I asked Dr. Plymale about this, and Dr. Plymale  
14 testified, looking through the records, looking a little  
15 deeper, well, when he went in, obviously to the MRI as  
16 they do, the tech asks him once again, "What's the basis  
17 for your complaints?" And he had indicated, and you can  
18 see here, Your Honor (as read): "Clinical data, left  
19 shoulder pain after a lifting injury."

20           According to Dr. Plymale, he orally provides this  
21 history to the MRI -- MRI technician, and Dr. Plymale  
22 testifies that he diagnosed him with a small labrum tear  
23 in his shoulder -- a rotator cuff -- excuse me, rotator  
24 cuff related injury.

25           So he goes on a -- does not want to -- excuse me.

1 Mr. Goodwin does not elect surgery at that time. He  
2 agrees with the doctor's recommendation. He undergoes  
3 conservative management of the left shoulder complaints,  
4 and he goes in two or three or four times for some  
5 cortisone shots.

6 And during these office visits, you will note that  
7 there is one office visit on October 2 of 2014, and there  
8 is a note here by Dr. Plymale, and he testified that Mr.  
9 Goodwin had told him personally -- and you can see here  
10 that the method of injury he had told Dr. Plymale, he  
11 states that (as read): "He was moving a motor at work,  
12 when he suddenly felt pain. He had difficulty moving his  
13 arm in reaching."

14 Now, nine months later, he doesn't go back to the  
15 doctor. Nine months later he returns to Dr. Plymale for a  
16 follow up and according to Dr. Plymale, we're hearing a  
17 completely different story from Mr. Goodwin. And in these  
18 notes of July 9, 2015 -- thank you -- where it says -- and  
19 I've highlighted this portion, and Dr. Plymale testified  
20 consistent with this, that -- that Mr. Goodwin was there  
21 for a follow up on his left shoulder and he would like to  
22 discuss surgical intervention.

23 Dr. Plymale puts down that Mr. Goodwin notes that  
24 this all started when he was tased during an altercation  
25 with the police, and at the end of that office visit, Mr.  
26 with the police, and at the end of that office visit, Mr.  
27

1 Goodwin and Dr. Plymale had a conversation and  
2 specifically Dr. Plymale -- thank you. I'm giving you two  
3 at a time, Your Honor.

4 And Dr. Plymale told him -- told Mr. Goodwin (as  
5 read): "I did not think that him getting tased caused the  
6 pain he's currently experiencing." That's in July of  
7 2015. Six months later Mr. Goodwin files this lawsuit  
8 against my client.

9 We now, with the benefit of hindsight, can go back  
10 and ascertain several things. First of all, that the  
11 specialist specifically told Mr. Goodwin that he would not  
12 relate his injury to the taser. Mr. Goodwin had wrote --  
13 orally provided history to the MRI office that the cause  
14 of his shoulder injury was lifting a motor at work.

15 Your Honor, not unlike the testimony we heard from  
16 the witness in the previous damage -- damage hearing, that  
17 it referenced soft tissue injuries or having problems  
18 because he worked on cars. Well, Mr. Goodwin works on  
19 cars. It's -- it can be a problem.

20 He also verbalized, Mr. Goodwin, to the MRI  
21 technician the same thing, and then personally told his  
22 doctor the same thing.

23 Now, if -- if I'd be so bold to submit, comparing the  
24 records he obviously pulled out of a stack and produced  
25 versus what we waited for and what we paid for, that he

1 tampered with these records. He's got deposition  
2 testimony that states otherwise.

3 January, 2016, he brings this lawsuit and he knows  
4 full well that the officers did not cause his shoulder  
5 injury. He knows full well that he would not have any  
6 physician. He has not identified one, he would have no  
7 medical testimony to relate the injury back. In fact, in  
8 Dr. Plymale's deposition, stated very succinctly -- and I  
9 have this one, I can make it a Court Exhibit or I can --  
10 I'm just gonna read it into the record.

11 It's January 22, 2018, testimony from Dr. Mickey  
12 Plymale, M.D. Page 23, line 7, Dr. Plymale stated (as  
13 read): "I told him I did not think that him getting tased  
14 caused the pain he is currently experiencing."

15 Question: "Why not?"

16 Answer: "Because he had dealt with these issues for a  
17 while, and based on is previous MRI, a lot of this looked  
18 like a kind of wear-and-tear type pattern as opposed to an  
19 acute, traumatic type of injury."

20 Question: "So if he did not think that him getting  
21 tased caused that pain that he was experiencing, would it  
22 be fair to say that you could not say to a reasonable  
23 degree of medical certainty most probably that any type of  
24 tasing encounter would have resulted in any kind of left  
25 shoulder issue?"

1           Answer "No."

2           Last Question: "Could you really say with any  
3 reasonable degree of certainty that tasing by the police  
4 or that kind of activity could approximately cause a  
5 shoulder injury such as the one he was complaining?"

6           Answer: "No."

7           Your Honor, what Mr. Goodwin has done, with all due  
8 respect, is caused Richland County to spend more than two  
9 years defending this claim. We've had several motions, we  
10 had many court appearances, we've had roster meetings,  
11 we've ordered records, we've taken depositions, we are now  
12 in full trial prep. We're on the trial roster for  
13 probably the third or fourth time. In fact, this Monday,  
14 we are No. 1 for trial, as -- as Your Honor may be aware,  
15 in Richland County. We are now planning -- Ms. All's here  
16 in attendance and she's assisting me getting the officers  
17 involved to spend the rest of the remaining part of the  
18 week preparing for trial.

19           We would ask this Court to -- and I can tell you in  
20 24 years of practicing law, I have never made this request  
21 in this way, but I believe I'm compelled to do so. We're  
22 asking this Court, as a sanction, to dismiss this case  
23 with prejudice under Rule 41(b) and put -- put a halt to  
24 the amount of time and expenses and resources my client  
25 has had to incur.

1           We also ask this Court to additionally award costs  
2 and fees for perpetrating a fraud upon this Court. It is  
3 fairly obvious, as your Court -- as Your Honor can note,  
4 that these records were tampered with. Evidence has been  
5 falsified, and he has also lied under oath in his  
6 deposition. We would ask that the County be reimbursed  
7 for fees and expenses.

8           At a minimum, Your Honor could plainly see, going  
9 forth to trial, that a dismissal of the case on the merits  
10 would be warranted because this case, frankly, lacks truth  
11 and does lack merit and the Plaintiff can allege no facts  
12 that a fact finder could reasonably return a verdict in  
13 his favor.

14           And I have whatever records that I need to to make a  
15 full record of this case and be able to answer questions.

16           THE COURT: And Mr. Garfield, the -- the underlying  
17 incident occurred in, what, March of 2014?

18           MR. GARFIELD: January --

19           THE COURT: January.

20           MR. GARFIELD: -- 2014. Yes, ma'am.

21           THE COURT: Okay.

22           MR. GARFIELD: Now, I will say this one thing for the  
23 record. I'd like to put this as an exhibit. I understand  
24 that Mr. Goodwin is going to contend that he didn't have  
25 proper notice or raise an objection to the actual video

1 deposition. This was exhibit No. 1 to Dr. Plymale's  
2 deposition in which, on January 11, 2018 -- I know I'm  
3 loading -- loading y'all up with paper. On January 11,  
4 2018, knowing we were coming back up on the trial roster,  
5 we served him with proper notice. We didn't just put it  
6 in the mail, but we also sent it to his email address. So  
7 he would've had 11 days notice.

8 And as Your Honor can tell, that we did notice the  
9 deposition, pursuant to Rule 30, also informing Mr.  
10 Goodwin that we were gonna do so by way of a video  
11 deposition. And this was also referenced in this  
12 narrative of what I just stated for the Court, on the  
13 record, during his deposition.

14 And he did not -- he failed to attend. He was aware  
15 that the deposition was gonna go forward. Mr. Goodwin,  
16 and I'll allow him to address this, did leave a message on  
17 my voice mail stating that he did receive this, but he did  
18 object to it, and I noted that objection on his behalf and  
19 in his absence at the deposition.

20 But I just think, for housekeeping matters, that's  
21 what I'd just like to include. And thank you, Your Honor.

22 THE COURT: Mr. Goodwin?

23 MR. GOODWIN: Yes, ma'am. The facts, what he talking  
24 about -- okay. Number one, the fact is this here: I did  
25 not have a job. I was getting a SSI check. That's the

1 fact. I went out to get a day's work, and when I went  
2 down to reach down there to the lawnmower, clean up around  
3 it a little, that's when I got the pain that's in my arm.

4 I came back home, complained to my wife right here  
5 that the pains is getting to feel bad. So she made me go  
6 to the emergency room.

7 That's the same arm that the officer tased me about  
8 four times on the same -- I never had the problem. And I  
9 told the doctor that he gave -- like, he just gave me a  
10 paper right here where I said -- oh, I also told the  
11 doctor -- when he got a statement where I told the doctor  
12 I got tased on my arm. He wouldn't -- he wouldn't give  
13 you that part.

14 THE COURT: I think I -- I think I have one of them  
15 that says that.

16 MR. GOODWIN: That's what I told him, I got tased on  
17 my arm. That's when the problems start.

18 THE COURT: But that's not -- but -- but it doesn't  
19 relate to the injury relating to the rotator cuff and the  
20 -- and the need for surgery.

21 MR. GOODWIN: That's what -- that's where I got tased  
22 at. That's where the injury come from 'cause I -- I went  
23 down to lift a little small engine, that's when I felt the  
24 pain at. So I didn't even much lift the engine, little  
25 lawnmower engine. And I didn't have a job.

1 THE COURT: Anything else you wanna tell me?

2 MR. GOODWIN: And -- and every time this case get  
3 ready to go forward to trial, he'll find some kinda way to  
4 delay the case.

5 I went before you the last time. You ordered me to  
6 give him all the medical records --

7 THE COURT: Yes, sir.

8 MR. GOODWIN: -- and I signed everything over to him  
9 right then that he wanted and needed. Okay?

10 Now, he come back with the same motion, talking  
11 dismissal up under the same rule which I done comply --  
12 you can make me comply 'cause that's double jeopardy. You  
13 can't -- I already comply one time with you. You gonna  
14 come back with the same rule again and try to get me to  
15 comply again with the same rule.

16 The law says in civil -- civil in-state proceeded  
17 (sic) double jeopardy work both ways and you cannot try  
18 for the same thing twice.

19 THE COURT: And so Mr. -- Mr. Goodwin, what are --  
20 what are you claiming your -- I understand about the  
21 incident and that the incident was -- at the time that the  
22 police officers came, they -- they were responding to an  
23 alleged domestic situation and they were placing you in  
24 the police car --

25 MR. GOODWIN: Yes, ma'am.

1 THE COURT: -- and during the course of whatever the  
2 interaction was with the police officers, they ended up  
3 tasing you.

4 And I -- and I understand that -- that -- that --  
5 that you had a dispute with one of the officers, and --  
6 and your -- your position is that because of that dispute  
7 was when he tased you.

8 MR. GOODWIN: That was when he tased me. I was  
9 already in handcuffs in the back seat of the car --

10 THE COURT: Okay.

11 MR. GOODWIN: -- like this here (indicates.) And I  
12 mean -- and I asked him why he was locking me up for. He  
13 tell me to shut my mouth. I said, "I got a right to ask  
14 you why I was -- would you locking me up for."

15 THE COURT: Right. And -- and -- and you said he  
16 then tased you.

17 MR. GOODWIN: Yeah. He tased me twice --

18 THE COURT: Okay.

19 MR. GOODWIN: -- shut the door, then he tased me when  
20 I hollered, start huffling (sic) and then he finally took  
21 the little stinger or whatever off and let it go.

22 Then I asked him again, he snatch the door open  
23 again. Then the tased me again on the same arm. It  
24 grabbed right here (indicates.)

25 So that's when my arm start bothering me and stuff.

1 So my wife, she the one that made me go to the doctor.  
2 And I told the doctor that I got tased on the arm. That's  
3 when my pain started.

4 THE COURT: And all of the medical records relating  
5 to that incident have been provided to -- to Mr. --

6 MR. GOODWIN: Right.

7 THE COURT: -- Garfield?

8 MR. GOODWIN: To the doctor.

9 THE COURT: Right? You -- you've gotten --

10 MR. GOODWIN: Yes.

11 THE COURT: -- you've gotten all the medical records,  
12 Mr. Garfield, about any treatment that he received related  
13 to his arm?

14 MR. GARFIELD: At this time, yes, ma'am.

15 THE COURT: Yeah. And the -- and -- and Mr. Gar --  
16 I'm sorry -- Mr. Goodwin is relating the -- the issues  
17 related to the rotator cuff to the tasing. Is that -- is  
18 that --

19 MR. GARFIELD: Yes.

20 THE COURT: -- your understanding?

21 MR. GARFIELD: That's -- that's what's in the  
22 complaint and that's what he's testified to in his  
23 deposition. Yes, ma'am.

24 THE COURT: Okay.

25 MR. GARFIELD: And -- and if I may, Your Honor,

1 'cause --

2 THE COURT: Wait a minute. Well --

3 MR. GARFIELD: Yes, ma'am.

4 THE COURT: Let me --

5 MR. GARFIELD: I'll wait --

6 THE COURT: -- make sure --

7 MR. GARFIELD: -- my turn.

8 THE COURT: -- he finished. Okay. Yes, sir.

9 MR. GOODWIN: Okay. And all of that it says is here  
10 in my report 'cause I told my doctor, and he said your  
11 bones and -- is scoured (sic.) He said they're little  
12 chipped bone and you need surgery in your arm.

13 I coulda been had the surgery done 'cause I was on  
14 that Social Security. My wife said I make Social Security  
15 pay for it, and when -- they didn't do it. Why should I  
16 make the State pay for something they didn't do?

17 So every time they come up with trial, he'll try to  
18 delay. He'll come with something, he -- he want -- he  
19 wouldn't even try to make a -- okay. When he went -- but  
20 anyway. Every time we just think this case be on the  
21 docket for trial, he'll come -- he -- he always throw  
22 something else. He don't -- he don't want the people to  
23 hear the case, he don't want nobody to know the truth what  
24 happened, he just trying -- trying to get the Court decide  
25 the case for him. That what he trying to do instead of

1 letting the people decide the case.

2 THE COURT: Okay. Any -- anything else, Mr.  
3 Garfield?

4 MR. GARFIELD: Briefly, Your Honor. There was just  
5 two points I wanted to make. Number one, I -- I -- I  
6 spared the Court the -- the factual rendition that we  
7 believe that the officers will testify to. But with the  
8 officers or -- have not been deposed, but they anticipate  
9 testifying that they did tase him, that they drive --  
10 drive-stunned him twice because Mr. Goodwin was in the  
11 back of the patrol car kicking at the doors. And despite  
12 asking him to stop, he -- he kept continuing to kick at  
13 the doors.

14 By their own policy, by authority, that if he  
15 refuses, that the force they could use is intermediate  
16 level of force, and they tased him twice on the thigh area  
17 'cause that's where he was kicking. There would be no  
18 reason for officers -- it'd be contraindicated for them to  
19 tase him in the upper extremities. There's just all sorts  
20 of problems that can cause injuries to not only them, but  
21 for officers's safety. So they did it twice to the meaty  
22 pop -- part of the thighs.

23 Two other points I just want to make for the record,  
24 Your Honor. Just wanted to just cite two cases and I'll  
25 hand these up. One is *Qzo Incorporated v Moyer*, M-o-y-e-

1 r. This is 594 SE 2nd 541. It's a Court of Appeals case  
2 that was decided in 2004 that the Court of Appeals  
3 examined this -- it's almost the same issue, and they held  
4 that when a party fails to obey an order relating to  
5 discovery, the trial court may strike that party's  
6 pleadings and enter a default judgement. There's a lot of  
7 pertinent language here, but -- but one point that I  
8 thought was applicable, the Court of Appeals held that (as  
9 read): "When a sanction would be tantamount to granting  
10 it's a judgement by default, the moving party must show  
11 bad faith, willful disobedience or gross indifference --  
12 or gross indifference to its rights to justify the  
13 sanction."

14 Your Honor, we believe that we have established all  
15 three of those, and that's not been disputed by the  
16 Plaintiff in this case from the issue that I brought up.

17 The second case is *Griffin Grating v Tire Service*  
18 *Equipment Manufacturing*. It's another Court of Appeals  
19 case and it's from 1999. Very interesting case in which  
20 Judge Pyle had struck a manufacturer's answer as a  
21 discovery sanction. And the Court took a look at this  
22 thing, and I learned some things from reading this case,  
23 and the -- the one portion here that I thought would be  
24 pertinent to -- to our argument, the Court of Appeals held  
25 that (as read): "If there was ever a case where striking

1 a party's pleading was an appropriate sanction, it is this  
2 case where the record is full of multiple egregious  
3 discovery abuses that block the opposing party's attempts  
4 to conduct meaningful discovery." And I'm just gonna hand  
5 these up for Your Honor.

6 (Mr. Garfield hands a document to the Court.)

7 MR. GARFIELD: And we believe that it would be the  
8 appropriate remedy under these circumstances that the only  
9 other case that I've referenced is actually directly on  
10 the notice of motion and now -- renewed motion to dismiss.  
11 And that's *Brandt v Gooding*, 360 (sic) SE 2nd 259, 2006.  
12 I had this up on my laptop. I was unable to pull it up as  
13 a -- as a print job. But just basically that, in this  
14 case, just like this one, the Plaintiff in -- introduced a  
15 falsified document in his deposition, and the Supreme  
16 Court took a look at this and found the Plaintiff in that  
17 case -- that he had violated the -- that he -- he had  
18 committed discovery abuses and that he should be held in  
19 civil contempt. And the complaint was dismissed and the  
20 Supreme Court upheld this and there's some language that  
21 obviously -- a deposition is also a court proceeding, and  
22 that also acts as defrauding the Court. And that's  
23 argument.

24 THE COURT: And what was that case?

25 MR. GARFIELD: Yes, ma'am. It is *Brandt v*

1 and it's on our notice of motion. And -- and I'm happy to  
2 provide Your Honor with a copy of this.

3 THE COURT: What's the cite number?

4 MR. GARFIELD: It's 630 -- I'm sorry. It's 630 SE  
5 2nd 259, a 2006 case. Thank you, Your Honor.

6 THE COURT: Yes, sir?

7 MR. GOODWIN: Your Honor, another thing I say. I  
8 read the deposition that he start with. In that  
9 deposition -- what I told him in deposition, he left out  
10 everything what I tell him where the police tased me, and  
11 how they tased me, is -- he left all of that out the  
12 deposition. What I, you know, testify in the deposition,  
13 he left everything out of it what I said -- told him.

14 THE COURT: You gotta -- you gotta copy of the entire  
15 deposition?

16 MR. GOODWIN: Yeah. I got a copy of it. He never --  
17 I ain't brought it with me. I shoul'da brought it with me.  
18 But he left everything out there that I told him what  
19 happened to me in the deposition. And he don't want  
20 nobody to know the truth. See, he trying to hide the  
21 truth from everybody.

22 THE COURT: And -- and when was your deposition,  
23 Goodwin? Do you --

24 MR. GOODWIN: It was on -- what day you  
25 her?

1 MR. GARFIELD: Yes, ma'am. It was June 2 of 2017.

2 UNKNOWN FEMALE: June 2nd.

3 MR. GARFIELD: I'm sorry. June 2nd, I thought I  
4 said.

5 UNKNOWN FEMALE: Yes, sir.

6 MR. GARFIELD: Yes, ma'am. If I -- June 2 of 2017.  
7 I'm happy to provide one for the Court. And --

8 THE COURT: Please.

9 MR. GARFIELD: -- with all due respect, he -- his  
10 testimony was that he was tased on his shoulder. What  
11 Your Honor will read is basically perjured testimony.

12 THE COURT: All right. If you'll provide me a copy  
13 of the ---

14 MR. GARFIELD: Yes, ma'am. I --

15 THE COURT: --- deposition.

16 MR. GARFIELD: -- can provide that as soon as I get  
17 back to the office today.

18 THE COURT: Yes, sir. Okay.

19 MR. GOODWIN: And I -- like I -- like -- okay.

20 Another thing, Your Honor, the reasons why he tased me  
21 'cause I asked him a question. I asked him was he racist.  
22 I asked him was he racist. Why he don't like black men  
23 One officer.

24 There was three of them. The -- the black  
25 didn't do nothing. They just stood there and wa

1 snatch the doors open with me handcuffed and tasing me.  
2 Then all the charges that they put against me, they  
3 dropped them from resisting arrest to domestic violent.  
4 They dropped every charge 'cause they know I didn't do any  
5 of them things that the officer claimed that I done. The  
6 Court drop all that, clear my records of all them counts.

7 THE COURT: All right. Thank you, Mr. Goodwin.

8 MR. GOODWIN: Yes, ma'am.

9 THE COURT: Mr. Garfield, I will -- I'm gonna wait  
10 'til I get the deposition. I'll read it and I'll make a  
11 decision.

12 And I understand that you're on the trial roster for  
13 Monday. I am one of the judges holding court next week,  
14 so I may very well be the one that's involved in it.  
15 We'll go from there.

16  
17 -- END OF TRANSCRIPT OF RECORD --  
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THE STATE OF SOUTH CAROLINA

In The Court of Appeals

**RECEIVED**  
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SC Court of Appeals

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Appeal from the Court of Common Pleas for  
Richland County, South Carolina

Alison Renee Lee, Chief Administrative Judge

\_\_\_\_\_  
Appellate Case No. 2019-000566  
\_\_\_\_\_

Richland County Sheriff Department,.....Respondent,

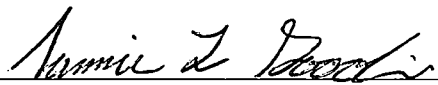
v

Sammie L. Goodwin,.....Appellant.

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PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the Brief and Designation of Matters on the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on June 19, 2019, Davidson & Lindemann, PA, 1611 Devonshire Dr. #200, Columbia, SC 29204, on September 6, 2019.

September 6, 2019

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