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Mar 15 2023

SC Court of Appeals

APPELLANT RESPONSE TO DENY
AND TO DISMISS DEFENDANTS
MOTION REQUESTS *

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL WORKERS COMPENSATION
COMMISSIONERS DECISIONS

Case No. 1708689-(2021-000778)

Nutra Mfg aka (IVC) &
Sentry Casualty Carrier

Employer
Respondent/
Defendants

v.

Florin V. Craus

Appellant.
Claimant

Appellant Was Not Allowed To Have Any Legal Representation At Defense Attorney Jeffrey S. Jones REPETITIVE REQUESTS ASKING CLAIMANT EX ATTORNEYS TO DROP WC CASE IN HIS FAVOR which is result that Claimant is Unrepresented.

APPELLANT RESPONSE TO DISMISS
DEFENDANTS MOTION REQUESTS
WERE DEFENDANTS HID ; CONCEAL
ALTERED OR DESTROY THE
FOLLOWING EVIDENCES

Appellant response to Defendants motion and to remind to the Court of Appeals that Claimant is not an attorney and Claimant does not have any qualifications as attorney were Defendants taking advantage of Claimant situation unfamiliar the court procedures and demands. Appellant will appreciate asking Court of Appeals to bring Defendants and their attorney in Court of Appeals under oath to testify for their fraudulent actions and false claims and to be confronting defense attorney with the evidence face to face at Court of Appeals requests. First Defendants FALSE claims is that so called "Claimant failure " is that Claimant submitted documents the documents presented only to the WC Commission Hearing Oct/22/2020. Court of Appeals rules shows that Claimant cannot submitted documents after the WC Hearing Oct/22/2020 means that Subpoena after the hearing for Releasing CCTV videos and emails correspondence after the WC Hearing Oct/22/2020 cannot be submitted or any other Motion Requests after the WC Hearing Oct/22/2020 while Defendants evidence to Court of Appeals been submitted and allowed after the WC Hearing/Oct/22/2020 to to the Court of Appeals and lots of evidence submitted to WC Commission but never been presented to the WC Hearing Oct/22/2020 single commission or full commission.

Defendants Motion Letter is to take advantage of the situation of limited knowledge and resource of Claimant about the Rules of Law. Defendants Perfect (**CORRUPTED**) Attorneys been **SUBMITTING EVIDENCE CONVENIENT TO THEM AND MAKING THEIR OWN MEDICAL DIAGNOSIS EXPERTISE WITHOUT ANY MEDICAL LICENSE AND FOLLOWING THEIR OWN RULES ABOVE THE LAW** hopefully are lucky to weak and destroy the Court of Justice System in all aspects and every Institutions is possible. Recent conversation over the phone with new attorney Gabe calling himself "**SPECIALIST IN APPEALS**" replacing other defense attorney J.S.Jones who is facing Disciplinary Counsel Investigations with WC commissioner Susan Barden were attorney Gabe he doesn't know the Rules of Lawyers stating that he is unable to respond defense attorney J.S.Jones actions and facing himself EVIDENCE FACTS that contradicting their Motion . **Code of Judicial Conduct (CJC 3E)**--"*A judge Shall Be Disqualify Himself or Herself in Which The Judge 's Impartiality Might Be Questionable*"; **Rules 1.2**--"*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 unlawful obstruct another party access to evidence or unlawful 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 or 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 Materials Disclosure Is Necessary To Avoid A Criminal Or Fraudulent Act By 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 lawyers 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 judicial 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 pf judicial conduct*"; **SCS 43-7-60** **False Claim , Statement ,or Representation by Medical Providers Prohibited ,Violation is a Misdemeanor,-Penalties**"; **SC Code § 1613-10(2013)**--"*Willingly act or assist in any premises with a intention to defraud any person*"; **SC Code§ 38-38-720**--"*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§ 38-38-570. "Knowingly or believe that another person has made a false statement or misrepresentation or had knowledge of suspected false statement or misrepresentation"; SC§ 38-38-540. "Criminal penalties for making False Statement or Misrepresentation, or assisting, abetting, soliciting or conspire 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, a false statement or fraudulent claim for payment or approval; Knowingly make, uses, or cause to be made or used, a false statement material to false claims; Conspires to commit a violation were Defendants hide, conceal altered or destroyed evidences that Claimant presented and submitted them at WC Hearing dated Oct/22/2020 almost 100 pages of medical evidences, were Defendants repeatedly asking Court Of Appeals to dismiss Claimant evidences. J.S.Jones statement *see WC Hearing Transcript pg 7. lines 16-24* 'There was just couple "And then it was just too many, too"'. "Never seen the medical evidences" until the Hearing dated Oct/22/2020 were the FACTS OF THE FOLLOWING STATEMENTS ARE. WC commissioner S.Barden ADVISING defense attorney "JUST MADE A GLOBAL OBJECTION" *see Hearing Transcript Oct/22/2020 pg.9 line 18. Hearing Transcript Oct/22/2020 pgs 42-43-44-45-46* has defense attorney False Claim Act STATING that "I left the hospital without been discharged" while doctor statement APA#3 pg 142(43) dated 9/16/2015 Def Med Evid "Their preference to follow up as outpatient. The patient was able stable, able to eat, well oxigenating, and oriented at the time of the discharge." were WC Hearing Transcript pg 46 lines 2 18 shows defense attorney J.S.Jones argument statement contradictory to HIS FALSE CLAIMS ACCUSATION "And you left hospital against medical advise? I don't remember that at all. Again... I was released from the doctor. I don't remember a leave from.. from the doctor. Yeah It was on his consent. I do not lie from the doctor." and medical records also THERE NO ANY MEDICAL STATEMENT EVIDENCE THAT CLAIMANT WAS DIAGNOSE THAT SHOWS POSSIBLE COPD false claims made by WC commissioner S.Barden and defense attorney J.S.Jones BOTH DIAGNOSING Claimant with COPD *see WC DECISION ORDER NOV/25/2020 pg 31 top second row point 20* "Claimant was diagnosed with bilateral pulmonary masses with cavitation probably COPD." "This are medical statements diagnosis made by WC commissioners S.Barden, T.Scott, Avery B Wilkerson, Aisha Taylor and defense attorney J.S.Jones Were NON OF THEM HAS ANY TYPE OF MEDICAL MEDICAL DEGREE TO DIAGNOSING CLAIMANT with POSSIBILITY OR PROBABILITY COPD WERE NON OF THEM BEEN ABLE TO PRESENT ANY TYPE OF MEDICAL EVIDENCE TO SUPPORT THEIR FALSE CLAIM." APA #2 pgs132 (33) dated 3/7/2018 Def Med Evid shows dr T.Swathwood fabricating evidence of APPENDECTOMY, APPENDECTOMY (Claimant unaware to have second APPENDECTOMY and no human been can have 2(two) times APPENDECTOMY in their lifetime) and false COLON SURGERY were doctor T.Swathwood may did colon surgery without Claimant knowledge during the first right hip fracture surgery performed on July/4/2017, Defendants refusal and failure to present evidence of colon surgery and WC commissioner refusal to ask Defendants to present medical evidence for such False Claims. Claimant has been complaining about medical condition symptoms from day one June/15/2017, every medical visit until present, *see APA#3 pgs 144(45)-156(57) Def.Med Evid & APA#4 pgs 157(58)-183(84) Def Med Evid.* Claimant want to remind Court of Appeals that Claimant never had and never claimed to any doctor of any colon surgery during his lifetime and there no evidence of the procedure of claims by Defendants were Defendants failure to present any type medical of evidence of Colon

support their claim see WC Hearing Transcript Oct /22/2020 pg44 line 23 pg 45 lines 1-14 "**I Don't Remember Have A COLON SURGERY As Put On The His Medical Records. Okay, I Don't Have Any Knowledge , But He Got Knowledge Somehow, And I Don't Remember Have One. I Never Remember To Say That I Have One. .See ,Well ,You Testified That You Had Surgery On Yor Appendix And Your Intestines In The Past ? Intercolate.And.. and You... Intercolate ,That's the Intestine .yes. Okay ,the intestines . But I don't remember saying I have a colon surgery ,as mentioned . Well as he mentioned in his medical records . I DON'T CARE WHAT YOU SAID**" On Defendants APA medical records are Form 58 pg 91(2) and their index, intro and medical records numbered APA#1-APA#20 pgs 1-213(new nr 90-312). Defendants APA records pg 91 **Form 58 were are 2 (two) false witnesses in their evidences Nutra Mfg HR Missy Jones and Robyn Knox were by searching name of Robyn Knox shows as adult star movies expert were non of witnessed Claimant injury June/15/2017 and non of them has any type of medical expertise were real witnesses Bryan Lyles Jack Mason . Jamie Ellis are the real witness were DFENDANTS REFUSAL to mention them in their evidence and ex Claimant supervisor T.Morrow telling Claimant to write only Bryan in his incident report evidences refused by Defendants and WC commissioners.** Claimant medical records submitted at the Hearing dated Oct/22/2020 Claimant evidence are numbered APA pgs 313-402(1-90) evidence that been hidden ,conceal altered or destroyed by Defendants from the day one until present were their statement was that they didn't feel that Claimant evidences are that important to be submitted or presented by Claimant ex attorneys to WC commissioners hearing as evidence who supposing represent Claimant best interest not Defendants attorney requests. Claimant medical evidences dated June/19/26/2017 APA pgs 313-318(1-6)shows dr Patel refusal to perform MRI test to diagnose Claimant right hip fracture forcing Claimant to light duty work with broken hip for almost 3 weeks were 2 weeks gap medical evidence missing from Defendants medical evidences from day one until present. Claimant evidence dated July/4/2017 pgs.327(15) shows "**Frequency: BID 07/05/17-02/25/19 - Discontinued by Raymond Kirk Seiler 02/25/19 evidence missing from Defendants medical records**"(two) years prior that discontinue medication which is PERJURY OF MEDICAL EVIDENCE to put 2(two) years before ,were Claimant was unaware that he will see dr K.Seiler on that particular date , time and year, see Defendants Med Evid APA#16 dated 2/25/2019 pg 186(87) . Claimant medical evidence APA dated July/4/2017 with dr Swathwood new 328-329(16-17) shows "**Evaluate need to continue indwelling urinary catheter**" **evidence missing from Defendants medical records** . Claimant medical evidence dated 02/22/2018 pgs 331(19) shows incisional hernia , paralabral cyst present were Defendants defense attorney statement J.S.Jones was not an emergency to do surgical repair asap . Claimant medical evidence dated April/01/2018 ER Greenville Memorial and Bon Secours been missing pgs 333-349(21-370) medical evidence missing from Defendants medical records and were doctor making false claims that Claimant was changing several times story were was unable to talk several hours until his discharge home since Claimant wife tal with the doctors and took him twice in same day to ER because of medical conditions. Claimant evidence APA pgs 349(37)-350(38) dr Koch diagnosed Claimant with **Enlarged Prostate** in Defendants evidence APA #12 dated April/26/2018 with dr S.Koch pgs 269-270(170-171) Def Med Evid medical statement "**I discussed with he and his significant others that any further treatment would need approval through Workers Compensation**". Claimant evidence dated Sept/25/18 with dr O'Boyle pgs 351(39) & Def Med Evid APA #15 dated Sept/25/2018 pgs 279(180) were he state in his medical records "**I'M GOING TO CONSIDER THEM RELATED TO HIS INJURY**" and also email refused by WC commissioner S.Barden and defense attorney requests email dated Oct/3/2018 time 08:42 am from nurse of dr O'Boyle office sent to WC case manager Perry Reed "**I HAVE RECEIVED CLARIFICATION VIA PC FROM ANGELA AT THE MD OFFICE. SHE STATES SHE SPOKE WIRTH THE MD AND HE STATES THAT "UROLOGY COMPONENT IS RELATED TO THE INJURY"**" evidence that could be provided to Court of Appeals if are

requesting the evidence and allow the evidence to be admitted. Claimant evidence from physical therapy Elite dated Nov/11/2018- Dec/14/2018 pgs 353- 373(41-62) evidence were Claimant constantly complaints about medical conditions to physical therapy employees every visits evidence missing from Defendants evidence. . Claimant medical evidence dated April/29/2019 April/26/2019 pag 375(64)-376(65)show Claimant diagnosed with LYMPH NODES IN THE RIGHT INGUINAL REGION and BILATERAL HYDROCELES evidence missing from Defendants medical records. Claimant evidence dated July/1/2019 with dr Rana pgs 373-384(65-71) shows knowledge of defense attorney J.S.Jones about hip arthroscopy surgery see Depositions dated July/22/2019 pgs 12(38) “ And It Looks Like You Saw dr Rana? Was That At The Request Of Your Current Attorney? YES. “ evidence missing from Defendants medical records shows previous medical evidence by dr Patel dated June/19/26/2017 Claimant evid pgs 313-323(1-10) and Claimant evidence Northside Hospital Sports GA dr Potts dated Aug/19/2019 pgs 384-386(72-75),pgs 389-391(77-79) medical recommendations treatment were Defendants constantly refusal to provide any further medical treatment by 4(four) medical doctors recommendations all 4 WC medical doctors orthopedics providers Swathwood, Folk, Koch and O’Boyle and refusal by first IME dr Behr APA # 17 dated April/29/2019 pgs 286- 288 (187-189)who recommended to Return To Work without restrictions after 2 years since accident at defense attorney J.S.Jones REQUESTS. Claimant evidence dated 8/30/2019 & 10/10/2019 pgs 387-388(75-76) shows diagnose of INCIDENTAL GALLSTONES KIDNEY STONES & INTRALUMINAL GALLBLADDER POLYP & CHOLELITHIASIS evidence missing from Defendants evidence records. Claimant evidence dated 9/16/2020 pgs 392 (80) diagnosed with SOFT TISSUE MASS WITHIN THE BLADDER BASE ,SUSPICIOUS FOR POSSIBLE BLADDER TUMOR. Evidence missing from Defendants medical records. Claimant evidence pgs 394-402(82-90) dated 10/12/2020-9/22/2020 with dr Overholser show evidence from Asymptomatic Symptoms to SEVERE AND LIFE THREATENING CONDITIONS evidence missing from Defendants medical records. WC Hearing Transcript Oct/22/2020 pg 13 lines 15-24 ““He would point to my attention the fact there is no medical evidence showing that he had preexisting problems with any of these things , and so therefore, he doesn’t have to show any kind of aggravations, and he believes that he readily meets his preponderance of the evidence standard showing that has made this complaints contemporaneously with or shortly thereafter his accident, and he believes he can readily meet his burden of proof. ““. Email refused by WC commissioner S.Barden as evidence with Excuse that was between Claimant and attorney personal emails dated Jan/21/2019 time 10:21 am from defense attorney J.S.Jones to Claimant ex-attorney J.C.Davis asking him to settle the Claimant WC case and would be appreciated if is possible to submit email correspondence that present exactly to Honorable Court what defense attorney saying ““Thanks Josh, We are 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 s That Important. As far as I can tell, they are just trying to give Mr Craus the benefit of the doubt and have somone 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. Also 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, 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 THINK TO DO SO IS TRY TO SETTLE THE MATTER. CALL ME IF YOU WOULD LIKE TO DISCUSS THIS FURTHER. THANKS. J.S.Jones attorney of WJCB LAW”. Claimant request would be appreciation and happy to submit this email evidence that support Claimant evidence and Court of Appeals can call Defendants to testify under Oath for their fraudulent claims and violations of attorneys Rule of Law Appellant respectfully request this Honorable Court grant Appellant Motion and to

Deny and Dismiss Defendants Motion Requests and remembering to Honorable Court WC Hearing dated Oct/22/2020 pg 9 line 18 were WC commissioners S.Barden advising defense attorney J.S. Jones "JUST MADE A GLOBAL OBJECTION". see Hrg Transcript Oct/22/2020 pg 9 lines 11-25 ""(Commissioner : Without further objection, other than mr Jones objection to these records that come in, or most of them. I know there were a couple that you didn't. but L... Mr. Jones : Well,yeah. Commissioner Barden: ---JUST MADE A GLOBAL OBJECTION. Mr Jones: That's fine. Commissioner Barden: Since you hadn't seen them. Mr Jones: I WILL I'LL MAKE A GLOBAL A GLOBAL OBJECTION. IT IS JUST TOO MUCH. Denial is supported by the following See SCACR 210(c) ""(The record shall not ,however, include matter which was not presented to the lower court)""see also State v White , 372 S.C. 364,387,642 S.E. 2d 607,619(Ct App.2007) The Court of Appeals ,as an appellate court not a factfinder, cannot consider information other than that presented to the Commission. For the reasons stated, this Court should reverse the judgment of the circuit court.

March 2023

Appellant
Respectfully submitted,

/s/ Florin V Craus

201 Knollwood Dr
Anderson , South Carolina 29625

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Mar 15 2023

SC Court of Appeals

**PROOF OF SERVICE OF A NOTICE OF
APPEAL**

**THE STATE OF SOUTH CAROLINA
In The Court
of Appeals**

**APPEAL OF WORKERS COMPENSATION
COMMISSIONERS DECISION
FRAUDULENT DECISIONS
Case No. 1708689-(2021-00778)**

**Nutra Mfg aka
(IVC) & Sentry
Casualty Carrier**

Respondent, Defendants

v.

Florin V Craus

Appellant /Claimant

PROOF OF SERVICE

I certify that I have served the Appellant Response to Deny Respondents Motion Requests by sending a copy to email address of Court of Appeals ctappfilings@sccourts.org and defense attorney J.S.Jones jsjones@wicblaw.com, located at 325 Rocky Slope Rd suite 201 Greenville SC 29607 p 864-527-3273

March , 2023

s/Florin
V
Craus
201 Knollwood Dr
Anderson South Carolina
29625
Appellant Claimant