

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Appeal from Charleston County
Diane Schaffer Goodstein, Circuit Court Judge

APR 23 2020

SC Court of Appeals

Appellate Case No. 2018-001842
Circuit Court Case No. 2018-CP-10-1163

Thelma R. Garrick

Appellant

v

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

Respondents

SUPPLEMENTAL RECORD OF 4-20-20 TO BE MADE A PART OF
RECORD ON APPEAL

Thelma R. Garrick
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Appellant, Pro se

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Joseph J. Tierney, Jr.
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Attorneys for Respondents

/tg

April 20, 2020

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

RE: Addition to Supplement to the Record on Appeal dated 10-22-19

Appellant, Thelma R. Garrick, ask that the attached documents be included in the Supplemental Record on Appeal dated January 6, 2020. These documents are from the Appellant's Final Brief (that also includes the Record on Appeal). Thank you.

The Respondents have also added a Supplemental Record being Appellant's Motion to extend Time dated June 29, 2018 with the Court's permission. (Please be advised with this Supplemental document Appellant now has confirmation other than from U.S mail receipts that the request for extension was recorded.) Appellant is enclosing documents that pertains to the Respondents' Supplemental Record.

It is Appellant's understanding under rule 212 "with written consent of all Attorneys of record a party may supplement the Record on Appeal at any time before argument commences". Respondents went directly to the court for leave to do so. The Rule further states, "without such consent or after argument commences, a party desiring to supplement the Record on appeal must move to Appellate Court for leave to do so". The Appellant has requested the Clerk of Court for confirmation of this rule.)

Appellant would like to point out that Respondents' argument in their Table of Contents, pages i. and i.i. that states, "The trial court did not err proceeding with the hearing on Defendants' motion to dismiss even assuming, arguendo, some error in this regard, it was clearly harmless."

The Appellant contends that everyone at the lower court hearing erred in some form. The lawyers for the Respondents' who misconstrued the reason for the case, the Judge who did not familiarize herself with the case, and the clerk who failed to contact Appellant that the hearing was to precede. Also was there an error when Appellant called the Clerk of Court's office to see if the hearing took place on the 12th and was informed that the Judge was not there on the 12th roster but was on the 23rd? Possibly not recorded when Appellant called?

These doctors and hospitals must be exposed for their cruelty to unsuspecting people without their knowledge or permission. Appellant went into the hospital thinking she needed a fusion to relieve pressure on the left sciatic nerve (learned later preparing for this case that an operation was not necessary, evidently the nerve was kept inflamed by Appellant's activity.

Appellant has advised the Court of many crimes committed in this case. I am living with pain every day that has increased in intensity but no doctor wants to see me and the pain clinics find out why I am having pain and they will not accept me as a patient. My PA (assigned to me after my doctor resigned) has instructed me that she cannot write pain medication and has found me another pain clinic in Anderson. (No guarantee they will take me as a patient.) Do you know how far this is from my home, and I would have to make monthly trips because they check to see if you are becoming suicidal from constant pain? The one I finally found in Columbia closed, the one taking over would not keep me as a patient). The one in Orangeburg said he could not do anything for me and he had too many patients on pain medication. I am about out of my

pain medication; thankfully I have not gotten addicted to the drug and do not take it, as I should, thus I suffer. Appellant must keep a clear mind for this case under increasing pain and disability. The Respondents' have also harmed me in getting a doctor to treat me.

Appellant has been open, upfront and honest with the Court, therefore I must advise you that I have had to do things I should never do that puts me in my recliner for days, only being able to get up for a short time to take care of myself. The only way this is possible is to take pain medication to lesson the pain or I would not be able to function. Knowing this cannot continue, Appellant is preparing her home to be sold and hopefully will be able to build a smaller house that is handicapped accessible.

Appellant would like to update the Honorable Judges of the current information risks on the Infuse Bone Device and cage. Extreme heat can explode the device that is implanted in my spine. Also I am not supposed to go in high heat areas; and if I were to be cremated an "operation would be necessary to first remove the device". The research also explained that this device causes severe nerve damage that explains her question of her extreme pain, especially when she stands, walks or sits with feet down. Information now exists that there is over 10,000 people harmed by this device with court cases pending.

The Pain distribution port in the Lumbar spine (that I have tried to have removed to eliminate some of the pain) has uncovered information that 14 people have had it removed; 14 people have died. The recent information that this too can affect the central nervous system pressure-related problems that cause extreme pain.

The Appellant looks forward to an affirmative court date.

Respectfully submitted,



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Ms. Jenny Abbott Kitchings, Clerk of Court
Ms. V. Claire Allen, Deputy Clerk

TO: The Honorable Judges of the South Carolina Court of Appeals.

RE: Respondents Supplement Record of Appellant document dated June 29, 2018

In this document, as well as others, Appellant was still trying to reason or trying to figure out information on the Pain Distribution Port and exactly how the rod was broken. Of course, this only proves that Appellant's lack of knowledge of the surgery performed or the risks involved. She was still agonizing over why she was chosen for experimental purposes; she had to be in good health to come out of an operation of that magnitude. The pain was inhumane. She is afraid to go to a hospital, afraid that she will be sent back to the neurosurgeon. (When Appellant cannot stand the pain any longer she will go for the operation knowing she will not survive.)

As far as asking for the three months extension is concerned it was the Court's decision to either grant the extension or notify the Appellant that her request was denied and she was to be in Court on the date assigned.

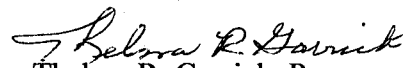
It was the duty of the Attorneys for the Respondents to file the case as the Appellant presented. Yet, they are trying to come up with every kind of law to dismiss the case. A jury would never let the Respondents get away with their crime, but even though my mind has retained every minute of August 20, 2015 and until today I am not physically able to ask for a jury trial. However, I will be contacting one of the Senator's regarding changing some laws using this case as proof of many Doctor's work ethics due to the protection given to them by our Representatives.

Also the signed release for the operation on the date of the surgery was not completed by the hospital and was signed under heavy sedation and holding Appellant's hand because she was unable to see the line. And they say that this is not relevant! All of the testimony from other records, releases, and law suits about the risks and number of disabilities given on the Medtronic devices that were implanted in my body for money; the Attorneys for the Respondents' has the audacity to say that the Respondents did not deviate from the relevant standard of care? Everyone who has read the records Appellant has presented knows what was done to Appellant was illegal.

The Attorneys for the Respondents' think that this is all about money; yes, it would make my life easier by purchasing things to assist the Appellant but she wants more. Appellant seeks justice in the Court not only for self but others. There are many avenues within the law to expose the desecration of my body and expose what they have done to others also. The Attorney for the Respondents may have won over 100 cases in Columbia but I have God on my side.

I apologize to the Court for expressing my anger.

Respectfully yours,


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Copies by US mail to Young Clement Rivers, LLC
Mr. Russell Hines, Mr. Joseph J. Tierney, Jr., and
Mr. Stephen Brown, Attorneys at Law
Ms. Jenny Abbott Kitchings, Clerk of Court
Mr. V. Claire Allen, Deputy Clerk

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ARGUMENT

Appellant has learned in life that no error is harmless because errors change people's lives. Again, I defer to the Order of March 6th from The South Carolina Court of Appeals.

However Appellant would like to answer the question that the attorneys for Respondents indicate the reason for her asking for an extension to do research was not a valid one. The court sent Appellant a form that indicated she could ask for an extension and due to the current circumstances the extension request came at the right moment. However, the extension requests from the attorneys for Respondents could easily be questioned. RV pp 49

Appellant's extension request was within the timeframe given by the court and proof of certified, return receipt requested receipts by the U.S. Post office testifies to this fact. Appellant was awaiting word from the court (Had telephone) Clerk of Court four times with no answer) after following the law for such a request but to this day has received no acknowledgment or receipt of her request or the money enclosed. RV pp 48-51

The research she indicated and the reason for the request for extension was that bad news just kept coming. Appellant was told of certain risks of this Medtronic Infuse Bone graft that had been implanted and the risks were from abnormal bone growth to cancer. Appellant realizes this is a cause of Respondents actions and not the reason for filing suit, but finding out something can blow up (battery operated) in your spine needed further study before going to court. Also at this time she was in no state to appear and had

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to get her anger under control. She wanted as much information about the damage the Respondents had inflicted on her. Appellant believes that this was an "extraordinary circumstance" and was in her legal rights to ask for an extension. There will never be justification for what was inflicted on the Appellant.

Appellant did follow the laws instructions, but the court did not follow through at their end. It is appalling that neither attorney for Respondents or the Clerk of Court did not, when asked, inform the Judge the reason Appellant did not appear. Both had copies of the correspondence and Motion to Extend Time, #SCCA 233, request. Appellant was awaiting a reply from her request either approved or being advised to appear in court on the date set. Appellant trusts that this was not a set-up for Dismissal. RE pp 6, a, b, c

The respondent's attorney scoffs at Appellant's pain and suffering. She has proof of her pain from two well-known doctors in statements, a neurosurgeon and Orthopedic Surgeon of Duke Health, and a letter from a distinguished neurosurgeon, The Guy L. Odom Professor of Neurological Surgery, Department of Neurosurgery at Duke University Health system in Durham, North Carolina. In his correspondence to Appellant he said, "From looking at your scans, I cannot tell you whether intervention will be of any benefit to you".

Second opinion neurosurgeon in a signed statement to my medical doctor said, RE pp 7c, p 1 "She should have known she would be in pain". He could not conceive of a doctor doing this to a patient without their knowledge or permission. (What was the purpose of implanting a testing prototype in for pain if you did not make sure patient would be in pain? This was a forever pain! And what patient would have agreed to such a plan?)

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CONCLUSION

Appellant has with honesty and integrity presented her case and justified her case. Appellant contends that Respondents know that the only way to win this case is to have it Dismissed and she sees no justification for this action.

The Appellant has not done everything by the guidelines but nothing illegal. I apologize for this. Also Appellant would like to add that she has no prejudice against the legal counsel for the Respondents as they do their job with the information they are presented.

I know it is not necessary but Appellant would still like to point out that patients trust their doctors and hospitals to take care of them and not harm them. They are most vulnerable under sedation with no defense mechanism. Doctors make mistakes because they are not perfect and we forgive them. However, the actions of the Respondents were not a mistake but deliberate.

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 that is 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. Respondents are the new breed of doctors and hospitals 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. RI pp 34 d, e, f

Appellant has so much information/evidence that she cannot present to the Court because it is not pertinent to the reason for this suit.