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SC Court of Appeals

APPELLANT RESPONSE TO DENY  
RESPONDENTS REQUESTS\*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL OF WORKERS  
COMPENSATION DECISION  
S.Barden

,T.S.Beck,A.B.Wilkerson, A.Taylor

Case No1708689-(2021-000778)

J.S.Jones attorney Representative of  
GNC(I.V.C)Nutra Mfg-Sentry Ins

Respondents, Defendants

v.

Florin V.Craus

Appellant.

Appellant was NOT ALLOWED TO HAVE ANY  
LEGAL REPRESENTATIONS AT DEFENSE  
ATTORNEY JEFFREY S. JONES REQUESTS

Florin V Craus  
201 Knollwood Dr/Anderson,  
South Carolina 29625(864)225-  
4672. Appellant

\* Under Rule 267(e), SCACR, the cover of the final briefs should be the following colors: brief of appellant - blue; brief of respondent - red; reply brief - gray; and amicus curiae or intervenor - green.

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2. BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE WC COMMISSIONERS FAILURE ERRED DAMAGES FOR MEDICAL CONDITIONS TREATMENT WHEN APPELLANT EVIDENCES BEEN IGNORED BY WC COMMISSIONERS BY A PREPONDERANCE OF THE EVIDENCE VIOLATION OF 31 U.S.C §§ 3729(a)(1)(G), U.S.C §§ 3729(a)(1)(C), RULE 3.5, RULE 3.4(a)(b)

## TABLE OF AUTHORITIES\* CASSE

## **STATUTES AND RULES**

S.C. Code § 16-13-10, , S.C. Code §43-7-60(2012), S.C Code§38-38-720.S.C.Code§  
38-55-540,S.C.Code§ 38-55-570,

18 U.S.C§ 1623, 31, 31 U.S.C § 3729(a)(1)(A), 31U.S.C§ 3729 (a)(1)(B),Rule 1.8, Rule 3.5,Rule  
3.4(a)(b), Rule 4.1, Rule 8.4 , First Amendment, 14th Amendment

## **OTHER AUTHORITIES**

\*The authorities cited are fictitious and intended to show the form of citation only.

## STATEMENT OF ISSUES ON APPEAL

1. CLAIMANT FORMER EMPLOYEE OF GNC NUTRA MFG., WITH HISTORY OF BANKRUPTCY FOR CONSPIRACY, SELLING FAKE VITAMINS SUPPLEMENTS WITH FALSE LABELS, WITH MULTIPLE LAWSUITS FOR VIOLATION OF WAGES, DISCRIMINATIONS LAWSUITS, WORKPLACE SAFETY OR HEALTH VIOLATIONS, SEVERAL WORKERS COMPENSATIONS LAWSUITS INVOLVED IN FRAUD ACROSS US, WC COMMISSIONERS DECISIONS ERR TO FOLLOW AND APPLY THE LAW BASE ON EVIDENCE AND FACTS ON THE HEARINGS DATES DATED OCT/22/2020 AND FEB/22/2021 SUSAN BARDEN IN 2016-2019 WHO BEEN RAISED ISSUES REGARDING HER PROFESSIONAL JUDGMENT WAS IN A CASE INVOLVING WORK RELATED INJURIES, see *SC THE STATE & FITSNEWS* " *SC Supreme Court find judge Abusive and Strident statement commissioner S.Barden judge behave abusively while ruling WC case and was not truthful in a sworn statement submitted*" see *WIS NEWS 10* "*WC commissioner has "hunger" to keep job amidst accusations of not having the judicial temperament for the job*", (see *Ledford v DPS 27920-S.C-2019*), see violation Rule 3.5 *WC commissioner S.Barden statement at Hrg Transcript Oct/22/2020 pg 9 line 18 advising defense att. J.S.Jones "Just Made A Global Objection" & Oct/22/2020 Hrg Transcript pg 71 line 22 "Don't Tell Me What Any Doctor Said.Ok?"* see CJC-3E COMMISSIONERS ALSO INVOLVED IN MULTIPLE WORK INJURIES IN SC STATE WITH MULTIPLE COMPLAINTS FOR TORT CLAIMS WHERE CORRUPTED EMPLOYERS ARE MORE IMPORTANT FOR WC COMMISSIONERS THEN 14th AMENDMENT OF LIVELIHOOD OF INJURED WORKERS AND THEIR FAMILIES..
2. WORKERS COMPENSATION COMMISSIONERS IN COMPLICITY WITH DEFENDANTS DEFENSE ATTORNEY J.S.JONES NOT ALLOWING CLAIMANT TO HAVE ANY LEGAL REPRESENTATION, WC COMMISSIONERS ERR TO APPLY THE LAW, ALL INVOLVED IN WC CASES FALSE CLAIM ACT, FALSE STATEMENTS, FABRICATED MEDICAL EVIDENCES, RECEIVING WC BILLS, RETALIATION, EMPLOYER-INSURANCE FRAUD, MEDICAL MALPRACTICE, LEGAL MALPRACTICE AND DEFENSE ATTORNEY FOR MISCONDUCT FOR LEGAL MALPRACTICE, FRAUD, TORT OF EVIDENCE, PERJURY, IGNORING AND REFUSING THE EVIDENCE AND FACTS DEFRAUDING THE GOVERNMENT.

## STATEMENT OF THE CASE

1. Appellant/Claimant Florin V Craus brought this action alleging against ex-employer of GNC Nutra Mfg aka ( International Vitamin Corporation IVC) located on 4941 Liberty Hwy Anderson SC with GNC HQ 300 6th Ave Pittsburgh PA 15222 aka (IVC HQ 1 Park Plaza, St 800, Irvine CA 92614) US were ex-employer GNC Nutra Mfg *with history of Fraud and Bankruptcy in Worker Compensation Insurance Fraud cases* , were GNC Violation Tracker shows multiple lawsuits for *Consumer Protection Violation 2002, two cases of Wage and Hour Violations 2005, Wage and Hour Violation 2007, Wage and Hour Violation 2015 , And Hour Violation & Drug or Medical Equipment Wage ent Safety Violation where on Dec 2016, Texas US Dept of Justice documents shows that GNC Enters to agree to pay \$2,25 millions to US government and agreement with DOJ to improve its Practices and Keep Potentially Illegal Unlawful Dietary Supplements of the Market (see Aurora Et v GNC 11- C.03587-YGR, see USA vs GNC 940686, see Consumers vs GNC 3:14-CV 05682 . .*

**On early Aug 2020** me and my wife saw in person attorney WC attorney G W K for potential medical malpractice case where attorney K stating he is " **Good Friend**" of defense attorney **Jeffrey S Jones** and "**Working Together Well Asking me 5000K Upfront To Have any Workers Compensation Doctor On My Side**" (see Claimant statement Hrg Transc. Oct/22/20 pg 55 lines 12-15)(such statement no attorney will write any written statement about the summary content during the consultation case). **Bullying statement on Brief of Respondents intentionally shows def.att. J.S.Jones racial discrimination pointing specific on Claimant as illegal immigrant without documents and without any rights see Defendants Brief pg 17( Curiel v.Env Mangement Services 376 SC.23 S.E. 2d 482-2007)**, and Defendants defense attorney requests to deny Claimant requests **fear for penalties and misconduct** .

**On June 15 2017** time 10:30am while returning from the break time was injured at GNC Nutra manufacturing located in Anderson SC stripped over the pallet and fall on the right side of the body resulting right hip fracture **witnessed by Bryan Lyles,Jack Mason, and Jamie Ellis were Defendants** defense attorney J.S.Jones requests refused to release video surveillance CCTV **Defendants on Hearing dated 10/22/2020 signed by defense attorney J.S.Jones Form 58 pg2 (APA Def.med evid) providing false witnesses GNC Hr Missy Jones & Robyn Knox were none of them witnessed my work injury and none of them are experts in any type of medical field or legal process violation under Code of Judicial Conduct(CJC 3E) - "A judge shall be disqualify himself or herself in which the judge's impartiality might be reasonable questionable " SC Code § 43-7-60(2012) False claim, statement, or representation by medical providers prohibited ,violation is a misdemeanor , penalties, SC Code§16-13-10(2013)-willingly act or assist in any of premises with an intention to defraud any person , Rule 1.2(d)- A lawyer is**

*prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent, Rule 3.4(a)(b)- A lawyer shall not unlawfully obstruct another party access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value; Falsify evidence counsel or assist to testify falsely, Rule 3.5- A lawyer shall not seek influence a judge, juror, or member of the jury venire or other officials by means prohibited by law, Rule 4.1- A lawyer shall not knowingly make a false statement of material disclosure is necessary to avoid a criminal or fraudulent act by a client, Rule 8.4(a)(b)(c)(d)(e)(f)(g)- Professional misconduct knowingly assist or induce another to do so, or do so through the act of another, Commit a criminal act that reflects adversely on the lawyer's honesty, Commit a criminal act involving moral turpitude, Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, Engage in conduct that is prejudicial to the administration of justice, State or imply ability to influence improperly a government agency or official or to achieve by means that violate the Rules of Professional Conduct, Knowingly assist a judge or judicial officer in conduct that is violation of applicable rules of judicial conduct, SC Code § 38-38-720(2012)- Any person or insurer who makes a false statement or misrepresentation, and any other person knowingly, with intent to injure, defraud, or deceive, who assists, abets, solicits, or conspires with such person or insurer to make a false statement or misrepresentation, is guilty any person or insurer convicted under this section must be ordered to make full restitution to the victim or victims for any economic advantage or benefit which has been obtained by the person or insurer as a result of violation, SC Code § 38-55-570- Knowingly or believe that another has made a false statement or misrepresentation or had knowledge of suspected false statement or misrepresentation, SC Code § 38-55-540- Criminal penalties for making false statement or misrepresentation, or assisting, abetting soliciting or conspiring to do so, restitution to victim, False Claim Act 31 U.S.C. §§ 3729(a)(1)(A)(B) Knowingly presents or causes to be presented, false or fraudulent claim for payment or approval; Knowingly makes, uses, or cause to be made or used, a false record or statement material to false or fraudulent claims; Conspires to commit a violation including multiple medical evidence missing that are intentionally not listed at defense attorney J.S Jones request.*

**When I reported work injury I personally dated 6/15/2017 the document shows APA#6 pg 107(Def.med.evid.)Form 14B doctor Jason Folk provided false work injury dated 6/25/2017 and recommended further medical treatment repair.**

**APA dated June/19/23/26 2017 pg 1-6 (Claimant evid) with Dr Patel shows medical records evidence has been missing and never been submitted from day one until present Defendants APA medical records starting dates only from June 30 2017 medical evidence with two weeks gap that never been submitted see violation of Rule 1.8, Rule 4.1, Rule 3.4(a)(b).Rule 3.5, Rule 8.4.**

**APA dated June/26/2017 pg 12 (Claimant evid) shows Dr Patel performing two**

views on a single X-ray document statement mentioning **"Patient fell with contusion of right hip. Date Of Injury Unknown"**.

**During my first surgery surgery I was never been informed or aware by the Dr T.Swathwood or his staff for using indwelling catheter during my surgery performed by Dr T Swathwood APA dated 7/4/2017 pg 15-17(Claimant med evid), causing few weeks later multiple ongoing medical conditions until present kidney stones, enlarged prostate (BPH), UTI , epididymitis, founding evidence of indwelling catheter 2 years later with Dr T. Swathwood name and date APA dated 7/4/2017 pgs 15-17(Claimant evid) ,untreated until present medical evidences missing from Defendants APA medical records until present hid,concealed or destroyed by Defendants and defense attorney J S Jones requests see violation of , SC § 38-5/5-540 of the 1976 Code, Rule 3.4(a)(b), Rule 3.5, Rule 8.4 SC Code § 38-38-720,SC Code § 38-55-570, 31 U.S.C. §§ 3729 (a)(1)(A), 31 U.S.C.§§ (a)(1)(B), 31 U.S.C.§§ (a)(1)(C).**

**APA#7dated 7/31/2017-10/4/2017 pgs 108-132(def med evid) shows I was complaining every visit to ATI staffed employee who called Dr T Swathwood notify him about my ongoing complaints and symptoms hip pain,groin pain ignoring the voicemail left by the ATI physical therapy and my complaints and never return the call.**

**Evidence refused by WC commissioner S.Barden and defense attorney J.S.Jones dated 7/3/2017(Claimant evid) with Dr T.Swathwood hidden,destroyed or concealed show, fabrication of false medical evidence of second Appendectomy (violation S.C Code§ 43-7-60), fabrication of false evidence of Colon Surgery (violation S.C Code§ 43-7-60) 2 years prior the work injury refused by the WC commissioner Barden and comply in all aspects of false claims documentation on defense attorney J S Jones requests violation Rule 3.5, Rule 3.4(a)(b),Rule 4.1, Rule 8.4.**

**APA dated 7/4/2017 pg 15(Claimant evid) missing medical evidence from Defendants at defense attorney J.S.Jones requests hid,conceal or destroyed from APA#16 dated 2/25/2019 pg 186( Def med evid) missing Dr K Seilor evidence shows Dr T Swathwood knew from the date of surgery APA dated July/4/2017 pg 15(Claimant evid) that he will recommend me and I will see APA#16 urologist Dr Kirk Seiler on 2/25/2019 pg 186(Def med evid) on his recommendation and he will discontinue medications where I didn't have any type of medications prescribed by dr T Swathwood for 2 years. violation Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4 SC Code §38-55-720, SC Code § 16-13-10(2013).**

**APA #4 dated March/1/2018 pg 80-83(def med evid) visit with Dr Swathwood for further evaluation confirmed paralabral tear is work related and recommended further medical treatment to dr Folk.**

**APA#12 dated 04/13/2018-04/26/2018 pgs 166-171(def med evid) show I saw Dr S Koch mentioning in his medical records any further treatment will need WC approval contradicting story of Defendant's false claims of such evidence, denying Dr S Koch written medical record statement **"I Need To Know Before The****

***Preceding What Type Of The Injection Patient Received From Dr J. Folk And For Any Further Treatment Need WC Approval " Violation Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4, SC Code § 38-38-720, SC Code § 38-55-540,SC Code § 38-55-570, 31 U.S.C. §§ 3729(a)(1)(A), 31 U.S.C. §§ 3729 (a)(1)(B), 31 U.S.C. §§ 3729(a)(1)(C) SC Code § 16-13-10(2013).***

***APA #15 dated 9/25/2018-12/14/2018 pgs 180-185(def med evid) Dr M.O'Boyle statement "I will consider them all work related" and evidence refused by the WC commissioner S Barden and defense attorney J S Jones requests shows email dated Oct/3/2018 time 8:42 am from the case manager P Reed to attorney J C Davis clarification from the nurse Angela at the MD office, "She States She Spoke With The MD M.O'Boyle And He States "THE UROLOGY COMPONENT IS WORK RELATED", evidence missing from the case manager Perry Reed notes destroyed or concealed,violation Rule 3.4(a),Rule 4.1,Rule 8.4.SC Code § 16-13-10, SC Code § 38-38-720, SC Code § 38-55-540, SC Code § 38-55-570.***

***APA dated 11-15/2018-12/14/2018 pgs 41-61(Claimant evid) from physical therapy Elite shows multiple my complaints about his medical conditions are the same and removal of the pins from right hip didn't improve at all Defendant's medical evidence missing from their records and refusing to show the evidence from Elite physical therapy to WC commissioner S Barden violation Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4.***

***APA#16 dated 2/25/2019(def med evid) with Dr K Seiler stated during consultation that denied enlarged prostate work related (S.C.Code§ 43-7-60).***

***APA dated July/4/2017 pg 15 (Claimant evid) Dr T Swathwood (S.C.Code § 43-7-60)medical records show perjury adding Dr. K.Seiler name discontinued medication in his medical records from see APA dated July/5/2017-Feb/25/2019 pg 15(Claimant evid) without being prescribed any type of medication from his office for 2 years with defense attorney J.S Jones knowledge violating SC Code § 16-13-10(2013) Rule3.4(a)(b) ,Rule 4.1, Rule 8.4.***

***Another evidence refused by WC commissioner S Barden and defense attorney J S Jones shows a letter from the attorney J C Davis to WC Dr P Behr dated March/12/2019" As you know, apparently, the defendants are sending Mr Craus over to be seen by you in regard to his hip injury. I am enclosing herewith a copy of a questionnaire filled out by Dr O'Boyle. As you will see Dr O'Boyle believes that Mr Craus needs to be seen and treated for a potential labrum tear.***

***Furthermore ,he does not believe that Mr Craus is at MMI until such labrum tear is addressed, assuming it in fact exists. Furthermore , Dr Swathwood, Dr Koch, Dr Gerschovich, and Dr O'Boyle all believe that Mr Craus has suffered from a labral tear , which has not been addressed by any of the providers for which the defendants have been sent. Clearly, the labral tear needs to be addressed, and as is recommended by all the above mentioned physicians as well. Therefore , we would appreciate you please treating Mr Craus but ignoring the Defendant's request for a 14B for MMI as they are real;y trying to press Mr Craus to be at MMI so they***

***do not have to pay for further treatment for Mr Craus labral tear” violation Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4...***

**APA#17 dated 4/29/2019-5/14/2019** pgs 187-194(def med evid) shows Dr P Behr on his medical records Groin Pain Work-Related and defense attorney J S Jones ***Ordering and Convincing \$\$\$ Dr P.Behr*** to stop further treatment as letter shows from attorney J C Davis forcing me to MMI, while WC Sentry Casualty Insurance most likely ordering and covin\$\$\$ed Dr P Behr to follow their policy to save money is more important and less important to treat the injured workers based on their medical conditions needs ***violation of SC Code § 41-15-320(2016), SC Code § 43-7-60(2012), SC Code § 38-38-720, SC Code § 38-55-540, SC Code § 38-55-570, Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4.***

**APA dated 04/29/2019** pg 63-64 (Claimant evid) I was diagnosed with ***lymph inguinal nodes and bilateral hydrocele*** and I sent to attorney J C Davis evidence missing from my records I sent him and who was supposed to work on my behalf and also evidence missing from Defendants medical records ***violation Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4.***

**Attorney J.S.Jones** in Defendant's Brief of Respondents false statement pg 18 ***“There is no indication that Claimant or his attorney at that time T.Gagne requested a hearing to make Dr Potts an authorized physician” while the att. T.Gagne sent Claimant to the Dr Rana for Independent Medical Evaluation (IME) see APA dated July/1/2019 pg 65-71(Claimant evid) after the hip arthroscopy surgery procedure made in June/12/2019 evidence submitted on the hearing date Oct/22/2020 and missing evidence from Defendants defense attorney medical evidence and false statement of defense attorney J.S.Jones contradictory his own personal statement asking Claimant in Deposition dated July/22/2019 pg 38 line 13 (in the att.office T.Gagne) about Dr Rana visits “ And it looks like you saw Dr Rana. was on request of you current attorney? Claimant response “Yes”. Attorney T. Gagne has a history of PERJURY (see SC The State of Supreme Court Opinion Nr 27056 Sept/13/2011) in the past who was making settlement agreements without clients knowledge , and using false checks , who were he supposed to work on my behalf .***

**Letters of evidence dated from defense attorney J.S.Jones** were refused as evidence by WC commissioner S Barden were **defense attorney J.S. Jones sent letters mails to the attorney T.Gagne dated July/8/2019 asking me first time to sign the paperwork to release medical records from Atlanta and second letter sent and dated July/18/2019 and received in the same date July/18/2019 but my signature shows I've signed on July/16/2019 asking me for second time to sign to releasing medical records from Dr C Potts Atlanta GA" We Would Greatly Appreciate It If You Would Have mr Craus Sign The Enclosed Authorization Form Concerning The Above Referenced Matter Northside Hospital of Atlanta and Northside Hospital Sport Medicine Will Not Released Claimant Records To Us Without A Signed Release” violation Rule 1.8, Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4 SC Code §**

38-38-720, SC Code § 38-55-540, SC Code § 38-55-570; .

APA dated 8/30/2019-10/10/2019 pgs 75-76 (Claimant evid) I was diagnosed with **kidney stones** and **gallbladder polyps**.

APA dated 02/10/2020 pgs 77-79 (Claimant evid) Dr C. Potts who recommended further medical treatment evidence missing from defense att.J.S.Jones med.evid.

APA dated 9/16/2020 pg 80 (Claimant evid) I was diagnosed with the Prostate Tumor but there is *no evidence of Incisional Hernia* mentioned above APA dated 2/22/2018 pgs.18-20 (Claimant evid) and APA#2 dated 6/25/2017-3/1/2018 pg 32 (Def med.evid).

APA dated Feb/22/2018 pg 18-20 (Claimant evid) *hidden incisional hernia and fabricating on their own documents records word possibility of paralabral tear Rule 3.4(a)(b), Rule 4.1, where nowhere seen on medical diagnosis notes , APA#12 dated April/13/2018-April/26/2018 pgs 166-171 (Def med evid) where Dr S.Koch stating clear in his medical records any further treatment requires WC approval , APA#3 dated Aug/8/2015 pgs 40-44 (Def med evid) def attorney J S JONES presenting fabricated possibility of COPD diagnose and false recorded statement that Claimant left the hospital with wife without been discharged violation SC Code 38-38-720, SC Code § 38-55-540(2012) , SC Code § 38-55-570, SC Code § 16-13-10(2013), SC Code § 43-7-60(2012), Rule 3.4(a)(b), Rule 4.1 while evidence are contradicting his statements, APA dated Sept/25/2019 pg 39 Dr M. O'Boyle (Claimant evid) defense attorney J S Jones hiding doctor medical record "I'm going to consider them work related paralabral tear and enlarged prostate" email refused as evidence by WC commissioner S Barden and defense attorney J S Jones email sent on Oct/3/2018 time 08:42 am from WC case manager P. Reed to attorney J.C Davis stating that nurse medical of Dr M.O'Boyle confirming "UROLOGY COMPONENT IS RELATED TO HIS INJURY" (Enlarged Prostate)" diagnosis denied by defense attorney J S Jones on recorded statement making false statement stating that is no doctor confirming even if Claimant he is right about **Indwelling Catheter** been used APA dated July/4/2017 pgs 16-17 (Claimant evid) violation of defense attorney J.S.Jones Rule 3.4(a)(b), Rule 4.1..*

APA#17 dated 4/29/2019 pgs 187-189 (Def med evid) shows Dr P.Behr making a false medical statement Return to Work Without restriction (violation S.C.Code § 43-7-60) violation Rule 1.8, Rule 3.5 Rule 3.4(a), Rule 4.1., Rule 8.4, and

APA#17 dated 4/29/2019-5/14/2019 pgs.187-194 (Def med evid) Dr Paul Behr medical records shows (violation S.C.Code § 43-7-60) for making false medical statement Refusal of Further Treatment as recommended by the four medical orthopedics Dr.T.Swathwood, Dr. J.Folk, Dr S.Koch, Dr. M.O'Boyle.

APA#18 dated 10/13/2019-1/6/2020 pgs 195-200 (Def med evid) with Dr C.Potts shows medical records only from two appointments \_defense attorney J.S.Jones making false recorded statement which contradicting himself with the letter from defense attorney J.S.Jones dated July/18/2019 and received on July/20/2019 but

signed on July/16/19 violation Rule 3.4(a)(b), Rule 4.1, SC Code § 38-38-720, SC Code § 38-55-540, SC Code § 38-55-570, was asking me sign the document to release medical records from Atlanta/GA are fact and can be supported with documents evidence.

APA#20 dated 6/3/2020-8/25/2020 pgs 207-213(Def med evid) *Dr Gleen Scott making false medical statement Rating Only for 2 Hip Surgeries not for three (3) hip surgeries Refused Further Treatment (S.C. Code § 43-7/60)at attorney S.Garcia and defense attorney J.S.Jones requests violations Rule 1.8, Rule 3.4(a)(b), Rule 4.1.*

*Medical records evidence missing from GHS and Bon Secours ER visits Missing APA dated 4/1/2018 pgs21-36(Claimant evid), ELITE Physical Therapy Complaints Missing APA dated 11/15/2018-12-14/2018 pgs 41-61(Claimant evid), Lymph Inguinal Nodes- -Bilateral Hydroceles Missing APA dated 4/29/19 pg 63-64(Claimant evid), Dr T.Rana medical notes missing APA 07/01/2019 pgs 65-71(Claimant evid) , Dr C.Potts recommendation missing APA dated 8/19/2019 pgs 72-74(Claimant evid), Kidney Stones-Incidental Gallstones-Gallbladder Polyps APA dated 08/30/2019 pgs 75-76(Claimant evid), Dr C.Potts recommendations missing APA dated 2/10/2020 pgs 77-79(Claimant evid), medical negligence case of CT scan diagnosis Prostate Tumor diagnose and Without Any Sign of Incisional Hernia APA#2 dated 2/22/2018 pg.32(Def med evid)&APA dated 9/16/2020-9/22/2020 pgs 80-90(Claimant evid).*

### **STANDARD OF REVIEW. ARGUMENTS. FACTS EVIDENCE MISSING FROM DEFENSE ATTORNEY J.S.JONES MEDICAL EVIDENCE**

**1.FACT of defense attorney J.S.Jones statements lies and WC commissioners false diagnose**  
APA#3 dated Aug/18/2015 pg 43-44 (Def.med evid) shows dates of admission and discharge Aug/22/2015 medical statement shoes "The patient has been discharge on oral antibiotics well oriented at the time of the discharge" and no medical evidence diagnose or statement of anytype of COPD by doctor like WC Commissioners stated in the WC Order Decision providing False Claim Evidence and Fabricated Evidence. see Decision Order dated Nov/25/2020 pg 31 line 2 & see att def J.S.Jones Hrg Transcr. Oct/22//2020 pg 46 line 5. According to Defense attorney J.S.Jones at prehearing statement Medical Recommendation For Hip Arthroscopy Surgery Was Not An Emergency Surgery and his False Statement of Colon Surgery procedure that never been done and he did not present any type of documents evidence to sustain his False Claims see def.att. J.S.Jones statement Oct/22/2020 on the transcript hearing pg45 line 14 stating "I DON'T CARE WHAT YOU SAID" which in other words expressing himself "Above the Law" objection hearsay globally at the advise of WC Commissioner S.Barden Requests see Hrg Transc.

Oct/22/2020 pg 9 line 18 "Just Made A Global Objection"

**2. FACT of defense attorney false statement**

Never been submitted evidence of my work injury statement reported right away in June/15/2017 shows paperwork modification of date of injury June/15/2017 is dated June/25/2017 different then my work injury report evidence altered, hid, concealed or destroyed by Defendant's and defense attorney J.S.Jones with permission of WC commissioner S.Barden, Avery B Wilkerson, T.Scott Beck, Aisha Taylor knowingly making false statement or misrepresentation to defraud, assists, abets, solicits, or conspire with a person to make false statement or misrepresentation is violation of SC Code § 38-55-540, Rule 1.8, Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4, 18 SC Code §38-38-720, SC Code § 38-55-570, SC Code § 16-13-10.

**3. FACTS. Missing Evidence of defense attorney J.S.Jones and false statement lies**

APA dated June/19/23/26/2017 pgs 1-6(Claimant evid) evidence visits with Dr S.Patel pg.6 never been submitted until hearing date Oct/22/2020 shows refusal to diagnose right hip fracture and asking employer to decide what is next step to do is the fact and can be supported with documents false medical treatment evidence knowingly by defense attorney J.S.Jones making false statement or misrepresentation to defraud assist, abets, solicits or conspires is violation under SC Code § 43-7-60(2012), Rule 1.8, Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4, SC Code § 38-55-570, SC Code § 38-38-720, SC Code § 38-55-540.

**4. FACT. Missing Evidence from defense attorney J.S.Jones false statements lies**

APA dated July/4/5/2017 pgs 15/16/17(Claimant evid) evidence submitted at the hearing date Oct/22/2020 defense attorney hearsay objected to medical records of Dr T. Swathwood fabrication evidence of the colon surgery Never Been Performed Prior the right hip fracture and hiding using indwelling catheter used during my surgery without been aware and complaining right away after the surgery about my conditions ignored until present and also evidence refused by WC commissioner shows fax letter dated Feb/26/2019 time 3:19 pm from the urologist Dr Seiler to Dr.T.Swathwood stating "Thank you for referring V Craus for the evaluation" to the urologist Dr K.Seiler visit APA dated July 4/5/2017 pg 15 (Claimant evid)& APA#16 dated Feb/25/2019 pg 186(Def med evid) to see him for further evaluation who "Discontinue Medication by Dr K.Seiler of Tramadol and Docusate Sodium from July/05/2017 until Feb/25/2019 two years prior before visiting urologist Dr K.Seiler it is perjury and are the facts and can be supported with documents evidence knowingly by defense attorney J.S.Jones making false statement or misrepresentation to defraud, assist, abets, solicits, or conspire is violation SC Code § 16-13-10, SC Code § 16-9-10, SC Code § 38-55-540, SC Code § 38-55-570, SC Code § 38-38-720, Rule 1.8, Rule 3.4(a), Rule 3.5, Rule 4.1, Rule 8.4.

**5. FACT of defense attorney J.S.Jones false statements lies**

APA dated 02/22/2018 pg 19 (Claimant evid) shows *Incisional Hernia and Paralabral Tear Cyst* while defense attorney fabricated **POSSIBILITY of Paralabral Tear MAKING False Claim STATING that NO DOCTOR CONSIDERING IS THAT IMPORTANT PARALABRAL TEAR TO REPAIR AND BEST THING IS TO TRY TO SETTLE THE MATTER** while all the orthopedics surgeons recommended further treatment and repair the Paralabral Tear with Hip Arthroscopy surgery recommendation ignored by the IME doctor Paul Behr at defense attorney J.S.Jones requests are the facts evidence that can be supported with evidence knowingly by defense attorney

*J.S.Jones making false statement or misrepresentation to defraud assists, abets, solicits ,or conspire is violation of SC,Code 16-13-10,SC Code § 38-55-540, SC Code § 38-55-570, SC Code § 38-38-720, ,Rule 1.8,Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4.*

**6.FACT of defense attorney J.S.Jones false statement**

*APA dated April/01/2018 pgs 21-36(Claimant evid) ER visits evidence submitted at the hearing date of Oct/22/2020 missing,hidden, concealed or destroyed from Defendants records at defense attorney J.S.Jones requests are the facts and can be provided with evidence knowingly by defense attorney J.S.Jones making false statements or misrepresentation to defraud assists, abets, solicits, or conspire is violation of 18 US Code § 1519,SC Code § 38-55-540, Rule 1.8,Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4.*

**7. FACT of defense attorney J.S.Jones false statement lies**

*APA#12 dated 4/26/2018 pg.170-171(Def med evid) Dr Shay Koch states in his medical records "Any Further Treatment Would Need Approval Through Workers Compensation" statement confirmed also by his nurse over the phone that Dr Koch Never Refused WC case patients , story contradictory of the defense attorney J.S.Jones who stated that Dr S.Koch refused to take WC case patients evidence knowingly by defense attorney making false statements to defraud , assists, abets, solicits, or conspire is violation 18 US Code § 1519, SC Code § 38-55-540, Rule 1.8, Rule 3.4(a)(b),Rule 3.5, Rule 4.1,Rule 8.4.*

**8. FACT of defense attorney J.S.Jones false statement**

*APA dated 9/25/2018 pg.40 (Claimant evid) Dr M.O'Boyle medical records shows "LAM GOING TO CONSIDER THEM WORK RELATED TO HIS INJURY" "pelvic pain(enlarged prostate is work related) including the email dated Oct/3/2018 time 8:42 am evidence refused by WC commissioner sent from the Dr M.O'Boyle office to the Case Manager Perry Reed and sent to the paralegal Lindsey McQuiddy of the attorney Josh C.Davis stating that he contacted via pc nurse Angela Bishop nurse of the MD office Dr.M.O'Boyle who states "'THE UROLOGY COMPONENT IS RELATED TO HIS INJURY'" and also referring further medical treatment to repair paralabral tear cyst but refused by Defendants medical providers evidence hid,conceal or destroyed by Defendants at defense attorney J.S.Jones requests while knowingly making false statements to defraud ,abet ,assist,solicits, or conspire the evidence is violation of SC Code § 38-38-720 , SC Code § 38-55-540, SC Code§ 38-55-570 Rule 1.8,Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4.*

**9. FACT of evidence missing from defense attorney J.S.Jones false statement**

*APA dated 11/15/2018-12/14/2018 pgs 41-61(Claimant evid) physical therapy Elite evidence never been submitted until hearing date Oct/22/2020 shows ongoing complaints to the staffed personnel ignoring my medical conditions as well Defendants refusing to provide proper medical care as recommended evidence missing from Defendant's medical records evidence knowingly by defense attorney J.S.Jones making false statements to defraud abet, assists, solicits, or conspire the evidence is violation of SC Code § 38-38-720, SC Code § 38-55-570 , SC Code § 38-55-540,Rule 1.8,Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4.*

**10. FACT of Email sent from def.att. to ex attorney to Settle the WC case.**

*Email refused by WC commissioner S.Barden evidence email dated Jan/21/2019 time 10:21 am from the defense attorney J.S.Jones to the attorney J.C.Davis asking him to Try tTo Settle The*

***Matter:*** ***“”Thanks Josh. We are at the end of the rope here. It appears that it is only a “Possibility”” that there is a labral tear. Also, it doesn’t appear that anyone thinks The Possible Labral Tear Is That Important”. As far as I can tell ,they are just trying to give Mr Craus the benefit of the doubt and have someone evaluate him for the “Possibility”. Given that Mr Craus has been seen by so many orthopedics surgeons and no one has anything else to offer and/or will not see him, I Think MMI Is A Reasonable Conclusion. Of course that will be up to Dr O’Boyle. Alao, I think my letter is quite thorough, Dr.O’Boyle has already seen Mr Craus and has the records. If you want to send him ,that’s fine with me . Finally we tried to get him into Dr Koch. He just won’t see him. See below for some of the emails, between case manager Perry Reed and Dr Koch office. If your office can get Dr Koch to see him , please do. Given that you have had a chance to review the letter I am going ahead and send it to Dr O’Boyle. Really, I Think The Best Thing To Do Is Try To Settle The Matter. Call me if you would like to discuss this further. Thanks. J.S.Jones attorney of WJCB Law””***, evidence knowingly making false statements to defraud ,abet, assists, solicits, or conspire the evidence is violation of SC Code § 38-38-720, SC Code § 38-55-540,SC Code § 38-55-570, SC Code § 16-13-230, Rule 1.8,Rule 3.4(a)(b),Rule 3.5,Rule 4.1, Rule 8.4.

**11.FACT of evidence missing from defense attorney J.S.Jones false statement**

APA #17 dated April/29/19-May/14/19 with Dr J.Behr pgs 187-194(Def med.evid) medical records shows Dr J.Behr all the medical statement ***“All the conditions are work related” and refusal of Dr J.Behr recommendation of four medical orthopedics that requested repair of paralabral tear cyst“*** and also letter attached to the evidence dated March/8/2019 from the defense attorney J.S.Jones to the Dr J.Behr with the medical records descriptions starting only from June/30/2017 and two weeks gap evidence are missing of the Dr Patel June/19/23/26 2017pgs1-10(Claimant evid) ; APA dated April/1/2018 pgs21-36 two ER visits to Greenville Memorial Hospital and ER Bon Secours Greenville SC are missing ; APA dated 4/29/2019 pgs 63-64(Claimant evid) diagnosed with Lymph Inguinal Nodes and Bilateral Hydroceles missing and APA dated 8/30/2019 pgs 75-76(Claimant evid) diagnosed with Kidney Stones, Incidental Gallstones and Gallbladder Polyps evidence missing hid ,concealed or destroyed by Defendants at defense attorney J.S.Jones requests evidence knowingly abet, assists, solicits or conspire is violation of the SC Code § 38-38-720 , SC Code § 38-55-570, SC Code § 38-55-540, Rule 1.8, Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4.

**12.FACT of evidence missing from defense attorney J.S.Jones medical records**

Medical evidence APA dated 02/10/2020 pgs 77-79(Claimant evid)multiple evidence not been submitted by both attorneys due to the breach of trust APA#18 dated 10/13/2019-1/6/2020 pgs 195-200(Def med evid) shows *They Have Some knowledge of missing medical records* while defense attorney J.S.Jones stated at the hearing date from Oct/22/2020 that Defendants and defense attorney J.S.Jones ***HAD NO KNOWLEDGE*** about the hip arthroscopy surgery but they have some records trying not to submitting the evidence at the hearing evidence knowingly making false statements, to defraud ,abet, assists, solicits, or conspire is violation of SC Code § 38-55-570, SC Code § 38-38-720, SC Code § 38-55-540,Rule1.8,Rule 3.4(a)(b),Rule 3.5, Rule 4.1,Rule 8.4.

**13.FACT of evidence missing from defense attorney J.S.Jones and his false statement lies**

APA dated July/1/2019 with Dr Rana contradicting defense attorney J.S.Jones his own statement

see Deposition dated July/22/2019 defense attorney J.S.Jones question” And it looks like you saw Dr Rana was that at the request of your current attorney? Claimant “Yes”. APA dated 8/19/2019 pgs 72-74(Claimant evid) and APA dated 02/10/2020 pgs 77-79(Claimant evid) shows that Defendants HAVE KNOWLEDGE of the Hip Arthroscopy surgery procedure evidence in their records since letters evidence July/8/19 asking Claimant to sign paperwork to release medical records from Dr Chris Potts Atlanta GA defense attorney J.S.Jones statement “ We Would Greatly Appreciate It If You Would Have Mr Craus Sign The Enclosed AuthorizationForm Concerning The Above Referenced Matter Northside Hospital of Atlanta and Northside Hospital Sport Medicine Will Not Released Claimant Records To Us Without A Signed Release” July/18/19 Refused by WC commissioner as evidence sent to me dated on July/18/2019 and received same date July/18/2019 by defense attorney J.S.Jones personally asking me to sign release of medical records from Northside Hospital Atlanta GA but Claimant signed on July/16/2019 , making fraudulent settlement agreement with other attorney and issue the false check using nickname evidence refused by WC commissioner S.Barden and never been disclosed shows fraud and perjury evidence knowingly making false statements to defraud, abet, assists, solicits, or conspire is violation of 18 US Code § 38-38-570, SC Code § 38-38-720 SC Code § 38-55-540, SC Code § 16-13-10(2013), Rule 1.8, Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4, SC Code § 16-13-230

**14.FACT of evidence missing from defense attorney J.S.Jones medical records**

On March/3/2020 at the hearing date I provided to the ex-attorney S. Garcia who personal sent me with his Medical Questionnaire to Atlanta GA to provide further medical recommendations from the Dr C.Potts APA dated 02/10/2020 pgs 77-79(Claimant evid) attorney S.Garcia and defense attorney J.S.Jones refusing to provide evidence to the WC commissioner at the hearing date from March/3/2020 evidence knowingly making false statements to defraud, abets, assists, solicits, or conspire is violation of 18 US Code § 38-55-570, SC Code § 16-13-230, SC Code § 38-55-540, Rule 1.8, Rule 3.4(a)(b), Rule 3.5, Rule 4.1, Rule 8.4, SC Code § 38-38-720, SC Code § 16-13-230.

**15. FACT of medical providers statement contradict def. att. J.S.Jones false claims lies**

APA dated 9/16/2020 pgs 80-81(Claimant evid) shows diagnosis of Soft Mass Tissue(Prostate Tumor) and consequences of Defendants denial “Urology Component is “WORK RELATED” evidence email sent on Oct/3/2018 time 08:42 am from the nurse of Dr M.O’Boyle sent to the WC case manager APA#15 dated 09/25/2018-12/14/2018 pgs 180-185(def. med evid) Dr M.O’Boyle medical statement “I consider them all work related’ and no evidence of hernia see APA dated Feb=b/22/18 pg 18-20(Claimant evid) APA#2 dated June/25/2017-March/7/2018 pg 32(Def.med.evid) incisional hernia- paralabral cyst..

**16.FACT of WC S.Barden statement refusal to ask Defendants evidence for their false claims**

Hrg Transc Oct/22/2020 pg 13 line 16-23 WC S.Barden statement “He would point to my attention the fact there no medical evidence showing that he had pre existing problems with any kind of this things, and so therefor , he doesn’t need to show any kind of aggravations , and he believes that he readily meets of preponderance of the evidence standard showing that he has made these complaints contemporaneously with the shortly thereafter his accident work injury June/15/2017 . Since GNC corporation has history of lawsuits for Selling Fake Supplements and Unlawful Fake Certificates and this work injury WC case shows that same way denying

wrongdoing Defendants hiding ,conceal or destroyed the evidence ,fabricate the evidence bribing doctors to deny medical care to avoid to pay the benefits injured people violation of First Amendment ,14th Amendment..

### **CONCLUSION**

Claimant evidence described and mentioned above been missing from Defendants medical records and hid from the date of the injury until present in the brief of appellant and standard of review been truthfully documented evidence facts that can be proved with also some audio-phone recordings and multiple emails-letters-texts-fax- documented evidences mentioned best of my knowledge fears that Defendants defense attorney commit intentionally fraud, false statements, fabricated evidence violations of 1st Amendment, violation of 14th Amendment, violation each felony count and been provided at the hearing date on Oct/22/2020 to the WC commissioners S Barden protecting in complicity of attorney J.S.Jones who been making false statements , hid ,concealed or destroyed multiple evidence that shows insurance fraud, perjury, harassment, police impersonator,,legal malpractice , medical misdiagnosis, attorneys misconduct conflict of interests,conspiracy of evidence , false claim act, and also all WC commissioners misconduct violation of First Amendment, 14th Amendment, Rule 1.8, Rule 3.4(a)(b),Rule 3.5,Rule 4.1,Rule 8.4, 31 U.S.C §§ 3729(a)(1)(G), 31 U.S.C. §§ (a)(1)(A), 31 U.S.C. §§ 3729(a)(1)(C), SC Code § 16-13-10, SC Code § 16-13-230, SC Code § 43-7-60(2012), SC Code § 38-38-720, SC Code § 38-55-540(2012), SC Code § 38-55-570, 18 US Code § 1623, SC Code § 16-3-1700(2013), SC Code § 16-3-170 SC Code § 16-3-1720, SC Code § 16-3-1730. The law applies to anyone committing any type of felony. .

[Counsel may wish to set out the facts relevant to the arguments at this point in the brief .

This, however, is optional, and the relevant facts may be included in the discussion of each argument. In either case, the brief must contain references to where the salient facts can be found in the Record on Appeal. In Initial Briefs, these references shall be made in the manner specified by Rule 208(b)(4), SCACR. In the Final Briefs, these references shall be to the page and line number of the Record on Appeal (i.e., R.p. 37, lines 7-8). Rules 211(b)(1), SCACR.]

On Oct/22/2020 Hrg Transcript pg 9 line 18 WC Susan Barden statement advising defense attorney J.S.Jones **"JUST MADE A GLOBAL OBJECTION"** violation Rule 3.5., Hrg Transc Oct/22/2020 pg 13 line 16-23 WC S.Barden statement **"He would point to my attention the fact that there No Medical Evidence Showing that he had pre existing problems with any kind of this things , and so therefor ,he doesn't need to show any kind of aggravations , and he believes that he readily meets of preponderance of the evidence standard showing that he has made these complaints contemporaneously with or shortly thereafter his accident work injury June/15/2017"** and Hrg Transc Oct/22/2020 pg45 lin 14 defense attorney statement **" I DON'T CARE WHAT YOU SAID**

## ARGUMENTS

- I. BECAUSE RESPONDENTS DENYING ADDITIONAL EVIDENCE SHOWS THAT DEFENSE ATTORNEY FEARS FOR PENALTIES AND HE COULD FACE PENALTIES OF MISCONDUCT FOR HIS FALSE ALLEGATIONS REFUSING TO PROVIDE ANY EVIDENCE RAISED FRAUD IN HIS PRIOR BREACH OF CONTRACT AGAINST APPELLANT, HE IS BARRED BY RES JUDICATA FROM BRINGING THIS SUIT.
- II. BECAUSE FRAUD MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE, THE WC COMMISSION ERRED THAT THE APPELLANT MUST PROVE FRAUD BY IGNORING PREPONDERANCE OF THE EVIDENCE WC COMMISSION REFUSED TO APPLY THE LAW FOR FELONY FRAUD CRIME.

[Set out discussion and citations of authority.]Hrg Transc Oct/22/2020 WC S.Barden statement  
“Just Made A Global Obiection”

## CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court, and Defendants shall retroactively pay for all damages that Claimant developed shortly after the work injury until present day , past-present-future medical treatments that Claimant been denied by their medical providers, past-present-future medical bills , past-present-future lost of enjoyment life, past-present-future pay the court fees and pay violations penalties for each count of felony from the date of injury until present including violation of defense attorney J.S.Jones for his misconduct and for his false allegations .

Respectfully submitted,

JUNE 15/2022

/s/ Florin Vasile Craus  
201 Knollwood Dr  
Anderson , South Carolina 29625(864)225-4672