

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

RECEIVED

Nov 03 2020

SC Court of Appeals

Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

Jackie Eadon Chalfant, Individually and as a Personal Representative of the Estate
of Michael Dallas Chalfant.....Appellant

v.

Carolinas Dermatology Group, P.A., a South Carolina Professional Association,
and Mark G. Blaskis, M.D., Individually.....Respondents

SECOND AMENDED RECORD ON APPEAL VOL. I

s/ Michael G. Fink
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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2017CP400517

Jackie Eadon Chalfont et al

Carolwas Dermatology Group PA, et al

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk :

Directed verdict granted in favor for the defendant Dr. Blaskis.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

R. Keith Kelly

Judge Code

2165

Date

6 June 2019

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

Mike Fink; William Geddings; Joe North

ATTORNEY(S) FOR THE PLAINTIFF(S)

Benson Hall Driggers; Brandon Gottschall

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Clerk of Court

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP4000517

Jackie Eadon Chalfant et al
PLAINTIFF(S)

Carolinas Dermatology Group P A et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED** (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled);
☐ Other
- ☐ **ACTION STRICKEN** (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

The Court presided over the trial of this matter during the June 3, 2019, term of Court. The Court granted both Defendants' Motions for Directed Verdict in favor of Dr. Mark G. Blaskis and Carolinas Dermatology Group, PA. Defendant Carolinas Dermatology Group, PA was inadvertently omitted from the Form 4 Order filed on June 7, 2019.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

☐ See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/21/2019 .

Jane Lane
Joseph North for Jackie Eadon Chalfant, Michael Dallas Chalfant

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Richland Common Pleas

Case Caption: Jackie Eadon Chalfant , plaintiff, et al vs Carolinas Dermatology Group P A , defendant, et al

Case Number: 2017CP4000517

Type: Order/Electronic Form 4

It is so Ordered.

s/ R. Keith Kelly - 2165

Electronically signed on 2019-06-21 11:00:28 page 3 of 3

The South Carolina Court of Appeals

Jackie Eadon Chalfant, Individually and as a Personal
Representative of the Estate of Michael Dallas Chalfant,
Appellant,

v.

Carolinas Dermatology Group, P.A., a South Carolina
Professional Association, and Mark G. Blasiks, M.D.,
Individually, Respondents.

Appellate Case No. 2019-001145

The Honorable R. Keith Kelly
Richland County
Trial Court Case No. 2017CP4000517

ORDER

Appellant has failed to order the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules and the Court's letter dated July 26, 2019. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: William T. Geddings, Jr., Esquire
Martin S. Driggers, Jr., Esquire
Brandon Robert Gottschall, Esquire

FILED

August 12, 2019
Record on Appeal 0006

The South Carolina Court of Appeals

Jackie Eadon Chalfant, Individually and as a Personal
Representative of the Estate of Michael Dallas Chalfant,
Appellant,

v.

Carolinas Dermatology Group, P.A., a South Carolina
Professional Association, and Mark G. Blasiks, M.D.,
Individually, Respondents.

Appellate Case No. 2019-001145

ORDER

After careful consideration, Appellant's petition to reinstate is granted.


FOR THE COURT

Columbia, South Carolina

cc:

William T. Geddings, Jr., Esquire
Martin S. Driggers, Jr., Esquire
Brandon Robert Gottschall, Esquire
Michael G. Fink, Esquire

FILED

November 7, 2019
Record on Appeal 0007

COUNTY OF RICHLAND

Jackie Chalfant, Individually, and as the Personal
Representative of the Estate of Michael Dallas
Chalfant, Deceased.

CIVIL ACTION COVERSHEET

Plaintiff(s)

2017 -CP- 40 - 00517

vs.

Carolinas Dermatology Group, P. A., a South Carolina
Professional Corporation, and Mark G. Blaskis, M.D.,

Defendant(s)

Submitted By: William T. Geddings, Jr., Esq.

SC Bar #: 11300

Address: 20 South Brooks Street, Manning, SC 29102

Telephone #: (803) 435-8404

Michael G. Fink, Esq. (Pro Hac Vice) FL Bar No.0825743

Fax #: (803) 435-2844

2029 Bayside Parkway, Fort Myers, FL 33901

Other:

Phone: (239) 939-1906 Email: MFink@MikeFinkLaw.net

E-mail: wtg@geddingslawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/
Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☒ Medical Malpractice (220)
Previous Notice of Intent Case #
20____-NI-_____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☒ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture--Consent Order (850)
☐ Other (899) _____ | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured
Settlement Payment Rights
Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers
Compensation Settlement
Approval (780)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☐ Sexual Predator (510) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in
an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature: 

SCCA / 234 (12/2015)

Date: January 30, 2017

Page 1 of 3

SCANNED

- **Note:** Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR.**
 Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND
Jackie Eadon Chalfant, Individually, and
as Personal Representative of the Estate of
Michael Dallas Chalfant. Deceased,

Plaintiff,

v.

Carolinas Dermatology Group, P. A., a
South Carolina Professional Association,
and Mark G. Blaskis, M. D., Individually,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case Number: 2017-CP-40-_____

SUMMONS

(Jury Trial Requested)

(Medical Malpractice/Wrongful Death)

RICHLAND COUNTY
FILED
2017 JAN 24 PM 3:15
JEANETTE W. HODGINS
C.C.P. & C.S.

TO THE DEFENDANT, MARK G. BLASKIS, M.D.:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is served upon you (along with Plaintiff's First Interrogatories and Plaintiff's First Request for Production of Documents pursuant to Rules 33 and 34 of the South Carolina Rules of Civil Procedure), and to serve a copy of your Answer on the subscriber at their offices address shown below, within thirty (30) days after service hereof, exclusive of the day of service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

GEDDINGS LAW FIRM, P.A.

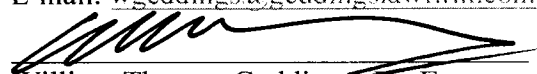
Attorney for Plaintiff

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: wgeddings@geddingslawfirm.com


William Thomas Geddings, Jr., Esq.

SC Bar Number: 1130

January 24, 2017

MIKE FINK LAW FIRM, P.A.

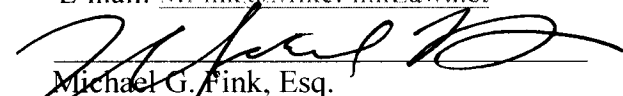
Pro Hac Vice Attorney for Plaintiff

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Michael G. Fink, Esq.

FL Bar Number: 0825743

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND
Jackie Eadon Chalfant, Individually, and
as Personal Representative of the Estate of
Michael Dallas Chalfant. Deceased,

Plaintiff,

v.

Carolinas Dermatology Group, P. A., a
South Carolina Professional Association,
and Mark G. Blaskis, M. D., Individually,

Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Case Number: 2017-CP-40-_____

SUMMONS

(Jury Trial Requested)

(Medical Malpractice/Wrongful Death)

TO THE DEFENDANT, CAROLINAS DERMATOLOGY GROUP, P.A.:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is served upon you (along with Plaintiff's First Interrogatories and Plaintiff's First Request for Production of Documents pursuant to Rules 33 and 34 of the South Carolina Rules of Civil Procedure), and to serve a copy of your Answer on the subscriber at their offices address shown below, within thirty (30) days after service hereof, exclusive of the day of service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

GEDDINGS LAW FIRM, P.A.

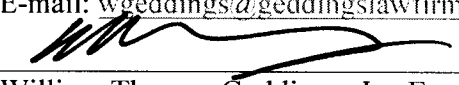
Attorney for Plaintiff

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: wgeddings@geddingslawfirm.com


William Thomas Geddings, Jr., Esq.

SC Bar Number: 1130

January 18, 2017

MIKE FINK LAW FIRM, P.A.

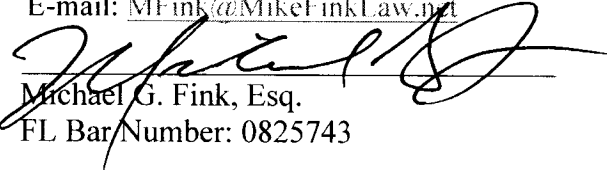
Pro Hac Vice Attorney for Plaintiff

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Phone: (239) 939-1906

E-mail: MFink@MikeFinkLaw.net


Michael G. Fink, Esq.

FL Bar Number: 0825743

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND
Jackie Eadon Chalfant, Individually, and
as Personal Representative of the Estate of
Michael Dallas Chalfant. Deceased,

Plaintiff,

v.

Carolinas Dermatology Group, P. A., a
South Carolina Professional Association,
and Mark G. Blaskis, M. D., Individually,

Defendants.

)
) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT
)

) Case Number: 2017-CP-40-_____
)

) **COMPLAINT AND DEMAND**
) **FOR JURY TRIAL**
)

) *(Medical Malpractice/Wrongful Death)*
) *(Ordinary Negligence)*
) *(Gross Negligence)*
)

RICHLAND COUNTY
FILED
2017 JAN 30 PM 3:15
JEANETTE HOSKINS
C.P. & S.S.

COMES NOW the Plaintiff, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, by and through her undersigned counsel, and sues the Defendants, Carolinas Dermatology Group, P. A., a South Carolina Professional Association, and Mark G. Blaskis, M. D., Individually, and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. This is an action for medical malpractice seeking wrongful death damages pursuant to S. C. Code Ann. § 15-51-40 (1976).

2. Plaintiff, Jackie Eadon Chalfant, is the surviving spouse of Decedent, Michael Dallas Chalfant, and the duly appointed, qualified, and acting Personal Representative of the Estate of Michael Dallas Chalfant, as defined by S. C. Code Ann. § 62-3-203 (1976) and is the proper person to bring this action.

3. A true and correct copy of the Certificate of Appointment as Personal Representative is attached hereto and made a part hereof as **Exhibit "A"**.

4. Plaintiff has the legal authority to prosecute this Action on behalf of the wrongful death beneficiary pursuant to S. C. Code Ann. § 15-51-20 (1976).

5. At the time of the Decedent's death, he had no surviving children. Therefore, Plaintiff, as surviving spouse, is the sole beneficiary of the Decedent under South Carolina's Wrongful Death Act and the only heir at law under the intestacy laws of South Carolina where the Decedent resided at the time of his death.

6. At all times material to this action, Defendant, Mark G. Blaskis, M.D., was and is a resident of Richland County, South Carolina and a licensed health care provider as defined by S. C. Code Ann. §15-79-110 (1976).

7. At all times material to this action, Defendant, Carolinas Dermatology Group P.A., was and is a South Carolina Professional Association and licensed health care provider as defined by S. C. Code Ann. §15-79-110 (1976) providing dermatologic medical care and treatment to patients at its principal place of business located in Richland County, South Carolina.

8. At all times material to this action, the Defendants, Mark G. Blaskis, M.D. and Carolinas Dermatology Group P.A., provided medical care to the Decedent in Richland County, South Carolina.

9. That all conditions precedent to bringing this action have been met, including but not limited to, filing and providing Notice of Intent (Case Number 2016-CP-40-00033) to all parties, obtaining qualified expert review and Corroborating Affidavit of Medical Expert, attending a pre-suit medical malpractice mediation conference on September 22, 2015 and serving Plaintiff's Answers to Standard Interrogatories upon Defendants pursuant to S. C. Code Ann. §15-79-120 and §15-79-125 (1976).

10. That counsel for the Plaintiff has conducted a reasonable investigation, and find that the allegations as pled in this complaint support a claim for medical negligence.

11. That a true and correct copy of the Corroborating Affidavit of Medical Expert Opinion of Schield M. Wikas, D.O. dated March 23, 2016 is attached hereto and made a part hereof as **Exhibit "B"**.

12. That venue is proper in this judicial circuit pursuant to S. C. Code Ann. § 15-7-30 (1976).

GENERAL ALLEGATIONS

13. The applicable standard of care for dermatologic procedures requires the health care providers to recognize, manage, and, most importantly, prevent hemorrhagic complications which is critical to achieving safe and high quality outcomes.

14. Prior to placing a scalpel to skin, a complete medical history must be obtained from the patient, including a review of medical problems, medications (prescribed, over-the-counter, and herbals), surgical history, family history, social history and allergies. An appropriate and thorough preoperative evaluation forms the foundation for procedures that have safe and high quality outcomes.

15. With regard to hemorrhage, there are four major categories to address with a patient in order to evaluate pre-operative bleeding risk: (i) anticoagulation, (ii) hypertension, (iii) other medical comorbidities, and, possibly, (iv) anatomy.

16. The proper investigation and analysis of these categories is necessary regarding preoperative considerations, intraoperative management of bleeding, and regarding hemorrhagic issues in the postoperative patient which often pose serious, severe and life-threatening complications.

17. There are several medical conditions pertinent to intraoperative and postoperative hemorrhage risk in cutaneous surgery that must be properly considered, and it is most important that a proper history and physical examination be conducted to discern whether the patient has an underlying bleeding tendency which may in conjunction with other medical conditions and/or social history create an increased risk of surgical complications and poor outcome including morbidity.

18. That malnourishment, severely underweight condition, chronic obstructive pulmonary disease and a history of the consumption of large amounts of alcohol constitute serious factors which must be recognized, documented and considered with regard to the management and prevention of hemorrhagic complications.

19. That surgical decisions related to method of providing wound closure and achieving hemostasis must include consideration of the complete and thorough medical history and physical examination of the patient. Additionally, those same considerations must remain at the forefront of the post-operative management of the patient.

20. Once the cutaneous operation is complete, the postoperative phase of patient care begins.

21. There are three key components to postoperative patient care: (i) bandaging the wound/surgical repair site, (ii) educating the patient and any family about proper care of the site while at home, lastly, (iii) rectifying any postoperative complications or patient concerns.

22. After every operation, the applicable standard of care requires that every patient be provided with verbal and written instructions on wound care, what to do if there is bleeding (either oozing or frank bleeding), activity levels, alcohol use, signs and symptoms of infection or wound dehiscence or necrosis, and ultimately, when to call the surgeon.

23. It is self-evident that the surgeon and/or his staff have a duty to respond timely to a post-surgery patient's call(s) and messages regarding possible postoperative complications. Additionally, continuity of care considerations prohibit a surgeon and/or his medical practice from refusing to provide proper postoperative patient care and/or referring their postsurgical patients to their local hospital emergency room for postoperative care and complications.

24. Accordingly, the applicable standard of care requires that surgical healthcare providers implement reasonable and proper policies, procedures and technological systems so as to provide for after-hours communication with postoperative patients experiencing postsurgical complications. Indeed, such communication is critical in assisting postsurgical patients evaluate the significance or severity of their particular postoperative complication - whether it constitutes an "emergency" or "life-threatening" event and/or what actions the patients need to take to manage such postsurgical complication.

25. Thus, under the applicable standard of care, a surgeon's duty of care to the patient does not end when the patient and his or her surgical wound depart the medical premises.

26. On March 30, 2015, Decedent was seen by his family physician, Peter J. Stahl, M.D., at Woodhill Family Medicine, who noted that Decedent was severely underweight. He documented Decedent's height 68 inches, weight 103 lbs., BMI 15, blood pressure 110/60, pulse 120, and respirations 16. Decedent had a long history of chronic obstructive pulmonary disease, coronary artery disease and failure to thrive and was a chronic smoker. Decedent also had a significant social history of alcohol consumption.

27. Dr. Stahl's physical examination of Decedent revealed significant skin lesions on his forehead and left ear which Dr. Stahl described as "definite cancer," and he therefore referred the Decedent to Defendant, Mark G. Blaskis, M.D. regarding the skin cancers.

28. On April 2, 2015, Decedent presented to Defendant, Mark G. Blaskis, M.D. at the offices of Defendant, Carolinas Dermatology Group P.A., located at 1706 St. Julian Place, Columbia, South Carolina 29204 regarding his skin lesions.

29. On or about April 2, 2015, the Defendant, Mark G. Blaskis, M.D. examined two small areas of concern or lesions located on Decedent's left cheek and left ear and scheduled him for surgery on May 12, 2015 for the purpose of removing the lesions using the Mohs Micrography Surgery procedure. This procedure involves removing multiple layers of the suspected cancerous tissue incrementally with contemporaneous pathological examination of each section or layer. This allows the surgeon to more precisely remove all of the cancerous tissue extending to the non-cancerous margins of healthy tissue, removing as little of the patient's healthy tissue as possible. The amount of tissue removed is determined by the size and depth of the cancerous tissue as determined by pathology.

30. During the examinations and/or treatment of Decedent on April 2, 2015 and May 12, 2015, Defendant, Mark G. Blaskis, M.D., failed to take a proper history or perform a competent physical examination of the Decedent. As a result, Defendant, Mark G. Blaskis, M.D., failed to recognize, document or consider the Decedent's severely undernourished, underweight condition, his significant history of chronic obstructive pulmonary disease and social history of tobacco and alcohol use or abuse so as to properly and safely evaluate the Decedent's pre-operative, inter-operative or post-operative care.

31. Not only did the Defendant, Mark G. Blaskis, M.D., fail to recognize or document the Decedent's emaciated appearance and the fact that Decedent was obviously undernourished and grossly underweight, but the Defendant, Mark G. Blaskis, M.D., actually noted that the Decedent was "well-nourished," "well-developed" in "no acute distress".

32. On May 12, 2015 at 1:00 p.m., Defendant, Mark G. Blaskis, M.D performed a Mohs Micrography Surgical procedure to remove the two cancerous lesions from the Decedent's left cheek and left ear. Following the surgery, the surgical wound located on the left cheek measured 2.1 x 1.3 cm, while the surgical wound located on the left ear measured a much larger 3 x 2.1 cm. Importantly, the surgery to the left ear resulted in not only a larger wound, but a wound which was actually a "through and through" hole defect involving the left concha.

33. The Defendant, Mark G. Blaskis, M.D., made the decision not to suture the Decedent's left ear surgical wound, but, instead, elected to electrocautery to achieve hemostasis. He did not include the Decedent in this decision and did not inform the Decedent of the increased risk of post-surgical bleeding associated with leaving the wound open and without sutures.

34. The Defendant, Mark G. Blaskis, M.D., made the decision to leave the wound unsutured and to refer the Decedent to a plastic surgeon, Dr. Brett Carlin, to repair the wound. Dr. Blaskis scheduled the Decedent to be seen by Dr. Carlin the following day, May 13, 2015 at 3:00 p.m. for repair of the left ear wound.

35. Following the surgery and during check out, the Defendants failed to give the Decedent and his caregiver wife sufficient verbal and written postsurgical wound care instructions and information, including but not limited to, what to do in the event of postsurgical bleeding.

36. Instead, the Defendants gave the Chalfants clear instructions "not to touch or remove the bandage" under any circumstances. These instructions eliminated any directive or opportunity to check for bleeding, apply pressure to the area to prevent bleeding or otherwise to check the status of the surgical site.

37. The Defendants also failed to give any instructions and information regarding abstaining from consuming alcohol for any postsurgical period of time.

38. The Defendants had a duty to inform, warn or discuss with the Decedent or his family the Decedent's undernourished, severely underweight status, his chronic obstructive pulmonary disease, his chronic abuse of tobacco or use of alcohol and how such conditions increase the likelihood of postsurgical complications or the fact that based upon those conditions, the Decedent was fragile and more vulnerable to suffer serious, severe and/or life-threatening consequences of postsurgical complications, particularly postsurgical bleeding or blood loss which created an increased risk of death or that consuming alcohol could exacerbate would further increase such bleeding risks and breached said duty.

39. That the Defendants instructed the Decedent and his wife to call (803) 771-7506 ext. 209 if they had any problems or questions.

40. The only written instructions and information provided to Decedent are set forth on the separate information sheet which has a "star" on one section and an "X" striking the subsequent section as inapplicable but leaving the telephone contact information and instructions to follow-up in one week.

41. That a true and correct copy of the said written instructions and information sheet provided by the Defendants to the Decedent is attached hereto and made a part hereof as **Exhibit "C"**.

42. That the Decedent departed the Defendants' medical offices around 3:45 p.m. after his surgery on May 12, 2015. The Decedent was given a prescription for pain medication, so Plaintiff drove directly to the Rite Aid Drugstore across from the V.A. Hospital to fill the prescription. However, because the written prescription for the pain medication had been signed by the physician's assistant and not the Defendant, Mark G. Blaskis, M.D., the drugstore refused

to fill the prescription until Dr. Blaskis could be reached. As a result, Plaintiff decided to take Decedent home and come back later to pick up the prescription.

43. At home, the Decedent relaxed and as was his normal routine, he smoked cigarettes and drank vodka and cranberry juice.

44. At around 5:30 p.m., the Plaintiff checked with Rite Aid, and the prescription was ready. She left and went to get the prescription and returned around 6:00 p.m. with the pain medicine. She mentioned to the Decedent that he probably should not drink alcohol and take the pain medicine. The Decedent responded that he would rather drink and forego the pain medication. Plaintiff began cooking dinner - fried pork chops, potatoes and green beans - while Decedent sat on the couch in the den watching television.

45. At around 7:00 p.m., Plaintiff checked on the Decedent and discovered that he was bleeding from below the left ear wound bandage. While concerned, she was not alarmed. She got her husband some paper towels and wiped the blood away. She stressed to her husband that the doctor's office had specifically instructed them not to touch the bandage or remove the bandage. She believed based upon the instructions stressed by the Defendants that she and her husband were not supposed to apply any pressure to the ear wound and bandage. She was led to believe that it was a special bandage due to the "through and through" wound and steadfastly followed the Defendants' primary instruction not to touch the bandage. Had she been told to apply pressure or perform any other act in response to the bleeding, Plaintiff would have followed those instructions to the letter. Had Plaintiff been told that any significant bleeding constituted an "emergency", she would have demanded that her husband go to the emergency room or called 911.

46. Following the Defendants' instructions to call them if they had any questions or problems, Plaintiff called the Defendants at (803) 771-7506 at approximately 7:10 p.m. to notify

them of the bleeding - but there was no answer. She left a message and waited for a call back within the next hour or so. But the Defendants had no answering service or procedures to check their messages or calls from post-surgery patients.

47. After calling and leaving a message with the Defendants, Decedent ate dinner and watched television while waiting for the Defendants to return his call.

48. The Decedent's left ear wound continued to bleed, on and off, after dinner, but not to the extent deemed to be an "emergency" in light of the instructions and information provided by the Defendants.

49. At around 10:30 p.m. in the evening of May 12, 2015 following the surgery by the Defendants, Decedent and Plaintiff went to bed.

50. The Defendants failed to return Plaintiff's call or respond to her message and failed to follow-up with Decedent regarding his post-surgery status and condition.

51. At about 3:30 a.m., the Decedent used his inhaler and then laid back down in bed. At about 4:30 a.m., he got up and walked to the bathroom. Plaintiff heard an object fall loudly to the bathroom floor and got up to check on him. Her husband was sitting on the commode in his underwear like he was sitting in a chair. He asked for his inhaler. When Plaintiff turned on the light she saw that Decedent's pillow was covered with blood. After locating Decedent's inhaler and giving it to him while he was still in the bathroom, he claimed it was the wrong one, so Plaintiff went back into the bedroom to look for another inhaler. Unable to find another inhaler, she returned to the bathroom to tell him there was no other inhaler and found him unresponsive and slumped down and to the side. She grabbed her husband's face in her hands and begged him to respond. But he did not respond. Plaintiff immediately called 911.

52. At about 5:10 a.m. Emergency Medical Services arrived at the Chalfant residence and tried to revive the Decedent. They immediately loaded him and left for the hospital with the

Plaintiff following behind.

53. On May 13, 2015, shortly before dawn, Michael Dallas Chalfant was pronounced dead at the V.A. Hospital in Columbia, South Carolina.

54. The coroner's investigation conducted by Amy M. Durso, M.D. determined that Michael Dallas Chalfant died as a result of blood loss or exsanguination due to hemorrhage from the left ear surgery performed by the Defendant, Mark G. Blaskis, M.D.

55. The Decedent's uncontrolled bleeding and death was directly and proximately caused by Defendants' negligence and/or gross negligence because they failed to recognize, appreciate and consider Decedent's undernourished, severely underweight condition, Chronic Obstructive Pulmonary Disease, and history of tobacco and alcohol use or abuse with regard to their care and treatment, post-surgical wound care instructions and information and post-surgical follow-up of the Decedent.

56. That had the Defendants provided Plaintiff and Decedent with proper postoperative wound care instructions and information at the time of discharge or if Defendants had responded to Plaintiff's call and provided proper information and instructions or instructions on stopping the bleeding or instructions to report to the hospital emergency room, they would have followed such instructions, and the Decedent would not have bled to death.

COUNT I
MEDICAL MALPRACTICE - WRONGFUL DEATH
NEGLIGENCE/GROSS NEGLIGENCE
(Against All Defendants)

57. Plaintiff incorporates paragraphs 1-56 of the complaint as if fully stated herein.

58. That this is a medical malpractice action for wrongful death damages against Defendant, Mark G. Blaskis, M.D. for his direct ordinary and gross negligence and against Defendant, Carolinas Dermatology Group, P.A. based on its vicarious liability for Defendant,

Mark G. Blaskis, M.D.'s negligent and grossly negligent acts and omissions and breaches of the applicable standard of care of committed within the scope of his employment.

59. At all times material to this action, Defendant, Mark G. Blaskis, M.D., was and is a physician licensed to practice medicine in the state of South Carolina, and provided care to Michael Dallas Chalfant in Richland County, South Carolina.

60. That on April 2, 2015 and May 12, 2015, while within the course and scope of his employment with Defendant, Carolinas Dermatology Group, P.A., Defendant, Mark G. Blaskis, M.D., undertook to care for Decedent, for a charge, and to furnish care within the prevailing standard of care for similar health care providers, and was acting within the scope of his employment with the Defendant, Carolinas Dermatology Group, P.A.

61. The Defendant, Carolinas Dermatology Group, P.A. is liable to the Plaintiff, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, for the negligence of the Defendant, Mark G. Blaskis, M.D.

62. At all times material to this action, there existed a physician/patient relationship between the Defendant, Mark G. Blaskis, M.D. and Decedent, and at all times, said Defendant owed a duty of care to Decedent, to provide care and treatment with a degree of knowledge, skill and care which is generally recognized as acceptable by reasonably prudent similar health care providers, and in similar circumstances.

63. That Defendant, Mark G. Blaskis, M.D., negligently and grossly negligently carelessly breached his duty of care, and fell below the medical standard of care, in one or more of the following ways, any one of which was a departure from and fell below the prevailing professional and/or reasonable standard of care by:

- a. Failing to conduct a proper history and physical examination of Decedent;

- b. Failing to properly recognize, document, consider and appreciate the Decedent's significant chronic obstructive pulmonary disease, failure to thrive and/or severe underweight condition;
- c. Failing to properly recognize, document, appreciate and consider the important social history regarding the Decedent's alcohol and/or tobacco abuse;
- d. Failing to properly recognize, document, appreciate and consider Decedent's frequent consumption of alcohol, tobacco abuse, and malnourished and fragile condition regarding his treatment and post-surgical information and instructions provided to Decedent under the circumstances;
- e. Failing to properly recognize, document, consider and appreciate the Decedent's fragile severely underweight condition and increased probability of post-surgical complications including, but not limited to, bleeding, and failing to take necessary precautions and/or failing to communicate to Decedent those increased risks of complications and to take proper precautions to ensure proper closure of the surgical wounds to prevent bleeding and/or failing to provide proper information and instructions to Decedent necessary under the circumstances;
- f. Failing to provide proper hemostasis following surgery relating to the Decedent's left concha necessary to properly prevent significant post-surgery bleeding or blood loss under the circumstances;
- g. Failing to provide proper wound closure, dressing and/or bandaging of and post-surgical care of the Decedent's left concha surgical wound to properly prevent or reduce the following removal of basal cell carcinoma under the circumstances;
- h. Failing to properly close, suture, bandage and/or care for the Decedent's left concha surgical wound to properly prevent or reduce the risk of complications including bleeding or blood loss under the circumstances;
- i. Failing to provide proper wound care and instructions concerning the known significant risks of complications including but not limited to post-surgical bleeding or blood loss under the circumstances;
- j. Failing to provide proper wound care follow-up under the circumstances;
- k. Failing to provide proper after-hours patient communication, response and care under the circumstances;

- l. Failing to return Decedent's after-hours call and/or respond to his message left with the practice;
- m. Failing to affirmatively provide affirmative follow-up patient communication, response and care under the circumstances;
- n. Failing to provide proper information and instructions to the Decedent regarding the known dangers and risks associated with smoking and/or consumption of alcohol before and after his surgery under the circumstances and failing to provide proper instructions regarding appropriate precautions under the circumstances;
- o. Failing to properly inform and warn the Decedent regarding the known dangers and risks associated with Decedent's pre-existing conditions, including but not limited to, severe underweight condition, chronic obstructive pulmonary disease and abuse of tobacco and alcohol, before and after his surgery under the circumstances and failing to provide proper instructions regarding appropriate precautions under the circumstances;
- p. Failing to establish and provide proper written wound care instructions and information to the Decedent regarding the known dangers and risks associated with post-surgical bleeding of the surgical wound including what to do if bleeding occurred and when and under what circumstances decedent should call the Defendant or his practice for assistance and/or when to report to the hospital emergency room;
- q. Failing to warn Decedent that his pre-existing conditions, including his undernourishment, severe underweight condition, Chronic Obstructive Pulmonary Disease and use and/or abuse of tobacco and alcohol created a significant risk of uncontrolled post-surgical bleeding or blood loss;
- r. Failing to warn Decedent that any post-surgical bleeding or blood loss would create a substantial, urgent risk to the Decedent's health;
- s. Failing to instruct Decedent to refrain from smoking tobacco and/or consuming alcohol post-surgery;
- t. Intentionally failing to warn and/or protect the Decedent about the known significant risks of post-surgical bleeding or blood loss under the circumstances;
- u. Intentionally failing to provide any instructions to Decedent regarding the actions and precautions to be taken related to the known significant risks of post-surgical bleeding or blood loss under the circumstances;

- v. Intentionally disregarding and failing to warn Decedent about the known significant risks of post-surgical bleeding or blood loss given Decedent's fragile condition under the circumstances;
- w. Failing to implement and utilize proper patient disclosure forms regarding proper post-surgical wound care information and instructions risks failing to related to same under the circumstances;
- x. Failing in such other negligent and grossly negligent acts and/or omissions yet to be determined or defined; and
- y. Failing in such other particulars as may be ascertained through discovery procedures undertaken pursuant to the South Carolina Rules of Civil Procedure.

64. That had the Defendant provided the Decedent proper instructions and information, Decedent would have followed them.

65. As a direct and proximate result of the negligence and gross negligence of the Defendants, Mark G. Blaskis, M.D., and Carolinas Dermatology Group, P.A., jointly and severally, Decedent suffered uncontrolled post-surgical bleeding which resulted in Decedent's death from the loss of blood at approximately 5:30 a.m. on May 13, 2015, and Plaintiff, Jackie Eadon Chalfant, has suffered injuries, which have caused her in the past, and will cause her in the future, to suffer one or more of the following elements of damage as to the survival and wrongful death claims:

- a. Pecuniary loss;
- b. Conscious pain and suffering;
- c. Mental shock and suffering;
- d. Wounded feelings;
- e. Grief and sorrow;
- f. Loss of companionship; and
- g. Deprivation of use and comfort of decedent's society, including loss of his

experience, knowledge, and judgment in managing the affairs of himself and his beneficiaries.

66. Due to the negligence and gross negligence of the Defendants, Plaintiff is also entitled to compensation for medical expenses, funeral and burial expenses, loss of support and services and other compensatory damages in an amount to be determined by a jury.

COUNT II
MEDICAL MALPRACTICE – WRONGFUL DEATH
NEGLIGENCE/GROSS NEGLIGENCE
(Against Defendant Carolinas Dermatology Group, P.A.)

67. Plaintiff incorporates paragraphs 1-56 of the Complaint as if fully stated herein.

68. That this is a medical malpractice action for wrongful death damages against Defendant, Carolinas Dermatology Group, P.A. based on its direct ordinary negligence and/or gross negligence constituting breaches of the applicable standard of care, excluding its liability based on its vicarious liability for the Defendant, Mark G. Blaskis, M.D.'s negligent and grossly negligent acts and omissions and breaches of the applicable standard of care committed within the course and scope of his employment.

69. At all times material to this action, Defendant, Carolinas Dermatology Group, P.A. was and is a healthcare provider licensed to practice medicine in South Carolina and provided care to Michael Dallas Chalfant in Richland County, South Carolina.

70. That on April 2, 2015 and May 12, 2015, Defendant, Carolinas Dermatology Group, P.A., undertook to care for Decedent, for a charge, and to furnish care within the prevailing standard of care for similar health care providers.

71. At all times material to this action, there existed a physician/patient relationship between the Defendant, Carolinas Dermatology Group, P.A., and Decedent, and at all times, said Defendant owed a duty of care to Decedent, to provide care and treatment with a degree of

knowledge, skill and care which is generally recognized as acceptable by reasonably prudent similar health care providers, and in similar circumstances.

72. That the Defendant, Carolinas Dermatology Group, P.A., had a duty to establish and implement proper policies and procedures ensuring that its employees, staff and professionals are informed and aware of proper postoperative wound care instructions, have available proper written wound care instructions and information regarding the management and prevention of postoperative bleeding to review and provide to postoperative patients, and Defendant breached said duty.

73. That the Defendant, Carolinas Dermatology Group, P.A., had a duty to provide its employees, physicians, nurses, physician assistants, advanced nurse practitioners and staff proper education, training, supervision and instruction regarding proper postsurgical patient wound care instructions and information under the circumstances and to create, implement and enforce the use of proper verbal and written wound care instructions and information to be provided to postsurgical patients including instructions on what to do in the event of bleeding from the surgical wound, and Defendant breached said duty.

74. That the Defendant, Carolinas Dermatology Group, P.A., had a duty to provide proper after-hours communication, patient care and response to postoperative patient calls, messages, notice of postsurgical complications and/or questions on a timely basis rather than simply relying upon the local hospital emergency room to provide its patients with proper postoperative care and treatment of postoperative complications including bleeding, and Defendant breached said duty.

75. That Defendant, Carolinas Dermatology Group, P.A., through negligence and gross negligence, breached its duty of care, and fell below the medical standard of care, in one or more of the following ways, any one of which was a departure from and fell below the prevailing professional and/or reasonable standard of care by:

- a. Failing to properly educate, train and supervise its employees with regard to proper patient post-surgical wound care instructions and information pertaining to bleeding or blood loss;
- b. Failing to properly educate, train and supervise its employees with regard to providing post-surgical patients with proper wound care instructions and information concerning applying pressure to the wound;
- c. Failing to discover and stop its employees from instructing patients not to touch their bandages under any circumstances which serves to prevent patients from applying pressure to stop post-surgical bleeding and blood loss;
- d. Failing to properly educate, train and supervise its employees with regard to properly recognizing, documenting and considering patient pre-existing conditions, alcohol consumption, tobacco abuse, and malnourished and fragile condition regarding the treatment and post-surgical instructions and information provided to patients;
- e. Failing to establish, implement and provide proper employment procedures requiring its employees to provide proper post-surgical wound care information and instructions and patient forms pertaining to post-surgical wound care and addressing the known significant risks of bleeding or blood loss from surgical wounds, taking into account patients' significant pre-existing conditions which make them more vulnerable to the post-surgical bleeding or blood loss;
- f. Failing to establish proper post-surgical follow-up of its patients including a procedures and technology implementing after-hours communication between Defendant and post-surgery patients and responding to post-surgery patient inquiries, notifications and complications, particularly where the patient is at a greater risk for complications;
- g. Failing to establish a policy of instructing post-surgical patients to avoid smoking tobacco and the consumption of alcohol;
- h. Failing to establish a policy of informing and warning severely underweight or undernourished patients and/or patients suffering from chronic obstructive pulmonary disease that such condition(s) create increased health

risks regarding postoperative bleeding or blood loss which can be potentially life threatening;

- i. Failing to establish a policy and procedure for recognizing patients whose pre-existing conditions and physical condition or social history creates an increased risk for suffering significant post-surgical complications including bleeding to death and providing them proper information and instructions;
- j. Failing to establish proper policies and procedures for the affirmative post-surgical follow-up of patients suffering from significant pre-existing conditions posing significantly higher risks of post-surgical complications including bleeding and blood loss such as patients who are severely underweight or undernourished;
- k. Failing in such other negligent and grossly negligent acts and/or omissions yet to be determined or defined; and
- l. Failing in such other particulars as may be ascertained through discovery procedures undertaken pursuant to the South Carolina Rules of Civil Procedure.

76. That had the Defendant provided the Decedent proper instructions and information, Decedent would have followed them.

77. As a direct and proximate result of the negligence and gross negligence of the Defendant, Carolinas Dermatology Group, M.D., Decedent suffered uncontrolled post-surgical bleeding which resulted in Decedent's death from the loss of blood at approximately 5:30 a.m. on May 13, 2015, and Plaintiff, Jackie Eadon Chalfant, has suffered injuries, which have caused her in the past, and will cause her in the future, to suffer one or more of the following elements of damage as to the survival and wrongful death claims:

- a. Pecuniary loss;
- b. Conscious pain and suffering;
- c. Mental shock and suffering;
- d. Wounded feelings;
- e. Grief and sorrow;

- f. Loss of companionship; and
- g. Deprivation of use and comfort of decedent's society, including loss of his experience, knowledge, and judgment in managing the affairs of himself and his beneficiaries.

78. Due to the negligent and gross negligence of the Defendants, Plaintiff is entitled to compensation for medical expenses, funeral and burial expenses, loss of support and services and other compensatory damages in an amount to be determined by a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays for the following relief:

- i. Judgment against Defendants jointly and severally for actual damages, special damages and consequential damages to be determined by the jury;
- ii. Attorney Fees and Costs of this action;
- iii. All such other and further relief as this Court deems or the trier of fact deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

GEDDINGS LAW FIRM, P.A.

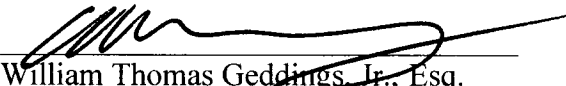
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MIKE FINK LAW FIRM, P.A.

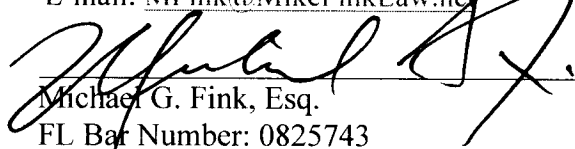
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Michael G. Fink, Esq.
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January 18, 2017

Manning, South Carolina/Fort Myers, Florida

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PROBATE COURT

IN THE MATTER OF: MICHAEL DALLAS CHALFANT

CASE NUMBER: 2015 ES40 00794

CERTIFICATE OF APPOINTMENT AS PERSONAL REPRESENTATIVE

This is to certify that

JACKIE EADON CHALFANT

is the duly qualified **PERSONAL REPRESENTATIVE**

in the above matter and that this appointment, having been executed on the 2nd day of June, 2015, is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate.

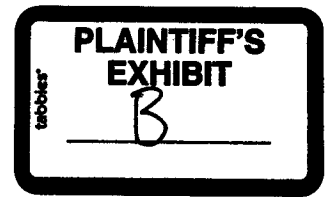
RESTRICTIONS:

Only those imposed by law.

Executed this 2nd day of June, 2015.

Do not accept a copy of this
certificate without the raised
seal of the Probate Court.

Amy W. McCulloch
Amy W. McCulloch
Richland County Probate Judge



RE: Michael Dallas Chalfant
Date of Birth: May 27, 1940
Date of Death: May 13, 2015

**CORROBORATING AFFIDAVIT OF EXPERT OPINION
OF SCHIELD M. WIKAS, D.O.**

STATE OF OHIO
COUNTY OF Cuyahoga A

BEFORE ME, the undersigned authority, personally appeared SCHIELD M. WIKAS, D.O., who, after being duly cautioned and sworn by me, upon his oath deposes and says under the penalties of perjury as follows:

1. I am a physician, and am an expert as defined by South Carolina Code of Laws, Section 15-36-100. A copy of my C.V. is attached and incorporated by reference into this Affidavit.
2. I am familiar with the standard of care for dermatological medical services, including those provided by Mark G. Blaskis, M.D. and Carolinas Dermatology Group, P.A. to Decedent, Michael Dallas Chalfant, on April 2, 2015 and May 12, 2015.
3. As a Board Certified Dermatological Physician, I am familiar with the effects of failing to provide appropriate post surgery wound care information and instructions to a patient including those related to bleeding as well as the proper post surgery patient follow-up and response to complications involving a patient who experiences post surgical bleeding from the surgical site, etc.
4. I have reviewed Michael Dallas Chalfant's patient records and medical reports from Carolinas Dermatology Group, P.A. and Mark G. Blaskis, M.D. for April 2, 2015 and May 12, 2015. I also reviewed Carolinas Dermatology Group, P.A.'s website regarding whether and to what extent any post surgery information and instructions were provided and whether the practice/physician could be contacted afterhours in case of complication and/or emergency.
5. I have also reviewed the following:
 - A. The Death Certification of Michael Dallas Chalfant;
 - B. Michael Dallas Chalfant's patient records, medical reports and testing results from Family Medicine Centers of South Carolina – Woodhill Family Medicine for the period from 2010 through March 30, 2015;

See
Initials

- C. The autopsy report related to Michael Dallas Chalfant performed by Amy M. Durso, M.D.;
 - D. The toxicology report of Tracy McKinnon related Michael Dallas Chalfant performed by Amy M. Durso, M.D.;
 - E. The AT&T phone records reflecting Jackie Chalfant's call to Carolinas Dermatology Group, P.A. (803) 771-7506 at 7:10 p.m. on May 12, 2015 with no return call from the medical provider anytime that evening.
 - F. Photographs of the beddings of Michael Dallas Chalfant post mortem.
- 6. Based on my review of the above documents and information, coupled with my education, training, experience and expertise, it is my opinion within a reasonable degree of medical certainty and probability that the care and treatment rendered to Michael Dallas Chalfant on March 12, 2015 by Carolinas Dermatology Group, P.A. and Mark G. Blaskis, M.D. breached the applicable standard of care. Furthermore it is my opinion that their failure to provide proper wound care information and instructions and/or follow-up and/or provide for after hours patient communication, response and care also constituted a breach of the applicable standard of care which caused or contributed to the death of Michael Dallas Chalfant on or about May 13, 2015.
 - 7. Specifically, Carolinas Dermatology Group, P.A. and Mark G. Blaskis, M.D. failed to properly recognize, document or consider Michael Dallas Chalfant's frequent consumption of alcohol, tobacco use, and malnourished and fragile condition at 5 feet, 11 inches and a weight of approximately 100 lbs. regarding his treatment or post surgical instructions and information provided to the patient and his wife. No physical examination was noted other than taking Mr. Chalfant's blood pressure and checking his pulse. Given his presentation and fragile condition, Carolinas Dermatology Group, P.A. and Mark G. Blaskis, M.D. breached the applicable standard of care by failing to give proper instructions and/or information pertaining to post surgical bleeding and by failing to affirmatively follow-up regarding Mr. Chalfant's status during the evening of May 12, 2015 and/or provide a 24-hour answering service and prompt medical response to patient emergency calls and/or return his wife's call after she left a message notifying them of post surgical complications.
 - 8. Mrs. Chalfant called Carolinas Dermatology Group, P.A. and Mark G. Blaskis, M.D. at 7:10 p.m. with their concern about bleeding from the surgical site on Mr. Chalfant's ear, but no one called her back, apparently until they learned of Mr. Chalfant's death in the late morning of May 13, 2015 from the plastic surgeon, Dr. Carlin's office.


Initials

9. It is, furthermore, my opinion to within a reasonable medical certainty and/or probability that the above failures, breaches and/or omissions in the standard of care substantially contributed Mr. Chalfant's continued significant bleeding and/or the failure to bring his bleeding under control which Mr. Chalfant suffered until the time of his death on or about May 13, 2015.
10. It is, furthermore, my opinion to within a reasonable medical certainty and/or probability that the above breaches substantially contributed to Michael Dallas Chalfant's death on or about May 13, 2015.
11. I have not rendered any previous medical opinion which has been disqualified by any court.

FURTHER AFFIANT SAYS NOT.

Under penalties of perjury, I declare that I have read my foregoing affidavit and the facts and opinions stated in it are true.

Executed this 23 day of March 2016.

By: *Schild M. Wikas*
Schild M. Wikas, D. O.

I HEREBY CERTIFY, that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared **Schild M. Wikas, D. O.**, who is personally known to me or who has produced Driver's license as identification and that he acknowledged under oath executing the foregoing in my presence and that he executed such document voluntary and freely of his own will.

WITNESS my hand and official seal in the County and State last aforesaid this 23 day of March 2016.



KRISTIN KOVACH
Notary Public, State of Ohio
My Comm. Expires May 21, 2020

Kristin Kovach
Notary Public Signature

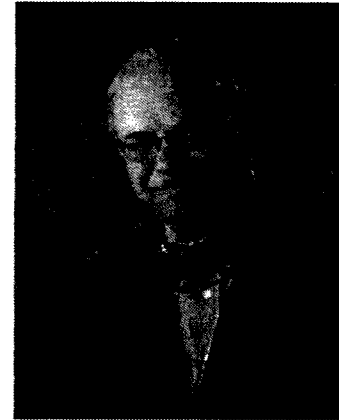
Kristin Kovach
Printed Name

My Commission Expires: May 21 2020

Sub
Initials

Schield M. Wikas, D.O.**Profile**

Dr. Wikas graduated from the Kansas City University of Medicine and Biosciences. He completed his Dermatology residency at the Cleveland Clinic. He is a Distinguished Fellow of the American Osteopathic College of Dermatology and certified by the American Osteopathic Board of Dermatology. He is the Director of a Dermatology residency program affiliated with the Ohio University College of Medicine. He is also a member of the American Academy of Dermatology.



Schield Wikas, D O

Areas of Expertise:

General, Medical and Surgical Dermatology

Herpes

Lupus

Melanoma

Sclerotherapy

Skin Cancer

Skin Conditions

Vasculitis

Vitiligo

Licenses

Ohio

Professional Experience

I have worked as an Expert Witness for the Defense as well as for the Plaintiff. I will evaluate all cases Plaintiff or Defense. I have worked for the Plaintiff in the majority of court cases. I also do disability evaluation and evaluations of appeals for insurance companies as well as third party mediation.

Legal Experience & Services

I have been deposed at least eight times. I have given court testimony at least six times. Exact numbers change and may be found on legal web sites.

Affiliations

American Osteopathic Association

American Medical Association

American Academy of Dermatology

American Osteopathic College of Dermatology

Qualifications

I have been deposed at least eight times. I have given court testimony at least six times. Exact numbers change and may be found on legal web sites.

Awards & Honors

Distinguished Fellow American Osteopathic College of Dermatology

Master Faculty Award Ohio University College of Osteopathic Medicine

Seminars & Training

Most yearly seminars by the American Osteopathic College of Dermatology

Usually every other year seminars at the conventions of the American Academy of Dermatology

Resident Journal Clubs monthly

Local County Dermatology Club for Summit County dermatologists monthly

Publications

• Wikas, S.M., Tomecki, K.J.; Staphylococcal Scaled-Skin Syndrome. The Cleveland Clinic Express. Cleveland Clinic Quarterly 1983. 50; p 141-143.

• Jensen, C., Fox, M., Wikas, S.M.; Stevens-Johnson Syndrome: Treatment with Intravenous Immunoglobulin. A Case Report and Review. The Journal of The American Osteopathic College of Dermatology 2003; 1; p 58-67.

- Jensen, C., Fox, M., Wikas, S.M.; Journal of the American Osteopathic College of Dermatology; Scurvy: The Past and the Present. A case report and a clinical review.
- Jensen, C., Wikas, S.M., Fox, M.; Scurvy: The Past and Present; A Case Report and Review. J.A.O.C.D., V2, N2; November 2004; p 32-36
- Palceski, D., Wikas, S.M.; Gianotti-Crosti Syndrome: A case presentation. J.A.O.C.D., V5, N1; February 2006; p 31-32.
- Bermudez, R., Wikas, S.M., Fox, M.; Hyperimmunoglobulin E. Syndrome. J.A.O.C.D., V5, N1; February 2006; p 37-39.
- Ng, T., Wikas, S.M.; Epithelioid Angiosarcoma vs. Atypical Epithelioid Hemangioma: A Diagnostic Dilemma. J.A.O.C.D., V5, N1; February 2006; p 122-27.
- Buccì, J., Wikas, S.M.; Scleromyxedema: A Case Report. J.A.O.C.D., V5, N1; February 2006; p 66-68.
- Ng, T., Jensen, C., Wikas, S.M.; Treatment with Tacrolimus 0.1% Ointment in En Coup de Sabre: A Case Report. J.A.O.C.D., V6, N1; July 2006; p 12-14.
- Buccì, J., Popovsky, J., Wikas, S.M.; Merkel Cell Carcinoma in a Renal-Transplant Patient. J.A.O.C.D., V7, N1; November 2006; p 19-22.

Education

- University of Cincinnati College of Pharmacy; B.S., RPh; September 1965 - June 1969
- University of Cincinnati Department of Pharmacology & Therapeutics, M.S.; July 1, 1969 - June 30, 1973
- Kansas City University of Medicine and Biosciences; Kansas City, Missouri (formerly Kansas City College of Osteopathic Medicine - KCCOM); Doctor of Osteopathic Medicine; July 1, 1975 - June 30, 1979
- Cleveland Clinic Foundation, Cleveland, Ohio; Internal Medicine Residency 1980-1981
- Cleveland Clinic Foundation, Cleveland, Ohio; Department of Dermatology, 1981-1984

Contact:

421 Graham Road, Suite B
Cuyahoga Falls, Ohio 44221
Phone: 330.929.9009
Fax: 330.929.6264
E-mail: DermExpert@WikasGroup.com

NO lifting over 10 pounds for 2 days. NO bending over for 2 days. Try to keep you chin up when sitting down or standing up and entering or exiting your automobile. NO driving if you will be taking medicine for pain relief

CARE FOR SURGERY SITES WITH SUTURES:

1. Leave our pressure bandage on and dry for a full 48 hours. Do NOT get the area wet during the first 48 hours.
2. After the first 48 hours, removal of the pressure bandage may be easier if done in the bath or shower. Get bandage entirely wet and carefully remove bandage. Mild soap around the edges of bandage may help to release adhesive.
3. You will need to clean area with mild soap and water, apply Vaseline, and a fresh bandage once a day until your follow-up appointment. Do NOT let sutures dry out. Do NOT use peroxide.

CARE FOR SURGERY SITES HEALING IN SECONDARILY:

1. Leave our pressure bandage on and dry for a full 48 hours. Do NOT get the area wet during the first 48 hours.
2. After the first 48 hours are over, you need to wash area with mild soap and water daily. Do NOT scrub area. Pat dry with a clean towel gently after bathing.
3. After area has been cleaned you will need to apply a liberal amount of Vaseline to area with a band-aid and gently place on surgery site. Make sure enough Vaseline has been applied to cover entire surgery site.
4. You will continue this care until Dr. Blasik advises you to discontinue. This depends on the size and the location of area-this could go on for several weeks or months.
5. Until the blood supply is restored the new tissue may appear gray or yellow. This is normal unless accompanied by a foul odor. As the wound heals, new blood vessels will slowly turn the tissue pink again.

Please call us with any questions at (803) 771-7506 ext. 209

PLEASE SCHEDULE YOUR FOLLOW-UP APPOINTMENT AT FRONT DESK FOR 1 WEEK(S).

STATE OF SOUTH CAROLINA,)

COUNTY OF RICHLAND)

Jackie Eadon Chalfant, Individually, and)
as Personal Representative of the Estate of)
Michael Dallas Chalfant, Deceased,)

Plaintiff,)

v.)

Carolinas Dermatology Group, P. A., a)
South Carolina Professional Association,)
and Mark G. Blaskis, M. D., Individually,)

Defendants.)

IN THE COURT OF COMMON PLEAS

Case Number: 2016-NI-40-0003

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
APPEARANCE PRO HAC VICE**

FILED
2016 JUN 16 AM 10:21
RICHLAND COUNTY
C.C.P. & G.S.

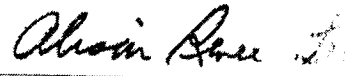
THIS CAUSE coming to be heard on the Plaintiff's Motion For Appearance Pro Hac Vice permitting Michael G. Fink, Esquire, a Florida Attorney who is not a South Carolina resident, to appear and represent the Plaintiff in association with local counsel, and the Court having reviewed the Plaintiff's Motion For Appearance Pro Hac Vice, the attached Application For Admission Pro Hac Vice and the case file in this matter, and, being otherwise duly advised in the premises, IT IS

ORDERED AND ADJUDGED as follows:

- I. That Plaintiff's Motion For Appearance Pro Hac Vice by Michael G. Fink, Esquire, a Florida Attorney who is not a South Carolina resident is hereby GRANTED, and Michael G. Fink, Esquire is authorized to appear and represent the Plaintiff in this action in association with local counsel, William Thomas Geddings, Jr. Esquire in accordance with Rule 404, South Carolina Court Rules.

Done and Ordered in Chambers in Columbia, Richland County, South Carolina this

14th day of June, 2016.


HONORABLE ALISON R. LEE
Chief Administrative Circuit Court Judge

cc:

Attorneys for Plaintiff

William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.
20 Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com

Michael G. Fink, Esq.
MIKE FINK LAW FIRM, P.A.
2029 Bayside Parkway
Fort Myers, Florida 33901
Phone: (239) 939-1906
E-mail: MFink@MikeFinkLaw.net

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) THE FIFTEENTH JUDICIAL CIRCUIT

Jackie Eadon Chalfant, Individually) Civil Action No.: 2017-CP-40-00517
and as Personal Representative of the)
Estate of Michael Dallas Chalfant,)
Deceased)

Plaintiff,)

v.)

Carolinas Dermatology Group, PA, a)
South Carolina Professional)
Association and Mark G. Blaskis, MD,)
Individually)

Defendants.)

DEFENDANTS' ANSWER TO COMPLAINT

(Jury Trial Demanded)

FILED
2017 MAR -3 PM 12:06
RICHLAND COUNTY
SOUTH CAROLINA

The Defendants, above named, answering the Complaint of the Plaintiff herein:

FOR A FIRST DEFENSE

1. Except as is admitted herein, each and every allegation in said Complaint contained is expressly denied.

2. Admits, upon information and belief, the allegations contained in Paragraphs 1, 2, 3 and 4 of the Complaint concerning the residency and nature of the parties.

3. Answering Paragraph 5 of the Complaint, the Defendants are without knowledge or information sufficient to form a belief as to the truth of these matters and therefore, demand strict proof thereof.

4. Answering Paragraphs 6, 7 and 8 of the Complaint, the Defendants admit the allegations therein concerning the identity of the Defendants and the location of the care that was administered.

5. Admit the allegations contained in Paragraph 9 of the Complaint.
6. Answering Paragraphs 10 and 11 of the Complaint, the Defendants deny that this information should be admissible in Court, and, therefore, deny the same.
7. Admit the allegations contained in Paragraph 12 of the Complaint concerning the venue of this case.
8. Paragraphs 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Plaintiff's Complaint contain various medical opinions that are either incorrect or incomplete and insufficient basis has been provided for them. As such, the Defendants deny the opinions as incomplete and demand strict proof thereof.
9. Paragraphs 26, 27, 28, and 29 contain alleged encounters by the Plaintiff with various medical personnel and the Defendants crave reference to the Plaintiff's medical records as to their veracity and accuracy. Furthermore, Paragraph 29 contains various medical opinions that are either incorrect or incomplete and insufficient basis has been provided for them.
10. Defendants deny the allegations of Paragraphs 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 of the Plaintiff's Complaint and demand strict proof thereof.
11. Answering Paragraphs 43, 44, and 45 of the Complaint, the Defendants are without knowledge or information sufficient to form a belief as to the truth of these matters and therefore, demand strict proof thereof.
12. Defendants deny Paragraph 46 of the Plaintiff's Complaint.
13. Answering Paragraphs 47, 48, and 49 of the Complaint, the Defendants are without knowledge or information sufficient to form a belief as to the truth of these matters and therefore, demand strict proof thereof.

14. Defendants deny Paragraph 50 of the Plaintiff's Complaint.

15. Answering Paragraphs 51, 52, 53, and 54 of the Complaint, the Defendants are without knowledge or information sufficient to form a belief as to the truth of these matters and therefore, demand strict proof thereof.

16. Defendants deny Paragraphs 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and 78 of the Plaintiff's Complaint and all of their subparts.

FOR A SECOND DEFENSE
(Failure to State a Claim)

17. Paragraphs 1 through 16 are hereby re-alleged and incorporated herein by reference.

18. Defendant would show that the Plaintiffs' Complaint should be dismissed pursuant to Rule 12(b) of the South Carolina Rules of Civil Procedure.

FOR A THIRD DEFENSE
(Comparative Negligence)

19. Paragraphs 1 through 18 are hereby re-alleged and incorporated herein by reference.

20. Defendant would show that such injury or damages as the Plaintiffs have sustained, if any, was due or caused on occasion by the Plaintiffs' own comparative negligence and/or recklessness, and as such, any award should be reduced proportionately in accordance with the South Carolina Rules and case law regarding comparative negligence.

FOR A FOURTH DEFENSE
(Physical Infirmities)

21. Paragraphs 1 through 20 are hereby re-alleged and incorporated herein by reference.

22. Any injury or damage sustained by the Plaintiffs as a result of the matters alleged in the Complaint was due to and caused by the Plaintiffs' physical infirmities and a natural disease process, and Defendant pleads such physical infirmities and natural disease process as a complete bar to this action.

FOR A FIFTH DEFENSE
(Estoppel)

23. Paragraphs 1 through 22 are hereby re-alleged and incorporated herein by reference.

24. The allegations of the Complaint are barred by the Doctrine of Estoppel.

FOR A SIXTH DEFENSE
(Release)

25. Paragraphs 1 through 24 are hereby re-alleged and incorporated herein by reference.

26. The allegations in this Complaint are barred by the Doctrine of Release.

FOR A SEVENTH DEFENSE
(Consent)

27. Paragraphs 1 through 26 are hereby re-alleged an incorporated herein by reference.

28. The allegations in this Complaint are barred by the Doctrine of Consent.

FOR AN EIGHTH DEFENSE
(Waiver)

29. Paragraphs 1 through 28 are hereby re-alleged an incorporated herein by reference.

30. The allegations in this Complaint are barred by the Doctrine of Waiver.

FOR A NINTH DEFENSE
(Negligence by Third Party)

31. Paragraphs 1 through 30 are hereby re-alleged and incorporated herein by reference.

32. Any injury Plaintiffs sustained was due to or caused by the sole negligence, carelessness, recklessness, willfulness and wantonness of third parties, and therefore, the sole acts of third parties are the real, efficient, and proximate cause of any injuries to Plaintiffs, and therefore, Plaintiffs may not recover against Defendant.

FOR A TENTH DEFENSE
(Intervening Causes by Third Party)

33. Paragraphs 1 through 32 are hereby re-alleged and incorporated herein by reference.

34. Any injury Plaintiffs sustained was due to and caused by the intervening negligence, carelessness, recklessness, willfulness, and wantonness of third parties, which occurred subsequent to any alleged acts or omissions by these Defendant, and therefore, the intervening acts of third parties are the real, efficient, and proximate cause of any injuries to Plaintiff, and therefore, Plaintiffs may not recover against Defendant.

FOR AN ELEVENTH DEFENSE
(Sole Acts by Another Party)

35. Paragraphs 1 through 34 are hereby re-alleged and incorporated herein by reference.

36. That any injury or damage sustained by Plaintiffs was caused by the sole acts or omissions of some person or persons over whom Defendant had no authority or control and, for that reason, Defendant is not liable to the Plaintiffs for any sum whatsoever.

FOR A TWELTH DEFENSE
(Punitive Damages)

37. Paragraphs 1 through 36 are hereby re-alleged and incorporated herein by reference.

38. Defendant would show the claim for punitive damages cannot be had because any award of punitive damages under South Carolina law without bifurcation of the trial so any punitive damages issues are tried only after, and if, liability on the merits of this action has been found will violate this Defendant's due process rights guaranteed by the United States Constitution and the South Carolina Constitution, and would violate the common law and public policy of the State of South Carolina.

39. Defendant would show the claim of punitive damages cannot be had because any award of punitive damages under South Carolina law without being subject to a predetermined limit on the amount of punitive damages a jury might impose would violate the common law of the State of South Carolina.

40. Defendants allege the claim of Plaintiffs' for punitive damages cannot be had because an award of punitive damages under South Carolina law by a jury that is not:

- a. Provided with sufficiently clear standards for determining the appropriateness of a punitive damage award or the size of such award;
- b. Provided with adequate instructions as to the limits of punitive damages awards as determined by the principles underlying such an award;
- c. Instructed awarding punitive damages on invidiously discriminatory characteristics of the Defendant is improper;

d. Instructed to consider punitive damages under a statute for determining the amount that is neither vague, arbitrary, nor capricious and that defines with reasonable clarity the actions of Defendant upon which an award of punitive damages may be based; and

e. Subjected to judicial review at both the trial and appellate court level under objective standards for determining appropriateness and reasonableness.

FOR A THIRTEENTH DEFENSE

41. Paragraphs 1 through 40 are hereby re-alleged and incorporated by reference.

42. Defendant reserves the right to allege additional affirmative defenses or to withdraw affirmative defenses as listed above as additional facts and circumstances are learned throughout discovery.

WHEREFORE, Defendant, Health Management Associates, Inc. d/b/a Chester Regional Medical Center, having answered the Complaint of the Plaintiff, prays the Court grant the following relief:

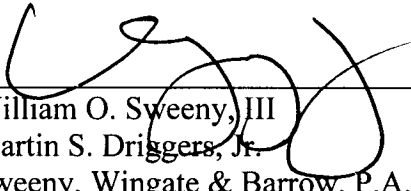
1. Dismiss the Plaintiff's Complaint;
2. Declare Plaintiff have and recover nothing of Defendants;
3. Award Defendant its costs in defending this action;
4. Declare that all issues of fact, if any, be determined by a jury; and
5. Award such other and further relief as this Court deems just and proper.

The Defendants demand a jury trial.

(signature page to follow)

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.



William O. Sweeney, III
Martin S. Driggers, Jr.
Sweeney, Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, SC 29211
(803) 256-2233

ATTORNEYS FOR DEFENDANTS

Columbia, South Carolina
March 3, 2017

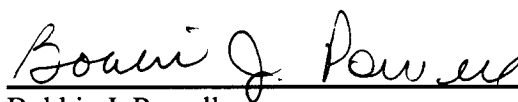
CERTIFICATE OF SERVICE

I, the undersigned secretary of the law offices of Sweeny, Wingate & Barrow, P.A., attorneys for Defendants, do hereby certify that I have served a copy of the foregoing Pleading in connection with the above-referenced case by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

William T. Geddings, Jr., Esquire
Geddings Law Firm, P.A.
20 South Brooks Street
Manning, SC 29102
Attorney for Plaintiff

Michael G. Fink, Esquire
Mike Fink Law Firm, P.A.
2029 Bayside Parkway
Fort Myers, FL 33901
Attorney for Plaintiff

2017 MAR -3 PM 12:06
JANUARY 16 11:00 AM
U.S. MAIL


Bobbie J. Powell

Columbia, South Carolina
March 3, 2017

STATE OF SOUTH CAROLINA,) IN THE COURT OF COMMON PLEAS
)
COUNTY OF RICHLAND) FOR THE FIFTH JUDICIAL CIRCUIT

Jackie Eadon Chalfant, Individually, and)
as Personal Representative of the Estate of)
Michael Dallas Chalfant. Deceased,)

Plaintiff,)

v.)

Carolinas Dermatology Group, P. A., a)
South Carolina Professional Association,)
and Mark G. Blaskis, M. D., Individually,)

Defendants.)
_____)

Case Number: 2017-CP-40-00517

**PLAINTIFF'S
REPLY TO AFFIRMATIVE DEFENSES**

The Plaintiff, above named, by and through undersigned counsel, and, pursuant to Rules 8 and 12(f) of the South Carolina Rules of Civil Procedure, files this Reply to the Defendants' Affirmative Defenses and states as follows:

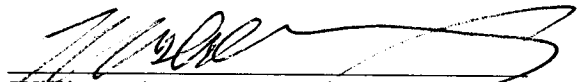
1. The Plaintiff denies each and every Affirmative Defense asserted by the Defendants and demands strict proof thereof.

2. The Plaintiff, pursuant to Rule 12(f) of the South Carolina Rules of Civil Procedure, moves to strike each and every Affirmative Defense of the Defendants as an "insufficient defense" for failure to allege sufficient facts in support each such defense as required by Rule 8(a) of the South Carolina Rules of Civil Procedure which requires a "short and plain statement" of the facts showing Defendants are entitled to relief. Defendants allege no facts whatever in support of any of Defendants' Affirmative Defenses and, therefore, are inadequately plead and should be stricken.

(signature page to follow)

Respectfully submitted,

GEDDINGS LAW FIRM, P.A.



William Thomas Geddings, Jr., Esq.

SC Bar Number: 1130

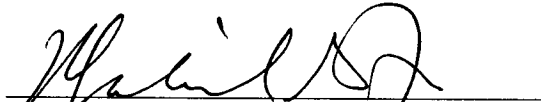
20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: wgeddings@geddingslawfirm.com

MIKE FINK LAW FIRM, P.A.



Michael G. Fink, Esq.

FL Bar Number: 0825743

2029 Bayside Parkway

Fort Myers, Florida 33901

Phone: (239) 939-1906

E-mail: MFink@MikeFinkLaw.net

ATTORNEYS FOR THE PLAINTIFF

Manning, South Carolina
March 10, 2017

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2017-CP-49-00517

RECEIVED
JUL 12 2019
SC Court of Appeals

Jackie Eadon Chalfant,
Individually and as Personal
Representative of the Estate of
Michael Dallas Chalfant,

Appellant,

v.

Carolinas Dermatology
Group, P.A., a South Carolina
Professional Association, and
Mark G. Blaskis, M.D.,
Individually.

Respondent.

NOTICE OF APPEAL

Appellant, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, appeals the Directed Verdict Orders/Judgments of the Honorable R. Keith Kelly dated June 6, 2019 as to Mark G. Balskis, M.D. and June 21, 2019 as to Carolinas Dermatology Group, P.A. Appellant received written notice of entry of the Directed Verdict Orders/Judgments on June 7, 2019 and June 21, 2019 September 3, 2000.

July 8, 2019

s/ William Thomas Geddings, Jr., Esq.
William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.
20 Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com
Attorney for Appellant

Other Counsel of Record:
Martin S. Driggers, Jr., Esq.
SWEENEY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B

Hartsville, South Carolina 29550

Phone: (843) 878-0390

E-mail: MSD@swblaw.com

Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2017-CP-40-00517

Jackie Eadon Chalfant, Appellant,
Individually and as Personal
Representative of the Estate of
Michael Dallas Chalfant,

v.

Carolinas Dermatology Respondent.
Group, P.A., a South Carolina
Professional Association, and
Mark G. Blaskis, M.D.,
Individually.

AMENDED
NOTICE OF APPEAL

Appellant, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, appeals the Directed Verdict Orders/Judgments of the Honorable R. Keith Kelly dated June 6, 2019 as to Mark G. Balskis, M.D. and June 21, 2019 as to Carolinas Dermatology Group, P.A. Appellant received written notice of entry of the Directed Verdict Orders/Judgments on June 7, 2019 and June 21, 2019 September 3, 2000.

July 8, 2019

s/ William Thomas Geddings, Jr., Esq.
William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.
20 Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com
Attorney for Appellant

<Corrected 7-18-19 to correct case number from 2017-CP-49-00517 to 2017-CP-40-00517>

Other Counsel of Record:
Martin S. Driggers, Jr., Esq.
SWEENEY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
Phone: (843) 878-0390
E-mail: MSD@swblaw.com
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2017-CP-40-00517

Jackie Eadon Chalfant, Appellant,
Individually and as Personal
Representative of the Estate of
Michael Dallas Chalfant,

v.

Carolinas Dermatology Respondent.
Group, P.A., a South Carolina
Professional Association, and
Mark G. Blaskis, M.D.,
Individually.

NOTICE OF APPEAL

Appellant, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, appeals the Directed Verdict Orders/Judgments of the Honorable R. Keith Kelly dated June 6, 2019 as to Mark G. Balskis, M.D. and June 21, 2019 as to Carolinas Dermatology Group, P.A. Appellant received written notice of entry of the Directed Verdict Orders/Judgments on June 7, 2019 and June 21, 2019.

July 8, 2019

s/ William Thomas Geddings, Jr., Esq.
William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.
20 Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com
Attorney for Appellant

<amended July 18, 2019 to correct county number from 49 to 40, remove typographical error (September 3, 2000) from main body of text and add Brandon Gottschall as additional attorney of record for the Defendant/Respondent>

Other Counsel of Record:
Martin S. Driggers, Jr., Esq.
SWEENY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
Phone: (843) 878-0390
E-mail: MSD@swblaw.com
Attorney for Respondent

Brandon Gottschall, Esquire
Sweeny, Wingate & Barrow, P.A.
Post Office Box 12129
1515 Lady Street (29201)
Columbia, South Carolina 29211
Phone: (803) 256-2233
E-mail: BRG@swblaw.com
Attorney for Respondent



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 26, 2019

Mr. William T. Geddings, Jr., Esquire
20 S Brooks St
Manning SC 29102

Re: Jackie Chalfant v. Carolinas Dermatology Group, PA
Appellate Case No. 2019-001145

Dear Counsel:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR, along with a copy of your letter addressed to the court reporter.

Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

V. Clair Allen, Deputy
CLERK

cc: Martin S. Driggers, Jr., Esquire

90721

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

Jackie Eadon Chalfant,
Individually and as Personal
Representative of the Estate of
Michael Dallas Chalfant,

Appellant,

v.

Carolinas Dermatology
Group, P.A., a South Carolina
Professional Association, and
Mark G. Blaskis, M.D.,
Individually.

Respondent.

RECEIVED

AUG 30 2019

SC Court of Appeals

APPELLANT'S MOTION TO REINSTATE

Appellant, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, by and through the undersigned counsel, and pursuant to Rule 221, SCACR, hereby files this Motion to Reinstate the appeal dismissed on August 12, 2019, for failure to order the transcript pursuant to Rule 207, SCACR, and support thereof, states as follows:

STATEMENT OF FACTS

On June 7, 2019, the Appellant Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant (hereinafter "Appellant") received written notice of entry of the Directed Verdict Orders/Judgments of the Honorable R. Keith Kelly as to Defendant, Mark G. Blaskis, M.D. On June 21, 2019, the Appellant received written

notice of entry of the Directed Verdict as to Defendant, Carolinas Dermatology Group, P.A. On July 8, 2019, the Appellant filed its Notice of Appeal as to the Directed Verdict Orders/Judgments.

On July 9, 2019, pursuant to Rule 207 SCACR, counsel for the Appellant, Michael G. Fink, Esq., requested and ordered the transcript of the entire transcript of the trial proceedings from the Court Reporter, Bonnie R. Kelly.

On July 26, 2019, the Appellants received a correspondence from the South Carolina Court of Appeals requesting a letter showing that the Appellant timely ordered the transcript from the court reporter and the status of the transcript within ten (10) days, or the appeal will be dismissed. A true and accurate copy of the July 26th correspondence is attached hereto and incorporated herein as **Exhibit "A"**.

On July 29, 2019, the undersigned submitted via U.S. Mail a correspondence to Bonnie Kelly, CVR, confirming that the entire transcript of the trial proceedings was ordered. Opposing counsel and the South Carolina Court of Appeals were copied on the correspondence, pursuant to Rule 207, SCACR. Unbeknownst to the undersigned, the correspondence was never received by the Court. A true and accurate copy of the July 29th correspondence is attached hereto and incorporated herein as **Exhibit "B"**.

On July 30, 2019, the undersigned submitted via U.S. Mail for filing Appellant's Notice of Filing and Compliance with Rule 207, SCACR and with the Clerk's letter directives dated July 26, 2019 providing copies of all communications/correspondence with the court reporter, Bonnie R. Kelly, regarding the ordering of the entire transcript of the trial proceedings on July 9, 2019. As an aside, the Appellant also submitted Appellant's Notice of Filing Lower Court Order Granting Plaintiff's Motion for Appearance Pro Hac Vice of Michael G. Fink, A Florida

Attorney. Unbeknownst to the undersigned, neither filing was received by the Court. A true and accurate copy of the July 30th filings submitted to the Court is attached hereto and incorporated herein as **Composite Exhibit “C”**.

On August 12, 2019, the Court entered its Order dismissing Appellant’s appeal for failure to order the transcript as required by Rule 207 SCACR and the Court’s letter dated July 26, 2019.

On August 14, 2019, the undersigned submitted a correspondence to the Court responding to the recent dismissal of the appeal, advising the Court that the transcript was ordered and that all copies of the correspondences were submitted to the Court pursuant to the Court’s July 26th correspondence. The Court received the aforementioned correspondence. A true and accurate copy of the August 14th correspondence is attached hereto and incorporated herein as **Exhibit “D”**.

On August 19, 2019, the Court delivered a correspondence in response, advising the undersigned that he must submit a Motion to Reinstate in compliance with Rules 221 and 240, SCACR, including proof of service on opposing counsel and payment of the filing fee. The Court directed the undersigned to deliver a corrected motion within fifteen (15) days, or remittitur will be entered. A true and accurate copy of the August 14th correspondence is attached hereto and incorporated herein as **Exhibit “E”**.

MEMORANDUM IN SUPPORT

Pursuant to Rule 207(1) SCACR, “Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court report for furnishing the transcript...the transcript must be ordered within ten (10)

days after the date of service of the notice of appeal.”

On July 8, 2019, the Appellant filed its Notice of Appeal. It is clear from the communications between the Court Reporter and the Appellant’s counsels, that the transcript of the trial proceedings were ordered the following day.

Immediately upon receiving notice from the Court pursuant to its July 26th correspondence, the Appellant submitted via U.S. Mail a correspondence to Bonnie Kelly, CVR, confirming that the entire transcript of the trial proceedings was ordered, copying both opposing counsel and the South Carolina Court of Appeals on the correspondence. Unbeknownst to the undersigned, the correspondence was never received by the Court. On July 30th, the undersigned submitted via U.S. Mail for filing Appellant’s Notice of Filing and Compliance with Rule 207, SCACR and with the Clerk’s letter directives dated July 26, 2019, providing copies of all communications/correspondence with the court reporter, Bonnie R. Kelly regarding the ordering of the entire transcript of the trial proceedings on July 9, 2019. Unbeknownst to the undersigned, this correspondence was also never received by the Court.

In the Court’s August 19th correspondence, the Court advised that the appeal was dismissed “for the failure to order the transcript pursuant to Rule 207, SCACR, and for failure to respond to [the Court]’s July 26, 2019 letter”. The Appellants would ask the Court to consider the above-referenced timeline of events and exhibits in support of Appellants Motion to Reinstate its Appeal, as the Court was not in possession of the requested documents and communications due to a clerical oversight and apparent failure in the means of delivery, not through the intentional actions and/or perceived inactions of Appellant’s counsel. The Appellant did order the transcript within the required time period, and the Appellant did send multiple correspondences and filings to the Court in response to the July 26th correspondence and

directive. Notwithstanding, the undersigned and his co-counsels will take all precautionary steps to ensure proper delivery of all pleadings, filings, and correspondences hereinafter, should the relief requested herein be granted.

CONCLUSION

Based upon the foregoing, the Appellant requests that the Court enter an Order granting Appellant's Motion to Reinstate this Appeal, and for such other and further relief as the court deems just and proper.

August 29, 2019



William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.
20 Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com
Attorney for Appellant

Other Counsel of Record:
Martin S. Driggers, Jr., Esq.
SWEENEY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
Phone: (843) 878-0390
E-mail: MSD@swblaw.com
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

Jackie Eadon Chalfant,
Individually and as Personal
Representative of the Estate of
Michael Dallas Chalfant,

Appellant,

v.

Carolinas Dermatology
Group, P.A., a South Carolina
Professional Association, and
Mark G. Blaskis, M.D.,
Individually.

Respondent

RECEIVED

AUG 30 2019

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Appellant's Notice of Filing of Lower Court's Order Granting Plaintiff's Motion to Reinstate, by depositing a copy of it in the United States Mail, postage prepaid, on August 29, 2019, addressed to his attorney of record, Martin S. Driggers, Jr., Esq., SWEENEY, WINGATE & BARROW, P.A., 115 Cargill Way, Suite B, Hartsville, South Carolina 29550 and by electronic mail to Martin S. Driggers, Esq., at MSD@swblaw.com on August 29, 2019.

August 29, 2019



William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.
20 Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com
Attorney for Appellant



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 26, 2019

Mr. William T. Geddings, Jr., Esquire
20 S Brooks St
Manning SC 29102

Re: Jackie Chalfant v. Carolinas Dermatology Group, PA
Appellate Case No. 2019-001145

Dear Counsel:

Our records reflect that the time for ordering the transcript has expired. Within ten days of the date of this letter, you must file a copy of the letter showing that you have timely ordered the transcript from the court reporter. If you have not timely ordered the transcript, you must serve and file a motion requesting permission to order the transcript outside of the filing deadlines set by Rule 207 of the SCACR, along with a copy of your letter addressed to the court reporter.

Be sure to copy the Court, the Office of Court Administration and opposing counsel with all correspondence concerning the transcript. The address for Court Administration is as follows:

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

Please advise the Court of the status of the transcript within ten (10) days of the date of this letter, or your appeal will be dismissed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

cc: Martin S. Driggers, Jr., Esquire

Geddings Law Firm, PA

20 South Brooks Street
Manning, South Carolina 29102

W. T. Geddings, Jr.*

* also admitted to practice in Georgia

(803) 435-4770

FAX: (803) 435-2841

E-Mail: WTG@GeddingsLawFirm.com

FED ID # 57-1117536

July 29, 2019

Bonnie Kelly, CVR
P.O Box 50614
Columbia, South Carolina 29250

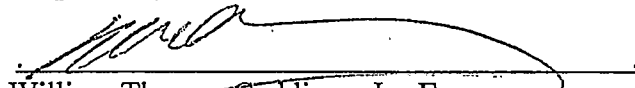
Re: Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant v. Carolinas Dermatology Group, P.A. & Mark G. Blaskis, M.D.
Lower Court Case number: 2017-CP-40-00517
Appellate Case Number: 2019-001145

Dear Ms. Kelly:

This will confirm we have ordered the entire transcript of the trial proceedings in the above matter which tried before the Honorable R. Keith Kelly during the week of June 3, 2019. We have forwarded to you under separate cover from Pro Hoc Vice, Michael G. Fink, Esq. enclosed herein his firm's check in the amount of \$3,291.25 as payment in full per your request.

Should you have any questions or need any further information, please do not hesitate to contact me. Thank you for your assistance in this matter.

Respectfully,



William Thomas Geddings, Jr., Esq.

GEDDINGS LAW FIRM, P.A.

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: wgeddings@geddingslawfirm.com

Attorney for Appellant

cc: Martin S. Driggers, Jr., Esq.
SWEENEY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
Phone: (843) 878-0390
E-mail: MSD@swblaw.com
Attorney for Respondent

Michael G. Fink, Esq.
MIKE FINK LAW FIRM, P.A.
1500 Royal Palm Square Boulevard, Unit 101
Fort Myers, Florida 33919
Phone: (239) 939-1906
E-mail: Mfink@MikeFinkLaw.net
Pro Hac Vice Attorney for Appellant

South Carolina Office of Court Administration
1220 Senate Street, Suite 201
Columbia, SC 29201

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Geddings Law Firm, PA

20 South Brooks Street
Manning, South Carolina 29102

COMPOSITE EXHIBIT "C"

W. T. Geddings, Jr.*

* also admitted to practice in Georgia

(803) 435-4770

FAX: (803) 435-2841

E-Mail: WTG@GeddingsLawFirm.com

FED ID # 57-1117536

July 30, 2019

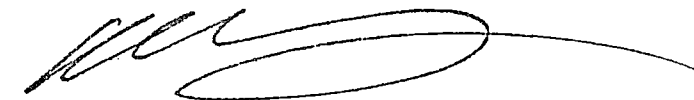
South Carolina Office of Court Administration
120 Senate Street, Suite 201
Columbia, South Carolina 29201

RE: Jackie Eadon Chalfant, Individually and as Personal Representative of the Estate of Michael Dallas Chalfant, Appellant, v. Carolinas Dermatology Group, P.A., a South Carolina Professional Association, and Mark G. Blaskis, M.D., Individually, Respondent,
Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

Dear Sir or Madam:

Enclosed please find a true and correct copy of the Appellant's Notice of Filing and Compliance with Rule 207, SCACR and with the Clerk's letter directives dated July 26, 2019 providing copies of all communications/correspondence with the court reporter, Bonnie R. Kelly regarding the ordering of the entire transcript of the trial proceedings on July 9, 2019.

Sincerely,



William Thomas Geddings, Jr., Esq.

GEDDINGS LAW FIRM, P.A.

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: wgeddings@geddingslawfirm.com

Attorney for Appellant

cc: Martin S. Driggers, Jr., Esq.
SWEENEY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
Phone: (843) 878-0390
E-mail: MSD@swblaw.com
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

Jackie Eadon Chalfant,
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Michael Dallas Chalfant,

Appellant,

v.

Carolinas Dermatology
Group, P.A., a South Carolina
Professional Association, and
Mark G. Blaskis, M.D.,
Individually.

Respondent.

APPELLANT'S NOTICE OF FILING AND COMPLIANCE WITH
RULE 207, SCACR

Appellant, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, hereby gives Notice of Filing and Compliance with Rule 207, SCACR and Clerk's Letter directives dated July 26, 2019 and hereby files all copies of all communications/correspondence with the court reporter, Bonnie R. Kelly, CVR, regarding ordering of the entire transcript of trial proceedings on July 9, 2019.

July 30, 2019



William Thomas Geddings, Jr., Esq.
GEDDINGS LAW FIRM, P.A.

20-Brooks Street
Manning, SC 29102
Phone: (803) 435-4770
E-mail: wgeddings@geddingslawfirm.com
Attorney for Appellant

Other Counsel of Record:
Martin S. Driggers, Jr., Esq.
SWEENEY, WINGATE & BARROW, P.A.
115 Cargill Way, Suite B
Hartsville, South Carolina 29550
Phone: (843) 878-0390
E-mail: MSD@swblaw.com
Attorney for Respondent

Subject: Re: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings
Date: Monday, July 29, 2019 at 12:25:11 PM Eastern Daylight Time
From: Kelly, Bonnie <bkelly@sccourts.org>
To: Mike Fink <mfink@mikefinklawnet>
Attachments: image001.png

Sounds good. Thanks!

Bonnie H. Kelly, CVR
Official Court Reporter
5th Circuit - At-large

From: Mike Fink <mfink@mikefinklawnet>
Sent: Monday, July 29, 2019 12:23:17 PM
To: Kelly, Bonnie
Subject: Re: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***
Bonnie:

I'm mailing the attached check today for our request for the entire trial transcript.

Let me know if you need anything from our end. Because it is late, we are required to file a Motion For Permission to Order Transcript Outside of the Filing Deadlines along with our letter transmitting payment. Please hold the funds and don't start preparing the transcript wait until we get appellate court approval to order the transcript late. I assume it will be no problem.

Respectfully,

Michael G. Fink, Esq.
MIKE FINK LAW FIRM
Florida Bar Number: 0825743
1500 Royal Palm Square Blvd., Unit 101
Fort Myers, Florida 33919
Phone: (239) 939-1906<tel:%28239%29%20939-1906>
Cell: (239) 826-9010
Email: MFink@MikeFinkLaw.net<mailto:MFink@MikeFinkLaw.net>

[id:image001.png@01D256C0.200B5990]

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From: "Kelly, Bonnie" <bkelly@sccourts.org>
Date: Monday, July 29, 2019 at 10:45 AM
To: Michael Fink <mfink@mikefinklaw.net>
Subject: Re: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

Hey, I can't use an Amex card, but I do accept PayPal payments. You can go to PayPal and type in my user name, bonniekelly21@gmail.com <<mailto:bonniekelly21@gmail.com>>. Then select FRIENDS AND FAMILY so there's no fee, and payment is sent to me immediately. If you'd rather pay by check, that's fine, too. PO BOX 50614 Columbia, SC 29250

That is TERRIBLE about your associate. I hope he is improving daily.

Bonnie H. Kelly, CVR
Official Court Reporter
5th Circuit - At-large

From: Mike Fink <mfink@mikefinklaw.net> <<mailto:mfink@mikefinklaw.net>>>
Sent: Monday, July 29, 2019 7:37:03 AM
To: Kelly, Bonnie
Subject: Re: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***
Bonnie:

I apologize, I thought we had paid this. My associate Andrew who appeared at trial sustained a head injury and has been unable to work.

Can you use my AmEx card? ~~845-4666~~ 2004, exp 7/22, code ~~55~~

If not, please let me know and we will get a check out today.

Respectfully,

Michael G. Fink, Esq.
MIKE FINK LAW FIRM
Florida Bar Number: 0825743
1500 Royal Palm Square Blvd., Unit 101
Fort Myers, Florida 33919
Phone: (239) 939-1906 <<tel:%28239%29%20939-1906>>
Cell: (239) 826-9010
Email: MFink@MikeFinkLaw.net <<mailto:MFink@MikeFinkLaw.net>> <<mailto:MFink@MikeFinkLaw.net>>

[id:image001.png@01D256C0.200B5990<<mailto:image001.png@01D256C0.200B5990>>]

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From: "Kelly, Bonnie" <bkelly@sccourts.org<<mailto:bkelly@sccourts.org>>>
Date: Wednesday, July 17, 2019 at 3:11 PM
To: Michael Fink <mfink@mikefinklaw.net<<mailto:mfink@mikefinklaw.net>>>
Subject: RE: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

Date: Monday, July 8, 2019 at 9:30 PM

To: Andrew Walker <awalker@mikefinklaw.net<<mailto:awalker@mikefinklaw.net>>
<<mailto:awalker@mikefinklaw.net>><<mailto:awalker@mikefinklaw.net%3e>>>

Subject: Re: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

I have not heard from you regarding production of the excerpts of this trial and was wondering if you have decided not to proceed. Thanks.

Bonnie H. Kelly, CVR
Official Court Reporter
5th Circuit - At-large

→ Exhibit "A" Court Rptr 6/13/19 8:55:04 PM EMAIL Goes here ←

From: Andrew Walker <awalker@mikefinklaw.net<<mailto:awalker@mikefinklaw.net>>
<<mailto:awalker@mikefinklaw.net>><<mailto:awalker@mikefinklaw.net>><<mailto:awalker@mikefinklaw.net%3e>>
<<mailto:awalker@mikefinklaw.net%3e%3cmailto:awalker@mikefinklaw.net%3e%3cmailto:awalker@mikefinklaw.net%3e%3e>>>

Sent: Thursday, June 13, 2019 11:26 AM

To: Kelly, Bonnie

Subject: RE: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Perfect. For now we are requesting estimates for:

Dr. Mark Blaskis (all testimony)

Dr. Sean Christensen (all testimony)

The Motions and rulings from June 6, 2019

Can we also get an estimate for the entire transcript so we are aware, as we will need that eventually.

Respectfully,

Andrew Walker, Esq.

MIKE FINK LAW FIRM, P. A.

1500 Royal Palm Square Blvd., Unit 101

Fort Myers, Florida 33919

E-Mail: AWalker@MikeFinkLaw.net<<mailto:AWalker@MikeFinkLaw.net>><<mailto:AWalker@MikeFinkLaw.net>>
<<mailto:AWalker@MikeFinkLaw.net>><<mailto:AWalker@MikeFinkLaw.net>><<mailto:AWalker@MikeFinkLaw.net%3e%3cmailto:AWalker@MikeFinkLaw.net%3e%3cmailto:AWalker@MikeFinkLaw.net%3e%3e>>>

Service E-Mail: Eservice@MikeFinkLaw.net<<mailto:Eservice@MikeFinkLaw.net>>

<<mailto:Eservice@MikeFinkLaw.net>>

<<mailto:Eservice@MikeFinkLaw.net>><<mailto:Eservice@MikeFinkLaw.net>><<mailto:Eservice@MikeFinkLaw.net%3e%3cmailto:Eservice@MikeFinkLaw.net%3e%3cmailto:Eservice@MikeFinkLaw.net%3e%3e>>>

Phone: (239) 939-1906

Fax: (239) 939-1915

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CIRCULAR 230 NOTICE: To comply with U.S. Treasury Department and IRS regulations, we are required to advise you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this e-mail, including attachments

to this e-mail, is not intended or written to be used, and cannot be used, by any person for the purpose of (i) avoiding penalties under the U.S. Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any transaction or matter addressed in this e-mail or attachment.

-----Original Message-----

From: Kelly, Bonnie [mailto:bkelly@sccourts.org]

Sent: Thursday, June 13, 2019 11:13 AM

To: Andrew Walker

Subject: Re: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

Good morning! (803) 261-2020 is my cell. Just so you know, I'm not allowed to carve out portions at random. It has to be all direct or all cross of a witness or both; all opening/closing of one attorney or both, etc. Hope that makes sense. Best time to call would be after hours or on the weekend.

You can just tell me which portions you need and I will send you estimates as requested. Thank you!

Bonnie H. Kelly, CVR
Official Court Reporter
5th Circuit - At-large

From: Andrew Walker <awalker@mikefinklaw.net> <mailto:awalker@mikefinklaw.net>
<mailto:awalker@mikefinklaw.net> <mailto:awalker@mikefinklaw.net> <mailto:awalker@mikefinklaw.net%3e>
<mailto:awalker@mikefinklaw.net%3e%3cmailto:awalker@mikefinklaw.net%3e%3cmailto:awalker@mikefinklaw.net%3e%3e>>

Sent: Thursday, June 13, 2019 10:39 AM

To: Kelly, Bonnie

Cc: Tommy Geddings

Subject: Chalfant v. Carolinas Dermatology Group - Transcript from Proceedings

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. *** Good Morning Ms. Kelly,

It was a pleasure getting to know you last week and thank you for all your hard work.

If you could please provide me with the best number to reach you, I would like to discuss the process of ordering portions of the trial transcript from you.

Please let me know what works best for your schedule.

Respectfully,

Andrew Walker, Esq.

MIKE FINK LAW FIRM, P. A.

1500 Royal Palm Square Blvd., Unit 101

Fort Myers, Florida 33919

E-Mail: AWalker@MikeFinkLaw.net <mailto:AWalker@MikeFinkLaw.net> <mailto:AWalker@MikeFinkLaw.net>
<mailto:AWalker@MikeFinkLaw.net>

<mailto:AWalker@MikeFinkLaw.net> <mailto:AWalker@MikeFinkLaw.net%3e%3cmailto:AWalker@MikeFinkLaw.net%3e%3e>>

<mailto:AWalker@MikeFinkLaw.net%3e%3cmailto:AWalker@MikeFinkLaw.net%3e%3cmailto:AWalker@MikeFinkLaw.net%3e%3e>>

Service E-Mail: Eservice@MikeFinkLaw.net <mailto:Eservice@MikeFinkLaw.net>

<mailto:Eservice@MikeFinkLaw.net> <mailto:Eservice@MikeFinkLaw.net>

<mailto:Eservice@MikeFinkLaw.net<mailto:Eservice@MikeFinkLaw.net%3e%3cmailto:Eservice@MikeFinkLaw.ne
>
<mailto:Eservice@MikeFinkLaw.net%3e%3cmailto:Eservice@MikeFinkLaw.net%3e%3cmailto:Eservice@MikeFink
Law.net%3cmailto:Eservice@MikeFinkLaw.net%3e%3cmailto:Eservice@MikeFinkLaw.net%3e>>

Phone: (239) 939-1906
Fax: (239) 939-1915

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~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

Subject: Estimated costs to produce excerpts from Chalfant trial  
Date: Thursday, June 13, 2019 at 8:55:04 PM Eastern Daylight Time  
From: Bonnie Kelly <bonniekelly21@gmail.com>  
To: Andrew Walker <awalker@mikefinklaw.net>

6/13/19  
8:55 PM  
EMAIL

Good evening, Mr. Walker. The following are estimates to produce the requested portions of the trial transcript as requested:

|                     | Normal Production | Expedited Production |
|---------------------|-------------------|----------------------|
| Dr. Blaskis         | \$306.00          | 360.00               |
| Dr. Christensen     | \$318.75          | 375.00               |
| Motions from 6/6/19 | \$306.00          | 360.00               |
| Transcript in toto  | \$3,291.25        | N/A                  |

I did not include the proffered testimony of Dr. Blaskis that was done on 6/6/19, nor did I include the motion to allow him to be recalled just prior to that proffer. That would increase the motions amount to approximately \$360/410 if you need that as well.

The estimated amounts do not include postage. That will be in the neighborhood of \$20, I suspect. E-tran is \$40, but it's quicker and we don't have to involve USPS (not always the most reliable peeps in my experience unfortunately.)

Advanced payment is required prior transcript production, and according to our rules, I have 60 days from date of receipt of payment in which to produce the transcript.

I could produce the smaller sections on an expedited basis (seven [7] business days from date of receipt of payment) but I could not produce the entire transcript in 7 days because of my time in court, travel, etc.

My mailing address is PO BOX 50614, Columbia, SC 29250. Please advise as to how you'd like to proceed. Thank you for allowing me to be of service.

Bonnie Kelly, CVR  
PO Box 50614  
Columbia, SC 29250

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

---

Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

---

Jackie Eadon Chalfant,  
Individually and as Personal  
Representative of the Estate of  
Michael Dallas Chalfant,

Appellant,

v.

Carolinas Dermatology  
Group, P.A., a South Carolina  
Professional Association, and  
Mark G. Blaskis, M.D.,  
Individually.

Respondent.

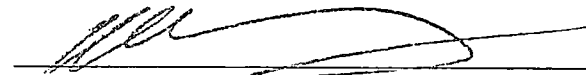
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**APPELLANT'S NOTICE OF FILING LOWER COURT ORDER  
GRANTING PLAINTIFF'S MOTION FOR APPEARANCE PRO HAC  
VICE OF MICHAEL G. FINK, A FLORIDA ATTORNEY**

---

Appellant, Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas Chalfant, hereby gives Notice of Filing of Lower Court Order Granting Plaintiff's Motion for Appearance Pro Hac Vice of Michael G. Fink, a Florida Attorney Who is Not a South Carolina Resident dated January 5, 2018.

July 30, 2019

  
William Thomas Geddings, Jr., Esq.  
GEDDINGS LAW FIRM, P.A.

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: [wgeddings@geddingslawfirm.com](mailto:wgeddings@geddingslawfirm.com)

Attorney for Appellant

Other Counsel of Record:

Martin S. Driggers, Jr., Esq.

SWEENEY, WINGATE & BARROW, P.A.

115 Cargill Way, Suite B

Hartsville, South Carolina 29550

Phone: (843) 878-0390

E-mail: [MSD@swblaw.com](mailto:MSD@swblaw.com)

Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

---

Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

---

Jackie Eadon Chalfant,  
Individually and as Personal  
Representative of the Estate of  
Michael Dallas Chalfant,

Appellant,

v.

Carolinas Dermatology  
Group, P.A., a South Carolina  
Professional Association, and  
Mark G. Blaskis, M.D.,  
Individually.

Respondent.

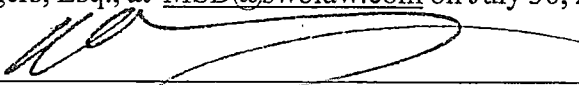
---

**PROOF OF SERVICE**

---

I certify that I have served the Appellant's Notice of Filing of Lower Court's Order Granting Plaintiff's Motion For Appearance Pro Hac Vice of Michael G. Fink, a Florida Attorney dated January 5, 2018 on Carolinas Dermatology Group, P.A., a South Carolina Professional Association, and Mark G. Blaskis, M.D., Individually, by depositing a copy of it in the United States Mail, postage prepaid, on July 30, 2019, addressed to his attorney of record, Martin S. Driggers, Jr., Esq., SWEENEY, WINGATE & BARROW, P.A., 115 Cargill Way, Suite B, Hartsville, South Carolina 29550 and by electronic mail to Martin S. Driggers, Esq., at [MSD@swblaw.com](mailto:MSD@swblaw.com) on July 30, 2019.

July 30, 2019



---

William Thomas Geddings, Jr., Esq.  
GEDDINGS LAW FIRM, P.A.

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: [wgeddings@geddingslawfirm.com](mailto:wgeddings@geddingslawfirm.com)

Attorney for Appellant

---

STATE OF SOUTH CAROLINA,

COUNTY OF RICHLAND

Jackie Eadon Chalfant, Individually, and  
as Personal Representative of the Estate of  
Michael Dallas Chalfant. Deceased,

Plaintiff,

v.

Carolinas Dermatology Group, P. A., a  
South Carolina Professional Association,  
and Mark G. Blaskis, M. D., Individually,

Defendants.

IN THE COURT OF COMMON PLEAS

Case Number: 2017-CP-40-00517

ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
APPEARANCE PRO HAC VICE

THIS CAUSE coming to be heard on the Plaintiff's Motion For Appearance Pro Hac Vice permitting Michael G. Fink, Esquire, a Florida Attorney who is not a South Carolina resident, to appear and represent the Plaintiff in conjunction with local counsel, and the Court having reviewed the Plaintiff's Motion For Appearance Pro Hac Vice, the attached Application For Admission Pro Hac Vice and the case file in this matter, and, being otherwise duly advised in the premises, IT IS

ORDERED AND ADJUDGED as follows:

1. That Plaintiff's Motion For Appearance Pro Hac Vice by Michael G. Fink, Esquire, a Florida Attorney who is not a South Carolina resident is hereby GRANTED, and Michael G. Fink, Esquire is authorized to appear and represent the Plaintiff in this action in conjunction with local counsel, William Thomas Geddings, Jr. Esquire in accordance with Rule 404, South Carolina Court Rules.

Done and Ordered in Chambers in Columbia, Richland County, South Carolina this

2 day of Jan, 2017/2018.

HONORABLE ALISON R. LEE  
Chief Administrative Circuit Court Judge

cc:

*Attorneys for Plaintiff*

William Thomas Geddings, Jr., Esq.  
GEDDINGS LAW FIRM, P.A.  
20 Brooks Street  
Manning, SC 29102  
Phone: (803) 435-4770  
E-mail: [wgeddings@geddingslawfirm.com](mailto:wgeddings@geddingslawfirm.com)

Michael G. Fink, Esq.  
MIKE FINK LAW FIRM, P.A.  
2029 Bayside Parkway  
Fort Myers, Florida 33901  
Phone: (239) 939-1906  
E-mail: [MFink@MikeFinkLaw.net](mailto:MFink@MikeFinkLaw.net)

*Attorney for Defendant*

William O. Sweeny, III, Esq.  
SWEENEY, WINGATE, & BARROW, PA  
PO Box 12129  
Columbia, SC 29211

Exhibit "1"

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*  
IN THE STATE OF SOUTH CAROLINA

Jackie Eadon Chalfant, Individually, and  
as Personal Representative of the Estate of  
Michael Dallas Chalfant. Deceased,

2017-CP-40-00517

IN THE COURT OF  
COMMON PLEAS  
RICHLAND COUNTY

Plaintiff

Case No.

Court

vs.

Mailing Address of Court: \_\_\_\_\_

Carolinas Dermatology Group, P. A., a  
South Carolina Professional Association,  
and Mark G. Blaskis, M. D., Individually,

Defendant

Comes now Michael G. Fink, applicant herein, and respectfully represents the following:

1. Applicant resides at:

1332 Caloosa Vista Road

Street Address

Fort Myers

City

(239) 939-1906

Telephone

Lee

County

FL

State

33901

Zip Code

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

MIKE FINK LAW FIRM, P.A., with offices at, at

2029 Bayside Parkway

Street Address

Fort Myers

City

(239) 939-1906

Telephone

Lee

County

FL

State

(239) 939-1915

Fax Number

33901

Zip Code

2. Applicant has been retained personally or as a member of the above named law firm by  
Jackie Eadon Chalfant, Individually, and as Personal Representative of the Estate of Michael Dallas  
Chalfant, Deceased.

to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since October of 1989, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of Florida where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

|                                                                   |            |
|-------------------------------------------------------------------|------------|
| United States District Court for the Middle District of Florida   | 12/18/1989 |
| United States District Court for the Southern District of Florida | 8/12/1994  |

|                                                         |           |
|---------------------------------------------------------|-----------|
| United States Court of Appeals for the Eleventh Circuit | 3/11/1994 |
| United States Court of Federal Claims                   | 9/29/1994 |

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:  
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

United States Court of Appeals for the Eleventh Circuit

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

N/A

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

N/A

9. Local counsel of record associated with applicant in this case is William T. Geddings, Jr., of the Geddings law firm, which has offices at:

20 South Brooks Street

Street Address

Clarendon

County

(803) 435-4770

Telephone

Manning

City

South Carolina

State

29102

Zip Code

If applicable list all other firms/attorneys you are associated with in this matter

N/A

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

2016-NI-40-00033- Case closed, Medical Malpractice cased filed under 2017-CP-40-0517

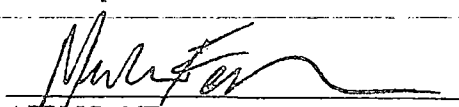
Date of Application: May 25, 2016

Local Counsel: William T. Geddings, Jr.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 21st day of December, 2017.

  
APPLICANT

VERIFICATION

STATE OF FLORIDA

COUNTY OF LEE

I, MICHAEL G. FINK, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

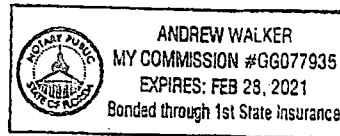
Michael G. Fink  
APPLICANT/AFFILIANT

Subscribed and sworn to before me this 21<sup>st</sup> day of December, 20 17.

Andrew Walker

Notary Public for the State of Florida

My Commission Expires: \_\_\_\_\_



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 21 day of Dec, 20 17.

W.T. Geddings Jr  
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

SC Bar #11300

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this 21<sup>st</sup> day of DECEMBER, 2017.

Michael G. Fink  
APPLICANT/AFFILIANT



## The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

John F. Harkness, Jr.  
Executive Director

Joshua E. Doyle  
Executive Director Designate

State of Florida )

County of Leon )

In Re: 0825743

Michael Gordon Fink  
MIKE FINK LAW FIRM, P.A.  
MIKE FINK LAW Firm, P. A. 2029 Bayside Pkwy  
Fort Myers, FL 33901-3101

### I CERTIFY THE FOLLOWING:

I am the custodian of membership records of The Florida Bar.

Membership records of The Florida Bar indicate that The Florida Bar member listed above was admitted to practice law in the state of Florida on October 19, 1989.

The Florida Bar member above is an active member in good standing of The Florida Bar who is eligible to practice law in the state of Florida.

Dated this 21st day of December, 2017.

Pam Gerard, Manager  
Membership Records Dept.  
The Florida Bar



PG:R10  
CTM-00162

**MICHAEL G. FINK**

Mike Fink Law Firm, P.A. 2029  
Bayside Parkway  
Fort Myers, Florida 33901  
Phone: (239) 939-1906  
Fax: (239) 939-1915  
E-mail: mfink@MikeFinkLaw.net

**EDUCATION**

Miami Palmetto Senior High School, 1982  
Miami-Dade Community College, South Campus 1982-1983  
University of South Carolina, Columbia, SC 1986, B.S., Finance, *Cum Laude*  
University of South Carolina, Columbia, SC, School of Law, J.D. 1989.

**LEGAL EXPERIENCE**

Mike Fink Law Firm, P.A. a/k/a Mike Fink Trial Lawyers, P. A. Fort Myers, Florida  
Partner 2009 – present

- General Civil Litigation
- Commercial Litigation
- Personal Injury
- Employment Law
- Criminal Defense
- Family Law

Fink & Lane, P.A. f/k/a Fink & Boyle, P.A. f/k/a Fink, Boyle & Gentile, P.A. Ft. Myers, FL  
Managing Partner, 1994-2003 (Sold Practice)

- Outside General Counsel, First Home Builders (SWFL's Largest Builder) (1999 -2005)
- Outside General Counsel to the Lee County School Board (1994 – 1999)
- Representation of Both Plaintiff's and Defendants
- Insurance Defense – Major losses. Representative clients: Zurich (Maryland Casualty), USAA, Nationwide CMU, State Farm, Auto Owners,
- Personal Injury
- General Civil and Commercial Litigation
- Medical Malpractice Representing both Plaintiff's and Defendants
- Intellectual Property Disputes – Copyright Infringement
- Governmental Defense on behalf of Cities, Counties and School Boards, including Lee County School Board (10 years), Lee County Sheriff's Department (3 years), Lee County Emergency Medical Services (3 yrs), City of Punta Gorda, City of Cape Coral, Desoto County, Hendry County Sheriff's Dept., Charlotte County Government, etc.
- Employment Law
- Civil Rights Litigation

Fowler, White, Gillen, Boggs, Villareal & Banker, P.A. Fort Myers, Florida  
Associate, 1989-1994

- Insurance Defense Litigation on behalf of large insurance companies
- Governmental Liability/Immunity, including representation of members of SWFL Inter-Governmental Risk Management Association.
- Civil Litigation, Business and Commercial Litigation
- Outside Gen. Counsel to the Sheriff of Lee County, John McDougal (1992 – 1994)
- Outside Gen. Counsel to the Lee County School Board (1992 – 1994)
- Defense Attorney for Wal-Mart and Sam's Wholesale Club

EXHIBIT "R"

### CERTIFICATIONS

- Florida Board Certified Civil Trial Lawyer (1991 – 2013)
- Florida Supreme Court Certified Circuit Court Mediator (2000 – Present)

### ADMITTED TO PRACTICE

- All Florida State Courts
- U.S. District Court for the Middle District of Florida (December 18, 1989)
- U.S. District Court for the Southern District of Florida (August 12, 1994)
- U.S. Court of Federal Claims (September 29, 1994)
- U.S. Circuit Court of Appeals for Eleventh Circuit (March 11, 1994)

### TEACHING POSITIONS

- Adjunct Professor of Civil Procedure, Edison Community College (1999 - 2000)
- Adjunct Professor of Torts, Florida Gulf Coast University (2013 – Present)

### SERVICE POSITIONS

- Florida Bar Grievance Committee, Vice Chair/Committee Member (2006 – 2009)
- Advisory Board Member, FGCU Department of Justice Studies (2014 – present)
- Moot Court Competition, Acting Trial Judge/Competition Judge Volunteer (2012 -2014)
- United Way Campaign Committee, Member (2003)
- Cancer Society Cattle Baron's Ball Committee Member (2004)

### SPEAKING ENGAGEMENTS

- The Briar Patch: Thorny Issues in Florida Litigation (June 2006)
- Trying the Automobile Injury Case in Florida (June 1994)
- Nationwide Insurance – Bad Faith Actions in Florida (June 1994)
- Speaker, Allstate Insurance Company, PIP Litigation (August 1991)

### HONORS AND AWARDS

- Selected as a "Go to Lawyer" "when winning is a must" by Gulfshore Life Magazine, (July 2007)
- Awarded the "Key to The City of Fort Myers" for his significant historic preservation efforts to save Fort Myers' oldest home, the "Towles Historic Home" (circa 1885) from demolition. The Towles Home is now established on the Register of National Historic Places and will be protected in perpetuity from demolition. (November 2007)
- Honorary Deputy Sheriff of Lee County, Florida (2000 – present)

### MEMBERSHIPS (PAST & CURRENT)

- Lee County Bar Association
- Florida Justice Association
- National Association of Criminal Defense Lawyers
- Caloosa Inns of Court
- Sigma Chi Fraternity Member, Former President, Social Chairman and House Manager

### PERSONAL

- Born: December 23, 1963
- Hometown: Manning, South Carolina
- Divorced with two children, Michael (16) and Sydney (14)
- Owner of First Home Title, Inc., America's largest title company (1999-2007)
- Licensed Private Pilot, Single Engine Land (July 1983 – Present)

EXHIBIT "B"

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

## JUDGMENT IN A CIVIL CASE

CASE NUMBER: **2017CP4000517**

Jackie Eadon Chalfant

Carolinas Dermatology Group P A

Michael Dallas Chalfant

South Carolina Professional Association

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

## DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);  
☐ Rule 43(k), SCRPC (Settled); ☐ Other \_\_\_\_\_
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;  
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other \_\_\_\_\_
- ☐ STAYED DUE TO BANKRUPTCY
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

## ORDER INFORMATION

This order ☐ ends ☐ does not end the case. Additional Information for the Clerk : \_\_\_\_\_

## INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of (List name(s) below)                                                                 | Judgment Against (List name(s) below) | Judgment Amount To be Enrolled |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------|
|                                                                                                           |                                       | \$                             |
|                                                                                                           |                                       | \$                             |
|                                                                                                           |                                       | \$                             |
| If applicable, describe the property, including tax map information and address, referenced in the order: |                                       |                                |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_

Judge Code \_\_\_\_\_

Date \_\_\_\_\_

## For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 5 day of Jan, 20 18 to attorneys of record or to parties (when appearing pro se) as follows:

William T. Geddings Jr.

William O. Sweeny III

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court \_\_\_\_\_

# Geddings Law Firm, PA

20 South Brooks Street  
Manning, South Carolina 29102

W. T. Geddings, Jr.\*

\* also admitted to practice in Georgia

(803) 435-4770

FAX: (803) 435-2841

E-Mail: [WTG@GeddingsLawFirm.com](mailto:WTG@GeddingsLawFirm.com)

FED ID # 57-1117536

August 14, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

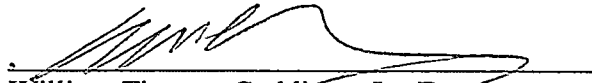
RE: Jackie Eadon Chalfant v. Carolinas Dermatology Group, PA  
Case No. 2017-CP-40-00517  
Appellate Case No.: 2019-001145

Dear Ms. Kitchings:

I received an Order purporting to dismiss the appeal in this matter for failure to order the transcript as required. The transcript was ordered in a timely manner and payment sent to the Court Reporter. Copies of that correspondence were sent to you as required. Please let me know if you did not receive the copies. I am hopeful that something just crossed in the mail.

If you wish to provide an e-mail address, I will be happy to provide you with scans of that correspondence or I will mail you additional copies if you wish.

Sincerely,



William Thomas Geddings, Jr., Esq.  
GEDDINGS LAW FIRM, P.A.  
Attorney for Appellant

cc: Martin S. Driggers, Jr., Esq.  
SWEENEY, WINGATE & BARROW, P.A.  
115 Cargill Way, Suite B  
Hartsville, South Carolina 29550  
Phone: (843) 878-0390  
E-mail: [MSD@swblaw.com](mailto:MSD@swblaw.com)  
Attorney for Respondent

# The South Carolina Court of Appeals

Jackie Eadon Chalfant, Individually and as a Personal  
Representative of the Estate of Michael Dallas Chalfant,  
Appellant,

v.

Carolinas Dermatology Group, P.A., a South Carolina  
Professional Association, and Mark G. Blasiks, M.D.,  
Individually, Respondents.

Appellate Case No. 2019-001145

The Honorable R. Keith Kelly  
Richland County  
Trial Court Case No. 2017CP4000517

---

## ORDER

---

Appellant has failed to order the transcript, as required by Rule 207 of the South Carolina Appellate Court Rules and the Court's letter dated July 26, 2019. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc: William T. Geddings, Jr., Esquire  
Martin S. Driggers, Jr., Esquire  
Brandon Robert Gottschall, Esquire

**FILED**

August 12, 2019

Record on Appeal 0091



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

August 19, 2019

Mr. William T. Geddings, Jr., Esquire  
20 S Brooks St  
Manning SC 29102

Re: Jackie Chalfant v. Carolinas Dermatology Group, PA  
Appellate Case No. 2019-001145

Dear Counsel:

The Court received your letter dated August 14, 2019. To answer your letter, this appeal was dismissed on August 12, 2019, for the failure to order the transcript pursuant to Rule 207, SCACR, and for failure to respond to our July 26, 2019 letter alerting you to the failure to provide proof of compliance with Rule 207. If you wish for the Court to construe your letter as a motion to reinstate you must comply with Rules 221 and 240, SCACR, which includes provision of a proof of service of your motion on opposing counsel and payment of the \$50.00 filing fee. If a corrected motion is not actually received within 15 days of the date of this letter, remittitur will be sent.

Very truly yours,

*V. Claire Allen, Deputy*  
CLERK

cc: Martin S. Driggers, Jr., Esquire  
Brandon-Robert-Gottschall, Esquire

# Geddings Law Firm, PA

20 South Brooks Street  
Manning, South Carolina 29102

W. T. Geddings, Jr.\*

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E-Mail: [WTG@GeddingsLawFirm.com](mailto:WTG@GeddingsLawFirm.com)

FED ID # 57-1117536

August 29, 2019

**RECEIVED**

AUG 30 2019

**SC Court of Appeals**

South Carolina Office of Court Administration  
1220 Senate Street, Suite 201  
Columbia, South Carolina 29201

RE: Jackie Eadon Chalfant, Individually and as Personal Representative of the Estate of Michael Dallas Chalfant, Appellant, v. Carolinas Dermatology Group, P.A., a South Carolina Professional Association, and Mark G. Blaskis, M.D., Individually, Respondent,  
Appellate Case No. 2019-001145 / Lower Case No. 2017-CP-40-00517

Dear Sir or Madam:

Enclosed please find a true and correct copy of the Appellant's Motion to Reinstate the appeal dismissed on August 12, 2019, along with the Proof Service and payment of the \$50.00 filing fee.

Thanks in advance for your assistance in this matter.

Sincerely,



William Thomas Geddings, Jr., Esq.  
GEDDINGS LAW FIRM, P.A.

20 Brooks Street

Manning, SC 29102

Phone: (803) 435-4770

E-mail: [wgeddings@geddingslawfirm.com](mailto:wgeddings@geddingslawfirm.com)

Attorney for Appellant

cc: Martin S. Driggers, Jr., Esq.  
SWEENY, WINGATE & BARROW, P.A.  
115 Cargill Way, Suite B  
Hartsville, South Carolina 29550  
Phone: (843) 878-0390  
E-mail: [MSD@swblaw.com](mailto:MSD@swblaw.com)  
Attorney for Respondent

emely Urgent

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**SC 292 9-01**

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Contents should be packed to ensure safe transportation.

Unit Contents: Content

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010195103-1

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO. 2017-CP-40-00517

|                                       |   |                                              |
|---------------------------------------|---|----------------------------------------------|
| Jackie Eadon Chalfant, Individually   | ) |                                              |
| and as Personal Representative of the | ) |                                              |
| Estate of Michael Dallas Chalfant,    | ) |                                              |
| Deceased,                             | ) |                                              |
| Plaintiff,                            | ) | DEFENDANT CAROLINAS DERMATOLOGY GROUP, PA    |
| vs.                                   | ) | ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES |
|                                       | ) |                                              |
| Carolinas Dermatology Group, PA,      | ) |                                              |
| a South Carolina Professional         | ) |                                              |
| Association, and Mark G. Blaskis, MD, | ) |                                              |
| Individually,                         | ) |                                              |
| Defendants.                           | ) |                                              |
| _____                                 | ) |                                              |

TO: WILLIAM THOMAS GEDDINGS, JR. AND MICHAEL G. FINK, ATTORNEYS FOR PLAINTIFF:

Pursuant to Rule 33 of the South Carolina Rules of Civil Procedure, the following constitute Defendant Carolinas Dermatology Group, PA (hereinafter "CDG") Answers to Plaintiff's Interrogatories as follows:

These answers are continuing in nature and additional information will be supplied as obtained.

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

**ANSWER:**

- K. Chapman
- Mark G. Blaskis, MD

- Christina Tackett, LPN
- Kim Riley, Nurse
- Steve Brooks, Histotechnician
- 

No recorded statements have been taken.

2. Set forth a list of photographs, plat, sketches or other prepared documents in possession of the party that relate to the claim in the case.

**ANSWER:**

- Medical records of Michael Dallas Chalfant
- Photographs taken of left side of face of Michael Dallas Chalfant
- CV of Mark G. Blaskis, MD
- CV of Jin W. Zhang, MD, PhD
- Autopsy/Toxicology Report from Richland Co. Coroner/Medical Examiner

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claims and set forth in the Plaintiff's Complaint and the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

**ANSWER:**

The Doctor's Company. Insurance information will be forthcoming.

4. List the names and addresses of any expert witnesses whom the Defendant proposes to use as a witness at the trial of this case. Include the rate of compensation charged by each expert witness and the subject matter on which each expert witness is to testify.

**ANSWER:**

The Defendant reserves the right to name an expert witness during the course of discovery of the case, following the full discovery and deposition of the Plaintiff's expert.

5. For each person known to the Defendant or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the Defendant of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witness.

**ANSWER:**

- K. Chapman
- Mark G. Blaskis, MD
- Christina Tackett, LPN
- Kim Riley, Nurse
- Steve Brooks, Histotechnician

Each of the above-named witnesses will testify as to their knowledge of the events based on their involvement with Plaintiff Michael Dallas Chalfant.

No written or recorded statements have been taken of these individuals.

6. Have you ever been convicted of a crime, other than any juvenile adjudication, that under the law under which you were convicted was punishable by death or imprisonment in excess of one year, or that involved dishonesty or a false statement regardless of the punishment?

- a. If so, what was the specific crime?
- b. What was the date of conviction?
- c. What was the place of conviction?

**ANSWER:**

No.

7. How did the incident described in the Complaint happen, including all actions taken by you to prevent the incident?

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

8. Describe in detail each act or omission on the part of any party to this lawsuit that you contend constituted negligence that was a contributing legal cause of the incident in question?

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

9. What are the facts upon which you rely for each affirmative defense in your Answer?

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

10. Do you contend any person or entity other than you is, or may be, liable in whole or part for the claims asserted against you in this lawsuit?

a. If so, what is the name and address of each person or entity?

b. What is the legal basis for your contention and the facts or evidence upon which your contention is based?

c. Have you notified each person or entity of your contention?

**ANSWER:**

Yes. Potentially, Plaintiff Michael Dallas Chalfant and Plaintiff Jackie Eadon Chalfant. Defendants reserve the right to supplement this response as the discovery of the case proceeds.

11. Have you heard or do you know about any statement or remark made by or on behalf of any party to this lawsuit, other than yourself, concerning any issue in this lawsuit?

a. If so, what is the name and address of each person who made the statement or statements?

b. What is the name and address of each person who heard the statement or statements?

c. What is the date, time and place of each statement?

d. What is the substance of each statement?

**ANSWER:**

No.

12. Have you ever been a party, either Plaintiff or Defendant, in a lawsuit other than the present matter?

a. If so, were you the Plaintiff or Defendant?

b. What was the nature of the lawsuit?

c. What was the date of the lawsuit?

d. What was the Court in which the lawsuit was filed?

**ANSWER:**

No.

13. Identify all health care providers, including physicians, nurses, physician assistants, advanced nurse practitioners and/or other medical personnel and non-medical staff who assisted you in rendering medical services to the Decedent, Michael Dallas Chalfant, during April and/or May 2015, and, as to each, state their position, job title, address and phone number, and describe the assistance and/or medical care provided, and the dates and times related to same.

**ANSWER:**

- K. Chapman
- Mark G. Blaskis, MD
- Christina Tackett, LPN
- Kim Riley, Nurse
- Steve Brooks, Histotechnician

14. Describe the nature of any risks associated with the treatment you rendered to the Decedent, Michael Dallas Chalfant.

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

15. For each of the risks described in response to Interrogatory No. 14 above, state whether you communicated the risk to the Decedent, Michael Dallas Chalfant, and, if so, when and specifically in what manner you did so, and set forth specifically any and all information you provided to the Decedent, Michael Dallas Chalfant.

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

16. Did any of the risks associated with your treatment provided to the Decedent, Michael Dallas Chalfant, described in response to Interrogatory No. 14 above, in fact occur? If so, described specifically each such risk which occurred and also describe any and all actions taken by you and/or Carolinas Dermatology Group, PA to manage and/or prevent such risks from occurring.

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

17. Described in detail the Procedure(s) you performed on and/or the treatments you rendered to or ordered for the Decedent, Michael Dallas Chalfant, stating:

- a. The procedure/treatment selected, and why it was selected, including any and all signs, symptoms, or conditions demonstrated by the Decedent;
- b. Alternative procedure/treatment modalities available and, if alternatives existed and were ruled out, why those alternatives were ruled out; and

- c. Every reason known to you for that care, treatment and/or operation.

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

18. Did your pre-operative history and physical examination of the Decedent, Michael Dallas Chalfant, identify any conditions or factors relevant to evaluating the Decedent's potential risk of post-operative complications?

- a. If so, list or describe each such relevant condition or factor, and, as to each, describe the associated post-operative complication(s) for which potential risk existed, and
- b. Describe in detail the specific actions taken by you to manage or prevent Decedent from experiencing such post-operative complication for which potential risk existed.

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

19. Describe in detail any and all policies, procedures, rules, standing orders and/or protocols which Carolinas Dermatology Group, PA had in place regarding the recognition, management and prevention of post-operative complications regarding its patients on or about May 12, 2015.

**ANSWER:**

All medical staff members are trained in the following:

To go over post-op/wound care instructions with the patient(s)

To give all necessary written material(s) to the patient, and explaining in detail what each item on the material(s) mean and how to care for the post-op/wound area

To give all the necessary information, verbally and/or written on how to get in touch with our office during normal business hours and after-hours.

20. Describe in detail any and all written forms utilized by Carolinas Dermatology Group, PA to communicate post-operative wound care instructions and/or information to its patients on or about May 12, 2015.

**ANSWER:**

See attached information provided to patients.

21. Describe in detail any and all policies, procedures, rules, standing orders and/or protocols which Carolinas Dermatology Group, PA had in place regarding post-operative patient care, follow-up and after-hours communication between post-operative patients and Carolinas Dermatology Group, PA and/or its physicians and/or staff on or about May 12, 2015.

**ANSWER:**

All medical staff members are trained in the following:

To go over post-op/wound care instructions with the patient(s)

To give all necessary written material(s) to the patient, and explaining in detail what each item on the material(s) mean and how to care for the post-op/wound area

To give all the necessary information, verbally and/or written on how to get in touch with our office during normal business hours and after-hours.

22. Why did Carolinas Dermatology Group, PA fail to respond to the Plaintiff's after-hours call and message regarding the Decedent, Michael Dallas Chalfant's post-operative complication of bleeding from the operative site during the evening of May 12, 2015?

**ANSWER:**

Defendant Carolinas Dermatology Group took appropriate steps pursuant to its instructions provided to the Plaintiffs. Furthermore, please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

23. Why did Carolinas Dermatology Group, PA fail to affirmatively contact the Decedent, Michael Dallas Chalfant, after his operation to follow-up and check on him related to any post-operative complications during the late afternoon or evening of May 12, 2015?

**ANSWER:**

Defendant Carolinas Dermatology Group took appropriate steps pursuant to its instructions provided to the Plaintiffs. Furthermore, please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

24. State the name(s), addresses and phone numbers of each person on behalf of Carolinas Dermatology Group, PA who had the duty or responsibility to establish and implement policies, procedures, rules, standing orders and/or protocols which Carolinas Dermatology Group, PA had in place

regarding the recognition, management and prevention of post-operative complications on or about May 12, 2015.

**ANSWER:**

Debbie Clarke and Angela Grant.

25. Describe in detail any and all verbal and written pre-operative instructions and/or information provided to the Decedent, Michael Dallas Chalfant, and list the names, job titles and addresses of all persons providing such post-operative wound care instructions and/or information, and, as to each, state whether post-operative wound care instructions and information was provided verbally and/or in writing, describe the actual post-operative wound care instructions provided to the Decedent and the date(s), times and circumstances under which such instructions and/or information was provided to the Decedent.

**ANSWER:**

See attached information provided to patients.

26. Describe in detail any and all verbal and written post-operative wound care instructions and/or information provided to the Decedent, Michael Dallas Chalfant, and list the names, job titles and addresses of all persons providing such post-operative wound care instructions and/or information, and, as to each, state whether post-operative wound care instructions and information was provided verbally and/or in writing, describe the actual post-operative wound care instructions provided to the Decedent and the date(s), times and circumstances under which such instructions and/or information was provided to the Decedent.

**ANSWER:**

See attached information provided to patients.

27. With sufficient particularity to formulate the basis of a request to produce, what are all records of any kind of which you are aware that deal with the medical treatment or examinations furnished to the Decedent, Michael Dallas Chalfant, at any time, whether by you or another person or persons?

**ANSWER:**

Please refer to the medical records already received in this case. Any further information may be obtained during deposition testimony of the case.

28. Since the death of the Decedent, Michael Dallas Chalfant, on or about May 13, 2015, has Carolinas Dermatology Group, PA implemented, amended or revised any policies, procedures, rules, standing orders and/or protocols? If so, please describe any and all policies, procedures, rules, standing orders and/or protocols which have been implemented, amended or revised by Carolinas Dermatology Group, PA which relate in any way to the allegations contained in the Plaintiff's Complaint.

**ANSWER:**

Previously, patients were instructed to call 911 verbally and on the after-hours telephone message. That is now also included in the written post treatment instructions.

Respectfully submitted,

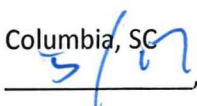
SWEENY, WINGATE & BARROW, PA



---

William O. Sweeny, III  
Martin S. Driggers, Jr.  
PO Box 12129  
Columbia, SC 29211  
(803) 256-2233

ATTORNEYS FOR DEFENDANTS

Columbia, SC  
 2017

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTEENTH JUDICIAL CIRCUIT  
CIVIL ACTION NO. 2017-CP-40-00517

Jackie Eadon Chalfant, Individually )  
and as Personal Representative of the )  
Estate of Michael Dallas Chalfant, )  
Deceased, )  
Plaintiff, )  
vs. )  
Carolinas Dermatology Group, PA, )  
a South Carolina Professional )  
Association, and Mark G. Blaskis, MD, )  
Individually, )  
Defendants. )  
\_\_\_\_\_ )

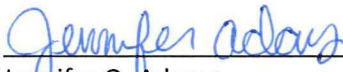
CERTIFICATE OF MAILING

I, the undersigned, Jennifer O. Adams, Legal Assistant to Sweeny, Wingate & Barrow, P.A., do hereby certify that the document hereinbelow specified has this day been served upon opposing counsel and all interested parties in this action by depositing same in the United States mail, postage prepaid, this 17 day of May, 2017, addressed as follows:

DEFENDANT CAROLINAS DERMATOLOGY GROUP, PA ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES

COPY TO: WILLIAM T. GEDDINGS, JR.  
GEDDINGS LAW FIRM, PA  
20 S. BROOKS STREET  
MANNING, SC 29102  
ATTORNEY FOR PLAINTIFF

MICHAEL G. FINK  
MIKE FINK LAW FIRM, PA  
2029 BAYSIDE PARKWAY  
FORT MYERS, FL 33901  
ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
Jennifer O. Adams

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E X H I B I T S

| <u>NOS.</u>                 | <u>DESCRIPTION</u>                             | <u>ID</u> | <u>EV</u> |
|-----------------------------|------------------------------------------------|-----------|-----------|
| <u>Plaintiff's Exhibits</u> |                                                |           |           |
| P-1                         | Doctor Blaskis Discharge Form                  | 8         | 17        |
| P-2                         | Death Certificate                              | 8         | 17        |
| P-3                         | Carolinas Dermatology Outgoing Phone Messaging | 8         | 17        |
| P-4                         | Carolinas Dermatology Medical Records          | 8         | 17        |
| P-5                         | Photographs taken by Doctor Blaskis            | 8         | 17        |
| P-6                         | House Scene Photographs                        | 8         | 17        |
| P-7                         | AT&T Records                                   | 8         | 17        |
| P-8                         | Doctor Quan's Wound Care Form                  | 8         | 75        |
| P-9                         | Photographs from Autopsy                       | 8         | 17        |
| P-10                        | Answer Carolina Records                        | 8         | 17        |
| P-11                        | IronLogix Records                              | 8         | 17        |
| P-12                        | Doctor Lang Discharge Forms                    | 8         | 75        |
| P-13                        | Carolinas Dermatology Consent Form             | 8         | 17        |
| P-14                        | Chalfant Family Photograph                     | 8         | 17        |
| P-15                        | Autopsy Report                                 | 8         | 17        |

|    |             |                              |           |           |
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| 1  | <u>NOS.</u> | <u>DESCRIPTION</u>           | <u>ID</u> | <u>EV</u> |
| 2  |             |                              |           |           |
| 3  | P-16        | Carolinas Dermatology        |           |           |
| 4  |             | Employee Time Cards          | 8         |           |
| 5  | P-17        | Carolinas Dermatology Policy |           |           |
| 6  |             | and Procedures Book          | 8         | 17        |
| 7  | P-18        | Amended Coroner's Report     | 89        | 235       |
| 8  | P-19        | Original Coroner's Report    | 89, 235   |           |
| 9  | P-20        | Page 142 of Carolinas        |           |           |
| 10 |             | Dermatology Policy and       |           |           |
| 11 |             | Procedure Book               |           | 229       |
| 12 | P-21        | Doctor Christensen's         |           |           |
| 13 |             | Discharge Instructions       |           |           |
| 14 |             | Document                     |           | 359       |
| 15 | P-22        | Economic Loss Charts         |           | 562       |
| 16 |             |                              |           |           |
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| <u>NOS.</u> | <u>DESCRIPTION</u>                                  | <u>ID</u> | <u>EV</u> |
|-------------|-----------------------------------------------------|-----------|-----------|
|             | <u>Court's Exhibits</u>                             |           |           |
| C-1         | Note from Jury                                      | 129       |           |
| C-2         | Note from Jury                                      | 130       |           |
| C-3         | Note from Jury                                      | 182       |           |
| C-4         | Note from Jury                                      | 235       |           |
| C-5         | Deposition Transcript of<br>Doctor Sean Christensen | 304       |           |
| C-6         | Note from Jury                                      | 497       |           |
| C-7         | Deposition of Doctor Blaskis                        | 562       |           |
| C-8         | Deposition of Jackie Chalfant                       | 714       |           |
| C-9         | Note from Jury                                      | 714       |           |

1 Q And your practice manager is -- her name is Debbie  
2 Clarke.

3 Isn't that correct?

4 A Yes, I believe it's Debbie Clarke.

5 Q And in terms of what the practice manager does -- well,  
6 let me strike -- let me ask you this first.

7 The practice manager's Debbie Clarke, and you have an  
8 office manager who is Angela Grant.

9 Is that correct?

10 A Yes, that's correct.

11 Q Okay. And in terms of the differences between what  
12 Debbie Clarke does and what Angela Grant does, would it be  
13 fair to say that Debbie Clarke is a financial practice  
14 manager, and Angela Grant is more of a -- well, office  
15 manager involving people and staff and so forth?

16 A That's not exactly correct. I should say we have two  
17 offices. One is in Columbia. One is in Florence. And  
18 Debbie Clarke will oversee both offices, and Angela will  
19 mainly see the day-to-day rounding within Columbia.

20 Q I'm sorry. I didn't hear your last comment.

21 And Angela Grant will do what?

22 A Angela Grant will be -- she's, she's stationed in. She  
23 was day-to-day running of Columbia office.

24 Q Okay. Day-to-day running of the Columbia office, but,  
25 but, but Debbie Clarke is more of a person -- manages the

1 overall practice in terms of finances, right?

2 A In term of finance and other issues --

3 Q Okay.

4 A -- and, and like human resources, and like what the  
5 office manager does, yes.

6 Q Okay. Are -- now, as, as president of Carolinas  
7 Dermatology Group, this medical company providing medical  
8 care and services to people here in South Carolina, is it  
9 true that you-all have, the partners have, meetings about  
10 every two weeks?

11 A We, we -- I do -- we act -- we have a time to have  
12 meetings every other weeks, yes. But, unfortunately, a lot  
13 of the times we don't because doctors are busy, yes.

14 Q Understood.

15 And prior to each of these meetings that you do have  
16 every other week or when you do have them, Debbie Clarke,  
17 who is the financial person, prepares an agenda for you-all  
18 to consider.

19 Is that correct?

20 A She's not just a financial person. I said -- told you.  
21 She will -- yes, she will prepare the agendas based on input  
22 by the doctors.

23 Q Okay. And, to your knowledge, at no times that you've  
24 been president of Carolinas Dermatology Group has -- have  
25 the partners ever placed on the agenda to discuss anything

1 A I'm not talking---

2 Q ---post-surgery patients?

3 A I'm not talking about -- I'm talking -- maybe talk  
4 about my---

5 Q You're specifically not talking about that?

6 A I'm not -- no, no, no. I think -- don't put your word  
7 into my mouth.

8 Q Okay.

9 A Because I'm talking about pathology. I have to  
10 emphasize here enough. I'm a pathologist.

11 Q Okay. Sir, Carolinas Dermatology Group, I'm placing in  
12 front of you which is an exhibit we marked as Composite  
13 Exhibit No. 17.

14 It consists of 142 pages of specific, precise  
15 instructions for staff and everybody except the physicians,  
16 correct?

17 A I don't know what except physicians. We have office  
18 manager, office procedures. This actually is drafted like  
19 any other medical practices. We actually contracted with a,  
20 a specialist. They specialize in drafting the policies,  
21 make sure to -- how your policy will be comprised all  
22 different laws because obviously we're not, we're not  
23 lawyers. We can not read all the laws.

24 So we actually contracted with a, a -- I don't have the  
25 name of the, of the company. They will help -- they work

1 it over and over.

2 THE COURT: Counsel. We're, we're gonna get to the  
3 point where it's asked and answered and---

4 MR. FINK: Yes.

5 THE COURT: Okay.

6 Q Sir, are you saying that -- well, let me ask you this  
7 way.

8 Debbie Clarke, who's the practice manager, has no---

9 A Yes, she is.

10 Q ---medical training whatsoever?

11 A She has---

12 Q Correct?

13 A That's correct.

14 Q Okay. And so, Angela Grant, who is the office manager,  
15 likewise has no medical training?

16 A That, that is correct.

17 Q And so she's neither---

18 A No medical training.

19 Q She's not a pathologist and she's not a dermatologist?

20 A That's correct.

21 Q Correct?

22 A That's correct.

23 Q Are you saying to the jury that either the office  
24 manager, Angela Grant, or the practice manager, Debbie  
25 Clarke, is responsible for ensuring the standard of, of care

1 for medical -- for Carolinas Dermatology Group as a company?

2 A I did not say that.

3 Q Okay.

4 A I told you the office manager will make sure all the  
5 policies fulfilled to the criteria of the laws. Healthcare  
6 rules is very complicated. We actually had to hire other  
7 people to do it.

8 For each medical procedures, it's up to each individual  
9 doctors up to the training. Their training is -- their  
10 training and the medical board govern the, the -- what is  
11 the standard of the care. Not by the office manager. Not  
12 by Angela and not by pathologist.

13 Q Sir, as president of Carolinas Dermatology Group, do  
14 you approve and think it's right that, as between two Mohs  
15 surgeons, who a patient is assigned could mean life or  
16 death?

17 MR. DRIGGERS: Your Honor, that's an argumentative  
18 question. I think there's other ways to approach that, but  
19 that -- that's my objection.

20 MR. FINK: I'll let Mr. Driggers ask that question  
21 then. I'll reword it, Judge. Withdraw the question.

22 Sir, should you have two Mohs doctors working for your  
23 company, Carolinas Dermatology Group, where one provides a  
24 level of care that a particular patient lives, and, if they  
25 get the other doctor, they die?

1 A We have two Mohs surgeons. Each Mohs surgeons are  
2 highly, highly competitive, but trained by different  
3 institute. They do things slightly different, but both  
4 provide the, the best care for the patient. I don't know  
5 what you're getting saying one. So I don't know your  
6 question to be honest.

7 Q Do you, as the president, know anything about the level  
8 of care provided to Mohs patients by Doctor Quan, sir?

9 A In the past -- I've known both of them last 17 years.  
10 They both have same ten -- over 10,000 patients. As far as  
11 I know, they provided the best care, both of them, for the  
12 patient -- for their patient.

13 Q Explain to the jury then, sir, how you have the  
14 knowledge to know what their care is if you don't review it.

15 A They -- well, the, the, the, the couple things.

16 First, they, they have a, as I said, they have they --  
17 they have the medical board, and they, they medical has to  
18 be continued medical education. They have to review.  
19 That's what be the so called objective one.

20 The second. You send the patient satisfaction, and the  
21 third, as I said, Doctor Blaskis has been voted by his own  
22 colleague, the whole South Carolina, the Doctor of the Year,  
23 which is honor. It's a less than 10 percent of doctors will  
24 have that honor.

25 Q Sure.

1 A I think they -- I think too -- they will be in the best  
2 position, as a dermatologist, to judge themselves.

3 Q So then go ahead and tell the jury what doctor, what  
4 Doctor Quan does for his Mohs patient.

5 How does he show he cares about patients?

6 A That's a very general question. Again, I can not tell  
7 you how he does his surgery.

8 You want me to tell you how he does his Mohs surgery?

9 Q Sir, do you agree that, on behalf of the medical -- as,  
10 as president of Carolinas Dermatology Group, that caring  
11 about the patient is important?

12 It's number one, along with patient safety, for  
13 Carolinas Dermatology Group?

14 A Caring for patient is always number one for any medical  
15 profession, yes, that's correct.

16 Q Tell us -- I'm gonna -- I'm not asking you leading  
17 questions. I'm not trying to put words in your mouth.

18 Tell the jury how a physician, how Doctor Quan shows  
19 his patients he cares.

20 A As I said, I'm not sitting here, I, I can tell you  
21 how -- you want -- I think if you really want to ask me what  
22 you just asked about -- again, I'm a pathologist.

23 Q Well, no, you're not just a pathologist.

24 You're the president, sir, aren't you?

25 And you just gave us a litany, a list of how great

1 Q Software, programming. I mean there are thousands of  
2 pages of documents where anything they want done at  
3 Carolinas Dermatology Group, if they need to get a recording  
4 for a message related to somebody that had a complaint, they  
5 can pull it up and send it to the office manager, right?

6 A They all---

7 Q Answer -- don't agree with me if you don't know, but---

8 A That's right. Because all I can tell you is, as far as  
9 I know, they are responsible for the IT related work. But  
10 if you ask me any specific questions, I will not be able to  
11 answer---

12 Q Okay.

13 A ---on that.

14 Q But they do, they do everything related to the phone  
15 system, and the computer systems, correct?

16 A They in charge of the phone systems, and the, the  
17 computers and printers, yes.

18 Q On June -- you, you can't see this.

19 You're familiar with the after hours phone system of  
20 Carolinas Dermatology Group, right?

21 A I am, am familiar. But I have, as a pathologist, I  
22 actually don't use after care because my patient really  
23 don't call me after hours.

24 Q That's right.

25 But you do know that there's an after hours message in

1 the computer system designed to, to help communicate between  
2 the practice and the patients and so on and so forth, right?

3 A Yes, I do.

4 Q NOW---

5 THE COURT: Can you see that?

6 MR. DRIGGERS: Yes, sir, I can see it. I can't see the  
7 board from right here. I'm just gonna stand over in the  
8 corner.

9 THE COURT: Yes, sir, be fine.

10 Q It's, it's Exhibit 3 for the, for the record.

11 That's -- I've got it blown up. May of 2015.

12 Prior to -- it should be -- in June of 2014,

13 June 3<sup>rd</sup> -- actually it's changed. June 6<sup>th</sup>.

14 June 6<sup>th</sup> this message was changed to this message.

15 Turning your attention to Page 87.

16 Do you see that?

17 Put that out in front of you.

18 A This?

19 Q Yeah.

20 A I see it, yeah.

21 Q On June 3<sup>rd</sup> at 9:15AM, Helen Lee emails, communicates

22 with IronLogix to change this message that says if it's

23 in -- if you have -- you've reached the after hours of

24 Carolinas Dermatology. If it's an emergency, please hang up

25 and dial 9-1-1 or press nine now for our answering service.

1 That's changed to if it's a true emergency, please hang up  
2 and dial 9-1-1. If you know your party's extension, you may  
3 dial it now. This was -- this occurred in June,  
4 June 6<sup>th</sup> of 2014. Not even a year prior to the death of  
5 Mr. Chalfant.

6 Helen Lee, if you look at this, contacted IronLogix and  
7 made that change, correct?

8 A I'm not personally involved in the change, but if you  
9 show me the documents, that's what the document says, then  
10 that's what the document says, sir.

11 Q And if we look at the time sheets---

12 A What's the date?

13 Q ---for, for, for Helen Lee, would she be under admin?

14 A I believe she, at the one time, was an assistant office  
15 manager will be under me, yes.

16 Q All right.

17 A She was a newest person.

18 Q Okay. And all of the admin time sheets -- all the  
19 employees that are under admin fall under your designation,  
20 correct?

21 A Yes, that's just for the -- that's just for the  
22 accounting purposes.

23 Q That's just for accounting purpose.

24 But you're put on as the---

25 A I been doing all the admins. Actually the last time I

1 think that you, you squeezed me on this questions during  
2 deposition. I do think all the admins is -- some of the  
3 admins.

4 Q well, unless the admin falls under a different  
5 physician, then they either know -- either be a MA or a PA?

6 A I -- as I said, we have the admins is -- do fall  
7 individual physicians, but for the -- I think you were  
8 discuss this during deposition, and I was fall advice under  
9 me, and you actually telling me if I had to pay all the  
10 admins. I told you if I had to pay them I would be---

11 Q Right. Right.

12 THE COURT REPORTER: I need you to repeat.

13 THE WITNESS: I would resign. So that's just for the  
14 accounting purpose. But not -- I -- if I am correct because  
15 all times we found out only some of the admin under me. Not  
16 all of them.

17 Q Let me just clarify what we just -- what you just said  
18 just so that we know what you mean.

19 During this deposition, your deposition, Doctor Zhang,  
20 you saw that, from the time sheets and all, it looked like  
21 you were in charge -- you were getting all the overhead as  
22 admin for a lot of the office, and you were like, if that's  
23 true, then I'm not making any money.

24 A That's correct.

25 Q Right?

1 A I said that, yes.

2 Q So you're saying you may or may not know or been in  
3 charge of, of this lady, lady, Helen Lee?

4 A Oh, I -- she's the office manager. So I -- she's not  
5 under me. So it's---

6 Q Okay. Can you tell us if you can think of any reason  
7 in the world why somebody at Carolinas Dermatology Group, on  
8 June 3<sup>rd</sup>, asked, 2014, asked IronLogix to change the  
9 answering machine from this on -- showing on Exhibit No. 3 I  
10 think -- see what it was, to the one that exists on May,  
11 2015?

12 A I think that you got it wrong because says -- one says  
13 it is October, 2013, and another one say May 20 -- May,  
14 2015. There's no where where I see June, 2015---

15 Q Well, I didn't put---

16 A I don't want to talk about---

17 Q I didn't put the date of June because Mr. Chalfant died  
18 on May, 2015, and the answering outgoing message was still  
19 the same from June, 2014 to the date of his death. My point  
20 is not that he died---

21 A Because I---

22 Q Again -- or not, not this.

23 But they changed it from the one that, that was  
24 existing on the -- that was existing previous to that.

25 A But this---

Doctor Jing Zhang - Cross-examination  
By Mr. Driggers

1 Q Doctor Zhang, I just have a few questions for you. I  
2 know you've already testified a pretty good bit.

3 But, again, doctor, you're -- you are a pathologist?

4 A Yes, I am.

5 Q Okay. And the Mohs surgeons also perform some  
6 pathology with their patients, correct?

7 A Yes, they, they -- one of the process of the Mohs  
8 surgery is to actually have -- look at the tissue under  
9 microscope for marked for the presence or absence of  
10 tumors---

11 Q Okay.

12 A ---which is part of the Mohs training, and they  
13 actually do it themselves.

14 Q Okay.

15 A Otherwise they won't get paid.

16 Q Okay. And is it fair to say that the doctors in  
17 Carolinas Dermatology practice all develop their own forms  
18 and materials that they provide to their, their patients?

19 A That is correct. Because of the different training,  
20 different subspecialties, yes.

21 Q Okay. And I know, doctor, you were asked a few  
22 questions about the discussion of medical issues.

23 Are medical issues discussed by the doctors do -- on,  
24 on the -- any other form besides the board meetings?

25 A I mean we are physicians. So I mean we, we talk about

Mark Blaskis - Direct examination  
by Mr. Fink

1 MR. FINK: Your Honor, Plaintiff calls Ms. Kimberly  
2 Riley.

3 THE COURT: Okay.

4 MR. FINK: Plaintiff calls Doctor Blaskis, Your Honor.

5 THE COURT: Okay. Ms. Riley is not here?

6 MR. FINK: She's not.

7 THE COURT: Okay.

8 DOCTOR MARK BLASKIS, being first  
9 duly sworn, testified as follows:

10 THE CLERK: Thank you. Please have a seat in the  
11 witness stand, and state your full name for the record, and  
12 please spell your last name.

13 THE WITNESS: Mark Gerard Blaskis. B-L-A-S-K-I-S.

14 THE COURT REPORTER: Would you spell your middle name?

15 THE WITNESS: G-E-R-A-R-D.

16 DIRECT EXAMINATION

17 BY MR. FINK:

18 Q Afternoon, Doctor Blaskis.

19 A Good afternoon.

20 Q To be clear, you were present during the opening  
21 statements.

22 Is that correct?

23 A Yes.

24 Q You are employed as an employee of Carolinas  
25 Dermatology Group P.A., correct?

1 A We are owner/employees.

2 Q Right.

3 A Yes.

4 Q Okay. Do you -- whether or not the other partners --  
5 do you and Doctor Quan ever get together -- have you ever,  
6 prior to May 12<sup>th</sup>, 2015, did you ever get together and  
7 compare procedures, how you handled patients?

8 Did you ever -- what I'm asking is did you ever get  
9 together and, and talk about how you could best serve the  
10 patients in terms of patient care, patient's safety,  
11 patient's convenience, all those things?

12 A We consult each other on a regular basis --

13 Q All right.

14 A -- as I do with all my other partners.

15 Q Okay. So are you a -- are you familiar then with the  
16 actual discharge instructions that are, that are used by  
17 Doctor Quan who's the only other physician in your practice  
18 that, that performs Mohs?

19 A I was not familiar with, with his exact form. I'm  
20 familiar with the way he practices medicine, and the way he,  
21 and the way he performs Mohs surgery.

22 Q Well, let me make sure I mean, I mean that you and I  
23 are communicating. I'm not asking you how he performs or  
24 uses a, a scalpel or how he uses one of those tools that  
25 looks like a scraping thing that -- what do you call that?

1 A ---and they are similar to mine.

2 THE COURT: No, no. Let the witness finish his answer.

3 Go ahead, doctor. Finish your answer.

4 A His verbal instructions about preop and postop are very  
5 similar to mine.

6 Q Have you been in the room when he is answered phone  
7 calls from patients, postsurgical patients?

8 A I've not been in the room, no.

9 Q Have you been in the room when he's received calls  
10 for -- when patients have called him?

11 A I been in his nurse's station when he's received phone  
12 calls---

13 Q Doctor---

14 A ---and he's been in my, my nurse's station when I've  
15 received phone calls.

16 Q To be clear, Doctor Blaskis, this form, this piece of  
17 paper, this Exhibit No. 1 is the only piece of paper you  
18 provide a patient that you have conducted Mohs surgery on  
19 after the surgery's complete, correct?

20 A Yes.

21 Q Now -- and certainly you knew that this was the only  
22 piece of paper you -- that your office that you, people on  
23 your behalf, give a patient after you conduct surgery?

24 A Yes.

25 Q Is that right?

1           And then, doctor, when you finish, he'll ask another  
2 question.

3           THE WITNESS: Okay.

4           THE COURT: Thank you.

5           Ask a question.

6 Q       We're gonna try to wait in-between each other's  
7 question and answer.

8 A       Okay.

9 Q       Okay, doc.

10          There are no written discharge instructions that you  
11 give for post-surgery patients?

12          Yes or no?

13 A       Yes, the way I trained was---

14 Q       That's not---

15 A       ---was---

16          THE COURT: Yes.

17 A       ---was---

18          THE COURT: He can, he can ask -- and he said yes, and  
19 then he can explain his answer.

20          MR. FINK: Right.

21          THE COURT: Go ahead, doctor.

22          THE WITNESS: Yes, the way I train, I trained with  
23 Doctor Mike McCall at University of Louisville was one of  
24 Doctor Fred Mohs first fellows. He felt, and very  
25 important, to give face-to-face verbal instructions to the

Mark Blaskis - Direct examination  
by Mr. Fink

1 patient. He did not believe in handing out a paper that he  
2 felt would be, would, would not be read or just tossed on  
3 the couch. He felt very important to give preop  
4 instructions, to talk to patients during surgery, and to  
5 give extensive postop instructions.

6 This is what I've done my entire career as my custom  
7 and habit. I've done this for every single patient I've  
8 treated over, over 35, 36 years going on now. I've treated  
9 over 20,000 patients. I've never had a single problem from  
10 any other patient out of doing it this way. This is my  
11 custom and habit.

12 MR. FINK: Your Honor, that's not explaining an answer,  
13 and it's, it's gonna destroy my ability to cross-examine if  
14 he's not gonna answer the question directly---

15 THE COURT: Okay.

16 MR. FINK: ---yes or no unless---

17 THE COURT: Now, I'm gonna say.

18 Sir, doctor, you, you can -- you have to answer the  
19 question yes or no, and then you may explain. But, but  
20 please stay with the question---

21 THE WITNESS: Okay.

22 THE COURT: ---and, and don't, don't give a narrative  
23 if you can---

24 THE WITNESS: Okay.

25 THE COURT: If you please.

1 THE WITNESS: Okay.

2 THE COURT: Okay?

3 All right. Yes, sir, ask your question.

4 MR. FINK: Okay. I got it.

5 Do you know the difference between something that is in  
6 writing, and something that is oral, only by spoken word?

7 A Yes, I do.

8 Q Okay. Is it true that you give no written postsurgical  
9 complication instructions to patients?

10 A Yes.

11 Q Okay. And that is a decision that you intentionally  
12 made, correct?

13 A On, on this -- this is the way I trained, and I  
14 continue to practice medicine this way. This is the way---

15 Q Some---

16 A ---I was taught, and this is the way I continue to  
17 practice.

18 Q Are you saying somebody taught you not to use written  
19 instructions for---

20 A I---

21 Q ---complications that are related to patient safety,  
22 Doctor Blaskis?

23 A When you have a written form on preop that the patient  
24 sees in black and white. A postop, we give extensive verbal  
25 instructions.

1 Q Okay. But I thought we heard that you went to CMES,  
2 and you learned the newest form of communication, and that  
3 you learned what was going on in the industry, and you kept  
4 up with that, correct?

5 A Yes.

6 Q You did that?

7 A Yes, I do.

8 Q And we're not talking about stone tablets, wax tablets.  
9 We're talking about pieces of paper that you give your  
10 patient that have the most important things to save their  
11 life or to provide them with information necessary for their  
12 safety.

13 You don't do that, right?

14 A That's not true. I give my patients extensive verbal  
15 instructions. I've never had a patient have a problem in  
16 the past. I've not had a patient have a problem since then  
17 with my verbal instructions.

18 Q Okay. You don't do any of that in writing, do you, and  
19 you know -- you've been taught at any of these other  
20 seminars that it's a good idea to put important things in  
21 writing?

22 You've not -- never been thought that at any seminar  
23 you've ever been to or your---

24 A No.

25 Q ---fellowship or at anytime in your practice of 24 some

1 odd years?

2 A I---

3 Q Right?

4 A I've been told that, that the verbal instructions are  
5 as important as written instructions.

6 Q Okay. Well, you got 142 pages of instructions on how  
7 to handle your staff, how they're to act on the telephone,  
8 when they're to arrive at work, whether they're to chew gum,  
9 whether they're using their computer, what they use it for.  
10 All those specific things are in writing for the operation  
11 of your practice.

12 But, in your mind, just verbally related to patient  
13 safety is sufficient as a physician using a scalpel on  
14 patients in South Carolina?

15 Yes?

16 A Yes, in my experience, it has, has been very safe.  
17 I've had no problems before or since then doing it, doing it  
18 verbally.

19 Q It's just that one patient, right?

20 A Yes.

21 Q And let me ask you this.

22 Did you know that the phone number that you gave wasn't  
23 gonna get to the, to the answering service?

24 A Oh, the phone number---

25 Q You knew at the time?

1 A ---does get to the answering service if you listen to  
2 the entire message.

3 Q Sure.

4 But if you do what you've said on this form, Extension  
5 209, if you dial Extension 209 after hours, you're not  
6 getting an answering service, and you knew that on May  
7 12<sup>th</sup>, 2015?

8 Yes or no?

9 A All right. Again, if you listen to the entire message  
10 you, you will get to the answering service.

11 Q Did you know, on May 12<sup>th</sup>, 2015, that this form, if  
12 you dial 209 after hours, you were going to bypass the  
13 answering service, that the answering service at this  
14 extension wasn't being forwarded to the answering service,  
15 that they went to a dead end?

16 Did you know?

17 Yes, sir, or no, sir?

18 A I can tell you I, I had no problem -- I've had, I've  
19 had no patients have a problem with that before or since,  
20 and the fact of the matter is it -- if this was a confusion,  
21 this was at seven o'clock in the evening. Mr. Chalfant died  
22 at, at five o'clock the following morning. There were ten  
23 hours in-between.

24 At, at some point I would of hoped that Mrs. Chalfant  
25 would of called back, and listened to the entire message or

1 called 9-1-1, which is the first thing she hears, or, or  
2 gone to the emergency room as Ms. Compton said she wanted  
3 to, but her husband told her not to.

4 MR. FINK: Okay. Your Honor, I'd move to strike as  
5 nonresponsive to the question. I asked the question and  
6 would request that you---

7 THE COURT: Yeah.

8 MR. FINK: ---instruct the witness to answer the  
9 question as posed.

10 THE COURT: Anything from counsel?

11 MR. DRIGGERS: Your Honor, I think he just explained  
12 his answer.

13 THE COURT: Well, we're a little bit past that. I'm  
14 gonna, I'm gonna grant the motion to strike, and, and it is  
15 stricken, and the jury disregard.

16 Doctor -- he, he asked a specific question about the  
17 phone service, and please, please listen to the question.

18 Yes, sir, ask the question again.

19 Q On May 12<sup>th</sup>, 2015, was your extension at Carolinas  
20 Dermatology Group -- was your Extension Number 209, the same  
21 as Exhibit 1, the only piece of paper you gave surgical  
22 patients right here?

23 A Yes.

24 Q Do you see where it says please call us with any  
25 questions at (803)771-7506, Extension 209?

1 Do you see those numbers?

2 A Yes.

3 Q At any point in time did you ever instruct anyone at  
4 your office, or did you do it, ever just scratch out 209 or  
5 do anything to tell a patient don't follow this instruction  
6 to dial 209?

7 Was that ever done?

8 Yes, sir, or no, sir?

9 A Our forms are constantly being revised, and I know this  
10 has been revised.

11 Q Okay. They're constantly being revised.

12 So, when you hand this to a patient, and we have the  
13 original, but this is a copy of it, you hand this to, to the  
14 Chalfants, there's no other information provided on this  
15 written form that you can see that would tell them not to  
16 use the extension, correct?

17 Yes or no?

18 A Yes.

19 Q Okay. And certainly you knew that if something -- you  
20 knew if somebody dialed your extension they're gonna go to  
21 your medical assistant's desk, right?

22 A Right.

23 Q Okay. And you also knew that it's not gonna go to the  
24 answering service unless somebody who kicked -- who checked  
25 in advance and wanted it to get there had it forward to that

1 address -- to the answering service, right?

2 A Yes.

3 Q I mean -- so --.

4 (Pause.)

5 Q We talked about medical practice, and, and common sense  
6 during your deposition.

7 Do you recall just talking about common sense?

8 A Yes.

9 Q And when a -- no matter what your level of education,  
10 training, background, and experience, whether you're a  
11 rocket scientist, surgeon, heart surgeon, plastic surgeon,  
12 some things are just within the realm of common sense.

13 Agreed?

14 A Yes.

15 Q When you look at this form, the only piece of paper you  
16 give patients, do you see anything on there that invites  
17 them to call after hours, that tells them anything about  
18 that -- in any way, shape, or form be helpful to them at all  
19 with regard to any post-surgery complications like bleeding  
20 or oozing, oozing that you, you know happened in this case,  
21 anything at all on this particular sheet?

22 A No. But, again, they have extensive verbal  
23 instructions preop, during surgery, and postop.

24 Q Isn't the problem with verbal instructions is that  
25 they're verbal?

1           Isn't that the real problem with things that aren't in  
2 writing is that they're not in writing?

3   A     I mean the good thing about verbal is I can look a  
4 patient in the eye, and make sure he understands what I'm  
5 saying.

6   Q     Absolutely.

7   A     If I give a piece---

8   Q     Or you can not.

9   A     If I give a piece of paper, I don't know what's gonna  
10 happen to that.

11   Q     Sure.

12           And if you're busy you're -- you are, Doctor Blaskis,  
13 the less time you have to look people in the eye, and talk  
14 to them, and answer questions.

15           Is that agreed?

16           Is that normal---

17   A     I talk to all of my---

18   Q     ---common sense?

19   A     ---patients all day long.

20   Q     Sure you do.

21   A     I, I -- that's one reason I tend to fall behind because  
22 I enjoy talking to patients. I like my patients.

23   Q     So---

24   A     My patients like me. We talk. I talk extensively  
25 about postop complications. I've never had a patient -- in

1 20,000 patients I've treated, nobody has left my office  
2 without, without having heard about postop bleeding at least  
3 a half a dozen times. Probably a lot more than that.

4 Q Okay. Well, if you're only going to give post-surgery  
5 instructions about complications and safety, patient safety  
6 information to the patient orally, I assume you take that  
7 into account in terms of your follow-up?

8 In other words, you know you're only doing that.

9 So, when you, you take on a patient that has  
10 significant risks, you probably take some other more -- some  
11 other reasonable steps to make sure that patient's taken  
12 care of I assume or am I wrong?

13 A As Ms. Chapman said, the bigger case, the more times  
14 they're gonna hear about, about possible complications.

15 Q And so there -- if you've got a -- and you've admitted  
16 already that Mr. Chalfant was high risk as far as you're  
17 concerned?

18 A That was, that was a fairly large tumor.

19 Q Yeah.

20 A Not, not -- nothing out of the ordinary.

21 Q But you were provided six pages of his prior medical  
22 care that you did not look at, right?

23 You didn't look at that.

24 You agree?

25 A I read, I read, I read the consult I had from Doctor

1 THE COURT REPORTER: Is that a yes?

2 THE WITNESS: Yes.

3 THE COURT REPORTER: Yes. Thank you.

4 Q So that would be the time when you, as a physician,  
5 would agree that, if bleeding's a problem, that's the time  
6 you want to be concerned about, right, is, is -- cause  
7 that's when the change is happening, and we -- before we  
8 even talk about what a bandage should be, all other things  
9 being equal, that period of time is a critical time when  
10 somebody is high risk, right?

11 A Yes.

12 Q Okay.

13 A Yes, this is why I warned the patient about, about  
14 bleeding---

15 Q Sure.

16 A ---and to call us up if they have any bleeding.

17 Q Got it.

18 And so, when you schedule a patient or when you, when  
19 you determine it's cancer, and then call up and schedule a  
20 patient, you, you could schedule it in the morning or in the  
21 afternoon or most -- some people even do all their surgeries  
22 in the morning because of this very reason.

23 You know that, right?

24 A Yes.

25 Q And so -- but you do that anytime during the day even

1 A I remember doing the case.

2 Q Okay.

3 A I remember going through the cartilage.

4 Q So you don't remember the person?

5 You remember the wound?

6 A I remember him, but kind of.

7 Q Okay.

8 A I remember the wound---

9 Q But not exactly.

10 A ---the wound.

11 Q And -- but you remember exactly 200 or 20 or 15,000  
12 times you've told people that verbal instructions are enough  
13 because, unless they die or come in, you're not gonna know  
14 about it cause they can't get through to you?

15 MR. DRIGGERS: Objection, Your Honor. It's starting  
16 to -- the question, I'm not even sure if it's a question.

17 MR. FINK: Withdraw. I agree.

18 Answer this.

19 Does the fact that you say you did something 15,000  
20 times prove that you did it on May 12<sup>th</sup>, 2015, when a  
21 person dies after your surgery?

22 A It is my habit and my custom to do this repeatedly to  
23 every single patient, and I have done this my entire career,  
24 and I have done it since this has happened.

25 Q And the reason you don't have a checklist for -- even

1 for having given -- just a checklist that you could write  
2 off that one of the people, since all of them are told to do  
3 it, is, is what?

4 why is there no checklist for even the verbal  
5 instructions which, in your mind, are more important than  
6 written?

7 A I'm not sure why we don't have a checklist.

8 Q Okay. Well, are you sure that you know why you put --  
9 why you don't have an after hours piece of paper you give?

10 Do you know why you don't just have a piece of paper  
11 that says hey, we care about you, please call us if you have  
12 a problem, and information that there exists an answering  
13 service?

14 You got anything like that?

15 It's verbal?

16 A They were told to the -- call our office.

17 Q Okay. And why, why is this even given?

18 Just give verbal.

19 I mean why do we need this if it only relates to the,  
20 to the sutures?

21 If there's a wound like this, you give this that  
22 relates to, to this. This could be stapled under the  
23 sutures. This is what this is for.

24 Right?

25 Am I right?

1 A That form talks about taking off the bandage in 48  
2 hours at which point---

3 Q But does it relate to the---

4 A The bandage, yeah. So -- but I'm not sure why we -- I  
5 mean I'm comfortable giving that verbally too. So --.

6 Q Okay. Oh, I want to show you what we have marked  
7 previously is the -- I want to say it's eight. It is eight.  
8 The one -- look in front of you. Page -- Exhibit 8. Well,  
9 it's one down. Exhibit 8, which are Doctor Quan's forms,  
10 somebody who is -- has your same credentials, not -- who's  
11 not just a path -- the, the credentials that Doctor Zhang  
12 had.

13 Do you see that?

14 A Yes.

15 Q How to reach us.

16 You see that?

17 A Uh-huh. (Affirmative).

18 Q What to expect.

19 Do you see that?

20 A Yes.

21 Q After hours. Actually gives his cell. That's that  
22 particular type general wound. Turn to the next page cause  
23 you have another -- has he, has he thought about this,  
24 Doctor Quan, has, has he thought about the importance of  
25 postsurgical instructions enough to include multiple

1 widow on that day or any other day that indicated -- that  
2 indicates that you recognized the risk, that he was high  
3 risk, and that you told Mr. Chalfant and his wife that they  
4 were at a high risk for death if he bled?

5 A They were told extensively to call me if there was  
6 bleeding. To the best of my knowledge, there's never been a  
7 death from bleeding in a Mohs surgery case in the, in the  
8 history of Mohs surgery, which goes back to the 1930s. I'm  
9 not sure that death itself was, was mentioned. I told both  
10 of them to call if there was bleeding.

11 Q Sir, do you doubt that if you told Jackie Chalfant, Mr.  
12 Chalfant's wife, told them both how serious it was, that  
13 they wouldn't have followed your advice, that they wouldn't  
14 have done what they needed to do to, to save him, to protect  
15 him if they knew he was at risk?

16 A All I know is what I told them, and, and as we heard  
17 earlier in the opening presentation, her friend, Ms. Compton  
18 had asked her---

19 Q Well, let me---

20 A ---Mrs. Chalfant to---

21 MR. FINK: Let me, let me -- that's hearsay and, and  
22 there's no evidence of that. You don't get to say what  
23 somebody else says I don't believe, Judge.

24 THE COURT: well, let's don't talk about what somebody  
25 else said, but, but I mean---

1 MR. FINK: I think we---

2 THE COURT: I, I think it's been asked and answered  
3 anyway, but go ahead.

4 Q So---

5 A I---

6 Q ---with regard to---

7 A I told them both---

8 Q ---this case---

9 A ---extensively about the risks of bleeding, and I don't  
10 know what happened that night. It, it's just -- sorry.

11 Q Sir?

12 A Sorry.

13 THE COURT: Get some water for the doctor.

14 A Thank you.

15 It still bothers me every day. It will bother me the  
16 rest of my life. I don't know what happened that night.

17 MR. FINK: Your Honor, I move to strike.

18 A I, I---

19 THE COURT: Do we need to take a break?

20 Do we need to take a break?

21 Take a break, doctor?

22 THE WITNESS: Just a minute or two please.

23 THE COURT: Mr. Foreman, ladies and gentlemen of the  
24 jury, we're gonna take a 15 minute break. We'll come back.  
25 We were coming up on needing a break in another 10 minutes

1 A It does let you get through to the answering service.

2 Q Okay. You admit there's a mistake -- this form -- you  
3 certainly -- that's not -- you did make one change, didn't  
4 you?

5 A No.

6 Q Tell them.

7 A They dropped the extension.

8 Q Tell them.

9 Okay. Tell them what you did.

10 A That's what I said. They dropped the extension.

11 Q Took that out.

12 So tell the jury right now, sir, do you take any  
13 responsibility for your only one piece of paper, one single  
14 solitary piece of paper, do you take responsibility for it  
15 having an extension that you know is not gonna get the  
16 patient to you?

17 Do you take responsibility---

18 A If you---

19 Q ---as the physician?

20 Yes or no?

21 A It's not that simple.

22 Q Okay.

23 A If you call that number---

24 Q That's all. I have no further questions.

25 A ---they will, they will get a hold---

Mark Blaskis - Cross-examination  
By Mr. Driggers

1 the cancer, arise---

2 MR. DRIGGERS: Let me -- I've, I've got a  
3 demonstrative, demonstrative exhibit that's been shared with  
4 the Plaintiff that has some illustrations that shows.

5 Could I have Doctor Blaskis come down from the stand?

6 THE COURT: Certainly.

7 Doctor, you may leave the stand. I will ask you to  
8 speak up even louder for my court reporter---

9 THE WITNESS: Okay.

10 THE COURT: ---please.

11 (WHEREUPON, the witness leaves the stand.)

12 Q Yeah, you have to speak up to be sure -- your back is  
13 kind of to her.

14 A This is after -- from our Mohs college.

15 Q It's out?

16 A We take it -- copies of the tumor. We cure -- reflect  
17 of the gross tumor, and we take a very thin layer around to  
18 see if there's any cancer. We have the layout of this, and  
19 we do frozen sections. We look at the entire undersurface  
20 and lateral surface of the site.

21 Q Okay.

22 A We look at that under the microscope. If there's any  
23 cancer left, we map that out on the drawings you may have  
24 seen earlier, and then we go back in that area, and that  
25 area to get -- to get more tumor.

1 Q Okay. All right. That's good.

2 And in the finals of the pictures that we've seen that  
3 also -- went all the way through there.

4 A Yes.

5 Q And is that uncommon?

6 A It's rare, but not that unusual.

7 Q Okay.

8 A I mean I've had to take off, off entire ears before.  
9 It's, it---

10 Q That's---

11 A It depends, it depends how long cancer is there. It  
12 depends how aggressive a cancer is. Unfortunately, Mr.  
13 Chalfant had an infiltrated basal cell carcinoma, which is a  
14 more aggressive type of basal cell carcinoma.

15 Q Okay, doctor. How, how frequently, in your experience,  
16 do patients experience any kind of postoperatively --?

17 A On, on the given rate in a -- is on one or two percent,  
18 and that's probably where I stand.

19 Q Okay. Are you---

20 A It's, it's more common in ears. You -- maybe, maybe,  
21 maybe three or four percent.

22 Q Okay. But that, that's for nationwide?

23 A Right, across the board, yes.

24 Q Okay. And while you were doing these cuttings and, and  
25 the procedure, who is in the room with you?

1 sutures?

2 A He had, he had another tumor that we also created that  
3 same day in the cheek.

4 Q Okay.

5 A And that tumor was sewn together.

6 Q Okay. So that was just providing information for the  
7 sutures?

8 A Yes.

9 Q Okay. And then why was the care for surgery sites, why  
10 was that crossed out?

11 A Because he was seeing Doctor Carlin the next morning.

12 Q Okay. And what do those instructions provide?

13 A I'm not sure -- I'm sorry?

14 Q I took it out of your sight.

15 I said why would that not have been applicable to  
16 Mr. Chalfant?

17 A Because he was seeing Doctor Carlin the, the next  
18 morning, sir.

19 Q Okay. And, doctor, you, at this point, you give your  
20 patients, no matter when you're seeing them, correct?

21 A Yes.

22 Q And you start seeing patients at what time of day?

23 A Around 7:30.

24 Q 7:30.

25 Okay. And you're, you're seeing patients until when?

Mark Blaskis - Cross-examination  
By Mr. Driggers

1 A Never to the hospital.

2 Q Okay. And then when they do come back in, you just --  
3 you meet them at your office?

4 A Right.

5 Q You see them---

6 A Yeah.

7 Q You see them in your treatment room?

8 A Yes.

9 Q Okay. Doctor, is there anything that you wish you  
10 could of done differently in this case?

11 A I wish, I wish they had called me so I could of stopped  
12 the bleeding. I, I really -- you know, this, this, this  
13 case has bothered me a lot. It will continue to bother me  
14 unfortunately. You know, I, I -- at first -- honestly, the  
15 first time I've cried over, over, over any, any death since  
16 my, since any father's early death over 30 years ago. So  
17 this, this---

18 MR. DRIGGERS: No further questions.

19 A ---really has bothered me.

20 MR. DRIGGERS: No further questions, Your Honor.

21 A I'm sorry.

22 MR. FINK: May it please the Court---

23 THE COURT: Yes.

24 MR. FINK: ---counsel, ladies and gentlemen of the  
25 jury.

1 REDIRECT EXAMINATION

2 BY MR. FINK:

3 Q Now, Doctor Blaskis, in the world of medicine, if it  
4 ain't in writing, it didn't happen, right?

5 A No.

6 Q You've been taught that. We talked about it in your  
7 deposition.

8 You remember that?

9 You remember that---

10 A Yeah.

11 Q ---statement if it's not writing, it didn't happen?

12 A I, I, I said I've heard that. But I also told you my  
13 deposition I felt that verbal instructions were, were as  
14 good as written.

15 Q But you recognize that, in the world of medicine and  
16 education regarding medicine, if it's not in writing it  
17 didn't happen, that they say that to encourage things to be  
18 in writing, right, to keep proper charts, be accurate?

19 Is that right?

20 A Again, the standard of care is how -- I'll say verbal  
21 instructions are as good as written.

22 Q Did you say you started seeing patients at 7:30AM?

23 A I, I officially start at 8:00, but I get there at 7:00,  
24 and we normally start, start working when the first patient  
25 gets there, which is between 7:30 and 7:45 normally.

1 Q Okay. What I thought you testified to Mr. Driggers,  
2 you said you see patients at 7:30AM, seven colon---

3 A Yeah.

4 Q ---3-0 AM?

5 A That's what time I'll start seeing them if they're  
6 there when they come early. I, I like to start early so I  
7 don't fall behind.

8 Q Let's clarify this right now.

9 Your office, Doctor Blaskis, does not schedule any  
10 patient before 8:00AM?

11 A That's true.

12 Q Yes or no?

13 A Yes.

14 Q I'm right?

15 A Yes, but I will see a patient if they get there before  
16 then.

17 Q All right. If they come early, you're gonna treat  
18 them?

19 A Yes, I do.

20 Q Isn't---

21 A My nurse gets there at 7:30 also.

22 Q Isn't it true, sir, that your MAs get there at 7:45?

23 Your schedulers get there at 7:30?

24 According to the policies and procedures of your  
25 company, 7:30, 7:45, they're taught to schedule patients at

1 8:00AM?

2 If they get there earlier, there's nobody there to help  
3 you, right?

4 A My nurses are often there at 7:30.

5 Q Are they scheduled to come in at 7:45, and, if I look  
6 at the time sheets, would you be surprised to know that  
7 they're almost always later than 7:45---

8 A No.

9 Q More like 7:56, 7:58?

10 A I, I can tell you my nurses are normally there at 7:35,  
11 7:40, somewhere in that ball park.

12 Q You didn't have the -- you do have the exhibit book in  
13 front of you.

14 Am I correct?

15 A Uh-huh. (Affirmative).

16 Q Yes, sir, I'm sorry.

17 would you be so kind as to -- well, let me ask you  
18 this.

19 A Officially we start at eight o'clock.

20 Okay. I start -- as soon as I can see a patient I  
21 start treating them. I don't like to make, make people  
22 wait. So, officially, we open up at eight o'clock.

23 Okay?

24 Q Well, you, you -- I'm not gonna argue---

25 A I get there---

1 Q ---about the difference between 7:30 and 8:00 unless  
2 somebody think it's beneficial for them --

3 A I get there---

4 Q -- to start at 7:30.

5 A I get there at 7:10 in the morning. I open the door.  
6 Anybody who wants to come in after that is welcome to come  
7 in. We have front desks there at, at about 7:10 or 7:15.

8 Q Is that a verbal---

9 A It's the---

10 Q ---verbal instruction provided---

11 THE COURT: Wait a minute. Wait a minute. We're on  
12 the record.

13 Answer, answer the question.

14 THE WITNESS: Thank you.

15 THE COURT: Go ahead, doctor.

16 Doctor, did you finish?

17 Did you finish?

18 THE WITNESS: Yes.

19 THE COURT: Okay. Next question.

20 Q Did your schedulers give a verbal instruction to the  
21 patients that, although they're scheduled for 8:00, you'll  
22 operate at 7:30?

23 THE COURT: Now, is this in the scope of redirect?

24 MR. FINK: No, sir, I apologize.

25 THE COURT: Okay.

1 Q Doctor Blaskis, please turn to Exhibit No. 16. Page  
2 74.

3 A (Witness complies.)

4 Q And they're not in, they're not in, they're not in  
5 chronological order, but it starts at 774, timecard for Kim  
6 Riley, timecard for Kristia Tap -- Chapman, timecard for  
7 Christina Tackett. There's no timecard for Megan Foxson  
8 because she's on maternity leave. So there's four nurses.  
9 And timecard for Latriba Leary, timecard for Lori Mauldin,  
10 your PA.

11 Do you see those?

12 MR. DRIGGERS: Your Honor, I voice an objection as to  
13 the relevance of these timecards and --.

14 THE COURT: Well --.

15 THE WITNESS: And I was referring to what, what I do  
16 right now, what I did last week.

17 THE COURT: Hang, hang on, doctor.

18 THE WITNESS: All right.

19 THE COURT: What -- what is the relevance?

20 MR. FINK: The relevance is that he has testified to  
21 this jury that his people get in earlier than that, that he  
22 starts giving patient's care at 7:30 when they're not  
23 scheduled till 8:00, and the fact of the matter is these  
24 timecards are the best evidence of when these people are  
25 arrived, not only that day, but for that whole pay period

1 for every MA, every LPN, and this, and this Lori Mauldin.  
2 They're in front of him right now.

3 THE COURT: Well---

4 THE WITNESS: I---

5 THE COURT: ---counsel -- wait a minute, doctor.  
6 Counsel.

7 MR. DRIGGERS: The, the timing of this procedure in  
8 this case that we're here for is not, not at issue.

9 THE COURT: Is the timing of this procedure at issue?  
10 It's in the afternoon, isn't it?

11 MR. FINK: I'm impeaching the witness on his testimony  
12 that he starts operating at 7:30 because the sooner he  
13 starts operating the less busy he is, and that's what he's  
14 trying to prove.

15 THE WITNESS: No, no, I said less---

16 THE COURT: All right. Let---

17 THE WITNESS: Currently---

18 MR. FINK: I withdraw the question, Your Honor.

19 THE WITNESS: Currently---

20 MR. FINK: I withdraw the question, Your Honor.

21 THE COURT: It's withdrawn.

22 Okay. Any, anything else?

23 MR. FINK: I just got a few -- a couple more things---

24 THE COURT: Yes, sir.

25 MR. FINK: ---just to finish up or make sure I got what

1 I got.

2 (Pause.)

3 Q So you admit, Doctor Blaskis, that he -- that had, had  
4 any -- had the Chalfants contacted you on May 12<sup>th</sup>, 2015,  
5 advising you that they've got bleeding you would of saved  
6 him, right?

7 A Yes.

8 Q Okay. Now, it occurred to me that, during your  
9 testimony, you said something about there's a -- I believe  
10 you said there was a -- did you say there was a question  
11 regarding to how Mike -- Michael Dallas Chalfant died?

12 Did you say that?

13 I hear you correctly?

14 THE COURT: Let me see the lawyers. Let me see the  
15 lawyers.

16 Don't answer that one.

17 (WHEREUPON, a bench conference was held out of the  
18 hearing of the jury at this time.)

19 MR. FINK: All right. Thank you, Judge.

20 I'm gonna withdraw that question for a moment and ask  
21 you this, Doctor Blaskis.

22 In, in the white exhibit notebook that we have 50 --  
23 Exhibit No. 15 is the postmortem, the autopsy from  
24 Professional Pathology Services, Doctor Amy Durso, who we'll  
25 see tomorrow by the way, Judge, at 9:00AM, and ladies and

1 Dermatology Group, you don't have any responsibility, at  
2 least in your mind, for patient care?

3 A That is correct.

4 Q Right?

5 So if -- you're not asked or never have been asked to  
6 look at forms or figure out whether everybody's operating  
7 on -- the medical practitioners are operating up to your  
8 standard?

9 You've never done that?

10 Never been asked to do that, right?

11 A That is correct.

12 Q Okay. And you are not responsible for the forms that  
13 are used -- that were used with regard to the care involving  
14 Michael Dallas Chalfant, correct?

15 A That is correct.

16 MR. FINK: Your Honor, may I publish an interrogatory  
17 from the defense?

18 Number 26 of the first set?

19 MR. DRIGGERS: I haven't seen it, and I'm not sure  
20 which ones you're talking about.

21 THE COURT: Any objections?

22 MR. DRIGGERS: I just don't know the relevance again,  
23 Your Honor, but---

24 THE COURT: What is it?

25 I don't know.

1 MR. FINK: Number 26 of the first set of  
2 interrogatories, which are questions submitted to the  
3 defense that they signed under oath. This was sworn by  
4 Doctor Blaskis.

5 THE COURT: What's -- I don't, I don't have a copy.  
6 What's the -- what is the interrogatory?

7 MR. FINK: The Interrogatory Number 26.  
8 Can I read it or do you want to see it first?

9 THE COURT: Let me see it.

10 MR. FINK: Let me show you.

11 (Pause.)

12 MR. FINK: Your Honor, Dear Judge, I'm gonna let this  
13 witness go. I don't have any other questions of this  
14 witness. I'll publish, I'll publish this after she leaves.

15 THE COURT: Okay. All right. Anything from this  
16 witness?

17 Nothing further from this witness?

18 MR. FINK: I do have one further thing.

19 Are you -- as practice manager, do you deal with the  
20 phone system and, and IronLogix?

21 A No, sir, I, I have---

22 Q That would be---

23 A ---very little interaction with that at all.

24 Q Would that be Ms. Grant or --?

25 A Yes, it would.

1 Q I will -- let me, let me turn you to, to -- no place to  
2 put this. Difference here. IronLogix Exhibits or Exhibit  
3 11 of the white book that you have in front of you. Page  
4 86. Page 86 of Exhibit 11.

5 A So it's Tab 11 in this?

6 Q Tab 11. Page 86.

7 A In the white book?

8 Q Yes, ma'am.

9 (Pause.)

10 Q Did you find it?

11 A Yes, sir.

12 Q The detailed description that's down the page --  
13 actually it's written by you on 6/18/2014?

14 Has the practice, in fact, had, had patients who were  
15 bleeding and were unable to get through to the physician  
16 based on the answering phone system?

17 Do you see where I'm --?

18 A Yes, sir, I'm trying to read it.

19 (Pause.)

20 A According to this, there was a -- some type of dilemma  
21 then.

22 Q So somebody was bleeding. They couldn't get through to  
23 the phone service.

24 So there have been problems before?

25 A That's the only one I know of after reading this.

1 Q well, did you know of this when you walked in?

2 A No, sir.

3 Q No.

4 That's all I have.

5 THE COURT: Counsel.

6 MR. DRIGGERS: No questions.

7 THE COURT: Ma'am, you may step down. Please be  
8 careful.

9 THE WITNESS: Thank you.

10 THE COURT: Let me see the lawyers. Let's talk about  
11 time. Let's talk about time.

12 MR. FINK: Yeah, I'm, I'm gonna be done.

13 Okay. Now, after this.

14 MR. DRIGGERS: That's fine.

15 MR. FINK: All right.

16 (WHEREUPON, a bench conference was held out of the  
17 hearing of the jury at this time.)

18 THE COURT: Counsel.

19 MR. FINK: Your Honor, in publishing Answers to  
20 Interrogatories, there's Plaintiff's, Plaintiff's first  
21 interrogatories, under Rule 33, were submitted to the  
22 Defendant. Number 26.

23 State the names, addresses, and phone numbers of each  
24 person on behalf of Carolinas Dermatology Group, P.A. who  
25 had the duty or responsibility to establish and implement

1 policies, procedures, rules, standing orders, and protocols  
2 for Carolinas Dermatology Group, P.A. had in place regarding  
3 recognition of, recognition, management, and prevention of  
4 postoperative complications on or about May 12<sup>th</sup>, 2015.

5 Answer. Debbie Clarke and Angela Grant in care of  
6 Sweeney, Wingate, & Barrow, P.A., 1515 Lady Street,  
7 Columbia, South Carolina.

8 With that, Your Honor, I'm gonna call another witness.  
9 (Pause.)

10 MR. FINK: Your Honor, we're not gonna call Lori  
11 Mauldin. She's released from our subpoena. We're finished  
12 for today.

13 THE COURT: Okay. All right, sir.

14 MR. DRIGGERS: And on that, just -- can all those  
15 that -- witnesses that have testified, are they already  
16 released from subpoenas, Your Honor?

17 At least they can---

18 MR. FINK: Yes.

19 THE COURT: Any objection?

20 witnesses that have already testified be released from  
21 subpoenas?

22 MR. FINK: Yes. Yes, Your Honor.

23 THE COURT: That's without objection.

24 Okay. All right. Just let me send the jury home if  
25 you're not gonna call another witness today.

1       Ladies and gentlemen of the jury, Mr. Foreman, we  
2 are -- it's the end of the day. The next witness, I  
3 understand in the morning, will, will be -- won't be here  
4 until in the morning, the one that they were intending to  
5 use.

6       Do not talk about the case. Do not try to learn  
7 anything about the case. Again, you are at work, and the  
8 last thing you want to do when you go home from work every  
9 day, whatever kind of job, vocation that you do, you don't  
10 want to go home and talk about work. You want to talk about  
11 something else.

12       But we do appreciate your attention. Don't try to  
13 learn anything about it. It's not proper. We have to learn  
14 anything about this case in this courtroom. I don't know of  
15 any media that was here, but if there's anything reported  
16 on, please set that aside. You can read that later or your  
17 loved one can tell you about it, what have you. But, but  
18 don't pay any attention to that because it certainly may be  
19 wrong. It may be misleading, and it certainly might be  
20 incomplete.

21       With that, we're gonna be back here tomorrow morning,  
22 same time, same place. I'll do the best to have the water  
23 turned on for you.

24       So I got here this morning and couldn't get any coffee.  
25 So get here in the morning, and, and we hope to have water,

1 and have coffee and have restrooms for you in the morning.

2 Take your jury out, be dismissed for the evening, and  
3 see y'all in the morning at 9:00AM. Back at 9:00AM.

4 (WHEREUPON, the following takes place outside the  
5 presence of the jury.)

6 THE COURT: All right. We'll be in, we'll be in recess  
7 until nine o'clock tomorrow morning. I'll be here at least  
8 if anybody needs me.

9 MR. DRIGGERS: Thank you, Your Honor.

10 THE COURT: Okay. Anything from you?

11 MR. FINK: Just in terms of schedule, I'll tell you  
12 what -- we have Lang. We're gonna make sure Lang's here at  
13 this point in the morning.

14 MR. DRIGGERS: Okay. He'll be here.

15 MR. FINK: He'll be here. We can---

16 MR. DRIGGERS: He's coming at---

17 MR. FINK: If we can -- if we do our jobs, we could --  
18 we think Quan -- finish tomorrow.

19 THE COURT: Okay. Y'all want to go back and talk just  
20 for a minute?

21 MR. FINK: Yeah, it's gonna be close.

22 MS. LANE: Yeah, Your Honor. Can we---

23 THE COURT: I have no where to be. Let's go back. And  
24 listen to this. I got some -- I got some 403 people.

25 MR. FINK: We don't need---

1 (Pause.)

2 THE COURT: Let's go back in our room back here, and,  
3 if you want to join us, you're welcome to join us.

4 THE COURT REPORTER: We're off-the-record, Your Honor?  
5 Off-the-record?

6 Are we off-the-record?

7 THE COURT: Off-the-record, yeah.

8

9 (WHEREUPON, Court was in recess for the evening.)

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wednesday, June 5<sup>th</sup>, 2019

(WHEREUPON, Doctor Christensen's discharge instruction was marked as Plaintiff's Exhibit 21, and received into evidence at this time.)

THE COURT: Good morning, everyone. I'm told we have all of our jurors, and we're ready to go.

Does anybody need anything before we bring the jury in?

MR. DRIGGERS: No, sir, Your Honor.

MR. NORTH: No, Your Honor.

THE COURT: We're ready.  
We'll have the -- bring the jury in.

MR. FINK: Your Honor, may I have just one second to speak to Mr. Driggers about a --.

THE COURT: Sure.

(WHEREUPON, the following takes place within the presence of the jury.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Thank you.  
Any issues, Mr. Foreman?  
Everybody good?

THE FOREMAN: Yes, sir.  
THE COURT: Okay. Yes, sir.

MR. NORTH: Good morning, Your Honor.  
Our first witness will be Doctor Durso.

Amy Durso - Direct examination  
By Mr. North

1 DOCTOR AMY DURSO, being first duly  
2 sworn, testified as follows:

3 THE CLERK: Thank you. Please have a seat in the  
4 witness stand, and state your full name for the record, and  
5 please spell your last name.

6 THE WITNESS: Okay. Amy Durso. D-U-R-S-O.

7 MR. NORTH: Thank you.

8 THE COURT: Yes, sir.

9 MR. NORTH: May I, Your Honor?

10 THE COURT: Yes, sir.

11 MR. NORTH: Thank you.

12 DIRECT EXAMINATION

13 BY MR. NORTH:

14 Q Doctor, if you could state your full name for the  
15 record please?

16 A I, I did. Amy Durso.

17 Q All right. And where are you employed, Doctor Durso?

18 A I'm employed at Professional Pathology Services as a  
19 forensic pathologist.

20 Q And what is it that you do there?

21 A Basically I do autopsies, which is the examination of  
22 the body after death to document any injuries, illnesses,  
23 and determine a cause of death.

24 Q Okay. Is there anything in particular that we need to  
25 know about how you go about conducting autopsies or is that

1 Q And did you, at anytime, speak with Ann Neeley or  
2 anyone from the Coroner's Office about the case?

3 A Yeah, we typically, you know, they would call or give  
4 us kind of a heads-up about the case to notify us that they  
5 want to schedule, and usually they would give a quick  
6 rundown of why they're ordering the autopsy.

7 Q Okay. During the course of an average year,  
8 approximately how many autopsies would you say you actually  
9 perform?

10 A Approximately 250 a year.

11 Q All right. In terms of Michael Chalfant, do you have a  
12 recollection of doing this autopsy?

13 Do you remember doing the autopsy on him?

14 A I do actually, yes.

15 Q Okay. And what is it about that autopsy that stands  
16 out in your mind to cause you to remember it?

17 A I've just never had someone bleed to death from a wound  
18 to the ear before. So it was a little bit unusual.

19 Q Okay. I'm gonna show you some photographs that are a  
20 part of what's been marked as Exhibit No. 9, and ask if this  
21 is the Mr. Chalfant that you did the autopsy on.

22 Do you remember that as being Mr. Chalfant's ear?

23 A Yes.

24 Q And then I'll show you two photos of his body, and ask  
25 if this represents the appearance that Mr. Chalfant had when

1 A About whether a surgical patient should be advised not  
2 to drink after surgery?

3 Q Yes.

4 A I believe that would be standard.

5 Q It would be standard to do what?

6 A To not drink alcohol after surgery.

7 Q Okay. And is that something that should be advised by  
8 the doctor to the patient?

9 A I wouldn't really have an opinion since I'm not, I'm  
10 not a dermatologist. I don't treat living patients. So  
11 I---

12 Q Okay.

13 A ---prefer not to answer that.

14 Q Okay. But in general terms---

15 A I believe patients should not drink after surgery.

16 Q Okay. All right. And, in your opinion, why is that a  
17 patient should not drink after surgery?

18 A I believe it would interfere with pain medications, and  
19 other medications giving during surgery would be my concern.

20 Q Would it have any impact on increasing bleeding?

21 A It's possible. I mean that's -- it's kind of  
22 complicated the affect of alcohol on bleeding. I'm not -- I  
23 can go into that. But, you know, it's more to do with  
24 chronic ethanol abuse, and the clotting factors in the liver  
25 that, in general, heavy drinking is not -- it can cause a

1 bleeding risk, yes.

2 Q Okay. All right. So what we'll do is we will stick to  
3 what we know and not---

4 A Yes.

5 Q ---what we guess about because we're here to get to  
6 what we, we know.

7 A Yes.

8 Q So let me ask you this.

9 what is your opinion, doctor, to this jury as to the  
10 cause of death of Michael Chalfant?

11 A I listed a cause of death as exsanguination, which is  
12 blood loss enough to cause death, due to hemorrhage from the  
13 left ear surgical site with contributing factors including  
14 chronic obstructive pulmonary disease, coronary artery  
15 disease, and adult failure to thrive.

16 Q But the primary cause of his death is what?

17 A The hemorrhage -- the exsanguination due to hemorrhage  
18 from the left ear surgical site.

19 Q Is that another way of saying that he, he bled to  
20 death?

21 A He bled to death from the left ear, yes.

22 Q So we know that that's your determination.

23 But what findings did you have?

24 what did you go through, what did you look at to help  
25 you come to that conclusion?

1 normal blood volume that a normal adult male would.

2       So, whereas a normal adult male might have six liters  
3 of blood in their body, he would have closer to about three,  
4 3.2 liters of blood. So, if you think of those two liter,  
5 big two liter soda bottles. So if you were to fill up one  
6 of those and about half of another as far as his total blood  
7 volume.

8       And so, as far as dying from hemorrhage or  
9 exsanguination, we usually look at the number to be about 40  
10 percent for a healthy person. So, for him, 40 percent would  
11 be about 1.28 liters. So a little bit more than half of one  
12 of those two liter bottles. But he's not a normal healthy  
13 person. He has severe lung disease and severe heart  
14 disease.

15       So, in someone like this, he could lose maybe  
16 10 percent before he would succumb to the blood loss. So 10  
17 percent in him would be about 320 milliliters. So if you  
18 look at like maybe a can of Coke is about 150 milliliters,  
19 if you fill up two and a little bit more of those cans of  
20 Coke is as much blood as he could lose before he would die.  
21 And I felt like that was enough, just the amount clotted  
22 around his ear, and if you scoop up that blood that you  
23 could see kind of coagulating on those pillows, you could  
24 easily fill up two cans of Coke and maybe three.

25       So that's enough for him to have died from this blood

1 the blankets. There's no way to know exactly how much he  
2 lost.

3 So we're gonna have to go with estimates. But that's  
4 also why I take into account the power of the thyroid and  
5 the leptomeninges. But I think, you know, just estimating  
6 if you imagine scooping up that clot of blood in his ear,  
7 his shoulder, on the bed where he was laying, if you imagine  
8 scooping that up and putting it in those Coke cans, it's at  
9 least three Coke cans worth, you know.

10 Q Okay. All right. And I'm now gonna ask you the  
11 question, do this legal thing, which is, doctor, what is  
12 your opinion, within a reasonable degree of medical  
13 certainty, as to the probable cause of Mr. Chalfant's death?

14 A It's exsanguination due to hemorrhage from the left ear  
15 surgical site with the contributing listed as chronic  
16 obstructive pulmonary disease, coronary artery disease, and  
17 adult failure to thrive.

18 Q All right. Thank you, doctor. That's all I got.

19 A Thank you.

20 MR. GOTTSHELL: May it please the Court?

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. GOTTSHELL:

24 Q Doctor Durso, thank you again for being here today.

25 A Of course.

1 A Ann Neeley. She's a deputy coroner with the Richland  
2 County Coroner's Office.

3 Q All right. And Ann Neeley is actually who contacted  
4 you to perform the autopsy in this case, correct?

5 A Yes.

6 Q And I know you've already addressed this as to  
7 Mr. North's firm.

8 My firm and -- I have not hired you in this case.

9 Is that correct?

10 A No, I've not been specifically hired by anyone. I'm  
11 just being paid for my time to be here today.

12 Q Okay. Thank you.

13 Let me ask you to turn to Page 4 of 9 of the coroner's  
14 investigation report.

15 A Yes.

16 Q On that page near the top is a line stating describe  
17 conditions and/or -- do you see that?

18 A Yes.

19 Q And what does that line say?

20 A It says victim's pillow, mattress, and clothing at his  
21 residence were saturated in blood.

22 Q And so this is consistent with some of the photos we've  
23 seen earlier, correct?

24 A Right.

25 Q It talks about the pillow, and the mattress of the bed,

1 A Case notes.

2 Q All right. And those will be Ms. Ann Neeley?

3 A Yes.

4 Q And that's the coroner in this case?

5 A The deputy coroner, yes.

6 Q And so these are her notes according to the sheet?

7 A Yes.

8 Q Okay. And what looks to be the fourth paragraph that  
9 we were just -- that I just directed your attention to.

10 Did the coroner speak to anyone following the passing  
11 of Mr. Chalfant?

12 A Did Ann Neeley talk to any --?

13 Q Correct. I'm sorry. Deputy coroner, yes, ma'am.

14 A It says that she -- she wrote that she spoke with  
15 Mrs. Jackie Chalfant.

16 Q And then if, if I point you to the next highlighted  
17 line there after Prednisone, 10 milligrams, would you read  
18 that line -- are you able to read that line?

19 A Where are we at?

20 I'm sorry.

21 Q It's the second highlighted sentence.

22 A Oh. Oh, I see. She then told me that her husband had  
23 two I think it says cancerous spots removed from his face on  
24 May 12<sup>th</sup>, 2015. This was done at Carolinas Dermatology  
25 Group on St. Julian Place.

1 Q All right. Who performed that procedure?

2 A It says Doctor Mark Blaskis did the procedure. They  
3 were instructed to call the office if they noted any  
4 bleeding from the sites.

5 Q So, according to this document, when Ms. Neeley spoke  
6 to Mrs. Chalfant following the passing, this is the report  
7 that Mrs. Neeley has written---

8 A Right.

9 Q ---following that discussion?

10 Okay. She wrote that she had -- that they had been  
11 instructed to call the office if they noted any bleeding at  
12 the site, correct?

13 A That's what it says, yes.

14 Q And let me move down to the next paragraph here, and  
15 this is the paragraph that begins Mrs. Chalfant stated.

16 Do you see that paragraph---

17 A Yes.

18 Q ---as well?

19 All right. Did she call the doctor's office according  
20 to this sheet?

21 A According to this sheet, yes.

22 Q And is that the listed time that she called?

23 A At 6:00PM.

24 Q And then what does the next sentence say?

25 A She told me that she never received a call back. I

1 Q Okay. And this page includes an add-on description  
2 that you would of performed by yourself after his passing,  
3 correct?

4 A Yeah, this is the report I wrote.

5 Q Okay. And it's from your physical observation and your  
6 physical examination?

7 A Yes.

8 Q All right. And you found him to weigh 94 pounds,  
9 correct?

10 A Yes.

11 Q And he was 69 inches, which is about 5'9"?

12 A Right.

13 Q All right. And found to be well-developed in your  
14 exam?

15 A Yeah. well-developed just means they don't have any  
16 major physical deformities. Like he grew as a normal child  
17 into an adult with symmetrical limbs and that sort of thing.

18 Q Okay. And as part of your evaluation, we've talked  
19 about the list of, of -- the causes of death in your report.

20 A Yes.

21 Q Did you find alcohol consumption to be a contributing  
22 cause?

23 A No.

24 Q And did you evaluate any of his nutrition, his protein  
25 levels, vitamins, minerals, or anything like that?