

RECEIVED

Jan 16 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
T. Scott Beck, Commissioner

Workers' Compensation File No. 2118696.

**Serge R. Wandji,
Appellant/Claimant,**

v.

**The Regional Medical Center, Self-Insured Employer, Through Antum Risk,
Respondent/Defendant.**

**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR
EXTENSION OF TIME**

Appellate Case No. 2024-001935

TO: THE COURT OF APPEALS OF SOUTH CAROLINA AND ATTORNEYS FOR THE
RESPONDENTS:

COMES NOW the Pro see Appellant, Serge Wandji, and files this Response in Opposition to the Respondents' Motion for Extension of Time to file their Initial Brief and Designation of Matter, showing the Court as follows:

INTRODUCTION

The Respondents' Motion for Extension of Time is yet another attempt to delay these proceedings and undermine the Appellant's right to a timely resolution of his claims. The Respondents have consistently engaged in procedural tactics designed to avoid addressing the merits of this appeal, including their repeated efforts to exclude the deposition of Dr. John H. Samies, a key piece of newly discovered evidence that directly supports the Appellant's case.

The current Motion is not based on any legitimate need for additional time but is instead part of the Respondents' ongoing strategy to frustrate and delay justice.

ARGUMENT

I. The Respondents Have Provided No Valid Justification for the Requested Extension

The Respondents claim that the Appellant's Initial Brief and Designation of Matter reference materials that are "not properly part of the evidentiary record below." However, this assertion lacks merit and fails to justify delaying their Response filing. The Appellant's references to Dr. Samies' deposition and other relevant evidence are both appropriate and necessary for this Court's review of the issues on appeal. South Carolina courts have consistently recognized that appellate review may include consideration of newly discovered evidence when it is critical to achieving a just outcome. See *Hawkins v. Bruno Yacht Sales, Inc.*, 342 S.C. 352, 536 S.E.2d 698 (Ct. App. 2000).

The Respondents' reliance on their pending Motion to Strike and Motion to Exclude as a basis for delaying their Initial Brief is improper. These motions, which are themselves unfounded, cannot serve as a pretext to postpone the Respondents' obligations under the appellate rules.

II. The Requested Extension Reflects a Pattern of Dilatory Conduct

The Respondents' Motion for Extension of Time is consistent with their broader strategy of employing delay tactics to avoid addressing the substance of the Appellant's claims. These tactics include:

1. **Repeated Efforts to Exclude Dr. Samies' Deposition:** The Respondents have filed multiple motions seeking to strike or exclude references to Dr. Samies' deposition, despite its clear relevance as newly discovered evidence that triggered this appeal.
2. **Misrepresentation of Procedural Necessity:** The Respondents' assertion that they require additional time to prepare their Initial Brief due to the Appellant's inclusion of certain evidence is a transparent attempt to evade their appellate obligations and to control this Appealing proceedings.
3. **Failure to Act Diligently:** The Respondents have had ample time to prepare their Initial Brief and Designation of Matter. Their delay reflects a lack of diligence rather than any legitimate need for additional time.

III. Further Delay Prejudices the Appellant and Undermines the Integrity of the Appellate Process

The Appellant has a right to a timely resolution of his claims. Granting the Respondents' requested extension would cause undue prejudice by prolonging the resolution of this appeal and enabling the Respondents to continue their pattern of procedural obfuscation. Moreover, further delay undermines the integrity of the appellate process by rewarding the Respondents' dilatory conduct.

South Carolina courts have consistently emphasized the importance of timely resolution in workers' compensation cases, recognizing the need to provide injured workers with prompt access to justice. See *Lark v. Bi-Lo, Inc.*, 276 S.C. 130, 276 S.E.2d 304 (1981). Allowing the Respondents to delay these proceedings further would contravene this principle and frustrate the purpose of the workers' compensation system.

CONCLUSION

The Respondents' Motion for Extension of Time is part of a broader pattern of delay tactics aimed at avoiding the merits of this appeal. Their assertion that additional time is necessary is unsupported by the facts and is inconsistent with their obligation to proceed diligently. For the foregoing reasons, the Appellant respectfully requests that this Court deny the Respondents' Motion for Extension of Time and require the Respondents to comply with the existing deadlines for filing their Initial Brief and Designation of Matter.

Respectfully submitted this 16th day of January, 2025.

s/Serge Wandji
Pro Se Appellant
579 Folly Road, P.O. Box 12112
Charleston, SC 29422
Email: sergewandji@gmail.com
Phone: 678-612-9649

Dated: January 16, 2025

RECEIVED

Jan 16 2025

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
T. Scott Beck, Commissioner

Workers' Compensation File No. 2118696.

**Serge R. Wandji,
Appellant/Claimant,**

v.

**The Regional Medical Center, Self-Insured Employer, Through Antum Risk,
Respondent/Defendant.**

CERTIFICATE OF SERVICE

Appellate Case No. 2024-001935

I hereby certify that on this January 16, 2025, a true and correct copy of the **PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION OF TIME** was served upon the following party via certified mail, and email to the Defendant Attorney in file as followed:

Mr. Roy A. Howell, III
Trask & Howell, L.L.C.
Attorneys for Defendants
763 Johnnie Dodds Blvd
P.O. Box 2167 Mt. Pleasant, SC 29465
rhowell@trask-howell.com

s/Serge Wandji
579 Folly Rd. P.O. Box 12112,
Charleston SC, 29422
sergewandji@gmail.com

RECEIVED

Jan 16 2025

SC Court of Appeals

Cover Letter

Serge Wandji

579 Folly Road

P.O. Box 12112

Charleston, SC 29422

sergewandji@gmail.com

(678) 612-9649

January 16, 2025

South Carolina Court of Appeals

**Re: Opposition to Defendant's Motion for Extension of Time
Appellate Case No. 2024-001935**

Dear Judges of the Court of Appeals,

I am writing to accompany my **Response in Opposition to the Defendant's Motion for Extension of Time** filed in the case of Serge R. Wandji v. The Regional Medical Center. As a pro se appellant, I respectfully urge this Court to consider the arguments presented in my response, which highlight the prejudicial impact of further delays and the lack of valid justification for the requested extension.

The Defendant's motion exemplifies a repeated pattern of dilatory tactics, including efforts to exclude crucial evidence, such as Dr. Samies' deposition, that supports my case. These actions undermine the integrity of the appellate process and impede a fair and timely resolution. South Carolina courts have long emphasized the importance of expediency in workers' compensation cases to ensure justice for injured workers. Granting the extension would contravene these principles and cause undue prejudice.

I am committed to diligently pursuing this appeal and ensuring a just outcome. Thank you for your attention to this matter. I am available to provide any additional information or clarification the Court may require.

Respectfully submitted,

s/Serge Wandji

Appellant (Pro Se)