

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Mar 09 2023

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2021-000778

Vasile Florin Craus, Employee,.....Appellant,

vs.

NUTRA Manufacturing, Inc., Employer, and  
Sentry Casualty Company, Carrier ..... Respondents.

RESPONDENTS' MOTION FOR CLARIFICATION

In response to this Court's letter dated March 8, 2023, Respondents respectfully submit this motion for clarification on how to prepare their final brief in compliance with Rule 211(b)(1), SCACR in light of the multiple records on appeal submitted by the pro se Appellant in this case. In support of their motion, Respondents would submit the following:

1. On May 6, 2022, this Court sent correspondence to Appellant, instructing Appellant to file the record on appeal pursuant to Rule 210, SCACR, within 30 days. According to C-Track, Appellant filed proof of service with this Court, but Appellant failed to file the record on appeal as instructed.
2. Although Appellant failed to file the record on appeal with this Court as instructed, Appellant emailed Respondents a document titled "Record on Appeal" on June 3, 2022— however, the document emailed to Respondents failed to comply with Rules 210(C) and 209, SCACR, in that Appellant failed to include any and all matter set forth in Respondents' designation of matter dated March 17, 2022.
3. On June 20, 2022, Respondents filed a motion to compel Appellant to comply with Rules

201(C) and 209, SCACR, controlling the filling of the record on appeal. Specifically, Respondents' motion asked this Court to compel Appellant to file a record containing the matters included in Respondents' designation of matter dated March 17, 2022.

4. On August 9, 2022, Appellant filed a record on appeal with this Court. Appellant's August 9, 2022, record on appeal included five (5) designated matters and was numbered pages 1 through 220. Again, Appellant failed to include in the record any of the matters set forth in Respondents' March 17, 2022, designation of matter.
5. On September 13, 2022, this Court issued an order granting Respondents' motion to compel and instructing Appellant to "serve and file a *supplemental* record on appeal that included all matters that were omitted from the record Appellant filed on August 9, 2022. Namely, the *supplemental* record should include Respondents' designated matters 4 through 12, and 15 through 28."
6. On November 8, 2022, Appellant served a second record on appeal, which included twenty-three (23) designated matters and was numbered pages 1 through 402. Appellant's November 8, 2022, filing was labeled as an "*amended*" record on appeal on C-Track.
7. On November 28, 2022, Respondents filed a motion to dismiss the appeal. Respondents' motion was based on several arguments, including but not limited to, Appellant's failure to comply with this Court's instructions on filing the supplemental record on appeal. Respondents' motion was denied by this Court on February 28, 2023, and the parties were instructed to file and serve all final briefs within twenty dates of the date of the order, making final briefs due on March 20, 2023.
8. Accordingly, Respondents respectfully request clarification on how to properly cite the August 9, 2022, record on appeal and the November 8, 2022, "*amended*" record on appeal, since both records begin with page 1 and therefore contain duplicative numbering. Moreover, each volume of documents include different documents, but with

shared numbering. For example, if Respondents include a citation for “(P.40)” in their final brief, this will implicate two different documents—one document numbered page 40 in Appellant’s first submission is a different document than what is included and labeled as page 40 in the second submission. Therefore, Respondents are seeking instruction from this Honorable Court on how to proceed to ensure compliance with the applicable South Carolina Appellate Court Rules and provide ease of reference for your Honors going forward.

9. Finally, Respondents submit the issue raised in this motion is dispositive in preparing their final brief in accordance with the South Carolina Appellate Court Rules. Therefore, Respondents respectfully request this Court toll Respondents’ deadline for filing Respondents’ final brief until this motion is adjudicated.



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March 9, 2023  
Columbia, South Carolina

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PROOF OF SERVICE

I certify that I have served **Respondents Motion for Clarification** by electronic mail on the Honorable Jenny Abbott Kitchings, Clerk of Court of the South Carolina Court of Appeals at ctappfilings@sccourts.org, and Appellant Vasile Florin Craus at floriano\_craus@yahoo.it.

WILLSON JONES CARTER & BAXLEY, P.A.



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March 9, 2023  
Columbia, South Carolina



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**Sent Via Email (ctappfilings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
1220 Senate Street, Columbia, SC 29201  
Columbia, SC 29211

Re: Vasile Florin Craus v. NUTRA Manufacturing, Inc., et al.  
**Appellate Case No. 2021-000778**

Dear the Honorable Ms. Kitchings:

Pursuant to Rule 240, SCACR, enclosed please find Respondents' Motion to for Clarification, along with proof of service for the same. Respondents will hand deliver the required Fifty and 00/100 Dollar (\$50.00) filing fee for this motion on March 10, 2023.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your attention to this matter.

With kindest regards,

**WILLSON JONES CARTER & BAXLEY, P.A.**

John Gabriel Coggiola

JGC/jgc

Enclosures: Motion to for Clarification  
Proof of Service

cc: Mr. Vasile Florin Craus (via email)