

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Kimberly Lowery Burgess,)
)
 Plaintiff,)
)
 Vs.)
)
 Planned Parenthood Health Systems,)
 Inc. and Harvey N. Brown, M.D.,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT
 CASE NO: 2015-CP-40-01476

**ANSWER OF DEFENDANTS
 PLANNED PARENTHOOD HEALTH
 SYSTEMS, INC. AND HARVEY N. BROWN, M.D.**

RICHLAND COUNTY
 FILED
 2015 MAY 21 AM 8:50
 JEANNETTE W. MORRISON
 C.C.P. & G.S.

The Defendants, Planned Parenthood Health Systems, Inc. and Harvey N. Brown, M.D., by way of Answer to the Complaint of the Plaintiff would respectfully show unto this Honorable Court the following:

1. Each and every allegation not hereinafter admitted, denied or qualified is hereby denied and strict proof demanded thereof.

FOR A FIRST DEFENSE

2. Your Defendants admit paragraphs 1, 2 and 3 of the Plaintiff's Complaint.
 3. In regards to paragraphs 4, 5, 6 and 7, your Defendants crave reference to the Plaintiff's medical records for a more complete statement as to the Plaintiff's diagnosis, treatment and condition. Anything inconsistent with said statements is hereby denied and strict proof is demanded thereof.

4. In regards to paragraphs 8, 9, 10, 11, 12 and 13, your Defendants are without sufficient information or belief to admit or deny the same and therefore denies the same and demands strict proof thereof.

5. In regards to paragraphs 14 and 15, your Defendants deny the same and demand strict proof thereof as well as the WHEREFORE clause.

FOR A SECOND DEFENSE

6. Your Defendants replead all prior defenses as if set forth herein verbatim.

7. Your Defendants would show that they are a Charitable Organization and defined in S.C. Code Ann §33-56-10, the Solicitation of Charitable Funds Act. This action is governed by the Solicitation of Charitable Funds Act and your Defendants plead all immunities and defenses available under the Act including the statutory cap on damages as set forth in S.C. Code Ann. §33-56-180.

AS A THIRD DEFENSE

8. Your Defendants replead all prior defenses as if set forth herein verbatim.

9. Your Defendants would show that they rendered medical care in accordance with the generally accepted Standards of Care applicable to hospital nurses caring for patients in the same or similar circumstances so that your Defendants are not liable to the Plaintiff for the matters set forth in the Complaint.

FOR A FOURTH DEFENSE

10. Your Defendants replead all prior defenses as if set forth herein verbatim.

11. Your Defendants would show that any damages or injury to the Plaintiff were due and caused by the Plaintiff's underlying medical conditions and complications resulting therefrom and were not due or caused by any departure from generally accepted Standards of Care on the part of your Defendants so that your Defendants are not liable to the Plaintiff in any sum whatsoever.

FOR A FIFTH DEFENSE

12. Your Defendants replead all prior defenses as if set forth herein verbatim.

13. Any damages sustained by the Plaintiff were due and caused by the Plaintiff's physical infirmities and natural disease process. Your Defendant pleads such physical infirmities and natural disease process as a complete bar to the action.

FOR A SIXTH DEFENSE

14. Your Defendants replead all prior defenses as if set forth herein verbatim.

15. Any injuries or damages sustained by the Plaintiff as a result of the matters alleged in the Complaint were the proximate result of one or more independent and intervening causes which your Defendant firmly believes is a complete bar to this action.

FOR A SEVENTH DEFENSE

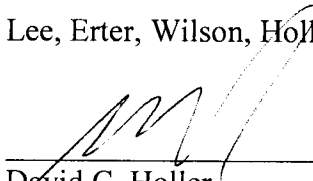
16. Your Defendants replead all prior defenses as if set forth herein verbatim.

17. Your Defendants would show that any injuries or damages sustained by the Plaintiff as a result of the matters alleged in the Complaint are caused or occasioned by events of which your Defendant had no control or right or control thereby relieving the Defendant from any liability or responsibility herein.

WHEREFORE, having fully answered the Complaint of the Plaintiff, your Defendants would request that the Plaintiffs' Complaint be dismissed in its entirety with costs and disbursements.

Respectfully submitted,

Lee, Erter, Wilson, Holler & Smith, LLC



David C. Holler

G. Murrell Smith, Jr.

126 North Main Street

PO Box 580

Sumter, South Carolina 29151-0580

Attorney for the Defendants

davidholler@leeandmoise.com

murrellsmith@leeandmoise.com

May 18, 2015.

Lee, Erter, Wilson, Holler & Smith, L.L.C.

Jack W. Erter, Jr.
Harry C. Wilson, Jr.†
David C. Holler*‡
G. Murrell Smith, Jr.

Attorneys at Law

126 North Main Street
Post Office Box 580
Sumter, South Carolina 29151

Robert W. Brown
Of Counsel

*Licensed in SC, NC & GA
†Certified Family Court Mediator
‡ Certified Circuit Court Mediator

May 18, 2015

Telephone: (803) 778-2471
Facsimile: (803) 778-1643
Email Address: murrellsmith@leeandmoise.com

Richland County Clerk of Court
Richland County Judicial Center
1701 Main Street, Room 205
P.O. Box 2766
Columbia, SC 29202

RE: Kimberly Lowery Burgess v. Planned Parenthood Health Systems, Inc. and Harvey N. Brown,
M.D.
Case No.: 2015-CP-40-01476
My File No.: S14.025

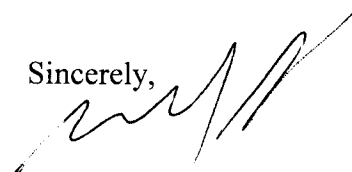
Dear Sir or Madam:

Enclosed please find the original and three copies of the Defendants' Answer to Plaintiff's Complaint in the above matter. Please file the original and return the clocked copies to me in the self addressed stamped envelope provided.

By copy of this letter, I am hereby serving the Plaintiff's attorneys with a copy of my said Answer. If you have any questions, please feel free to contact me.

With kindest regards, I am,

Sincerely,



David C. Holler

DCH/mln
enclosures

cc: Charles Hodge, Esquire
Willie Brunson, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
CASE NO: 2015-CP-40-01476

Kimberly Lowery Burgess,)
)
Plaintiff,)

CERTIFICATE OF SERVICE

Vs.)
)

Planned Parenthood Health Systems,)
Inc. and Harvey N. Brown, M.D.,)
)
Defendants.)

2015 MAY 21 AM 8:51
JEANNETTE W. HERRIDGE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

I, the undersigned employee of the law firm of Lee, Erter, Wilson, Holler & Smith, LLC, do hereby certify that I have this day served the below listed document, by personally depositing the same in the United States Post Office, postage prepaid, addressed to the following counsel of record:

DOCUMENT: ANSWER OF DEFENDANTS

COUNSEL:

Charles J. Hodge, Esquire
Hodge & Langley Law Firm, P.C.
PO Box 2765
Spartanburg, SC 29304-2765

Willie H. Brunson, Esquire
Weeks Law Firm
35 S. Sumter Street
Sumter, SC 29150


Mattie L. Newhouse

Sumter, SC
May 18th, 2015.