

STATE OF SOUTH CAROLINA)

COUNTY OF Charleston)

IN THE COURT OF COMMON PLEAS)

JUDICIAL CIRCUIT)

Circuit Court Case No.
CASE NO.: 2018-CP-10-1163
Appellant Case No. 2018-001842

Helena R. Garrick Appellant)
Plaintiff,)

Dr. George H. Khoury, Bon)
Sacand Roper St. Francis W. Ashley)
Defendant)
Respondents)

MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: <u>Pro se</u> Bar No. _____ Address: <u>195 Crescent Oaks Ct.</u> <u>Orangetburg, S.C. 29115</u> Phone: <u>Fax 803-534-9912</u> E-mail: _____ Other: _____	Defendant's Attorney: <u>Young Clement Rivers LLC</u> Bar No. _____ Address: <u>25 Calhoun State 400</u> <u>Charleston, S.C. 29401</u> <u>(P.O. Box 493 (29402))</u> Phone: _____ Fax _____ E-mail: _____ Other: _____
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- 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: To correct reason Appellant filed case, and why case should not be dismissed
 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.
Helena R. Garrick
 Signature of Attorney for Plaintiff / Defendant Date submitted: 10-28-20

SECTION III: Motion Fee
 PAID - AMOUNT: \$ 50.00
 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: Clerk - Ms. Jenny A. Kitching

JUDGE'S SECTION
 Motion Fee to be paid upon filing of the attached order.
 Other: _____
 JUDGE CODE _____
 Date: _____

CLERK'S VERIFICATION
 Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Charleston County
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

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

Thelma R. Garrick

Appellant

VS

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

Respondents

MOTION TO CORRECT A COMMON LAW WRIT. TO
CORRECT A JUDGMENT IN THE SAME COURT IN
WHICH IT WAS ENTERED, UPON THE GROUND OF
ERROR OF FACT.

THIS MOTION IS TO CORRECT REASON APPELLANT FILED, AND IS TO BE
INCLUDED IN THE SUPPLEMENTAL RECORD ON APPEAL.

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

Attorneys for Respondents:
YOUNG CLEMENT RIVERS, LLP
Mr. Stephen L. Brown
Mr. Joseph J. Tierney, Jr.
Mr. Russell G. Hines
25 Calhoun Street, Suite 400 (29401)
P. O. Box 993
Charleston, South Carolina 29402
843-577-4000

Respectfully submitted


Thelma R. Garrick, Pro se

/tg

October 25, 2020

Case #2018-001842

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

RE: CORRECTION TO OFFICIAL REASON APPELLANT FILED CASE

The Court has been asked to correct reason Appellant filed her case but has continued to use the incorrect reason given by the Respondents attorneys. Therefore, the reason for this Motion.

Appellant did not file on Professional Negligence as Respondents attorneys has indicated during the case in the lower Court, case No. 2018-CP-10-1163 and also in the Court of Appeals, case No. 2018-001842. At no time did she claim Professional Negligence because there was no professional negligence. She could not do so because neurosurgeon said to her when asked why he had done this horrible thing to her, "I did not do anything to you I only put in a rod and two screws". Appellant could not accuse the hospital and doctor of Professional Negligence when they orchestrated the operation, implanting not one but three different Medtronic transplants (now all defective), staged the operation room for training of hospital staff, and then turned my body over to Medtronic Technicians to operate with a Robotic Arm (or as they indicated a Navigational System).

Appellant filed "Doctor premeditatedly, willingly, knowingly implemented experimental devices WITHOUT Appellant's KNOWLEDGE OR PERMISSION.

In 2008, the FDA issued a Public Health Notification to health care providers and surgeons regarding serious, even life-threatening complications arising from the unapproved (off-label) use of InFuse in cervical spine (upper back).

Appellant's doctor only told her of only one transplant six months after the massive surgery, and that was because she was becoming so sick and in pain. He explained the Isomed implant in detail, then denied implanting it, but has never spoken to her about the scope of the operation what it entailed or risks. (Appellant would like to question this surgeon to make sure she now knows everything they did to her.)

How could the Respondents attorneys come up with anything "negligent" from this case? Yes, I know Medical Malpractice is misconduct from a professional but to the Appellant that is a nice way of excusing a doctor and hospital for taking money to experiment on people SHOWING no human decency toward those VICTIMIZED. Appellant is not the only one!

Appellant requests the Honorable Judges to correct this error of the court. This is a new case, unfamiliar to most but South Carolina will eventually have more cases when victims learn why they are in pain. The elderly have enough problems without their doctors operating for no reason, without their knowledge or permission. (My doctor at the time of my surgery had a four year contract with Medtronic. Documentation has been presented to the court.)

Thank you for your assistance in this matter.

Respectfully submitted,

Thelma R. Garrick, Appellant Pro se
/tg

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AS TO WHY CASE SHOULD NOT BE DISMISSED**

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1. The trial court dismissed this case because of Respondents Attorneys, filing the improper reason for the case as Professional Negligence. It was definitely not Professional nor was there any sign of Negligence. Appellant has justified within her documents why this case should proceed. Therefore Appellant can and has carried her burden of Respondents accountability and actions of this case. (See Appendixes)

Appellant did not file the prerequisites usually for Medical Malpractice because her filing against the Respondents was more in line of Criminal than Medical Malpractice. Therefore no cases have been tried under Medical Malpractice for "Premeditatedly, Willingly, Knowingly Performed a Massive Operation Without her Knowledge or Permission".

The trial court did err in proceeding with the hearing and asking Judge to dismiss with false allegations. If you read the copy of the Transcript you will see the Respondents Attorney did not file as indicated on her Summons and Complaint. (The Court should have corrected him on this.)

The Court did err when ignoring the Request for an extension of the Court date. (This was ignored until Appellant made an issue of it.)

The Court did err when they told the Judge they did not know why I was not there.

The Judge did err in not setting a new date in order to find out why Appellant was not there. And asking the Respondents Attorney to draw up the Dismissal for her to sign. This was done by Attorney, and some time later a copy was forwarded to Appellant. When Appellant called to ask if the case had proceeded; one of the Clerks stated the Judge did not have anything on the docket for the 12th of July but did for another date. (I am sure this must have been a mistake.)

Statement of the Issues on Appeal

3. Appellant has proven the error on the part of the Respondents Attorneys and the Court.

Again, Appellant has proven her burden of proof if the Attorneys correct their fantasy on why the Appellant filed the suit in the first place.

Two people in that courtroom knew the case should be rescheduled.

The Respondents Attorneys continue to try for a Dismissal. They know they have no defense for the despicable actions of the Respondents.

This Case is very important not only for the Appellant but others who may still be going under operations without their knowledge or permission, not knowing the horrific risks, and pain they will endure.

What also bothers Appellant is the PA's are following the doctor and hospital orders, knowing they do not have the authority to do the operations (Case in point employees refusing to witness Appellants signature and trying to hide hypodermic needle.) After I mentioned exactly what operation I was scheduled for everyone in that operating room and possibly hospital staff knew what was going on because it went through the hospital. This was confirmed when I would go for information; they were more than cooperative.

Appellant's request for an extension was dated June 30, 2018. Plenty of time for Clerk to get back with an answer before the court date of July 12th.

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 has been brought up before the Court but the Court has never acknowledged the real reason Appellant filed or how their filing was approved.

When Appellant was trying to find where to file after dismissal in Charleston Lower Court, she called the United States District Court in Charleston, South Carolina. Even though Appellant thought it should be a criminal case She was advised she had to go before The South Carolina Court of Appeals in Columbia under Medical Malpractice. (She had based her reasoning on someone planning to cause harm was a crime.)

Appellant was so focused on the prosecution of the case itself, instead of focusing on the Dismissal, she has not presented the facts effectively to stop the Dismissal against her by the Respondents attorneys; therefore, she will in this Motion, and Supplemental Record presents the facts of the Lower Court's Dismissal.

When anyone makes a mistake in the major steps in processing an appeal under the South Carolina Appellate Court Rules the Court should immediately return it as refused, without informing person how to file. This process would eliminate wrongful filings later.

A letter just recently received from the Clerk of Court's office regarding the Supplemental Records (not mentioned under the steps in filing) under rule 212 b Appellant mistakenly thought she did not have to send a motion or get permission from

the other attorneys (because they had never contacted her when they filed her records against her) until Oral Argument began. I am sure this mistake will cost me.

Appellant, at first did not know that these Supplemental records were important records for the case. Therefore reasons for three Supplement Records after the Final Brief. I apologize to the Attorneys and the Court.

These documents are my final records and are based on honesty and truth.

CONCLUSION

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

DATE: October 28, 2020

I, Thelma R. Garrick, Appellant, Case No. 2018-001842, against Dr. K. and Hospital in Charleston, South Carolina direct my final conclusion remarks directly to the One's who will dismiss or prosecute this case.

Appellant knows not what information has been given to you. But if you have read or studied this case in its entirety you will see what a heinous crime has been committed that has changed my entire life, and others, with no quality of life and never free from pain. With my many qualifications I cannot even get a job to support myself. It is a sad statement to make but this is still going on for money, and in many areas, and South Carolina will eventually come under a massive malpractice case against Medtronic, doctors, and hospitals.

Appellant has researched for anyone who have had three off-label, not approved, untested, off-label products of material and animals. I have given a lot of information on this but anyone can research these products in me: The Medtronic Infuse Bone Graft This was the alteration of my entire spine per Dr. Drye. All of these products are defective and when Appellant stands presses on all muscles and nerves.

Appellant has found no one with three implants. Most only has one implant. I fully believe they thought I would die; the only thing they cared about was to test the

New Navigational system (Robotic Arm) to determine what it could do. Well, it cut into an organ that had to be repaired during the operation, pulled the rod of the Isomed causing the spine to be pulled into a half moon shape that eventually broke, and left loose screws and bone fragments in my body. But God had another plan!

Appellant is afraid for her life that if I get sick and am returned to the Respondents because they want badly the prototype Infuse Bone device inserted in spine (evidence it can explode in extreme heat). Even that it is the inhumane pain I was in that petrifies me. A miracle came to me after three days of screaming with morphine making it worse, when I called on God and reminded Him of His promise, assuring Him it was more than I could stand. He immediately took me to a peaceful place where I felt no pain. The seventh day after the surgery my hospital room was filled with a brilliant light, all I could see was light, and I came back to pain but one I could stand.

In conclusion, I have found that there are times when a Case should take precedent over the Rules of perfect preparation.

Thank you.


Thelma R. Garrick, Appellant
Pro Se

/trg

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appellate Case No. 2018-001842

Appeal from Charleston County
Court of Common Pleas

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

Diane Schafer Goodstein, Circuit Court Judge

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SC Court of Appeals

Thelma R. Garrick

Appellant

v

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

Respondents

PROOF OF SERVICE

I, Thelma R. Garrick, Appellant acting as her attorney, pro se do hereby certify
That she served all parties the Motion requesting correction of attorneys filing by
Depositing copies of same in the U.S. Mail on October ³⁰~~25~~, 2020 to the following:

YOUNG CLEMENT RIVERS, LLP
Attorneys for the Respondents

Mr. Joseph John Tierney, Jr. Esquire
P. O. Box 993
Charleston, South Carolina 29402
843-577-4000

Mr. Stephen Lynwood Brown, Esquire
P. O. Box 993
Charleston, South Carolina 29402
843-577-4000

Mr. Russell Grainger Hines, Esquire
P. O. Box 993
Charleston, South Carolina 29402
843-577-4000

Ms. Jenny A. Kitchings, Clerk
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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

Respectfully submitted,


Thelma R. Garrick, Appellant
Attorney Pro se

Orangeburg, South Carolina

Dated: October 25, 2020

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a

October 31, 2020

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Ms. Jenny A. Kitchings, Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Reference: Thelma R. Garrick vs. Dr. George H. Khoury
and Bon Secours Roper St. Francis W. Ashley
Case No. 2018-001842 in the S.C. Court of Appeals

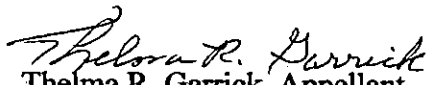
Dear Ms. Kitchings:

Enclosed you will find two Motions and a Supplemental Record requesting they be made a part of the Record on Appeal. In your letter you stated that if Appellant desired this to be included I must return the documents ten days from the date of your letter. As you know mail from Columbia I receive three days later or the third day.

This has been no problem in the past, however, the exception this time I have been very ill but tried to continue working anyway when Tuesday came and I was no better, only to make more mistakes. My intentions were to get everything mailed off by 5 PM Friday October 30, 2020 but had everything completed except addressing the mail to every one. Appellate trusts that Saturday, October 31st will be acceptable? Please reply as soon as possible in case you have to advise me where to go to get permission. Thank you. (No virus, not the implants this time 'I hope', but Dr. Van Horn will give me a fit.)

Appellant was also advised that the normal mailing procedure is not to be adhered to because of the Virus. Therefore you will receive one each of the Motions, and two copies of the Supplemental request. If this is not correct, please advise, additional copies are ready to be forwarded.

Yours truly,


Thelma R. Garrick, Appellant
Pro se

/tg

cc: Ms. V Claire Allen, Chief Deputy Clerk
Messrs. Joseph J. Tierney, Jr.,
Stephen L. Brown and Russell G. Hines;
Attorneys at Law for Respondents.

Enclosure: Two checks in the amount of \$50.00 each.

Helma R. Garrick
195 Crescent Oaks Ct.
Orangenburg, S.C. 29115

7019 2970 0000 7139 7734
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