

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN)

Peter Boles, as Personal Representative of the Estate of Paul Bowles)

CIVIL ACTION COVERSHEET

Plaintiff(s))

2016-CP - 02- 00403

vs.)

Pruithealth - North Augusta, LLC)

Defendant(s))

Submitted By: Marion C. Fairey, Jr.
Address: 4985 Savannah Highway
P.O. Box 661
Hampton, SC 29924

SC Bar #: 64998
Telephone #: (803) 943-6444
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Other:
E-mail: bfairey@faireylaw.com

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

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

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

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), General (130), Breach of Contract (140), Fraud/Bad Faith (150), Failure to Deliver/Warranty (160), Employment Discrim (170), Employment (180), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 2015-NI-02-0010, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Assault/Battery (370), Slander/Libel (380), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Sexual Predator (510), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Pre-Suit Discovery (670)

Submitting Party Signature:

Handwritten signature of Marion C. Fairey, Jr.

FILED Feb 26 2016
Eugene Sadard 17:25
J.C.C.P.&G.S.
Vincent Anderson
Date: 2/22/2016

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

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

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

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

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

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

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Peter Boles, as the Personal Representative
of the Estate of Paul Bowles,

Plaintiff,

v.

Pruitthealth – North Augusta, LLC

Defendant.

)
) IN THE COURT OF COMMON PLEAS
) IN THE SECOND JUDICIAL CIRCUIT

Case No. 2016-CP-02- 00403

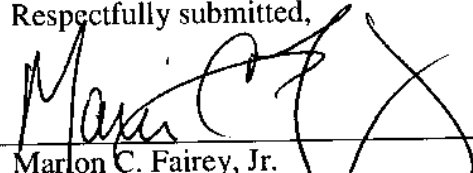
SUMMONS

(SURVIVAL ACTION)
(JURY TRIAL DEMANDED)

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Plaintiff upon the subscriber at the law offices of The Fairey Law Firm, LLC, Post Office Box 661, Hampton, South Carolina, 29924, within thirty (30) days after the service hereof, exclusive of the date of service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in said Complaint, including the rendering of judgment by default against you.

Respectfully submitted,



Marlon C. Fairey, Jr.
THE FAIREY LAW FIRM, LLC
4985 Savannah Highway
Post Office Box 661
Hampton, South Carolina
(803) 943-6444

February 22, 2016
Hampton, South Carolina

FILED Feb 26 2016
Eric Godard 12:25
J.C.P.S.
Vincent Anderson

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Peter Boles, as the Personal Representative
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Plaintiff,

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Defendant.

)
) IN THE COURT OF COMMON PLEAS
) IN THE SECOND JUDICIAL CIRCUIT

) Case No. 2016-CP-02- 00403

) **COMPLAINT**

) (SURVIVAL)
) (JURY TRIAL DEMANDED)

COMES NOW THE PLAINTIFF AND ALLEGES AS FOLLOWS:

1. The Plaintiff, Peter Boles, is the personal representative of the Estate of Paul Bowles.
2. The Decedent, Paul Bowles, was a resident of Hampton County during his life and his Estate is pending in the Probate Court for Hampton County.
3. At the time of his death, the Decedent was being treated and cared for at Pruitthealth – North Augusta.
4. The Defendant, the Pruitthealth – North Augusta, LLC (hereinafter "Pruitt") is a for profit licensed skilled nursing facility in North Augusta, South Carolina, organized and existing under the laws of South Carolina.
5. The most substantial acts complained of herein occurred in Aiken County, South Carolina.
6. The court has personal and subject matter jurisdiction over the matters alleged herein and the parties named.

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Shirley Hodard
 J.C.C.P.A.G.S.
Vincent Anderson

7. Venue in this action is proper in Aiken County.

8. A Notice of Intent to File Suit was filed on October 23, 2015 as Case No. 2015-NI-02-010. The matter was mediated on January 19, 2016 and the mediator confirmed that the parties reached an impasse on that date.

9. The Plaintiff has attached the affidavit of Luanne Trahant, MSN, APRN, FNP-BC, pursuant to S. C. Code Anno. §15-36-100 as Exhibit 1 which is incorporated herein by reference.

10. At all times relevant, the Decedent was a patient admitted to Pruitt's skilled nursing facility in North Augusta, South Carolina.

11. At all times relevant, the Defendant owed the Decedent a duty of care.

12. While in the Defendant's care, custody, control and/or supervision, the Decedent suffered grave and severe injuries and humiliation at Pruitthealth – North Augusta as direct and proximate result of the following negligent, reckless, willful, careless, negligent *per se*, and grossly negligent acts:

- a. Failing to provide oversight of the Decedent's safety and dignity;
- b. Failing to exercise due care, including without limitation, failing to care for the Decedent in a way that would have prevented the development, infection and growth of his pressure ulcers;
- c. Failing to properly assess the extent of the Decedent's injuries after they were discovered;
- d. Failing to provide adequate and reasonable access to medical care following a substantial change in the Decedent's condition;

- e. Failing to provide or implement an appropriate care plan of professional quality to assure appropriate movement, turning, cleaning, observation, wound care and access to appropriate medical care;
- f. Failing to provide or implement an appropriate plan of nutrition and hydration;
- g. Failing to provide appropriate administrative oversight and management to assure the Decedent was appropriately cared for;
- h. Failing to exercise reasonable care for the safety and well being of the Decedent under the circumstances;
- i. Failing to have sufficient and properly trained staff to care for and supervise the care of residents;
- j. Failing to exercise that degree of care which a reasonably prudent person in like circumstances would have exercised under the same or similar circumstances;
- k. Failing to properly and timely assess the Decedent's skin integrity;
- l. Failing to properly and timely assess and treat the Decedent's injuries;
- m. Failing to adhere to the applicable standards of care; and
- n. Failing to take or prevent any other such actions to protect the health and safety of the Decedent as may be determined by the evidence.

13. As a direct and proximate result of these negligent, reckless, willful, careless, negligent, negligent *per se* and grossly negligent acts, the Decedent suffered from injuries which were permanent and which caused or contributed to the Decedent's conscious and ongoing pain and suffering, medical expenses, out-of-pocket expenses, mental anguish, mental distress, apprehension, anxiety, emotional injury, psychological injury and the loss of the enjoyment of life.

14. As a direct and proximate result of these negligent, reckless, willful, careless, negligent per se and grossly negligent acts, the Decedent's injuries and damages continued until his death.

15. Pursuant to S.C. Code Anno. §15-32-510, the Plaintiff provides notice that he may seek an award of exemplary damages.

16. The Plaintiff is the appointed personal representative and executor of the Estate of the Decedent, and is empowered to prosecute a civil action for all injuries and damages sustained by the Decedent prior to his death pursuant to S.C. Code Anno. §15-5-90.

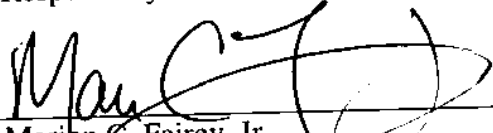
Jury Trial Demanded

17. The Plaintiff demands a jury trial on all issues so triable.

WHEREFORE, the Plaintiff respectfully prays that this Honorable Court enter judgment in his favor, that said judgment be for the amount of general, special, consequential or other recoverable damages that have been determined to have been sustained by the Decedent; that said judgment include the fees and costs incurred in having to bring and prosecute this action to the extent they may be recoverable; and that said judgment further include any such other, further or different relief in her favor as may be deemed just and proper.

<signature page to follow>

Respectfully submitted,



Marion C. Fairey, Jr.
THE FAIREY LAW FIRM, LLC
4985 Savannah Highway
Post Office Box 661
Hampton, South Carolina
(803) 943-6444
bfairey@faireylaw.com

February 22, 2016
Hampton, South Carolina

Exhibit 1

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J.C.P.S.S.
Vincent Anderson

3. It is my opinion to a reasonable degree of certainty that persons and entities in charge of Paul Bowles while he was under the care of Pruitthealth – North Augusta, LLC, deviated from recognized and generally accepted standards of care by:

- a. Failing to assess Paul Bowles' skin
- b. Failing to provide adequate and appropriate pressure relief to prevent pressure sores
- c. Failing to properly assess pressure sores when they developed and/or deteriorated
- d. Failing to properly treat pressure sores when they developed

4. It is my opinion to a reasonable degree of certainty that the above-referenced deviations from the standard of care most probably directly and proximately caused injury and illness to Mr. Paul Bowles and more likely than not, contributed to his death.

5. Attached is a copy of my CV showing my education, training and experience in the field of nursing and evidencing that I am competent to testify as to the matters stated above.

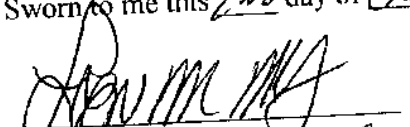
6. I am a board certified family nurse practitioner, as required by S. C. Code Anno. §15-36-100.

7. If new information becomes available, my opinions are subject to change and additional opinions may be rendered.

FURTHER, THE AFFIANT SAYETH NOT.


Luanne Trahant, MSN, APRN, FNP-BC

OCTOBER 2, 2015
Sworn to me this 2ND day of OCTOBER, 2015


ROGER M. MCCOY

Notary Public for the State of Louisiana
My Commission Expires: 07/26/2016