

## THE CLERK'S GAMES

Saturday  
July 12, 2014

I was recently examined by my Primary Care Physician (PCP), during which time he informed me that he'd be prescribing me some medication to treat an outbreak of warts that I had on my hand. Almost immediately afterwards, I was given a 30-day supply of tamsulosin hydrochloride from the prison pharmacy. As prison policy is to provide the medication, but not any information on the medication, I had no way of knowing that this medication wasn't for the treatment of warts, or that it contained ingredients which the prison pharmacy knew me to be allergic to, so I took the medication as instructed for the next 30-days, after which time I was given another 30-day supply. This went on for a period of 90-days, during which time I suffered some extremely unusual side effects, side effects which I had no way of knowing were related to the medication I was taking, side effects which ended up causing permanent physical damage resulting in a permanent physical disability.

During that 90-day period, the side effects gradually increased from barely noticeable to unavoidable, which is a large reason I failed to connect the two. At my 90-day evaluation with my PCP, I mentioned some of the side effects I was having to my PCP, after which time he immediately looked through my file to see what medications I was on. During this time, he discovered that someone had mistakenly issued me tamsulosin hydrochloride and immediately ordered that it be discontinued. Shortly afterwards, I learned that the issues I was having problems with were in fact allergic reactions to the medication I was mistakenly given, so I filed an inmate appeal. During the interview, I was told by a doctor representing the prison pharmacy that they'd made a "mistake," after which time she apologized profusely and said that they'd do whatever they could to rectify the situation, which included surgical options.

Following the granting of my inmate appeal, the prison began sending me out to specialists they'd retained to determine the validity of my claims, the seriousness of them and their cause. Without exception, each specialist and test verified everything I'd been saying all along, that I'd suffered a permanent physical disability as a direct result of having been incorrectly given a medication containing an ingredient the prison pharmacy knew me to be allergic to, and afterwards, I was given a surgical consult, during which time the surgeon explained what was to come. Then, after everyone in the prison had signed off on the procedure, someone in headquarters denied the procedure, stating that, even though I was suffering from an actual, physical disability, the surgery wasn't authorized under the rules of the prison system, and therefore, it was denied.

On April 10, 2014, I mailed the original and a copy of my civil complaint to the San Luis Obispo County Superior Court, along with an original and a copy of my application for a fee waiver. The clerk held onto it until April 17th, at which time it was filed, with a file-stamped copy being returned to me per my request. Along with the returned copy was a letter, informing me that, regardless of whether or not the fee waiver was granted, I'd still have to pay the filing fee of \$435, and that, as such, I needed to have the first payment, 20% of my average balance over the preceding 6-month period, submitted within the next 20-days, or else I'd have my lawsuit dismissed. With the help of a friend, I made this deadline, sending them a \$25 money order, which covered the \$10.44 initial deposit, and left enough to cover my next month's payment. The clerk mailed me a receipt, stating that my balance had went from \$435 to \$410, but almost immediately afterwards, I received another letter, informing me that I still owe them \$435.00.

Included with the file-stamped copy of my civil complaint was an unsigned order from the court stating that I had only 60-days from the date my civil complaint was filed to serve the defendant(s) with a copy of the complaint. As an inmate without funds, I had no way of serving the complaint without the fee waiver being granted, so all I could do was sit back and wait until the clerk of court ruled on it one way or the other. Finally, on June 2, 2014, a mere 14 days before the deadline, the clerk of the courts granted my application for a fee waiver, with the exception of the mandatory (for inmates) \$435 filing fee. Since the Sheriff's Department needs 21 days to serve legal documents, I was unable to have them serve the defendant, so I turned to a fellow inmate, asking him to serve it by mail. On June 18th, 2 days after the deadline, I received a letter from the Attorney General's Office, informing me that they were in receipt of my legal documents, but that I'd failed to fully comply with the Code of Civil Procedures, section 415 et. seq. After reviewing the section, I discovered that my error was a failure to provide a self addressed stamped envelope (SASE).

The prison already deducts 55% of my paycheck for my court fines, with another 25% taken to be applied towards my \$435 filing fee (which should have only been \$410, seeing how I've already paid \$25 of it and have a receipt to prove it). Anything left over goes towards my medical devices, fees charged for legal copies, etc., meaning that there's a very real possibility that I'm left without a single cent to spend on postage. And since I had a paycheck that month, I'm not considered indigent, even if there isn't any money remaining in my account for me to spend. As such, this means that I have to pay for my own postage, toothpaste, toothbrush, etc., and cannot receive these items from the State.

Despite my disagreement with the Attorney General assessment of whether or not they were properly served, I nevertheless took steps to prevent my case from being dismissed on some insane technicality by immediately submitting an application for an extension of time to serve the defendant with the summons and other related papers. The clerk promptly returned it, stating that the form was not completed (it was), and that I hadn't paid my monthly fee (I had, several times now).

My first hearing is coming up on August the 21st in the San Luis Obispo County Superior Court (Case Number 14CV-0213), during which time I fully intend on informing the Judge of the games being played by the clerk working for the court system. Whether or not the Judge will grant the continuance I've requested or not remains to be seen. I'm told that this county is notoriously difficult on inmate litigaters, regardless of how legitimate their action is, and so far, I've seen nothing to lead me to believe otherwise, which is why I've written this particular entry. It's my hope that someone reading this is either an attorney, or knows of an attorney who's licensed to practice law in the State of California and who might be interested in representing me. If so, please contact me at the address listed below.

For the benefit of the person who might be interested in representing me, I'm **not**, by any stretch of the imagination an attorney. However, I have learned a few things here and there over the years. One of them is that there's no such thing as an open and shut case. However, with that said, this is perhaps the closest thing to it. The prison pharmacy has already admitted, in writing, to having mistakenly given me a medication that had never been prescribed to me. There's also extensive documentation that I'm allergic to at least 1 ingredient in the medication that was mistakenly provided to me. It's also a documented fact (although I didn't have any knowledge of this beforehand), that the medication provided to me can cause some pretty serious side effects. In fact, the warnings, which I've since obtained a copy of from outside sources, clearly state that people with sulpha allergies should take extra special care, and should only take the medication under close medical supervision because of the high risk of serious side effects. Finally, last but certainly not least, I was examined by no less than 2 outside specialists retained by the prison to disprove my claims, and they both verified everything I said, before and after they performed various tests to determine the extent of the damage. As far as the actual documents are concerned, there isn't going to be a long drawn out battle to obtain them, as the prison has already provided them to me. In short, I'm holding the proverbial smoking gun, and I'm just looking for someone to present the case. If this is something that interests you, or if you know of someone who might be interested, would you please be kind enough to contact me.



Thank you, in advance, for any assistance you might be able to provide me in this area. If there are any questions, please don't hesitate to contact me, as I'd be only too happy to assist you in whatever way that I could.

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