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Aug 12 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case No. 2020-CP-04-00008

Appellate Case No. 2021-000834

Wanda Human, as Personal Representative of the Estate of Evelyn Marie Wood.....Respondent,

v.

AnMed HealthAppellant.

PETITION FOR REHEARING/REINSTATEMENT

ROE CASSIDY COATES & PRICE, PA

s/ Fred W. "Trey" Suggs, III
Fred W. "Trey" Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
Greenville, SC 29603
Phone: 864-349-2600
Fax: 864-349-0303
Attorney for Appellant

TABLE OF AUTHORITIES

Statutes and Regulations

S.C. Code Ann. §44-7-392..... 1

S.C. Code Ann. §44-7-394..... 1

S.C. Rule App. Pro. 221..... 1

S.C. Rule App. Pro. 240..... 1

INTRODUCTION

This matter is an appeal from the Circuit Court's Order granting the Plaintiff/Respondent's Motion to Compel an occurrence/incident report which is protected from discovery under S.C. Code Ann. §44-7-392, which is attached hereto as Exhibit "A." Appellant filed a Notice of Appeal on August 4, 2021, attached hereto as Exhibit "B." The appeal was summarily dismissed without brief or argument by order of August 9, 2021, attached hereto as Exhibit "C," in which the Court of Appeals mistakenly concluded that because this is a discovery order, it is interlocutory and not immediately appealable. The Court of Appeals did not appreciate that the incident report which was ordered to be produced is protected under S.C. Code Ann. §44-7-392, and that the order is immediately appealable pursuant to S.C. Code Ann. §44-7-394(C). Pursuant to Rules 221 and 240, SCACR, Appellant respectfully petitions this Court for rehearing, or in the alternative, reinstatement.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

Wanda Human, as Personal Representative of the Estate of Evelyn Marie Wood (hereinafter "Human"), initiated this action by filing a Summons and Complaint in the 10th Judicial Circuit on January 2, 2020. The Complaint is attached hereto as Exhibit "D." Human's Complaint includes causes of action for Wrongful Death and Survival Action, and essentially sounds in negligence. On February 6, 2020, the Defendant/Appellant, AnMed Health (hereinafter "AnMed"), filed an Answer, attached hereto as Exhibit "E," in which it denied liability and asserted affirmative defenses. AnMed amended its Answer to assert additional affirmative defenses, including comparative negligence and intervening negligence, on June 24, 2021.

The parties exchanged written discovery. AnMed produced a privilege log on April 22, 2020 in which it identified as privileged/protected “AnMed Health Risk Management Worksheet Confidential Information Midas report/Chrissy Shortridge statement”) (hereinafter “Risk Management Worksheet”), which is attached hereto as Exhibit “F.” The privileges asserted included peer review and work product.

On March 29, 2021, Human filed a Notice of Motion and Motion to Compel AnMed Health’s Discovery Responses, attached hereto as Exhibit “G,” in which she asserted that the Risk Management Worksheet was not a protected or privileged document. Appellant filed Defendant’s Memorandum in Opposition to the Plaintiff’s Motion to Compel on June 11, 2021, which is attached hereto as Exhibit “H.” Appellant argued in its memorandum that the Risk Management Worksheet was an incident or occurrence report, and thus, was protected pursuant to S.C. Code Ann. §44-7-392(A)(1)(h). The Honorable R. Lawton McIntosh presided over a hearing on the Plaintiff’s Motion to Compel on June 23, 2021. During the hearing, Judge McIntosh ruled from the bench that he was granting the Motion to Compel. The Court entered a Form 4 order, attached hereto as Exhibit “I,” consistent with the verbal ruling on June 23, 2021, directing counsel for the Respondent to prepare a formal order. The Court entered the formal order drafted by counsel for the Respondent on July 12, 2021. This Appeal followed.

ARGUMENT

In the Order dismissing this appeal, the Court of Appeals held as follows: “This appeal arises out of an order granting the respondent’s motion to compel production of a statement by a witness. Generally, discovery orders are interlocutory and are not immediately appealable. *Grossheusch v. Cramer*, 377 S.C. 12, 30, 659 S.E.2d 112, 122-23 (2008) Accordingly, the appeal

is dismissed.” Respectfully, the order is in error to the extent that the motion to compel did not simply pertain to a “statement by a witness,” but instead, related to a hospital incident or occurrence report protected from discovery by S.C. Code Ann. §44-7-392(A)(1)(h). Additionally, while it is certainly true that generally, discovery orders are interlocutory and not immediately appealable, the Court of Appeals failed to consider that because Appellant asserts that the document ordered to be produced is protected by S.C. Code Ann. §44-7-392(A)(1)(h), the order to produce the document is immediately appealable pursuant to S.C. Code Ann. §44-7-394(C). That statute states simply and succinctly, “If the court orders a hospital or affected person to produce documents to a third party under this section, the hospital or affected person shall have the right to immediately appeal that order, and the filing of the appeal shall stay the enforcement of the order compelling the production.” S.C. Code Ann. §44-7-394(C).

As stated above, Human filed a motion to compel the production of a Risk Management Worksheet. Appellant contends that the worksheet constitutes an occurrence/incident report under S.C. Code Ann. §44-7-392(A)(1)(h). The Court ordered that Appellant produce the Risk Management Worksheet. Appellant is a hospital and is afforded the protections of S.C. Code Ann. §44-7-392. Thus, it is permitted the opportunity to immediately appeal the Circuit Court’s order granting Respondent’s Motion to Compel pursuant to S.C. Code Ann. §44-7-394(C).

CONCLUSION

The Court of Appeals did not appreciate and consider that Appellant contends that the document that was compelled by order of the Circuit Court was protected by S.C. Code Ann. §44-7-392(A)(1)(h), and that the order was thus immediately appealable pursuant to S.C. Code Ann. §44-7-394(C). Accordingly, the appeal should be reinstated and the issues and arguments heard and considered by the Court of Appeals.

Respectfully submitted,

ROE CASSIDY COATES & PRICE, P.A.

s/ Fred W. "Trey" Suggs, III
Fred W. "Trey" Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
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Phone: 864-349-2600
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Attorney for Appellant

August 12, 2021

Greenville, South Carolina

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-00008

WANDA HUMAN, as Personal
Representative of the ESTATE OF
EVELYN MARIE WOOD,

Plaintiff,

v.

ANMED HEALTH,

Defendant.

**ORDER GRANTING PLAINTIFF'S
MOTION TO COMPEL PRODUCTION
OF WITNESS STATEMENT**

This matter came before the Court on June 23, 2021 on Plaintiff's Motion to Compel Defendant AnMed Health's ("AnMed") full responses to discovery requests. At issue is a statement by a witness who "observed the immediate aftermath of the accident" according to Defendant (Statement of Chrissy Shortridge, RN). Defendant disclosed the existence of the statement, but withheld it from production based on a claim of privilege under S.C. Code Ann. § 44-7-392 and the work product doctrine, thus giving rise to Plaintiff's Motion to Compel.

Present for Plaintiff was Vanisa T. Siler of the Anastopoulo Law Firm. Present for Defendant was Fred "Trey" Suggs, III, of Roe, Cassidy, Coates, & Price. For the reasons set forth below, this Court finds that the Statement of Chrissy Shortridge, RN is not privileged under S.C. Code Ann. § 44-7-392(h) or the Work Product Doctrine, and hereby orders Defendant to produce said statement within 14 days of the entry of this Order.

S.C. Code Ann. § 44-7-392(h) protects "incident or occurrence reports and related investigations." It does not protect witness statements. This is clear by comparing the language of subsection 392(h) ("reports and related investigations") with the language of subsection 392(g) immediately preceding it ("reports or *statements*") (emphasis added). The contrasting choice of language shows that the drafters were aware of the difference between "reports" and "statements",



and consciously chose to include the former but not the latter in subsection 392(h). *See, Hodges v. Rainey*, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) (“The canon of construction “*expressio unius est exclusio alterius*” or “*inclusio unius est exclusio alterius*” holds that “to express or include one thing implies the exclusion of another, or of the alternative.”); *S. Mut. Church Ins. Co. v. S.C. Windstorm & Hail Underwriting Ass’n*, 306 S.C. 339, 342, 412 S.E.2d 377, 379 (1991) (“Clearly, words in a statute must be construed in context. According to the doctrine of *noscitur a sociis*, the meaning of particular terms in a statute may be ascertained by reference to words associated with them in the statute.”) (internal citations omitted).

The Work Product Doctrine protects documents “prepared *because* of the prospect of litigation when the preparer faces an actual claim or a potential claim following an actual event or series of events that reasonably could result in litigation.” *Nat’l Union Fire Ins. Co. of Pittsburgh, Pa. v. Murray Sheet Metal Co.*, 967 F.2d 980, 984 (4th Cir. 1992) (emphasis in original). Accordingly, it does not protect “materials prepared in the ordinary course of business or pursuant to regulatory requirements or for other non-litigation purposes.” *Id.* “[T]he party claiming the protection bears the burden of demonstrating the applicability of the work product doctrine.” *Solis v. Food Emps. Lab. Rels. Ass’n*, 644 F.3d 221, 232 (4th Cir. 2011).

Here, Defendant has failed to meet its burden. First, section 44-7-392(h) does not protect witness statements. Second, Defendant did not come forward with any evidence showing that the statement of Ms. Shortridge taken immediately after the incident was anything other than a statement taken in the ordinary course of business and/or pursuant to regulatory requirements. Indeed, “members of society tend to document transactions and occurrences to avoid the foibles of memory and to perpetuate evidence for the resolution of future disputes. And because litigation is an ever-present possibility in American life, it is more often the case than not that events are

documented with the general possibility of litigation in mind. Yet, the mere fact that litigation does eventually ensue does not, by itself, cloak materials with work product immunity.” *Nat’l Union*, 967 F.2d at 984 (internal quotations and alterations omitted).

Because S.C. Code Ann. § 44-7-392(h) does not protect witness statements and Defendant failed to meet its burden of showing that the statement of Ms. Shortridge was prepared *because* of the prospect of litigation, and not simply prior to litigation, this Court must and hereby does hold that the statement of Ms. Shortridge is not protected by section 44-7-392(h) or the Work Product Doctrine and must be produced.

WHEREFORE, this Court hereby GRANTS Plaintiff’s Motion to Compel and orders Defendant to produce Ms. Shortridge’s statement in its entirety without redaction or alteration within 14 days of the date of entry of this Order.

IT IS SO ORDERED!

The Honorable R. Lawton McIntosh
Presiding Judge
Tenth Judicial Circuit
Anderson County

_____, 2021

_____, South Carolina



Anderson Common Pleas

Case Caption: Wanda Human, Personal Representative , plaintiff, et al VS Anmed Health
Case Number: 2020CP0400008
Type: Order/Discovery and Disclosure of Evidence

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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Aug 04 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

CASE NO. 2020-CP-04-00008

Appellate Case No. 2021-

Wanda Human, as Personal Representative of the Estate of Evelyn Marie Wood..... Respondent,

v.

AnMed HealthAppellant.

NOTICE OF APPEAL

AnMed Health appeals the order of the Honorable R. Lawton McIntosh dated July 12, 2021. Appellant appeals the grant of Respondent’s Motion to Compel.

ROE CASSIDY COATES & PRICE, P.A.

s/ Fred W. “Trey” Suggs, III
Fred W. “Trey” Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
Greenville, SC 29603
Phone: 864-349-2600
Fax: 864-349-0303
Attorney for Appellant

August 4, 2021
Greenville, South Carolina



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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
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The Honorable R. Lawton McIntosh, Circuit Court Judge

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v.

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Wanda Human, as Person Representative of the Estate of Evelyn Marie Wood, by mail on August 2, 2021, to their attorney of record, Lane D. Jefferies, 32 Ann Street, Charleston, South Carolina 29403.

ROE CASSIDY COATES & PRICE, P.A.

s/ Fred W. "Trey" Suggs, III
Fred W. "Trey" Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
Greenville, SC 29603
Phone: 864-349-2600
Fax: 864-349-0303
Attorney for Appellant

August 2, 2021
Greenville, South Carolina
Attorney for the Appellant



Fred W. "Trey" Suggs, III
(864) 349-2616
tsuggs@roecassidy.com

August 4, 2021

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Aug 04 2021

SC Court of Appeals

Via Electronic Mail

South Carolina Court of Appeals
ctappfilings@sccourts.org

Re: *Wanda Human, as Personal Representative of the Estate of Evelyn Marie Wood,*
vs. AnMed Health
CA No.: 2020-CP-04-00008
RCCP No.: 0492.0197

To Whom It May Concern:

Enclosed please find the Notice of Appeal, Proof of Service and a copy of the order which is to be challenged on appeal. A check for \$250.00 will be going out in today's mail for the filing fee.

If you have any questions regarding the above, please feel free to contact our office.

Sincerely,

ROE CASSIDY COATES & PRICE, P.A.

A handwritten signature in cursive script that reads "Meredith S. Sissel".

Meredith S. Sissel, Paralegal to
Fred W. "Trey" Suggs, III

/mss
Enclosures

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-00008

WANDA HUMAN, as Personal
Representative of the ESTATE OF
EVELYN MARIE WOOD,

Plaintiff,

v.

ANMED HEALTH,

Defendant.

**ORDER GRANTING PLAINTIFF'S
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SC Court of Appeals

This matter came before the Court on June 23, 2021 on Plaintiff's Motion to Compel Defendant AnMed Health's ("AnMed") full responses to discovery requests. At issue is a statement by a witness who "observed the immediate aftermath of the accident" according to Defendant (Statement of Chrissy Shortridge, RN). Defendant disclosed the existence of the statement, but withheld it from production based on a claim of privilege under S.C. Code Ann. § 44-7-392 and the work product doctrine, thus giving rise to Plaintiff's Motion to Compel.

Present for Plaintiff was Vanisa T. Siler of the Anastopoulo Law Firm. Present for Defendant was Fred "Trey" Suggs, III, of Roe, Cassidy, Coates, & Price. For the reasons set forth below, this Court finds that the Statement of Chrissy Shortridge, RN is not privileged under S.C. Code Ann. § 44-7-392(h) or the Work Product Doctrine, and hereby orders Defendant to produce said statement within 14 days of the entry of this Order.

S.C. Code Ann. § 44-7-392(h) protects "incident or occurrence reports and related investigations." It does not protect witness statements. This is clear by comparing the language of subsection 392(h) ("reports and related investigations") with the language of subsection 392(g) immediately preceding it ("reports or *statements*") (emphasis added). The contrasting choice of language shows that the drafters were aware of the difference between "reports" and "statements",

and consciously chose to include the former but not the latter in subsection 392(h). *See, Hodges v. Rainey*, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) (“The canon of construction “*expressio unius est exclusio alterius*” or “*inclusio unius est exclusio alterius*” holds that “to express or include one thing implies the exclusion of another, or of the alternative.”); *S. Mut. Church Ins. Co. v. S.C. Windstorm & Hail Underwriting Ass’n*, 306 S.C. 339, 342, 412 S.E.2d 377, 379 (1991) (“Clearly, words in a statute must be construed in context. According to the doctrine of *noscitur a sociis*, the meaning of particular terms in a statute may be ascertained by reference to words associated with them in the statute.”) (internal citations omitted).

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Here, Defendant has failed to meet its burden. First, section 44-7-392(h) does not protect witness statements. Second, Defendant did not come forward with any evidence showing that the statement of Ms. Shortridge taken immediately after the incident was anything other than a statement taken in the ordinary course of business and/or pursuant to regulatory requirements. Indeed, “members of society tend to document transactions and occurrences to avoid the foibles of memory and to perpetuate evidence for the resolution of future disputes. And because litigation is an ever-present possibility in American life, it is more often the case than not that events are

documented with the general possibility of litigation in mind. Yet, the mere fact that litigation does eventually ensue does not, by itself, cloak materials with work product immunity.” *Nat’l Union*, 967 F.2d at 984 (internal quotations and alterations omitted).

Because S.C. Code Ann. § 44-7-392(h) does not protect witness statements and Defendant failed to meet its burden of showing that the statement of Ms. Shortridge was prepared *because* of the prospect of litigation, and not simply prior to litigation, this Court must and hereby does hold that the statement of Ms. Shortridge is not protected by section 44-7-392(h) or the Work Product Doctrine and must be produced.

WHEREFORE, this Court hereby GRANTS Plaintiff’s Motion to Compel and orders Defendant to produce Ms. Shortridge’s statement in its entirety without redaction or alteration within 14 days of the date of entry of this Order.

IT IS SO ORDERED!

The Honorable R. Lawton McIntosh
Presiding Judge
Tenth Judicial Circuit
Anderson County

_____, 2021

_____, South Carolina



Anderson Common Pleas

Case Caption: Wanda Human, Personal Representative , plaintiff, et al VS Anmed Health
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Type: Order/Discovery and Disclosure of Evidence

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

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The South Carolina Court of Appeals

Wanda Human, as Personal Representative of the Estate
of Evelyn Marie Wood, Respondent,

v.

AnMed Health, Appellant.

Appellate Case No. 2021-000834

ORDER

This appeal arises out of an order granting the respondent's motion to compel production of a statement by a witness. Generally, discovery orders are interlocutory and are not immediately appealable. *Grossheusch v. Cramerm* 377 S.C. 12, 30, 659 S.E.2d 112, 122-23 (2008). Accordingly, the appeal is dismissed. The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:
Lane Douglas Jefferies, Esquire
Fred W. Suggs, III, Esquire

FILED
Aug 09 2021



IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-_____

WANDA HUMAN, as Personal
Representative of the ESTATE OF
EVELYN MARIE WOOD,

Evelyn(s),

v.

ANMED HEALTH,

Defendant(s).

**SUMMONS
(Jury Trial Demanded)**

TO: THE DEFENDANT(S) ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint upon the Evelyn or Evelyn's attorneys, Lane D. Jefferies, Eric M. Poulin, and Roy T. Willey, IV, at their offices at 32 Ann Street, Charleston, South Carolina, 29403, within (30) days after the service hereof, exclusive of the day of such service and if you fail to Answer the Complaint within the time aforesaid, Evelyn will apply to the court for the relief demanded in the Complaint.

Dated at Conway, South Carolina on the 2nd day of January, 2020.

ANASTOPOULO LAW FIRM, LLC
s/ Lane D. Jefferies
Lane D. Jefferies, Esquire
S.C. Bar No.:101764
Ivey B. Franklin, Esquire
S.C. Bar No.: 104131
Eric M. Poulin, Esquire
S.C. Bar No.:100209
Roy T. Willey, Esquire
S.C. Bar No.: 101010
Anastopoulos Law Firm, LLC
32 Ann Street
Charleston, SC 29403
(843) 614-8888



IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-_____

WANDA HUMAN, as Personal
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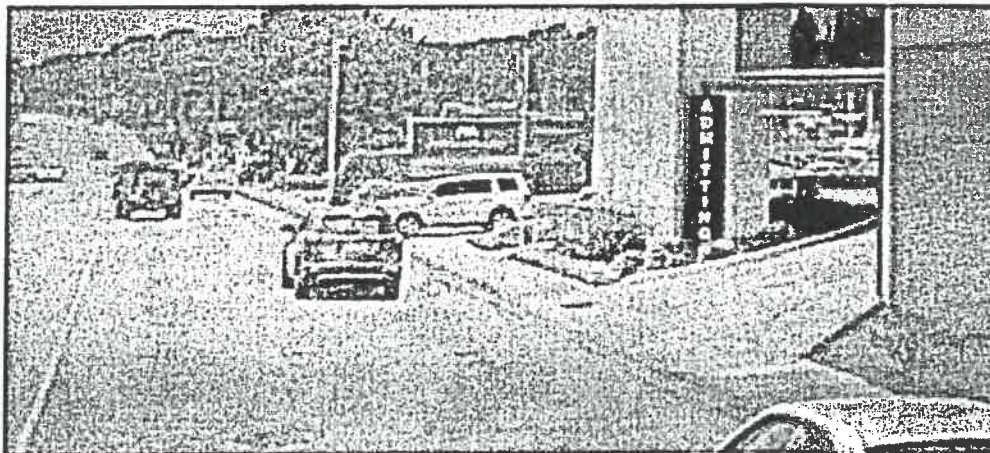
Defendant(s).

**COMPLAINT
(Jury Trial Demanded)**

The Plaintiff, complaining of the Defendant, alleges and says as follows:

CASES SYNOPSIS

The Admitting Area at AnMed is not suitable for many of AnMed's patients, especially those who use walkers, wheelchairs, and other devices to assist with mobility. The Admitting Area is not level. (See Exhibit 1). Worse, there are no handrails or other safety devices. Neither are there any warnings of this dangerous condition or any staff available to assist. As a result, once a patient using a walker or wheelchair disembarks from a vehicle and starts rolling toward the busy four-lane city street, there is nothing to stop them from being propelled out into traffic – unless they crash beforehand. Tragically, this is what happened to 72-year old Evelyn Wood.



On June 21, 2017, AnMed's dangerously un-level Admitting Area launched Evelyn downhill toward North Fant Street. Just before Evelyn careened into traffic, her walker caught on a bump and flipped over, sending Evelyn crashing into the pavement. Her head violently struck the concrete, causing a large intracranial hemorrhage. Eventually, Evelyn slipped into a coma from which she never recovered. Evelyn died two days later.

SPECIFIC AVERMENTS

1. That the Plaintiff, Wanda Human as Personal Representative of the Estate of Evelyn Wood, (herein referred to as "Plaintiff") is a citizen and resident of Anderson County, State of South Carolina.
2. That the Plaintiff's decedent, Evelyn Wood (herein referred to as "Evelyn" or "Decedent"), was a citizen and resident of Anderson County, State of South Carolina.
3. That Defendant AnMed Health ("Defendant") is a corporation incorporated and existing under the laws of the State of South Carolina, doing business and owning real property in Anderson County, and whose registered agent for service of process is TIMOTHY B ARELLANO at 800 N FANT ST, ANDERSON, South Carolina, 29621.
4. That on or about, Evelyn was a patient, customer, and invitee and for the benefit of the Defendants, at Defendants' place of business located at 800 N FANT ST, ANDERSON, South Carolina, 29621 ("Premises").
5. That at all times relevant, Defendant had responsibility for designing, constructing, cleaning, inspecting, monitoring, and maintaining the Premises to ensure that they were safe, clean, and not dangerous to persons such as Evelyn.
6. That the fall which is the subject of this action occurred in Anderson County, State of South Carolina.
7. That the fall which is the subject of this action occurred in that portion of Premises generally referred to as the Admitting Area, which is depicted in part in Exhibit 1 above.
8. That this Court has jurisdiction over the parties and the subject matter of this action.
9. That on or about June 21, 2017, due to the negligence of Defendants, Evelyn fell while upon the Premises.

10. That as a natural and foreseeable result of Evelyn's fall, Evelyn suffered an extreme high-impact collision with the pavement, resulting in severe and acute injury and further resulting in Evelyn's death.
11. That on June 23, 2017, due to the negligence of Defendants, Evelyn died.
12. That Evelyn died at Defendant's Premises in Anderson, South Carolina.
13. That Defendants either knew or should have known that the area where Evelyn fell presented a danger to persons upon the Premises; or that Defendants created the dangerous condition.
14. That as a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, willfulness, wantonness, and acts and/or omissions of the Defendants, as is set forth more fully above, Evelyn was injured, has endured pain and suffering, has suffered mentally and emotionally, has incurred various expenses, and ultimately suffered death.
15. The fall and resulting injuries and damages to Evelyn were caused directly and proximately by one or more of the following negligent, negligent *per se*, grossly negligent, careless, reckless, willful, wanton and unlawful acts, and/or omissions of the Defendants in any one or more of the following ways:
 - a. In creating a dangerous condition and/or allowing a dangerous and defective condition to exist at the Admitting Area;
 - a. In failing to observe the dangerous condition of the Admitting Area;
 - b. In failing to appreciate the gravity of the dangers associated with having a dangerous condition in the Admitting Area;
 - c. In failing to supervise in the design, construction, monitoring, inspecting,

repairing, and maintenance of the Admitting Area;

- d. In failing to enact policies that would ensure the safety of licensees and invitees in the Admitting Area;
- e. In failing and omitting to take any precaution whatsoever of a reasonable nature to protect Evelyn from the dangers of the Admitting Area on the occasion that the Evelyn was using the same;
- f. In failing and omitting to take any precaution whatsoever of a reasonable nature to warn Evelyn from the dangers of the Admitting Area prior to or on the occasion that the Evelyn was using the same;
- g. In failing to ensure that the Admitting Area was compliant with federal, state, and local building codes, ordinances, and other regulations;
- h. In failing to ensure that Admitting Area was properly designed and constructed;
- i. In failing to ensure that Admitting Area was reasonably level;
- j. In failing to ensure that Admitting Area was reasonably safe for use by foreseeable users, such as Evelyn, who would foreseeably use walkers, wheelchairs, and other devices to assist with mobility;
- k. In failing to properly staff and/or to properly supervise the staff in the Admitting Area for the safety of foreseeable users such as Evelyn;
- l. In any such manner the Plaintiff may discover through the discovery process or trial.

16. That as a direct and proximate result of the negligence, gross negligence, carelessness, recklessness, willfulness and wantonness of the Defendants, as is set forth more fully above, Plaintiff has been damaged and injured in the following respects:

- a) Evelyn and/or the Estate of Evelyn Wood has been required to expend a significant amount of money for her medical care, treatment, attendant services, and funeral;
- b) Upon information and belief, Evelyn and/or the Estate of Evelyn Wood was required to expend significant amounts of money to replace and repair property damage caused in the incident; and
- c) That Evelyn lost her life and died.

17. That Defendants' acts and omissions, as are set forth more fully above, show willful misconduct, malice, wantonness and an entire want of care, raising a presumption of the Defendants' conscious indifference to the consequences of such acts and omissions.
18. That because of the Defendants' acts and omissions and the proximate harm resulting to Evelyn, Evelyn should be awarded punitive damages in an amount to be determined by the trier of fact, in order to punish and penalize the Defendants and to deter the Defendants and others from similar behavior.
19. That upon information and belief, Evelyn is entitled to judgment against the Defendants for actual, compensatory and exemplary or punitive damages for Evelyn's personal injuries set forth here in an amount that is fair, just and reasonable under the circumstances, plus whatever costs, interest and attorney fees to which Evelyn may be entitled to be determined by a jury.

FOR A SECOND CAUSE OF ACTION
(Wrongful Death)

20. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.
21. That Plaintiff further brings this Wrongful Death Action for the benefit of the statutory

beneficiaries of Evelyn Wood, in accordance with S.C. Code Ann. § 15-51-10, et seq.

22. As a direct result of the actionable conduct of Defendants, Evelyn met her untimely death.
23. Plaintiff and the statutory beneficiaries of Evelyn's estate have experienced great mental anguish, suffering, grief, sorrow, bereavement, and loss of society, advice, companionship, protection, and pecuniary benefit from the loss of Evelyn.
24. Plaintiff is informed and believes pursuant to the South Carolina Wrongful Death Act, she is entitled to judgment against Defendants for an award of actual and punitive damages in an amount to be determined by the trier of fact and for any additional relief the court deems just and proper.

FOR A THIRD CAUSE OF ACTION
(Survival Action)

25. Plaintiff re-alleges and incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.
26. Evelyn, during the course of the times set forth in this Complaint, suffered injury and damages caused by the actionable conduct of Defendants, which include, but are not limited to:
 - a. Conscious pain and suffering;
 - b. Mental and emotional distress; and
 - c. Medical expenses due to her severe injuries.

27. Evelyn's cause of action for injuries and damages survive her death and pass to her estate.

WHEREFORE, the Plaintiff prays for judgment against the Defendants for an amount to be ascertained by the jury at the trial of this action for all damages, punitive and actual, for the

cost and disbursements of this action, and both prejudgment and post judgment interest, and for such other and further relief, in law or in equity, as this court may deem just and proper.

Respectfully submitted,

ANASTOPOULO LAW FIRM, LLC

s/ Lane D. Jefferies

Lane D. Jefferies, Esquire

S.C. Bar No.: 101764

Ivey B. Franklin, Esquire

S.C. Bar No.: 104131

Eric M. Poulin, Esquire

S.C. Bar No.: 100209

Roy T. Willey, Esquire

S.C. Bar No.: 101010

Anastopoulos Law Firm, LLC

32 Ann Street

Charleston, SC 29403

(843) 614-8888

Conway, South Carolina
January 2, 2020

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
 Wanda Human, as Personal Representative)
 of the Estate of Evelyn Marie Wood,)
)
 Plaintiff,)
)
 vs.)
)
 AnMed Health,)
)
 Defendant.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE 10TH JUDICIAL CIRCUIT
 C.A. No. 2020-CP-04-00008

ANSWER

The Defendant AnMed Health, answering the Complaint of the Plaintiff herein, would respectfully allege as follows:

FOR A FIRST DEFENSE

Responding to the case synopsis, the Defendant admits so much of the allegations of the case synopsis as allege that Evelyn Wood fell to the ground outside of AnMed Health on June 21, 2017, striking her head, resulting in an intracranial hemorrhage and that she subsequently died. The Defendant denies the remaining allegations of the case synopsis.

1. The Defendant admits the allegations of paragraph 1 upon information and belief.
2. The Defendant admits the allegations of paragraph 2 upon information and belief.
3. The Defendant admits the allegations of paragraph 3.
4. The allegations of paragraph 4 state legal conclusions to which no response is required. To the extent a response is required, the Defendant admits so much of the allegations of paragraph 4 as allege that Ms. Wood was seeking medical treatment at AnMed Health on June 21, 2017. The Defendant denies the remaining allegations of paragraph 4.
5. The Defendant admits so much of the allegations of paragraph 5 as allege that the Defendant was responsible for the reasonable cleaning, inspection, monitoring, and maintenance



of the hospital premises. The Defendant denies the remaining allegations of paragraph 5.

6. The Defendant admits the allegations of paragraph 6.

7. The Defendant admits the allegations of paragraph 7 upon information and belief.

8. The Defendant admits the allegations of paragraph 8.

9. The Defendant admits so much of the allegations of paragraph 9 as allege that Ms. Wood fell on the premises on June 21, 2017. The Defendant denies the remaining allegations of paragraph 9.

10. The Defendant admits so much of the allegations of paragraph 10 as allege that Ms. Wood fell and hit her head. The Defendant lacks sufficient information to form a belief as to the truth of the remaining allegations of paragraph 10, and therefore denies the same.

11. The Defendant denies the allegations of paragraph 11.

12. The Defendant admits the allegations of paragraph 12.

13. The Defendant denies the allegations of paragraph 13.

14. The Defendant denies the allegations of paragraph 14.

15. The Defendant denies the allegations of paragraph 15.

16. The Defendant denies the allegations of paragraph 16.

17. The Defendant denies the allegations of paragraph 17.

18. The Defendant denies the allegations of paragraph 18.

19. The Defendant denies the allegations of paragraph 19.

20. Answering the allegations of paragraph 20, the Defendant realleges its previous defenses where not inconsistent herewith, as if fully set forth herein.

21. The Defendant admits so much of allegations of paragraph 21 as allege that the Plaintiff has filed a wrongful death action in accordance with state statute. The Defendant denies that this action is warranted.

22. The Defendant denies the allegations of paragraph 22.

23. The Defendant lacks sufficient information to form a belief as to the truth of the allegations of paragraph 23, but admits the same on information and belief.

24. The Defendant denies the allegations of paragraph 24.

25. Answering the allegations of paragraph 25, the Defendant realleges its previous defenses where not inconsistent herewith, as if fully set forth herein.

26. The Defendant denies the allegations of paragraph 26.

27. The allegations of paragraph 27 state legal conclusions to which no response is required. To the extent a response is required, the Defendant admits the allegations of paragraph 27.

28. The Defendant denies each and every allegation not admitted, denied, or explained herein above.

FOR A SECOND DEFENSE

29. The Defendant realleges its previous defenses where not inconsistent herewith, as if fully set forth herein.

30. The Defendant AnMed Health is a charitable organization, and is, thus, entitled to all of the privileges, limitations, and immunities provided by law, including, but not limited to, the protections granted by S.C. Code § 33-56-180.

FOR A THIRD DEFENSE

31. The Defendant realleges its previous defenses where not inconsistent herewith, as if fully set forth herein.

32. The Defendant pleads any and all applicable protections afforded to it under the South Carolina Fairness in Civil Justice Act of 2011, codified at S.C. Code Annotated § 15-32-510 to § 15-32-540, as a defense to the Plaintiff's claims or requests for an award of punitive

damages.

WHEREFORE, having fully answered the Complaint of the Plaintiff herein, the Defendant prays that the same be dismissed with costs and for such other and further relief as this court deems necessary and proper.

ROE CASSIDY COATES & PRICE, P.A.

s/ Fred W. "Trey" Suggs, III
Fred W. "Trey" Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
Greenville, SC 29603
Phone: 864-349-2600
Fax: 864-349-0303
Attorney for Defendant AnMed Health

February 6, 2020

Greenville, South Carolina

{The Defendant demands a trial by jury of all issues triable by a jury.}



Fred W. "Trey" Suggs, III
(864) 349-2616
tsuggs@roecassidy.com

April 22, 2020

Lane D. Jefferies, Esquire
Anastopoulo Law Firm, LLC
32 Ann Street
Charleston, SC 29403

**Re: *Wanda Human, as Personal Representative of the
Estate of Evelyn Marie Wood, vs. AnMed Health***
CA No.: 2020-CP-04-00008
RCCP No.: 0492.0197

Dear Mr. Jefferies:

Enclosed please find Defendant AnMed Health's Privilege Log, along with our Certificate of Service.

If you have any questions, please feel free to contact our office.

Sincerely,

ROE CASSIDY COATES & PRICE, P.A.

Amanda Watkins, Paralegal to
Fred W. "Trey" Suggs, III

Enclosures



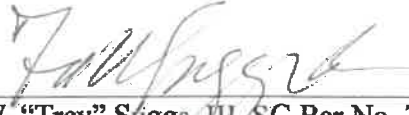
STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
 Wanda Human, as Personal Representative)
 of the Estate of Evelyn Marie Wood,)
)
 Plaintiff,)
)
 vs.)
)
 AnMed Health,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE 10TH JUDICIAL CIRCUIT
 C.A. No. 2020-CP-04-00008

**DEFENDANT ANMED HEALTH'S
 PRIVILEGE LOG**

Type of Document	General Subject Matter	Date of Document	Any other information	Privilege Asserted/Objection
AnMed Health Risk Management Worksheet Confidential Information (Midas report)/ Chrissy Shortridge statement	Fall by Wanda Human	June 21, 2017	This worksheet was completed under the direction and policy of General Counsel and Risk Management.	Peer review; work product

ROE CASSIDY COATES & PRICE, P.A.



Fred W. "Trey" Suggs, III, SC Bar No. 70222
tsuggs@roecassidy.com

1052 N. Church Street (29601)

P.O. Box 10529

Greenville, SC 29603

Phone: 864-349-2600

Fax: 864-349-0303

Attorney for Defendant AnMed Health

April 22, 2020

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
Wanda Human, as Personal Representative)
of the Estate of Evelyn Marie Wood,)
)
Plaintiff,)
)
vs.)
)
AnMed Health,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
C.A. No. 2020-CP-04-00008

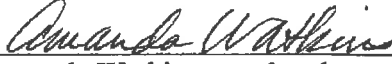
CERTIFICATE OF SERVICE

THIS IS TO HEREBY CERTIFY that the undersigned individual, a paralegal at Roe Cassidy Coates and Price, PA, has served a copy of Defendant AnMed Health's Privilege Log by placing same in the U.S. Mail, properly addressed, and with the correct amount of postage as follows:

Lane D. Jefferies, Esquire
Anastopoulos Law Firm, LLC
32 Ann Street
Charleston, SC 29403
Attorney for Plaintiff

Respectfully submitted,

ROE CASSIDY COATES & PRICE, P.A.



Amanda Watkins, paralegal to
Fred W. "Trey" Suggs, III

April 22, 2020
Greenville, South Carolina

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-00008

WANDA HUMAN, as Personal
Representative of the ESTATE OF
EVELYN MARIE WOOD,

Plaintiff,

v.

ANMED HEALTH,

Defendant.

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION TO COMPEL ANMED
HEALTH'S DISCOVERY RESPONSES**

TO: THE HONORABLE COURT AND ALL COUNSEL OF RECORD

YOU WILL PLEASE TAKE NOTICE that the Plaintiff above-named by and through their undersigned counsel, will move before the Presiding Judge, ten (10) days after the service of this Notice, or at such time as counsel may be heard, for an Order pursuant to Rule 37 of the South Carolina Rules of Civil Procedure compelling Defendant AnMed Health's Responses to discovery requests.

COMES NOW Plaintiff by and through undersigned counsel, and does move before this Honorable Court for an Order compelling complete and proper discovery responses from AnMed Health ("Defendant"). This Motion is based on the following grounds:

1. On January 20, 2020, Plaintiff served Defendant with Interrogatories (**Exhibit A**) and Requests for Production (**Exhibit B**), as shown on the Affidavit of Service on file with this Court. Included within Plaintiff's Interrogatories and Requests for Production were requests that Defendant identify all persons who may be witnesses concerning the facts of the case, that Defendant identify whether a written or recorded statement had been taken from the witnesses, and that Defendant produce said written or recorded statement.



2. Thereafter, Defendant served its Discovery Responses (**Exhibit C**) and Privilege Log (**Exhibit D**). In its responses, Defendant identified Chrissy Shortridge, RN, a witness who “observed the immediate aftermath of the accident.” Defendant additionally indicated that Defendant was in possession of a written statement by Ms. Shortridge, but withheld her written statement pursuant to the work-product doctrine. See also Exhibit D.
3. On February 26, 2021, Plaintiff wrote to Defendant and requested that Defendant produce Ms. Shortridge’s written statement, as its redaction was improper. **Exhibit E.** Plaintiff requested that Defendant produce Ms. Shortridge’s statement by 4 P.M. on March 9, 2021.
4. As of the date of this Motion, Defendant has not produced Ms. Shortridge’s written statement or otherwise responded to Plaintiff’s February 26, 2021 correspondence.
5. Ms. Shortridge’s statement is discoverable, and does not fall under the protection of the Work Product Doctrine, as she is a witness to the incident and her statement was written contemporaneously to the incident. The Work Product Doctrine shields from discovery documents *prepared in anticipation of litigation*. See Rule 26(b)(3), SCRCF. Although litigation is an ever-present possibility in current society, the mere fact that litigation may result does not, by itself, shield materials with work product immunity. Rather, the claimant of privilege must reasonably anticipate litigation when preparing the document. See Nat’l Union Fire Ins. Co. v. Murray Sheet Metal Co., 967 F.2d 980, 983-84 (4th Cir. 1992). Ms. Shortridge’s statement, made contemporaneously to the incident, likely contains her immediate impressions of the facts and circumstances surrounding the incident. Ms. Shortridge did not provide her

statement in anticipation of litigation, but was likely requested to do so in the ordinary course of business.

6. Additionally, Ms. Shortridge's written statement was likely prepared pursuant to regulatory requirements proscribed by the Bureau of Health Facility Licensing, requiring healthcare facilities to report accidents or incidents to the Bureau, and is therefore discoverable. See S.C. Code Ann. Regs. 61-84.601.

WHEREFORE, Plaintiff respectfully requests that this Court order that, within thirty days, Defendant shall produce Chrissy Shortridge's written statement.

RULE 11 CERTIFICATION

Plaintiff's counsel affirms that they communicated with Defendant in a good faith effort to resolve the matter prior to the filing of this Motion and/or that such communication would be fruitless.

[SIGNATURE PAGE TO FOLLOW]

Respectfully Submitted,

ANASTOPOULO LAW FIRM, LLC

/s/ Vanisa Siler

Vanisa T. Siler, Esquire

SC Bar Number: 104799

Lane D. Jefferies, Esquire

SC Bar Number: 101764

Roy T. Willey, IV, Esquire

SC Bar Number: 101010

Eric M. Poulin, Esquire

SC Bar Number: 100209

Anastopoulos Law Firm

32 Ann Street

Charleston, SC 29403

(843) 614-8888

Charleston, South Carolina
March 15, 2021

EXHIBIT A

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-00008

WANDA HUMAN, as Personal
Representative of the ESTATE OF
EVELYN MARIE WOOD,

Plaintiff(s),

v.

ANMED HEALTH,

Defendant(s).

**PLAINTIFF’S STANDARD AND
FIRST SUPPLEMENTAL
INTERROGATORIES TO
DEFENDANT ANMED HEALTH**

TO: DEFENDANT ANMED HEALTH AND ALL COUNSEL OF RECORD:

Plaintiff WANDA HUMAN, as Personal Representative of the ESTATE OF EVELYN MARIE WOOD (herein referred to as “Plaintiff”) requests that Defendant ANMED HEALTH (herein referred to as “Defendant”) answer under oath, separately and fully in writing, the following interrogatories pursuant to Rule 26 and Rule 33 of the South Carolina Rules of Civil Procedure. These interrogatories are deemed to be continuing, and if complete answers to any of them are presently unavailable, supplemental answers are required at the time the information becomes available and prior to trial.

DEFINITIONS AND INSTRUCTIONS

- A. These requests are deemed to be continuing, such as to require Defendant to file and serve supplemental answers should it learn of additional information called for by these requests between the time of trial and the time its answers are filed. Said supplemental answers are required to be served within a reasonable time after the discovery of such additional information.
- B. You are under a duty to promptly amend prior responses to these requests if you obtain information upon the basis of which you know the response was incorrect when made or you know the response, though correct when made, is no longer true.
- C. "You", or "your" means Defendant ANMED HEALTH, its agents, partners, accountants, servants, employees, assignees, lessees, affiliates or anyone acting on their behalf, and any affiliate, subsidiary, parent or related corporation, partnership or entity, and anyone

ELECTRONICALLY FILED - 2021 Mar 29 1:04 PM - ANDERSON - COMMON PLEAS - CASE#2020CP0400008

acting for or on behalf of any such subsidiary, related corporation, parent, partnership, entity or natural person.

- D. "Person" means natural persons, corporations, partnerships, sole proprietorships, associations, federations, government agencies, or any other kind of entity.
- E. "Identify" when used with respect to an individual, means to state the person's full name and any aliases now or previously used by such person, to state and identify the person's present occupation and principal business affiliation and any other business affiliations; present home address and business address or addresses; and present and past business affiliations or relations including those (if any) with any of the parties to this civil action.
- F. "Identify" when used in reference to a person (as defined above) other than a natural person, means to state its full name; the nature of its organization including the name or the state under which it was organized; its address(es); the address(es) of its principal place(s) of business; its principal line(s) of business; and identify all known natural persons who serve as officers, directors, partners, owners, or in other supervisory or ownership capacity in said organization. If any of the above information is not available to Defendant, state any other available means of identifying such person.
- G. "Defendant" shall refer to ANMED HEALTH, its agents, partners, attorneys, accountants, servants, employees, assignees, lessees, affiliates or anyone acting on its behalf, and any affiliate, subsidiary, parent or related corporation, partnership or entity, and anyone acting for or on behalf of any such subsidiary, related corporation, parent, partnership, entity or natural person.

STANDARD INTERROGATORIES

1. Give the names, addresses and telephone numbers of persons who may be witnesses concerning the facts of this action or who have knowledge of relevant facts concerning this incident, and indicate whether or not written or recorded statements have been taken from the witnesses, and indicate who has possession of such statements.
2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the Defendant, or counsel, that relates to the claim or defense in this case.
3. If the Defendant was injured, set forth the names and addresses of all physicians who have treated the Defendant and all hospitals to which the Defendant has been committed in connection with said injuries and also set forth a statement of all medical costs involved. Please note that this is a Standard Interrogatory. It is relevant *whether or not* Defendant is making a claim for injuries. Accordingly, if Defendant was injured in any

way, please respond fully.

4. Set forth the names and addresses of *all* insurance companies which have liability insurance coverage or property damage coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.
5. If Defendant is claiming any damages, set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by the party.
6. List the names, addresses, and telephone numbers of any individual whom you propose to use as an expert witness at the trial of this action and for each state in detail their qualifications to testify and the substance of his or her opinions and the basis for his or her opinion.
7. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party 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.
8. If the Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended Summons and Pleading reflecting the correct information.

SUPPLEMENTAL INTERROGATORIES

1. As to each expert witness listed in response to Standard Interrogatories, please state:
 - a. A complete statement of all opinions the witness will express and the basis and reasons for them;
 - b. The data and other information considered by the witness in forming the opinions;
 - c. A description of any exhibits the witness or counsel intends to introduce to summarize or support these opinions (to be provided in response to Requests for Production);
 - d. The witness's qualifications, including a list of all publications authored in the previous ten years;
 - e. A list of all other cases in which, during the previous 5 years, the witness testified as an expert at trial or by deposition;
 - f. A statement of the compensation to be paid for the study and testimony in the

case.

2. For each affirmative defense that is raised in your answer, please state with particularity each and every fact or basis in law upon which you allege to have “good grounds,” as defined in Rule 11 SCRCPC, to assert such a defense. A full and complete response should include, for each defense all witnesses, writings, court cases, and statutes that support this contention.
3. For all photographs relating to this case which are in the possession of the Defendant or the Defendant’s counsel, please provide a brief description of the content of the photograph, the date the photograph was taken, and the name, address and employer of the person who took the photograph.
4. Identify each and every personal injury lawsuit in which Defendant has been involved during the past 20 years by stating as to each such lawsuit, the date and county of filing, the name of the other party or parties, the names of all attorneys involved, a brief description of the underlying facts, and the result of the lawsuit.
5. State separately each fact of which the Defendant or the Defendant's attorney, has knowledge, or plans to use as evidence against the Plaintiff. For each separate fact identify the following:
 - a. The individual's name, address, and telephone number who will testify to this fact;
 - b. The source of the fact to which this individual will testify; and
 - c. Any documents which support the allegations.
6. Has the Defendant or anyone on the Defendant’s behalf obtained any statement in any form from any potential witness or party in the case that concerns the events described in the complaint? If so, please state from whom those statements were taken and who has possession of those statements.
7. Has the area which is the subject of this action ever been repaired and/or replaced and/or altered in any manner since creation / construction? Please provide the names and addresses of any contractors, sub-contractors, employees, or anyone else who worked on either, the dates of the work, the reason for the work, and the nature of the work.
8. Please identify all video cameras on Defendant’s premises at the time of the fall and within how many feet of the fall they captured film. If no cameras, so state.

9. Describe with particularity exactly what occurred in the ten minutes prior to the incident which is the subject of the above action (hereinafter referred to as "the incident"), what occurred during the incident, and what occurred in the ten minutes after the incident, including anything said by or to you or one of your agents or employees.
10. State what you, or any of your agents or employees saw happen with respect to the incident and what you or any one of your agents or employees did to assist Plaintiff after the incident.
11. Other than this incident, has any person reported slipping and/or tripping and/or falling in the area where this incident occurred during the five-year period prior to the date of this incident, up to present day? If so, as to each such reported slip and/or trip and/or fall incident, please provide the date of each such incident; a brief description of each such incident, including the type of surface on which the person involved in each such incident slipped and/or tripped and/or fell; a brief description of the injuries suffered by any person involved in each such incident; and state whether any of the incidents referred to above resulted in a claim and/or lawsuit, and if so, the name of each claimant, date of the filing of each such claim and/or lawsuit, the civil number, and a summary of the disposition of each such claim or lawsuit.
12. As to each and every report and/or complaints with regard to a condition of the area where this incident occurred during the five-year period before this incident please state the date of such complaint and/or report; whether or not you have or maintained any documentary material of any kind or nature relating or referring to such complaints and/or reports; and what action, if any, was taken by you with respect to such complaint and/or report.
13. If anyone investigated this matter for you, state their name(s) and address(es), and state whether such investigation was reduced to writing, and the substance of their investigation and findings. If said investigators obtained any signed, recorded, transcribed or oral statement from any individual, identify the person who gave the statement and the present custodian of such statement. "Investigators" is deemed to include, but is not limited to, medical experts, private investigators, and/or insurance adjusters.
14. If you believe or have any information tending to show that the injuries to the Plaintiff

were due to any cause other than the cause referred to in the complaint, please state each fact on which the defendant bases this claim and all information within the Defendant's knowledge that tends to show alleged negligence on the part of the Plaintiff, including the name, address, and telephone number of each person having personal knowledge of the facts and information set forth in the answer to this interrogatory.


15. If you believe or have information tending to show that the injuries claimed to have been sustained by Plaintiff were caused or contributed to by any negligent act or omission on the part of any person not named as a defendant in this action please state the name, address, and telephone number of each person; the nature of each negligent act or omission and the manner in which it was allegedly committed or omitted; and the name and address of each person who has personal knowledge of any information concerning each negligent act or omission on the part of such person.
16. State your net worth.
17. With respect to each of Plaintiff's Requests to Admit to which you responded with anything other than an unqualified admission, state the full legal and factual basis for failing to admit.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

ANASTOPOULO LAW FIRM, LLC

BY



Lane D. Jefferies, Esquire
S.C. Bar No.: 101764
Ivey B. Franklin, Esquire
S.C. Bar No.: 104131
Eric M. Poulin, Esquire
SC Bar No.: 100209
Roy T. Willey, IV, Esquire
SC Bar No.: 101010
Anastopoulos Law Firm, LLC
32 Ann Street
Charleston, SC 29403
(843) 614-8888

Dated at Charleston, SC
This 17th day of January, 2020

CERTIFICATE OF SERVICE

By my signature below I hereby certify that I am an employee of the Anastopoulos Law Firm, LLC, and that I served this document on all parties and/or counsel-of-record on this 17th day of January, 2020.


_____.

EXHIBIT B

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
CASE NO: 2020-CP-04-00008

WANDA HUMAN, as Personal
Representative of the ESTATE OF
EVELYN MARIE WOOD,

Plaintiff(s),

v.

ANMED HEALTH,

Defendant(s).

PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION TO DEFENDANT ANMED HEALTH

TO: DEFENDANT ANMED HEALTH, AND ALL COUNSEL OF RECORD:

The Plaintiff WANDA HUMAN, as Personal Representative of the ESTATE OF EVELYN MARIE WOOD, (herein referred to as "Plaintiff") pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, hereby requests that the Defendant ANMED HEALTH, (herein referred to as "Defendant") responds within thirty (30) days after the service hereof to the following request, to wit, that the Defendant produce and permit the Plaintiff to inspect, copy or photograph each of the following documents or things, which may be in the possession, custody or control of the Defendant or their attorneys.

DEFINITIONS AND INSTRUCTIONS

- A. These requests are deemed to be continuing, such as to require Defendant to file and serve supplemental answers should it learn of additional information called for by these requests between the time of trial and the time its answers are filed. Said supplemental answers are required to be served within a reasonable time after the discovery of such additional information.
- B. You are under a duty to promptly amend prior responses to these requests if you obtain information upon the basis of which you know the response was incorrect when made or you know the response, though correct when made, is no longer true.
- C. "You", or "your" means Defendant ANMED HEALTH, its agents, partners, accountants, servants, employees, assignees, lessees, affiliates or anyone acting on their behalf, and any affiliate, subsidiary, parent or related corporation, partnership or entity, and anyone acting for or on behalf of any such subsidiary, related corporation, parent, partnership, entity or natural person.

- D. "Person" means natural persons, corporations, partnerships, sole proprietorships, associations, federations, government agencies, or any other kind of entity.
- E. "Identify" when used with respect to an individual, means to state the person's full name and any aliases now or previously used by such person, to state and identify the person's present occupation and principal business affiliation and any other business affiliations; present home address and business address or addresses; and present and past business affiliations or relations including those (if any) with any of the parties to this civil action.
- F. "Identify" when used in reference to a person (as defined above) other than a natural person, means to state its full name; the nature of its organization including the name or the state under which it was organized; its address(es); the address(es) of its principal place(s) of business; its principal line(s) of business; and identify all known natural persons who serve as officers, directors, partners, owners, or in other supervisory or ownership capacity in said organization. If any of the above information is not available to Defendant, state any other available means of identifying such person.
- G. "Defendant" shall refer to ANMED HEALTH, its agents, partners, attorneys, accountants, servants, employees, assignees, lessees, affiliates or anyone acting on its behalf, and any affiliate, subsidiary, parent or related corporation, partnership or entity, and anyone acting for or on behalf of any such subsidiary, related corporation, parent, partnership, entity or natural person.

DOCUMENTS REQUESTED

1. All documents identified in answers to the Interrogatories of the Plaintiff.
2. All documents referred to in preparing the answer to the Interrogatories of the Plaintiff.
3. All photographs, videotapes, maps, plats, drawings, diagrams, measurements, surveys, or other descriptions related in any way to the subject matter of this action, made either before or after the incident that is the subject of this action.
4. Any and all documents or other tangible items, including books, records, reports, photographs, moving pictures, videotapes, drawings, charts, maps, diagrams, models, or other documentary materials or tangible objects that the Defendant intends to rely upon to support the Defendant, and or which the Defendant intends to offer into evidence as exhibits or use as demonstrative aids at the trial of this action.
5. All statements of any witnesses in the possession of the Defendant or the

Defendant's attorney, whether written or recorded on a tape recorder or otherwise, that relates to the matters alleged in the Plaintiff's Complaint or the Defendant's Answer.

6. All memoranda, notes, diagrams, reports, photographs, e-mails, computer data or documents, video tapes and audio tapes, or other materials relating in any way to the matters alleged or referred to in the Complaint, any injuries or damages claimed, and any defenses raised or which could reasonably be raised. As part of this production, this should include all photographs, video tapes and audio tapes of the Plaintiff participating in any activity or event on or after the date of the incident.
7. To produce or permit the Plaintiff or the Plaintiff's attorney to inspect, to photograph, and otherwise copy all photographs, plats, or diagrams, the Defendant or the Defendant's attorney may have in which relate to the matter alleged herein.
8. Any documents (as defined in S.C.R.C.P. 34 (a)), and tangible things of whatever nature and description which you intend to introduce into evidence or to use as impeachment or evidence at the trial of this case.
9. The most recent resume or curriculum vitae of any experts that will be used at trial or in preparing documents in response to this or other inquiries by the Plaintiff.
10. Copies of any statutes relied upon by the Defendant in the answer.
11. Copies of any statutes relied upon by the Defendant in any pre-trial motions.
12. Copies of any statutes that will be relied upon by the Defendant at trial.
13. Results from any tests ordered by the Defendant or any expert that is used to support the position of the Defendant.
14. Receipts of all transactions with the experts used in trial preparation including receipts for payment for services.
15. A copy of the Defendant's complete criminal and arrest record, both in-state and out-of-state.
16. A copy of all non-privileged documents relating to any pending criminal or civil matter involving the Defendant in any manner.

17. A copy of any employee records from date that is subject of this action, including but not limited to timesheets, employee logs, staff lists, and employee reports.
18. A complete copy of any insurance policies, including the declarations page, for any policies that might provide coverage to Defendant for the allegations contained in the Complaint.
19. A copy of any video recorded on the date that is subject of this action at Defendant's premises, whether or not it recorded the actual incident.
20. Maintenance, inspection, repair records and work orders regarding the subject premises for the day of the incident, and one year preceding the incident.
21. Any daily inspection logs, reports, or lists for subject premises for day of incident and one year preceding the incident.
22. Any photographs, movies, and/or videotapes of the area involved in the incident or Plaintiff's injuries and/or which reflect the scene of the incident, immediately before incident, or for two days after the incident.
23. All maintenance invoices in the possession, custody or control of Defendant or its agents, attorneys, investigators, or insurance carriers regarding the premises subject to the incident.
24. Any and all training manuals and/or videos used in training of employees. This includes general employment, management manuals, or videotapes concerning safety generally or machinery operating guidelines, rules or regulations.
25. All OSHA or South Carolina Department of Labor records or documents in regard to premises safety including records from one year prior to the incident subject of this action, and to present.
26. Any and all documents, reports, audits or other documents provided to Defendant by their insurance carrier or any insurance carrier regarding risk management, improvement and safety related issues. This request encompasses and includes any insurance company, agent, consultant, or safety related entity that has inspect Defendant's premises to determine if they had any safety issues which could be corrected or improved.
27. Any other documents, videos, photographs, or other tangible things (other than checks) provided to your insurance carrier or attorneys regarding this incident

whether specifically requested above or not. If you intend to claim a privilege on any of these particular documents please see below but note that just because you produce something to an attorney does not make it privileged.

PRIVILEGE

For each document that would be required to be produced but for a privilege asserted against producing it, set forth:

- a) The date the document was generated
- b) The type of document (e.g., letter, memorandum, record, etc.)
- c) The name of the person who prepared the original
- d) The name and address of the person who received the original
- e) The name and address of anyone who received a copy
- f) A general description of the information recorded in the document
- g) The ground on which production is objected to
- h) The name of each person, in addition to those identified in 8 through (e) of this subpart, known to have seen or have access to the document, and
- i) The name of the person who now possesses the document.

DOCUMENTS NO LONGER IN EXISTENCE OR NO LONGER CONTROLLED OR POSSESSED

If any requested document existed at one time in the possession, custody, or control of any party but has been lost, discarded or destroyed, or removed from the party's possession, custody or control, indicate for each such document:


- a) Its identity (i.e., a description of its contents its date, title, and type of document)
- b) When it was most recently in the possession, custody or control of the party and what
- c) Identify any person who currently possesses the document.
- d) State whether the document was transferred or destroyed.
- e) State the person who transferred or destroyed the document and the person

- who authorized or knows of its transfer or destruction.
- f) State the reason the document was transferred or destroyed, and
 - g) Identify, by providing name, address, and daytime telephone number, all persons having knowledge or the contents of each document.

Respectfully submitted,

ANASTOPOULO LAW FIRM, LLC

BY


Lane D. Jefferies, Esquire
S.C. Bar No.: 101764
Ivey B. Franklin, Esquire
S.C. Bar No.: 104131
Eric M. Poulin, Esquire
SC Bar No.: 100209
Roy T. Willey, IV, Esquire
SC Bar No.: 101010
Anastopoulos Law Firm, LLC
32 Ann Street
Charleston, SC 29403
(843) 614-8888

Dated at Charleston, SC
This 17th day of January, 2020

CERTIFICATE OF SERVICE

By my signature below I hereby certify that I am an employee of the Anastopoulos Law Firm, LLC, and that I served this document on all parties and/or counsel-of-record on this 17th day of January, 2020.

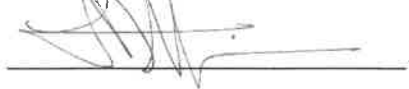


EXHIBIT C

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE 10 TH JUDICIAL CIRCUIT
COUNTY OF ANDERSON)	C.A. No. 2020-CP-04-00008
)	
Wanda Human, as Personal Representative)	DEFENDANT ANMED HEALTH'S
of the Estate of Evelyn Marie Wood,)	ANSWERS TO
)	PLAINTIFF'S STANDARD AND
Plaintiff,)	FIRST SUPPLEMENTAL
)	INTERROGATORIES
vs.)	
)	
AnMed Health,)	
)	
Defendant.)	
)	

TO: LANE JEFFERIES, ESQUIRE, ATTORNEY FOR THE PLAINTIFF

Comes now the Defendant, AnMed Health, pursuant to Rules 26 and 33 of the South Carolina Rules of Civil Procedure, and hereby answers the Plaintiff's Interrogatories as follows:

INTERROGATORIES

1. Give the names, addresses and telephone numbers of persons who may be witnesses concerning the facts of this action or who have knowledge of the relevant facts concerning this incident, and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER:

- a. **Wanda Human. Address unknown. Ms. Human is the Plaintiff. This Defendant does not possess a written or recorded statement from this witness.**
- b. **Chrissy Shortridge, RN. Address unknown. Upon information and belief, Nurse Shortridge observed the immediate aftermath of the accident. The Defendant possesses a written statement by Nurse Shortridge obtained through risk management and protected from discovery pursuant to the work product doctrine.**

- c. **Perry McFall. C/O Trey Suggs. Mr. McFall is the Director of Engineering and has information related to the maintenance of the admitting entrance. This Defendant does not possess a written or recorded statement from this witness.**
 - d. **Aaron Jeffers. McMillan Pazden Smith Architecture. Upon information and belief, Mr. Jeffers was involved in the design and construction at AnMed that encompassed the admitting entrance in or about 2015.**
 - e. **AnMed Health medical providers. The AnMed Health medical personnel whose names appear in the records of the decedent have information related to the medical treatment and care rendered to her while she was a patient at AnMed Health. The Defendant does not possess a written or recorded statement from these witnesses other than the medical records.**
 - f. **This Defendant considers any and all the physicians, psychiatrists, or other healthcare mental health care professionals whose names appear in medical or psychiatric records of Ms. Wood to be witnesses. This Defendant is not in possession of any written or recorded statement from these witnesses.**
2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the Defendant, or counsel, that relates to the claim or defense of the claim.

ANSWER:

The Defendant is in possession of the following documents:

- a. **AnMed medical records regarding Ms. Wood; and**
- b. **Video of admitting entrance where accident occurred.**

The Defendant reserves the right to supplement this response as discovery continues.

3. If the Defendant was injured, set forth the names and addresses of all physicians who have treated the Defendant and all hospitals to which the Defendant has been committed in connection with said injuries and also set forth a statement of all medical costs involved. Please note this is a Standard Interrogatory. It is relevant whether or not Defendant is making a claim for injuries. Accordingly, if Defendant was injured in any way, please respond fully.

ANSWER:

The Defendant was not injured.

4. Set forth the names and addresses of all insurance companies which have liability insurance coverage or property damage coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER:

See attached Certificate of Liability Insurance for AnMed Health.

5. If Defendant is claiming any damages, set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by the party.

ANSWER:

See answer to interrogatory 3.

6. List the names, addresses, and telephone numbers of any individual whom you propose to use as an expert witness at the trial of this action and for each state in detail their qualifications to testify and the substance of his or her opinions and the basis for his or her opinion.

ANSWER:

Defendant has not yet retained an expert witness whom it will call as a witness at the trial of this case. It will supplement its answer to this interrogatory as necessary.

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

ANSWER:

See answer to interrogatory 1.

8. If the Defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended Summons and Pleading reflecting the correct information.

ANSWER:

The Defendant is properly identified.

SUPPLEMENTAL INTERROGATORIES

1. As to each expert witness listed in response to Standard Interrogatories, please state:
 - a) A complete statement of all opinions the witness will express and the basis and reasons for them;
 - b) The data and other information considered by the witness in forming the opinions;
 - c) A description of any exhibits the witness or counsel intends to introduce to summarize or support these opinions (to be provided in response to Requests for Production);
 - d) The witness's qualifications, including a list of all publications authored in the previous ten years;
 - e) A list of other cases in which, during the previous 5 years, the witness testified as an expert at trial or by deposition;
 - f) A statement of the compensation to be paid for the study and testimony in the case.

ANSWER:

See answer to interrogatory number 6.

2. For each affirmative defense that is raised in your answer, please state with particularity each and every fact or basis in law upon which you allege to have "good grounds," as defined in Rule 11 SCRC, to assert such a defense. A full and complete response should include, for each defense all witnesses, writings, court cases, and statutes that support this contention.

ANSWER:

See this Defendant's Answer and the explanation found therein. AnMed Health is a charitable organization and is thus entitled to the privileges, limitations, and immunities provided by law, including S.C. Code Annotated § 33-56-180.

3. For all photographs relating to this case which are in the possession of the Defendant or the Defendant's counsel, please provide a brief description of the content of the photograph, the date the photograph was taken, and the name, address, and employer of the person who took the photograph.

ANSWER:

This Defendant does not possess photographs related to this case at this time. The Defendant is producing the video related to the accident.

4. Identify each and every personal injury lawsuit in which Defendant has been involved during the past 20 years by stating as to each such lawsuit, the date and county of filing, the name of the other party or parties, the names of all attorneys involved, a brief description of the underlying facts, and the result of the lawsuit.

ANSWER:

This Defendant objects to this interrogatory on the ground that it seeks discovery of information which is not relevant and which is not admissible at trial, and which is not reasonably calculated to lead to the discovery of admissible evidence. This Defendant also objects to this interrogatory to the extent that it is overly broad and unduly burdensome. Subject to these objections, and without waiving the same, this Defendant has not been a party to a personal injury lawsuit involving the patient entrance at AnMed.

5. State separately each fact of which the Defendant, or the Defendant's attorney, has knowledge, or plans to use as evidence against the Plaintiff. For each separate fact, identify the following:

- a) The individual's name, address, and telephone number who will testify to this fact;
- b) The source of the fact to which this individual will testify; and

- c) Any documents which support the allegations.

ANSWER:

This Defendant objects to this interrogatory to the extent that it is overly broad and unduly burdensome. Moreover, this Defendant objects to this interrogatory to the extent that it seeks information which is protected from discovery in as much as it was prepared in anticipation of litigation or for trial by the Defendant, or its attorneys or other representatives, and contain the mental impressions, conclusions, opinions, or legal theories of the Defendant, or the attorneys or other representatives, concerning the litigation, which is protected from discovery under the work product doctrine.

6. Has the Defendant or anyone on the Defendant's behalf obtained any statement in any form from any potential witness or party in the case that concerns the events described in the complaint? If so, please state from whom these statements were taken and who has possession of those statements.

ANSWER:

See answer to interrogatory 1. This Defendant has obtained a brief statement from Chrissy Shortridge. The Defendant is in possession of that statement. The statement is protected from discovery pursuant to the work product doctrine, as well as SC Code Annotated § 40-71-20 and 44-7-392.

7. Has the area which is the subject of this action ever been repaired and/or replaced and/or altered in any manner since creation/construction? Please provide the names and addresses of any contractors, sub-contractors, employees, or anyone else who worked on either, the dates of the work, the reason for the work, and the nature of the work.

ANSWER:

The admitting entrance was redesigned and renovated in 2015 as part of a larger project due to concerns regarding the safety of the admitting entrance and its orientation. McMillan Pazdan Smith was the architect and construction manager on this project.

8. Please identify all video cameras on Defendant's premises at the time of the fall and within how many feet of the fall they captured film. If no cameras, so state.

ANSWER:

There were between 350-400 video cameras on the premises at the time of the accident. There is a video camera on the premises that captured the accident. There are two video cameras that captured aspects of the aftermath of the accident. The Defendant will make the premises available for inspection and measurement but estimates that the two cameras are within 50 feet of the location of the accident.

9. Describe with particularity exactly what occurred in the ten minutes prior to the incident which is the subject of the above action (hereinafter referred to as "the incident"), what occurred during the incident, and what occurred in the ten minutes after the incident, including anything said by or to you or one of your agents or employees.

ANSWER:

See the video tape. This Defendant does not know what occurred in the ten minutes prior to the incident, as it was not captured on video.

10. State what you, or any of your agents or employees saw happen with respect to the incident and what you or any one of your agents or employees did to assist Plaintiff after the incident.

ANSWER:

Upon information and belief, no employee witnessed the actual accident. Nurse Shortridge saw Ms. Wood on the ground and rapidly proceeded to the admissions desk, requesting that a code be called. A code team responded quickly.

11. Other than this incident, has any person reported slipping and/or tripping and/or falling in the area where this incident occurred during the five-year period prior to the date of this incident, up to the present day? If so, as to each reported slip and/or trip and/or fall incident, please provide the date of each such incident; a brief description of each such incident, including the type

of surface on which the person involved in each such incident slipped and/or tripped and/or fell; a brief description of the injuries suffered by any person involved in each such incident; and state whether any of the incidents referred to above resulted in a claim and/or lawsuit, and if so the name of each claimant, date of the filing of each such claim and/or lawsuit, the civil number, and a summary of the disposition of each such claim or lawsuit.

ANSWER:

No.

12. As to each and every report and/or complaints with regard to a condition of the area where this incident occurred during the five-year period before this incident, please state the date of such complaint and/or report; whether or not you have or maintained any documentary material of any kind or nature relating or referring to such complaints and/or reports; and what action, if any, was taken by you with respect to such complaint and/or report.

ANSWER:

None.

13. If anyone investigated this matter for you, state their name(s) and address(es), and state whether such investigation was reduced to writing, and the substance of their investigation and findings. If said investigators obtained any signed, recorded, transcribed, or oral statement from any individual, identify the person who gave the statement and the present custodian of such statement. "Investigators" is deemed to include, but is not limited to, medical experts, private investigators, and/or insurance adjusters.

ANSWER:

This Defendant objects to this interrogatory to the extent that it seeks discovery of materials or information which are protected from discovery in as much as they were prepared in anticipation of litigation or for trial by the Defendant, or its attorneys or other

representatives, and contain the mental impressions, conclusions, opinions, or legal theories of the Defendant, or its attorneys or other representatives, concerning the litigation, which is protected from discovery under the work product doctrine.

14. If you believe or have any information tending to show that the injuries to the Plaintiff were due to any cause other than the cause referred to in the complaint, please state each fact on which the Defendant basis this claim and all information within the Defendant's knowledge that tends to show alleged negligence on the part of the Plaintiff, including the name, address, and telephone number of each person having personal knowledge of the facts and information set forth in the answer to this interrogatory.

ANSWER:

Upon information and belief, decedent exited her vehicle on an incline and walked around the rear of her vehicle, resulting in her fall.

15. If you believe or have information tending to show that the injuries claimed to have been sustained by the Plaintiff were caused or contributed to by the negligent act or omission on the part of any person not named as a Defendant in this action, please state the name, address, and telephone number of each person; the nature of each negligent act or omission and the manner in which it was allegedly committed or omitted; and the name and address of each person who has personal knowledge of any information concerning each negligent act or omission on the part of such person.

ANSWER:

Upon information and belief, decedent exited her vehicle on an incline, resulting in her fall.

16. State your net worth.

ANSWER:

This Defendant objects to this interrogatory on the ground that it seeks discovery of information which is not relevant and which is not admissible at trial, and is not reasonably calculated to lead to the discovery of admissible evidence. Unless and until the Plaintiff proves a prima facie case of gross negligence, the Defendant's net worth is neither relevant nor reasonably likely to lead to the discovery of admissible evidence.

17. With respect to each of the Plaintiff's Requests to Admit to which you responded with anything other than an unqualified admission, state the full legal and factual basis for failing to admit.

ANSWER:

Regarding request number 5, the Defendant qualified its response based upon applicable South Carolina state law.

Regarding request number 6, the Defendant qualified its response pursuant to applicable South Carolina state law.

Regarding request number 7, the Admitting Area was not unreasonably dangerous.

Regarding request number 8, the surface is not un-level and the Admitting Area was not a dangerous condition.

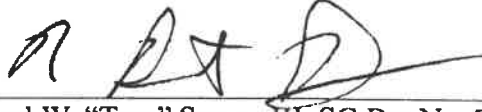
Regarding request number 9, the Defendant qualified its response pursuant to applicable South Carolina state law.

Regarding request number 10, the Defendant made reasonable inspections of the premises.

Regarding request number 11, the condition was not dangerous.

Regarding request number 12, the Defendant did not fail to follow internal safety policies or procedures.

ROE CASSIDY COATES & PRICE, P.A.



Fred W. "Trey" Suggs, III, SC Bar No. 70222

tsuggs@roecassidy.com

Ella S. Barbery, SC Bar No. 70677

ebarbery@roecassidy.com

R. Boatner "Bo" Bowman, SC Bar No. 100283

bbowman@roecassidy.com

P.O. Box 10529

Greenville, SC 29603

Phone: 864-349-2600

Fax: 864-349-0303

Attorneys for Defendant AnMed Health

February 26, 2020

Greenville, South Carolina

EXHIBIT D

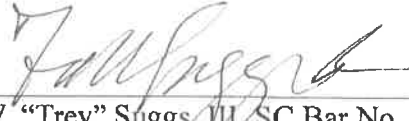
STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
 Wanda Human, as Personal Representative)
 of the Estate of Evelyn Marie Wood,)
)
 Plaintiff,)
)
 vs.)
)
 AnMed Health,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE 10TH JUDICIAL CIRCUIT
 C.A. No. 2020-CP-04-00008

DEFENDANT ANMED HEALTH'S PRIVILEGE LOG

Type of Document	General Subject Matter	Date of Document	Any other information	Privilege Asserted/Objection
AnMed Health Risk Management Worksheet Confidential Information (Midas report)/ Chrissy Shortridge statement	Fall by Wanda Human	June 21, 2017	This worksheet was completed under the direction and policy of General Counsel and Risk Management.	Peer review; work product

ROE CASSIDY COATES & PRICE, P.A.



Fred W. "Trey" Suggs, III, SC Bar No. 70222

tsuggs@roecassidy.com

1052 N. Church Street (29601)


P.O. Box 10529

Greenville, SC 29603

Phone: 864-349-2600

Fax: 864-349-0303

Attorney for Defendant AnMed Health

April , 2020

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
Wanda Human, as Personal Representative)
of the Estate of Evelyn Marie Wood,)
)
Plaintiff,)
)
vs.)
)
AnMed Health,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
C.A. No. 2020-CP-04-00008

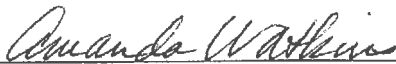
CERTIFICATE OF SERVICE

THIS IS TO HEREBY CERTIFY that the undersigned individual, a paralegal at Roe Cassidy Coates and Price, PA, has served a copy of Defendant AnMed Health’s Privilege Log by placing same in the U.S. Mail, properly addressed, and with the correct amount of postage as follows:

Lane D. Jefferies, Esquire
Anastopoulo Law Firm, LLC
32 Ann Street
Charleston, SC 29403
Attorney for Plaintiff

Respectfully submitted,

ROE CASSIDY COATES & PRICE, P.A.



Amanda Watkins, paralegal to
Fred W. “Trey” Suggs, III

April 22, 2020

Greenville, South Carolina

EXHIBIT E

TOLL FREE: 1 (800) 313-2546
FACSIMILE: (843) 494-5536

REPLY TO ANN STREET OFFICE

ANASTOPOULO LAW FIRM

February 26, 2021

BY EMAIL & US MAIL

Fred "Trey" Suggs, III, Esq.
Ella S. Barbery, Esq.
R. Boatner "Bo" Bowman, Esq.
P.O. Box 10529
Greenville, SC 29603
tsuggs@roecassidy.com
cbarbery@roecassidy.com
bbowman@roecassidy.com

RE: *Estate of Evelyn Marie Wood v. AnMed Health*
Case No.: 2020-CP-04-00008

Dear Counsel:

Thank you for providing AnMed Health's Answers to Plaintiff's Standard and First Supplemental Interrogatories and corresponding Privilege Log.

In response to Interrogatory No. 1, Defendant AnMed Health identified Chrissy Shortridge, RN, as a witness and indicated that she had provided a written statement to the Risk Management Department on June 21, 2017. However, Defendant AnMed Health claimed privilege to Ms. Shortridge's written statement on the grounds of work product and withheld her statement from production. This claim of work-product is improper, as described below, and we respectfully request that Defendant AnMed Health provide Ms. Shortridge's written statement by **4 P.M. on March 9, 2021** so that we are not forced to file a Motion to Compel.

Ms. Shortridge's statement is discoverable, and does not fall under the protection of the Work Product Doctrine, as she is a witness to the incident and her statement was written contemporaneously to the incident. As you're aware, the Work Product Doctrine shields from discovery documents *prepared in anticipation of litigation*. See Rule 26(b)(3), SCRPC. Although litigation is an ever-present possibility in current society, the mere fact that litigation may result does not, by itself, shield materials with work product immunity. Rather, the claimant of privilege must reasonably anticipate litigation when preparing the document. See Nat'l Union Fire Ins. Co. v. Murray Sheet Metal Co., 967 F.2d 980, 983-84 (4th Cir. 1992).

It cannot be said that Ms. Shortridge's statement, *written on the same day of the incident*, was written because of the prospect of litigation. See, e.g., Tobaccoville USA, Inc. v. McMaster, 692 S.E.2nd 526, 530 (S.C. 2010). Rather, Ms. Shortridge's statement, made contemporaneously to the incident, likely contains her immediate impressions of the facts and circumstances surrounding the incident. Ms. Shortridge did not provide her statement in anticipation of litigation, but was likely requested to do so in the ordinary course of business.

Additionally, her statement was likely prepared pursuant to regulatory requirements proscribed by the Bureau of Health Facility Licensing, requiring healthcare facilities to report

MAILING: 32 Ann Street, Charleston, South Carolina 29403

North Charleston: 2557 Ashley Phosphate Road, North Charleston, South Carolina 29418 * Florence: 150 W. Evans Street, Florence, South Carolina 29501
Columbia: 1201 Main Street, Suite 1100, Columbia, South Carolina 29201 * Myrtle Beach: 2410 N. Oak Street, Suite 305, Myrtle Beach, South Carolina 29577
Greenville: 418 River Street, Greenville, SC 29601 * Wilmington, NC: Appointment Only

AKIM A. ANASTOPOULOU (SC)
JONATHAN N. ALKIS (SC)
CONSTANCE ANASTOPOULOU (SC)*
GARRETT L. BROWN (SC)
STEVEN B. FEIDLER (SC)
HERB F. GLASS (SC)
J. CAMDEN HODGE (SC)
MARLEY N. GRIM (SC)
LANE D. JEFFERIES (SC)
THOMAS D. KANDLER, II (NC)
BYRON V. LEARY, II (SC)
BENJAMIN W. LEE (SC)
MATTHEW L. NALL (SC)
ERIC M. POULIN (SC)(NC)(GA)(CA)
SAMANTHA SUTTON (SC)(NC)
SEAN M. TROPEA (SC)
CASEY VAN VALKENBURGH (SC)(IL)
P. HEATH WARD (SC)
DANNY LEE WILLARD, JR. (SC)
ROY T. WILLEY, IV (SC)
L. CRAYTON WILLIAMS (SC)
*OF COUNSEL

ELECTRONICALLY FILED - 2021 Mar 29 1:04 PM - ANDERSON - COMMON PLEAS - CASE#2020CP0400008

accidents or incidents to the Bureau. The written statement of a witness under these circumstances do no fall under the purview of the Work Product Doctrine and must be produced.

Please produce the statement not later than *4 P.M. on March 9, 2021* so that we are not forced to file a Motion to Compel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vanisa T. Siler', with a large, stylized flourish at the end.

Vanisa T. Siler, Esq.
Lane D. Jefferies, Esq.

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
Wanda Human, as Personal Representative)
of the Estate of Evelyn Marie Wood,)
)
Plaintiff,)
)
vs.)
)
AnMed Health,)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
C.A. No. 2020-CP-04-00008

**DEFENDANT’S MEMORANDUM
IN OPPOSITION TO THE PLAINTIFF’S
MOTION TO COMPEL**

Comes now the Defendant, AnMed Health, by and through its undersigned counsel, and hereby submits this Memorandum in Opposition to the Plaintiff’s Motion to Compel the statement of Chrissy Shortridge.

INTRODUCTION AND BACKGROUND

This is a premises liability lawsuit arising out Evelyn Marie Wood’s fall in the driveway at AnMed Health. The fall was captured on video, which has been produced to the Plaintiff. The aftermath of the fall was witnessed by an AnMed Health employee, Chrissy Shortridge, RN. After completing her care of Ms. Wood, Ms. Shortridge completed a “risk management worksheet” in the electronic risk management system called Midas. “Confidential information” is written just below the title at the top of the risk management worksheet. The worksheet concludes with the following language, “CONFIDENTIALITY STATEMENT: This document is protected against unauthorized disclosure/dissemination in the course of discovery by one or more of the following:
1. The contents of this document were prepared at the direction of an attorney in anticipation of litigation, constituting a ‘PRIVILEGED ATTORNEY-CLIENT COMMUNICATION’; 2. This



document was prepared as a part of a bona fide quality assurance, peer review, or risk management function of AnMed Health pursuant to 40-71-10 et sec., 44-7-390 etc., and 38-33-300.”

In response to discovery requests, the Defendant identified Ms. Shortridge as a witness and identified her statement contained within the risk management worksheet referenced above. The Defendant also identified Ms. Shortridge’s statement on a privilege log, attached hereto as Exhibit “A,” asserting privileges/objections under the peer review and work product doctrines. Further, the Defendant explained that “this worksheet was completed under the direction and policy of General Counsel and Risk Management.” The Plaintiff’s Motion to Compel followed.

ARGUMENT

The Plaintiff seeks to compel the production of a witness statement that is protected by the peer review statute, as well as the work product doctrine.

On June 26, 2012, S.C. Code Ann. §44-7-392, a statute regarding the confidentiality of hospital proceedings, data, documents, and information, was signed into law. This statute applies to any and all investigations undertaken to examine an event that occurred after the statute’s effective date. §44-7-392 (A)(1) provides that “[a]ll proceedings of, and . . . information prepared . . . by a hospital licensed under this article . . . relating to the following are confidential: (h) incident or occurrence reports and related investigations, unless the report is part of the medical record.” The statute goes on to prescribe in Section (A)(2) that “[t]hese proceedings and data, documents, and information in subsection (A)(1) *are not subject to discovery, subpoena, or introduction into evidence in any civil action unless the hospital and any affected person who is a party to such action waives the confidentiality in writing.*” (Emphasis added). An important rule of statutory construction is that the Court must ascertain and effectuate the legislature’s intent. *Burns v. State Farm Mut. Auto. Ins. Co.*, 297 S.C. 520, 377 S.E.2d 569 (1989). It is evident on the

face of the statute that the legislature intended that all proceedings of, and all data, documents, records, and information prepared or acquired by a hospital, relating to incident reports, occurrence reports, and related investigations remain confidential unless such reports are made a part of the medical record. The risk management worksheet is an incident or occurrence report. The confidentiality statement makes it clear that it was intended to be protected by this very statute. Because the risk management worksheet/incident report has not been made a part of the medical record, it is absolutely privileged and confidential and is not subject to production in discovery unless AnMed waives the protection, which it does not.

In addition to being protected by the peer review statute, the risk management worksheet is also work product. Pursuant to SCRCP 26(b)(3), “a party may obtain discovery of documents . . . otherwise discoverable . . . and prepared in anticipation of litigation or for the trial by or for another party or by or for another party’s representative only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means.” *SCRCP 26(b)(3)*. In other words, documents prepared in anticipation of litigation are not discoverable unless the opposing party can show substantial need and undue hardship.

The risk management worksheet was prepared in anticipation of litigation. The worksheet explicitly states as much. The office of general counsel and risk management created this risk management worksheet as part of its liability reduction program and risk management policies and procedures. AnMed employees who witness certain events, including falls, are required to complete the risk management worksheet as AnMed expects all falls resulting in injury to lead to a lawsuit. The worksheet itself clearly states that it is confidential and protected from disclosure

in discovery because it “was prepared as part of a bona fide quality assurance, peer review, or risk management function.” Accordingly, the risk management worksheet merits protection.

The only exception to the protections afforded by the work product doctrine is where the Plaintiff can establish that she has a substantial need of the materials and cannot obtain the substantial equivalent without hardship. The Plaintiff cannot meet that burden. As mentioned above, the fall was captured on video. The video is an eye witness itself. The Plaintiff possesses a copy of the video. The video is more than a substantial equivalent- it is superior. The Plaintiff does not have a substantial need for the risk management worksheet completed by Ms. Shortridge. Even if she did have a substantial need, that need does not overcome to statutory protections outlined above. Thus, the Court should deny the Plaintiff’s motion to compel the production of that statement.

CONCLUSION

The risk management worksheet/written statement by Ms. Shortridge is protected by statute as well as the Rules of Civil Procedure. It is absolutely confidential and privileged. Accordingly, the Court should deny the Plaintiff’s Motion to Compel.

Respectfully submitted,

ROE CASSIDY COATES & PRICE, P.A.

s/ Fred W. "Trey" Suggs, III
Fred W. "Trey" Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
Greenville, SC 29603
Phone: 864-349-2600
Fax: 864-349-0303
Attorney for Defendant AnMed Health

June 11, 2020

Greenville, South Carolina



Fred W. "Trey" Suggs, III
(864) 349-2616
tsuggs@roecassidy.com

April 22, 2020

Lane D. Jefferies, Esquire
Anastopoulo Law Firm, LLC
32 Ann Street
Charleston, SC 29403

**Re: *Wanda Human, as Personal Representative of the
Estate of Evelyn Marie Wood, vs. AnMed Health***
CA No.: 2020-CP-04-00008
RCCP No.: 0492.0197

Dear Mr. Jefferies:

Enclosed please find Defendant AnMed Health's Privilege Log, along with our Certificate of Service.

If you have any questions, please feel free to contact our office.

Sincerely,

ROE CASSIDY COATES & PRICE, P.A.

Amanda Watkins, Paralegal to
Fred W. "Trey" Suggs, III

Enclosures



STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
 Wanda Human, as Personal Representative)
 of the Estate of Evelyn Marie Wood,)
)
 Plaintiff,)
)
 vs.)
)
 AnMed Health,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE 10TH JUDICIAL CIRCUIT
 C.A. No. 2020-CP-04-00008

**DEFENDANT ANMED HEALTH'S
 PRIVILEGE LOG**

Type of Document	General Subject Matter	Date of Document	Any other information	Privilege Asserted/Objection
AnMed Health Risk Management Worksheet Confidential Information (Midas report)/ Chrissy Shortridge statement	Fall by Wanda Human	June 21, 2017	This worksheet was completed under the direction and policy of General Counsel and Risk Management.	Peer review; work product

ROE CASSIDY COATES & PRICE, P.A.



Fred W. "Trey" Suggs, III, SC Bar No. 70222

tsuggs@roecassidy.com

1052 N. Church Street (29601)

P.O. Box 10529

Greenville, SC 29603

Phone: 864-349-2600

Fax: 864-349-0303

Attorney for Defendant AnMed Health

April 22, 2020

Greenville, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
Wanda Human, as Personal Representative)
of the Estate of Evelyn Marie Wood,)
)
Plaintiff,)
)
vs.)
)
AnMed Health,)
)
Defendant.)

IN THE COURT OF COMMON PLEAS
FOR THE 10TH JUDICIAL CIRCUIT
C.A. No. 2020-CP-04-00008

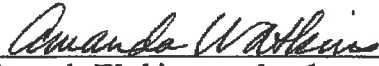
CERTIFICATE OF SERVICE

THIS IS TO HEREBY CERTIFY that the undersigned individual, a paralegal at Roe Cassidy Coates and Price, PA, has served a copy of Defendant AnMed Health's Privilege Log by placing same in the U.S. Mail, properly addressed, and with the correct amount of postage as follows:

Lane D. Jefferies, Esquire
Anastopoulos Law Firm, LLC
32 Ann Street
Charleston, SC 29403
Attorney for Plaintiff

Respectfully submitted,

ROE CASSIDY COATES & PRICE, P.A.


Amanda Watkins, paralegal to
Fred W. "Trey" Suggs, III

April 22, 2020

Greenville, South Carolina

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NO. 2020 CP-04-00008**

WANDA HUMAN, PR ET, AL.
PLAINTIFF(S)

ANMED HEALTH
DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> 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. See Page 2 for additional information.
- 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

DEFENDANT'S MOTION TO AMEND IS GRANTED. DEFENDANT HAS 10 DAYS TO AMEND ITS ANSWER. NO FORMAL ORDER IS REQUESTED. PLAINTIFF'S MOTION TO COMPEL IS GRANTED AS TO THE END OF PAGE 2 AND THE TOP OF PAGE 3 OF THE INCIDENT REPORT. MS. SILER TO PREPARE A FORMAL ORDER.

This order ends does not end the case.

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 (List amount(s) below)
		\$
		\$
		\$
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.**

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge
SCRPC Form 4C (02/2017)

2155
Judge Code

Date



ELECTRONICALLY FILED - 2021 Jun 23 4:18 PM - ANDERSON - COMMON PLEAS - CASE#2020CP0400008

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:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, 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 judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.



Anderson Common Pleas

Case Caption: Wanda Human, Personal Representative , plaintiff, et al VS Anmed Health
Case Number: 2020CP0400008
Type: Order/Form 4

S/R. LAWTON McINTOSH

S/R.LAWTON McINTOSH

Electronically signed on 2021-06-23 16:10:51 page 3 of 3

RECEIVED

Aug 12 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

The Honorable R. Lawton McIntosh, Circuit Court Judge

CASE NO. 2020-CP-04-00008

Appellate Case No. 2021-000834

Wanda Human, as Personal Representative of the Estate of Evelyn Marie Wood.....
.....Respondent,

v.

AnMed HealthAppellant.

PROOF OF SERVICE

I certify that I have served the Petition for Rehearing/Reinstatement on Wanda Human, as Person Representative of the Estate of Evelyn Marie Wood, by mail on August 12, 2021, to their attorney of record, Lane D. Jefferies, 32 Ann Street, Charleston, South Carolina 29403 and by electronic mail at lane@akimlawfirm.com.

ROE CASSIDY COATES & PRICE, P.A.

s/ Fred W. "Trey" Suggs, III
Fred W. "Trey" Suggs, III, SC Bar No. 70222
1052 N. Church Street (29601)
P.O. Box 10529
Greenville, SC 29603
Phone: 864-349-2600
Fax: 864-349-0303
Attorney for Appellant

August 12, 2021
Greenville, South Carolina



Fred W. "Trey" Suggs, III
(864) 349-2616
tsuggs@roecassidy.com

RECEIVED

Aug 12 2021

SC Court of Appeals

August 12, 2021

Via Electronic Mail

South Carolina Court of Appeals
ctappfilings@sccourts.org

Re: *Wanda Human, as Personal Representative of the Estate of Evelyn Marie Wood,*
vs. AnMed Health
CA No.: 2020-CP-04-00008
Appellate Case No.: 2021-000834
RCCP No.: 0492.0197

To Whom It May Concern:

Enclosed please find the Petition for Rehearing/Reinstatement, Exhibits A-I, and Proof of Service. A check for \$50.00 will be going out in today's mail for the filing fee.

If you have any questions regarding the above, please feel free to contact our office.

Sincerely,

ROE CASSIDY COATES & PRICE, P.A.

Meredith S. Sissel, Paralegal to
Fred W. "Trey" Suggs, III

/mss
Enclosures