

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

*Recorded*  
*5-21-2021*  
*SC Court of Appeals*

Appeal from Charleston County  
Diane Shaffer Goodstein, Circuit Court Judge

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

**RECEIVED**

MAY 24 2021

**SC Court of Appeals**

Thelma R. Garrick

Appellant

vs

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

Respondents

**REBUTTAL**

To Letter of May 12, 2021 from Ms. Jenny A. Kitchings,  
Clerk of the Court of Appeals on dismissal of Case #001842,  
along with The Honorable Judges who concurred with her  
assessment of the case; Honorable C. J. Lockemy,  
Honorable Thomas Huff, and Honorable J. J. Hewitt.

**PROOF OF SERVICE**

I CERTIFY THAT IMMEDIATELY AFTER THE RECORDING OF THIS  
REBUTTAL COPIES WILL BE IMMEDIATELY FORWARDED TO THE  
ATTORNEYS FOR THE RESPONDENTS VIA U.S. MAIL TO:

YOUNG CLEMENT RIVERS, LLP  
Mr. Stephen L. Brown, Esquire  
Mr. Russell G. Hines, Esquire  
P. O. Box 993  
Charleston, S. C. 29402

Roger Townsend LLG  
Mr. Joseph J. Tierney, Jr., Esquire  
177 Meeting Street, Suite 320  
Charleston, S. C. 29401  
(Appellant was not informed that he was  
no longer one of the attorneys representing  
the Respondents.)

✓ cc: Ms. V. Claire Allen, Deputy Clerk  
cc: Ms. Jenny A. Kitchings, Clerk

TO THE HONORABLE JUDGES OF THE COURT OF APPEALS  
Regarding Rebuttal to Case #2018-001842, Number \_\_\_\_\_

Respectfully submitted,



Thelma R. Garrick, pro se  
(Acting attorney for self)  
195 Crescent Oaks Court  
Orangeburg, South Carolina 29115  
803-534-9912

Dated this 21st day of May, 2021

RE: Appellant Case No. 2018-001842

May 21, 2021

Recorded  
5-21-2021  
SC Court of Appeals

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

Re: Order filed and dated February 01, 2021 (signed but could not read signature) and Letter of May 12, 2021 stating the decision of the Court on Appellant's case that is in the system. This Rebuttal is due to the Clerk of Court's denial to correct a Court error.

The Appellant realizes that the Honorable Judges, evidently, are only given certain information to base their opinion on a case. (I say evidently because I have not had time to access the duties of the Clerk of Court or how you obtain information.) Therefore, knowing that you could not have possibly decided legally to dismiss this case with the hundreds of documents and evidence that has been presented to the Court; and not to even mention the mistakes made by the Court. I beg the Honorable Judges to reconsider the findings by Ms. Jenny A. Kitchings, Clerk of the Court of Appeals.

Appellant has been denied her legal rights as follows:

1. Denied Mediation; I was asked by a Court Clerk had this been done because "this is the first step". (No, have not heard directly either by mail, telephone or even met the lawyers of Respondents at no fault of her own.) Appellant has not asked for anything but justice. (However, in her documents left this up to the Judges.) The intimidation by attorneys, their silence and ignoring requested information (such as a tape of the surgery) was solely to get a dismissal because that is the only way they could win the case. Denied the right to enter into record the reason the case was filed.
2. Denied correction of how Appellant filed the case, Very Important! Denied the right to being a part of any meeting with the people discussing the case. Case has been discussed without Appellant being present.
3. Denied opportunity for an oral argument.
4. Denied the Courts timetable to instruct the Appellant: whereas Appellant followed the Court's Chart and timetable and completed it.
5. Denied a court date, never put on docket.

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6. Denied additional Supplemental Records on research documentation to be added. This record stipulates that in 2008 FDA notified the medical profession not to use the Morphogenetic Protein ("BMP") device in the cervical spine (one of the three implants) because of the results caused by this device. In 2015, seven years later after report from FDA, this was one of the devices implanted into my spine: cervical spine against FDA warning knowing the results from testing. (The results as stated in the FDA notice to the Medical industry are now being proven to be true for Appellant.)

In the Lower Court, also Court of Appeals the Clerks of Court did not file as instructed in Appellant's original filing document on this case. The Appellant has since August 20, 2015 suffered from the massive experimental surgery performed by the Respondents; that was done "premeditatively, willingly, knowingly implanted experimental devices without Appellant's knowledge or permission". The three implants in her spine were never needed as Appellant was told by an attorney who had let a neurosurgeon study the disks that she did not even need surgery. (This was also confirmed by an MRI.) (This attorney wanted to take my case but his partner did not.)

Respondents had contracts per government files with Medtronic and were paid to experiment on people with untested, untried, cadaver bones, using different materials, etc. (Proof by evidence already sent to the Court of Appeals.)

The attorneys filed with the court that Appellant had filed "Professional Negligence". Nowhere in my records will you find this other than denial. The Clerks were well aware of how Appellant filed. Many times I asked for a correction because the only way the attorneys could win this case was to have it dismissed because different methods of filing were necessary. Otherwise the Attorneys could not deny the information I have presented to the Court. In fact, the Attorneys have had very little to do with this case; the Court has assisted.

Appellant saw that information was not going to get to the Honorable Judges, she sent two Motions with \$100.00 and asked that after recording these motions they become a part of the Supplemental Records. Clerk refused quoting Rule 212. "With written consent of all attorneys of record, a party may supplement the Record on Appeal at any time before argument commences".

Appellant had not been added to the docket nor heard from the Clerk according to the Court's chart and timetables; the Appellant saw how important these documents were and filed the two Motions October 31, 2020 before Clerk resumed directions according to the Courts timetable of events as they needed to occur. (The decision to send out notice of oral argument before term of court. Counsel (Appellant included as pro se) notifies clerk of any conflict, Rule 216(a). There were no problems to proceed from appellant. This was where information was stopped.

Appellant would also like to point out that Clerk set a precedent to Rule 212 when she allowed Attorneys for Respondents to file a supplemental record by taking Appellant's own document and filed against her. Appellant was not notified of this Action or information that came by mail at a later date. Appellant always filed all documents and sent to Clerk and Attorneys the same day. At no time has Attorneys denied her documents nor has she received any opposition regarding Documentation.

A letter was received from the Clerk of Court dated February 23, 2021 regarding Rule 240 and filing a motion. This Rule, according to the book on Rules of Appellant's

Practice states “Frivolous Appeals, Petitions, Motions or Returns”. (Appellant misinterpreted because this case is not Frivolous but realized her mistake in not filing a motion when she received the Clerk’s letter of May 12, 2021.)

This case is about harm, especially to the elderly, by experimenting on them without their knowledge thus putting them in more pain or death. All for greed, money. Respondents had contracts (Dr. Khoury for years 2013, 14, 15, and 16) with Medtronic to experiment with these implants that had never been tried or tested. (Copies of lawsuits in five different States with over 10,000 people suing for damages have been forwarded to the Court.) Appellant begs the Honorable Judges for justice, the proof is in my documentations.

Again, why would the reason Appellant filed the case be ignored? March 6, 2019 Order from S. C. Court of Appeals that Appellant had notified Respondents that she was filing.

When Appellant filed for an extension to the July 12, 2018 date to appear in Court, she had been gathering information for almost three years and still did not know everything the respondents had done to her in surgery; new information had been uncovered. She felt that this could have a bearing on her case. All necessary documents were received by the Court before deadline (evidence in records). Appellant also questions the actual date of the meeting due to one of the clerks.

It was not the Appellant’s fault the lawyer/Clerk filed her case their way instead of the way she filed. It was not her fault the Judge did not review her case and took the word of the attorney. It was not her fault the attorney and Clerk did not tell the Judge

the reason Appellant was not there so she could reschedule. It was not her fault the Clerk had ignored her request for an extension that was within her rights. (The request for the extension was filed at a much later date.)

I feel that the Honorable Judges could not have received pertinent information about this case. May I ask, what did you concur with in your discussion with the Clerk? (May Appellant have a copy of this meeting where you concur with Clerks Assessment?)

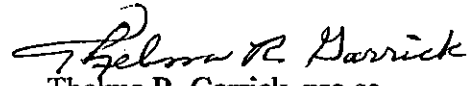
The documents from the print out of the status of the case recorded on the computer was forwarded to Appellant, at her request. She was told that these documents went to a "Panel" for review. The documents received certainly was not a true list of the said documents recorded. (Proof of this is available if needed.)

Appellant has been honest in all the data she has forwarded to the Court and evidence to back it up. What she incurred under the hands of her doctor, and then by the Court is very depressing. Appellant did not realize the power a person has in giving you information to form your opinion on the case. What an awesome responsibility. (Appellant, in all of her career, never fraternized with person's with whom she had to make unbiased opinions.)

Appellant also asks the Honorable Judges to schedule a meeting with the Attorneys/Respondents, and the Honorable Judges. Appellant would like to put faces to names as Appellant feels she has been fighting in the dark. Appellant also needs closure so the nightmares will go away. Hopefully this meeting will make it so. Appellant would be available to answer any questions, not arguments, the Honorable Judges might have.

Thank you in advance for allowing me this one chance for closure.

Respectfully submitted,

  
Thelma R. Garrick, pro se  
Resident of Orangeburg County  
City of Orangeburg South Carolina  
195 Crescent Oaks Court  
Orangeburg, S. C. 29115  
803-534-9912

Copies to:

Mr. Russell Hines, Mr. Stephen Brown,  
Mr. Joseph J. Tierney, attorneys at law  
Ms. V. Claire Allen, Deputy Clerk  
Ms. Jenny A. Kitchings, Clerk

/tg

*Welson Garrick*  
195 Crescent Oaks Ct.  
Orangeburg, S.C. 29115

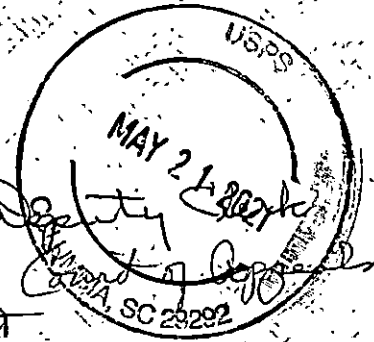
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