

December 2, 2024  
*VIA E-MAIL*

**RECEIVED**

**Dec 02 2024**

**SC Court of Appeals**

The South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: Takara L. Stewart v. South Carolina CVS Pharmacy, LLC  
Claim No: 302045514320001  
Appellate Case No.: 2023-001264  
W.C.C. File No.: 1923480  
Date of Injury: 12/26/2019

Dear Clerk of Court:

I received correspondence from Takara Stewart dated November 29, 2024 and December 1, 2024 attempting to file the Record on Appeal. In the proposed Record on Appeal, Appellant includes orders, motions, exhibits, documents, emails, correspondence, text messages, and other miscellaneous documents.

It is my understanding that, under South Carolina Appellate Court Rules, Rule 210(c), the record on appeal should only include matters designated to be included by any party under Rule 209 and shall not include any matter which was not presented to the lower court or tribunal. Under Rule 209, the Designation of Matter may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the record on appeal and shall not include any matter which is not relevant to the appeal.

On August 1, 2024, Appellant filed her Designation of Matter to be Included in the Record on Appeal. (Exhibit A). This court subsequently requested that Appellant file a Table of Contents which she filed on August 11, 2024 under the title "Table of Contents." (Exhibit B). Although this was Appellant's Table of Contents, this court saved this document as "DOM" thereby suggesting to Respondents that it accepted the document as a Designation of Matter. No subsequent Table of Contents was filed by Appellant and, therefore, it is unclear if this court is considering Exhibit B as Appellant's Table of Contents or her Designation of Matter.

Nevertheless, Appellant's 265-page Record on Appeal includes numerous documents that are not identified in Exhibit A, Exhibit B, or Respondents' Designation of Matter (Exhibit C) and does not include documents that are identified in Respondents' Designation of Matter (Exhibit C). More importantly, the Record on Appeal includes documents which Appellant previously attempted to have this court consider through a Motion to Present New Evidence. Via Order from this Court dated July 12, 2024 (Exhibit D), this Court previously advised Appellant that she could not include new evidence in the Record on Appeal

which is exactly what she is doing again with multiple documents identified in the Record on Appeal and in Exhibit B.

It is Respondent's contention that the Record on Appeal shall only contain the documents specifically identified in Exhibit A and Exhibit C. Every single page in the current 265-page Record on Appeal that is not identified in those exhibits and/or not considered by the South Carolina Workers' Compensation Commission when rendering their decisions, should not be included in the Record on Appeal. For that reason, Respondents respectfully ask this Court to provide guidance to Appellant regarding the appropriate documents to include in the Record on Appeal and, when filed correctly, provide Respondents the appropriate time to respond with their Final Respondents' Brief.

Thank you in advance for your attention to and assistance in this matter.

Sincerely,

GALLIVAN, WHITE & BOYD, P.A.

A handwritten signature in cursive script that reads "Michelle D. Yarbrough".

Michelle DeLuca Yarbrough

MDY/tq  
Enclosure

Exhibit A

**DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL  
THE STATE OF SOUTH CAROLINA**

In The Court of Appeals  
The Supreme Court

---

**WORKERS COMPENSATION COMMISSION PANEL:**

Cynthia C Dooley, Chair

T. Scott Beck

Melody L James

---

Appellate Case No. 2023-CP-001264

---

Takara L Stewart

Claimant/Appellant,

v.

South Carolina CVS Pharmacy, LLC Employer and

XL Insurance America Inc.,  
Carrier

Defendants/Respondents

---

**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**


---

Appellant proposes the following be included in the Record on Appeal:

1. Single Commissioner Decision and Order of January 19, 2023;
2. Statements of the Case/Arguments (I-VI)
3. Issues on Appeal

I certify that this designation contains no matter which is irrelevant to this appeal.

August 01, 2024

  
Takara L Stewart  
108 E York Street Suite 236  
Savannah, Georgia 31401  
(984) 215-1812  
Pro Se

## Exhibit B

RECEIVED

Aug 19 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

WORKERS COMPENSATION COMMISSION PANEL:

Cynthia C Dooley, Chair  
T Scott Beck  
Melody L James

Case No. 2023-001264

Takara Stewart,

Claimant/Appellant,

v.

South Carolina CVS Pharmacy, LLC, Employer Defendants/Respondents.  
XL Insurance America Inc., Carrier

TABLE OF CONTENTS

Appellant proposes the following be included in the Record on Appeal:

1. Single Commissioned Order/Rulings of Law of January 19, 2023;
2. Appellant Panel Order of July 10, 2023;
3. Appellants Initial Brief/ Answer;
4. APA #11 Depo P. 17; APA #1, #2, #3 #9, #6, #7 #11; APA #5 Pgs. 19-24, APA #12 Pgs. 37-44
5. Transcript of Proceedings: S. C. Tr. P. 17-31; F.C Hearing Tr. Pg. 3:1-25, Pg.4:1-25; F.C. Hearing Pg. 4:17-25; F.C. Tr. Pg. 4:11-12; F. C. Hearing Tr. Pg. 11:10-25; F. C. Hearing Tr. Pg. 10:1-25; F.C Tr. Pg. 8:3-25; F.C. Tr. Pg. 12:12-18; F. C. Hearing Tr. Pg. 17:5; F. C. Hearing Tr. Pg. 6:1-25
6. CVS Employee Handbook, Sexual harassment/assault policy;
7. Defendants' APA #13 Pg. 45-55

I certify that this designation contains no matter which is irrelevant to this appeal.

August 11, 2024

  
/s/

Takara L Stewart  
108 E York Street  
Suite 236  
Savannah, Georgia 31401  
(984) 215-1812  
Pro Se

## Exhibit C

**RECEIVED**

**Oct 30 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

Cynthia C. Dooley, Chair  
T. Scott Beck  
Melody L. James

---

WCC No. 1923480

---

Appellate Case No.: 2023-001264

---

Takara L. Stewart,.....Appellant,

v.

South Carolina CVS Pharmacy, LLC, Employer, and  
XL Insurance America, Inc., Carrier.....Respondents.

---

**RESPONDENTS' DESIGNATION OF MATTER**

---

Pursuant to Rule 209(a), SCACR, Respondents designate the following items for  
inclusion in the Record on Appeal:

1. Appellant's Form 50, dated April 8, 2020 and February 24, 2021;
2. Respondents' Form 51, dated May 8, 2020 and March 26, 2021;
3. The following excerpts from Appellant's and Respondents' APA Submissions and Exhibits:

- a. Respondents' Brief Exhibit D p. 66, Exhibit E p. 83, and Exhibit G;
  - b. APA 2 pp. 3-4
  - c. APA 5, pp.12, 19-21, 23-24;
  - d. APA 12, pp. 37-38, 40;
  - e. APA 13, pp. 46-47, 50-52;
4. Transcript of Deposition of Dr. Ashley Hicks: pp. 5:25-6:2, 16:22-25, 17:1-21, 27:24 – 28:2, 8-10, 30:2-5; 32:17-25; 33:8-10, 23-34:4, 22-25, 36:3-37:17, 38:9-20, 39:3-13, 39:24-40:22, 40:10-12, 19-22, 41:9-23, 42:25 – 44.
  5. Transcript of the hearing before Commission Aisha Taylor on June 3, 2021 pp. 28:16-25, 29:6-22, 35:23-36:6, 43:2-5, 43:23-46:19, 48:7-12, 49:10-51:15, 52:21-53:7, 54:14-22, 55:1-17, 56:18-20, 57:11-13, 17-24, 58:19-23, 61:22-62:8, 63:4-14, 23-24, 64:7-19, 66:20-22, 68:6-22, 76:17-77:6.
  6. Defendants/Appellants' Brief to the Full Commission dated April 13, 2023
  7. Defendants/Appellants' Reply Brief to the Full Commission dated May 2, 2023;
  8. Transcript of the Full Commission Hearing dated May 8, 2023; and
  9. Appellate Panel's Decision and Order dated July 10, 2023.

Pursuant to 209(c), SCACR, Respondents' counsel certifies that none of these items are irrelevant to the appeal.

Greenville, SC  
October 30, 2024

Respectfully submitted,  
s/Michelle DeLuca Yarbrough  
Michelle DeLuca Yarbrough  
(S.C. Bar No. 15603)  
Gallivan, White & Boyd, P.A.  
P.O. Box 10589  
Greenville, South Carolina 29603  
Telephone: (864) 271-5349  
[myarbrough@gwblawfirm.com](mailto:myarbrough@gwblawfirm.com)  
Attorneys for Respondents

Exhibit D

# The South Carolina Court of Appeals

Takara Stewart, Claimant, Appellant,

v.

South Carolina CVS Pharmacy, LLC, Employer, and XL  
Insurance America, Inc., Carrier, Respondents.

Appellate Case No. 2023-001264

---

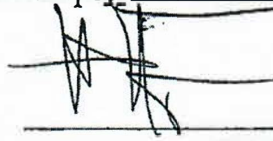
## ORDER

---

On April 17, 2024, Appellant filed her initial brief and designation of matter. On April 24, 2024, Appellant filed a motion titled "Motion New Evidence." In the motion, she requests "to present new evidence pertinent to the record on appeal to the Full Commission Appellate Panel." Specifically, she seeks to present (1) a psychology referral from Dr. Hicks-Beckum, (2) a psychology consultation and debrief, (3) a psychology estimate requested by Respondents, and (4) documentation of Respondents' settlement offers. Respondents filed a return, opposing Appellant's motion. We construe Appellant's motion as requesting either to amend the designation of matter or to remand to the South Carolina Workers' Compensation Commission. After careful consideration, we deny the motion. *See* Rule 210(c), SCACR (providing the record on appeal shall not include matter not presented to the lower court or tribunal).

Respondent filed a motion to dismiss the appeal or to strike improper portions of Appellant's initial brief and designation of matter. Appellant did not file a return. After careful consideration, we deny Respondent's motion to dismiss; however, we grant Respondent's motion to strike Appellant's initial brief and strike items 2, 3, and 4 from Appellant's designation of matter. *See* Rule 208(b)(1)(C), SCACR (explaining the statement of the case "shall not contain contested matters"); Rule 209(b), SCACR (stating a party may only designate matters that may properly be included in the record on appeal); Rule 210(c), SCACR (providing the record shall not include matter which was not presented to the lower court or tribunal).

Within twenty days of the date of this order, Appellant shall file and serve an amended initial brief. Failure to comply will result in dismissal of this appeal.

A handwritten signature in black ink, appearing to be 'W. J.', is written over a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

Takara Stewart

Michelle Deluca Yarbrough, Esquire

**RECEIVED**

**Jul 12 2024**

**SC Court of Appeals**