

**RECEIVED**

**Mar 05 2025**

S.C. SUPREME COURT

**PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA  
To Supreme Court

APPEAL OF WORKERS COMPENSATION  
COMMISSIONERS AND COURT OF APPEAL  
FRAUDULENT DECISIONS

Case No. 1708689-(2021-00778)

Nutra Mfg aka (IVC ) & Sentry  
Casualty Carrier

Respondent, Defendants

v.

F V Craus

Appellant /Claimant

**PROOF OF SERVICE**

I certify that I have served the proof of service to Respondents by sending a copy to email address of defense attorney J.S.Jones [jj1271941@gmail.com](mailto:jj1271941@gmail.com) , located at 108 Tinsley Court Greenville SC 29615/ph. 864-527-3273

March .5 2025

s/F V Craus

Anderson South Carolina 29625  
Appellant Claimant

RECEIVED

Mar 05 2025

S.C. SUPREME COURT

PETITION TO GRANT A WRIT OF  
CERTIORARI

THE STATE OF SOUTH CAROLINA

TO SUPREME COURT

*Appeal Workers Compensation Commission &  
Court of Appeals Decision*

Case No. 1708689-(2021-000778)

Nutra Mfg aka (IVC) &  
Sentry Casualty Carrier &  
Jeffrey S Jones personal  
Defense Attorney

Employer  
Respondent/  
Defendants

v.

Florin V. Craus

Appellant.  
Claimant

**Appellant Was Not Allowed to Have Any Legal Representation At Defense Attorney Jeffrey S. Jones requests where S Garcia Claimant ex- attorney stated that he was asked in Court by J.S Jones To Drop The Claimant WC case and stated that 'They Been Having Lunch \$\$\$\$\$ Every Week' and with all previous Claimant attorneys. Repetitively corrupt J.S Jones attorney Requesting Claimant all Ex-Attorneys to Drop WC Case in His Favor which results that Claimant is Unrepresented at present. Two (2) previously assistance for J.S.Jones attorney's John G. Coggiola, Willie J Peters III ( quit the job because of false allegations with evidences documents shows WC decisions evidence refusing to support corrupted attorney Defense J.S. Jones ,hiring the third (3) specialist assistant attorney Christopher M Cato helping corrupt Defense attorney J.S.Jones to present false allegations were one of the specialist corrupt attorney Threatening Claimant in the letter submitted to Court of Appeal "TO TEACH AND EDUCATE CLAIMANT HOW THE LAW WORKS". Court of Appeal decisions was Favorable at Defendant's Requests with attorneys' friendship who's can INFLUENCE \$\$\$\$\$ at the corrupt attorney J.S Jones REQUESTS \$\$\$\$\$\$ via private calls, meetings, messages, emails.**

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Federal False Claim Act § 31 USC 3729-33 , S.C. Code Ann 38-55-170 ,, S.C Code Ann 38-55-510 , S.C Code of Regulations R.126-400 et seq. , CJC 3E, Rules 1.2, Rules 3.4(a)(b) , Rules 3.5 , Rules 4.1 , Rules 8.4 (a)(b)(c)(d)(e)(f)(g) , SC § 43-7-60, SC Code § 1613-10(2013) , SC § 38-38-720 , SC § 38-38-570 , SC § 38-38-540 , AURORA ET V GMC 11-C-03587-YGR , USA v. GMC 940686 , CONSUMERS VS GMC 3214 - C11 05682 , LEAFORA v OPS 27290 - S.C. - 2019

***Petition To Grant a Writ of Certiorari WC  
Commission & Court of Appeals Decision***

GNC Nutra Manufacturing aka IVC (International Vitamin Corporation) with history of Fraud and Bankruptcy in Workers Compensation Insurance Fraud cases were GNC Violation tracker shows multiple lawsuits for Consumer Protection Violations 2002, two cases of Wage and Hour violation 2005, Wage and Hour Violation 2007, Wage and Hour Violation 2015, and Hour Violation & Drug or Medical Equipment, Wage and Safety Violation where in 2016, Texas US Dept of Justice documents shows that GNC Enters agree to pay \$ 2.25 million to US government and agreement with DOJ to improve its Practices and Keep Potential Illegal Unlawful Dietary Supplements of the market see attached documents (Aurora Et v GNC II-C.03587-YGR, see USA vs GNC 940686, see Consumers vs GNC 3:14-CV 05682). **Workers Compensation Commissioner SUSAN BARDEN has become a star on TV where WIS NEWS 10 making history of CORRUPTION SYSTEM . Supreme Court find judge ABUSIVE AND STRIDENT statement commissioner Susan Barden judge behave abusively while ruling WC case and was not truthful in a sworn statement submitted see "WIS NEWS 10" WC commissioner has hanger to keep job amidst accusations of not having judicial temperament for job see attached (Ledford v DPS 27290-S.C.-2019).** Appellant request Motion Hearing in person in Supreme Court with Defendants to present the facts of evidence in Supreme Court which Defendants taking advantage of Claimant situation unrepresented and unfamiliar with the court procedures and demands and negative decision of Court of Appeals keeping the WC case for 4((four years) without looking at the evidence and case arguments. Appellant respectfully asking Supreme Court to bring Defendants and their corrupt attorney J.S.Jones to Supreme Court to testify under oath for their fraudulent actions and false claims and confronting defense attorney with the evidence face to face in Court . Defendants FALSE claims is that so called "Claimant failure "is that Claimant **submitted certain evidence, that WC commissioner Susan Barden asking Claimant to 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 which means that Subpoena after the hearing for Releasing CCTV videos and emails correspondence cannot be submitted or any other Motion Requests while Defendants evidence to Court of Appeals been submitted and allowed after the WC Hearing/Oct/22/2020 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 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. Recently **hiring Third Specialist in Appeals Attorney Christopher M Cato after the second attorney Gabe Coggiola and first attorney Willie J Peters III quit the job calling themselves "SPECIALISTS IN APPEALS" and Gabe Coggiola helping defense attorney J.S.Jones who is facing Disciplinary Counsel Investigations with WC commissioner Susan Barden were attorney Gabe saying that he doesn't know the Rules of Lawyers and Stating That He Is Unable To Respond At Defense attorney J.S.Jones Actions facing himself EVIDENCE FACTS CHECK that contradicting their Own Evidence** over the phone conversation. **The 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 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 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 of judicial conduct””; **SC§ 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 31U.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 evidence “” until the Hearing dated Oct/22/2020 where 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 oxygenating, 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 advice? 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 medical statements diagnosis made by WC commissioners S.Barden, T.Scott , Avery B Wilkerson , Aisha Taylor and defense attorney J.S.Jones Were NONE OF THEM HAS ANY TYPE OF MEDICAL DEGREE TO DIAGNOSING CLAIMANT with POSSIBILITY OR PROBABILITY COPD WERE NONE 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 Surgery and were WC commissioners refused to ask Defendants to present medical evidence to 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 to Have One. I Never Remember to Say That I Have One. . See, well, You Testified That You Had Surgery on Your 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 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 none of witnessed Claimant injury June/15/2017 and none 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 evidence 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 evidence 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**" ""2(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 was unable to talk several hours until his discharge home since Claimant wife talking 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 him 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 constant complaints about medical conditions to physical therapy employees every visit evidence missing from Defendants evidence. . Claimant medical evidence dated April/29/2019 April/26/2019 pag 375(64)-376(65) shows 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 diagnosis 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 is missing from the 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 protecting Defense attorney J.S.Jones 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 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 orthopedic 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 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 to oral hearing would be appreciation and happy to submit this evidence that support Claimant evidence to Supreme Court and call Defendants to testify under Oath for their fraudulent claims and violations of attorneys Rule of Law Appellant respectfully remembering to Honorable Court that WC Commissioner Susan Barden ADVISING Defense Attorney J.S Jones "JUST MADE A GLOBAL OBJECTION" dated Oct/22/2020 pg 9 line 18.

For the reasons stated Appellant concerns about decision without oral arguments face to face were Defendants in the letter submitted to Court of Appeals Threatening Claimant" TO TEACH HIM LAW LESSONS AND EDUCATE CLAIMANT HOW LAW WORKS ". Defendants Attorneys have the Law for themselves separately which is different for ordinary people considering Themselves ABOVE THE LAW and the believe are IMMUNE to face any consequences and Nothing is gone to happen Them because they are the LAW Above the LAW and the LAW is ALWAYS ON THEIR SIDE and because of Defendants Arrogance insisting for evidence to support the Claimant allegations there is the evidence attached . Claimant respectfully asking Supreme Court to review to reverse the judgment of the Workers Compensation Commission and Court of Appeals decision where Defendants shall pay past-present and future retroactively medical bills, loss of enjoyment of life , emotional and physical damage, penalties and punitive damages for false intellectual modification of medical records with doctors complicity, obstructing ,alter and destroy evidence destroying Claimant health unable to support family since 2017 until present. Claimant is asking the Supreme Court to reverse the decision and Defendants shall and reimburse Claimant 1.000.000 \$ for all the above-mentioned.

Respectfully submitted,

MARCH  
February 5 2025

/s/ F V Craus  
Appellant/ 201 Knollwood Dr /Anderson /SC  
29625

**(864) 232-7363 Phone**

**(864) 370-3731 Fax**

[www.christiandavislaw.com](http://www.christiandavislaw.com)

**From: Reed, Perry** ✕

[<Perry.Reed@genexservices.com>](mailto:Perry.Reed@genexservices.com)

**Sent: Wednesday, October 3, 2018 8:42 AM**

**To: Lindsey McQuiddy**

[<lmcquiddy@christiananddavis.com>](mailto:lmcquiddy@christiananddavis.com); ✕

**Josh Christian**

[<jchristian@christiananddavis.com>](mailto:jchristian@christiananddavis.com) ✕

**Subject: cnh17s c█████, ██████**

Hi all,

I have received clarification via pc from Angela at the MD office.

She states she spoke with the MD and he states the urology "component" is

X related to the injury. X

X Again, the MD spoke regarding this, at the appointment, but I did not understand it to be related at that time. I would have requested a referral for urology, if I had understood him to be relating it to the injury.

I have attached the notes, and he states in those notes that he is considering the urologic issues related until he knows what the diagnosis is, based on Mr. C [redacted] reported groin/scrotal pain since his injury/surgery.

Again apologies for the confusion, but he was not clear in his verbal communication at the time of the appointment.

X I have sent this to the adjuster and will update you regarding any response.

Thanks

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Attorney At Law

Christian & Davis Attorneys, LLC

1007 E. Washington St.

Greenville, SC 29601

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(864) 370-3731 Fax

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From: Jeffrey S. Jones <[jsjones@wjlaw.net](mailto:jsjones@wjlaw.net)>  
Sent: Monday, January 21, 2019 10:21 AM  
To: Josh Christian <[christian@christiananddavis.com](mailto:christian@christiananddavis.com)>  
Subject: RE: WCC 1708689 [REDACTED] vs. Nutra Mfg 55C354191-342

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 were just trying to give Mr. [REDACTED] the benefit of the doubt and have someone evaluate him for the possibility. Given that Mr. [REDACTED] has been seen by so many orthopaedic 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.

8/29/2019

Yahoo Mail - FW: WCC 1708689 Vasile Florin Craus vs. Nutra Mfg 55C354191-342:

Also, I think my letter is quite thorough. Of course, Dr. O'Boyle has already seen Mr. [REDACTED] and has the records. If you want to send something to 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 Perry Reed, the nurse case manager, and Dr. Koch's office. If your office can get Dr. Koch to see him, please do so.

Given that you have had a chance to review the letter, I am going to go 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.

Jeffrey S. Jones, Attorney  
[jsjones@wjlaw.net](mailto:jsjones@wjlaw.net)

1333 Main Street, Suite 500  
P.O. BOX 1715  
Columbia, SC 29202-1715  
803-737-5675



Carrier File #: \_\_\_\_\_  
Carrier Code #: \_\_\_\_\_  
Employer FEIN #: \_\_\_\_\_

Claimant's Name: [REDACTED] SSN: [REDACTED] Employer's Name: NUTRA MANUFACTURING, INC.  
Address: [REDACTED] Address: 1050 WOODRUFF ROAD  
City: Anerson State: SC Zip: [REDACTED] City: GREENVILLE State: SC Zip: 29607  
Home Phone: [REDACTED] Work Phone: \_\_\_\_\_ Insurance Carrier: SENTRY CASUALTY COMPANY  
Preparer's Name: THOMAS M. GAGNE, ESQ. Law Firm: THE ATTORNEY OFFICES OF THOMAS GAGNE Preparer's Phone #: 864 233 2000

**SUBPOENA**

To: NORTHSIDE HOSPITAL SPORTS MEDICINE NETWORK - DR. CHRIS POTTS

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

**PLACE OF TESTIMONY:**

ROOM:

DATE AND TIME:

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION:**

DATE AND TIME:

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

**LIST OF DOCUMENTS:** Patients entire medical history from 6/15/17 to present. An itemized billing statement for any treatment pertaining to a workers compensation injury.

**PLACE:** Law Office of Thomas Gagne  
101 Chapman Street Greenville SC 29605 or fax  
864-233-1913

**DATE AND TIME:** 7/10/19

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

**PREMISES:**

DATE AND TIME:

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

[Signature]  
ISSUING OFFICER'S SIGNATURE AND TITLE

864 233 2000  
PHONE NUMBER

6/26/19  
DATE

Serve this form according to R.67-212B. Refer to R.67-212 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5765.

South Carolina Workers' Compensation Commission  
1333 Main Street, Suite 500  
P.O. BOX 1715  
Columbia, SC 29202-1715  
803-737-5675



Carrier File #: 55C354191-342

Carrier Code #: \_\_\_\_\_

Employer FEIN #: \_\_\_\_\_

Claimant's Name: [REDACTED] SSN: [REDACTED] Employer's Name: GNC/Nutra Manufacturing  
Address: [REDACTED] Address: 300 6th Avenue  
City: Anderson State: SC Zip: 29625 City: Pittsburg State: PA Zip: 15222  
Home Phone: [REDACTED] Work Phone: [REDACTED] Insurance Carrier: Sentry Casualty Company  
Preparer's Name: Marsha L. Thomas Law Firm: Willson Jones Carter & Baxley, P.A. Preparer's Phone #: (864) 527-3274

### SUBPOENA

To: Northside Hospital / Records Custodian

YOU ARE COMMANDED to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: \_\_\_\_\_ ROOM: \_\_\_\_\_  
DATE AND TIME: \_\_\_\_\_

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.  
Any and all **\*\*abstract\*\*** records you have in your possession relating to the medical care of [REDACTED] (DOB: 01/13/1944) FOR DATES OF SERVICE FROM 2015 FORWARD, including, but not limited to: admission/discharge summaries, consultation reports, operative reports, ER reports, nurses' notes, ALL patient information sheets, diagnostic radiology reports, work excuse/restriction slips, and correspondence to or from any and all third parties. (We do not need lab test results, EKG printouts, blank or duplicate pages.) Because you are not located in the State of South Carolina, this subpoena is not binding on you and does not compel you to produce the requested documents. However, enclosed is signed Medical Authorization by Mr. [REDACTED]

MAIL OR Marsha L. Thomas Fax: (864) 241-5372 MAIL/FAX BY: JULY 28 2018  
FAX TO: Willson Jones Carter & Baxley, P.A.  
872 S. Pleasantburg Drive  
Greenville, SC 29607

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

ISSUING OFFICER'S SIGNATURE AND TITLE

Jeffrey S. Jones, Attorney for Defendants

(864) 527-3273  
PHONE NUMBER

July 18, 2019  
DATE

Serve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

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Oh. Oh, okay.

**COMMISSIONER BARDEN:**

Okay.

**THE CLAIMANT:**

Okay, yeah.

**COMMISSIONER BARDEN:**

Thank you.

**THE CLAIMANT:**

Okay.

*Y* **COMMISSIONER BARDEN:**

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 I ---

**MR. JONES:**

Well, yeah.

*X* **COMMISSIONER BARDEN:** *X*

--- just made a global objection. *X*

**MR. JONES:**

That's fine.

**COMMISSIONER BARDEN:**

*X* Since you hadn't seen them. *X*

**MR. JONES:**

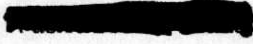
*X* I will, I'll make a global objection. It is just too much. And -- and also, I would say, just

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And in fact, the Defendants would content that they have sent the Claimant to various physicians, who have opined, or who do not either have opined that these are not related conditions, or that they have not commented. So in any event, it's the Defendants' position that the Claimant cannot meet his burden of proof. As far as the hip fracture is concerned, the Defendants would point to my attention an M.R.I., which showed a heel fracture. And defendants have also had the claimant's low back evaluated, and they have tried to or attempted, according to the Defendants, to address the Claimant's complaints. The Defendants would contend that they are not responsible for any unauthorized treatment that the Claimant sought on his own. For instance, the Claimant went to seek treatment in Georgia, with a Dr. Potts. The Defendants did not know about it. No Form 50 had been filed, and therefore, they believe that they should not be required to have to reimburse Mr. [REDACTED] for that. As far as the groin is concerned, the Defendants believe that along with these other things, that that no doctor has opined that they are related. So the Defendants and the Claimant disagree with what the doctors say in that respect.

DECISION AND ORDER OF THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 1708689

	)
Employee,	)
Claimant,	)
	)
vs.	)
	)
NUTRA Manufacturing, Inc.,	)
	)
Employer,	)
and	)
	)
Sentry Casualty Company,	)
	)
Carrier,	)
Defendants.	)

---

<b>HEARING:</b>	Held in Aiken, South Carolina on October 22, 2020.
<b>APPEARANCES:</b>	Claimant unrepresented by counsel.  Defendants represented by Jeffrey S. Jones, Esquire of Willson Jones Carter & Baxley, P.A., Greenville, South Carolina.
<b>PURPOSE OF HEARING:</b>	To determine the issues as set forth on the Form 21.
<b>DECISION AND ORDER:</b>	By Susan S. Barden, Commissioner
<b>FILED:</b>	<u>November 25, 2020</u>

forth herein), Defendants are not required to provide any further benefits for the right hip (e.g., Defendants' APA #17, pages 188-189; Defendants' APA #20, page 213).

80. Claimant has failed to prove by a preponderance of the evidence that he is entitled to any further medical benefits, any award for serious disfigurement or any other compensable element under the law, other than the award for disability as ordered herein. This finding is based on the evidence in the record as a whole, including but not limited to the APA submissions by Claimant and Defendants, the hearing and deposition testimony of Claimant, and the evidence set forth in the Findings of Fact herein.

81. Defendants shall receive credit for overpayment of temporary benefits paid beyond June 3, 2020.

82. Claimant's average weekly wage is \$655.67, yielding compensation rate of \$437.13.

## VI. CONCLUSIONS OF LAW

Accordingly, as provided in § 42-17-40, SC Code Ann. (1976), as amended, it is the determination of this Commission that:

1. Under § 42-1-130, Claimant was a covered employee at the time in question; and under § 42-1-140, Defendant/Employer was a covered employer under the Act.

2. Under § 42-1-160, Claimant sustained an injury to his right hip by accident arising out of and in the course and scope of his employment on June 15, 2017.

3. Under § 42-9-260, Defendants were entitled to stop payment of temporary compensation on June 3, 2020, the date on which Claimant reached maximum medical improvement.

4. Under § 42-15-60, Claimant was entitled to medical, surgical, hospital and other authorized treatment until June 3, 2020, the date on which Claimant reached maximum medical

improvement, but not thereafter, there being no evidence that any additional medical treatment would tend to lessen the period of his disability.

5. Under § 42-9-30, Claimant has sustained 7% permanent partial disability to the right hip. From such award, Defendants are entitled to a credit for the overpayment of temporary total compensation since June 3, 2020, pursuant to § 42-9-210.

#### **VII. ORDER/AWARD**

**IT IS HEREBY ORDERED** that the Application of Employer/Carrier to stop payment of temporary total compensation is hereby granted, effective June 3, 2020, the date on which Claimant reached maximum medical improvement.

**IT IS HEREBY ORDERED** that no body parts/conditions—other than the right hip – are causally related to the work injury on June 15, 2017.

**IT IS FURTHER ORDERED** that as a result of Claimant's accidental injury occurring on June 15, 2017, he has sustained 7% permanent partial disability to the right hip, for which Defendants shall pay to Claimant 19.6 weeks of compensation, at the compensation rate of \$437.13 per week, less a credit or offset to Defendants for the overpayment of temporary total compensation after June 3, 2020.

**IT IS FURTHER ORDERED** that Claimant reached maximum medical improvement on June 3, 2020, and Defendants are not liable for any additional medical, surgical, hospital or other medical treatment to Claimant after said date, until and unless further ordered by this Commission.

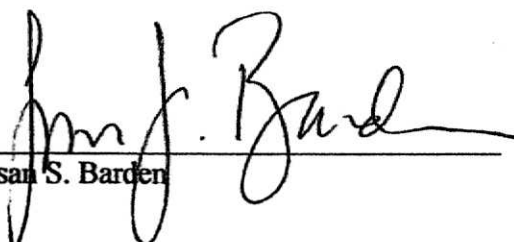
**IT IS FURTHER ORDERED** that Defendants shall reimburse Claimant for the right hip surgery and visits with Dr. Potts, subject to the Workers' Compensation fee schedule.

**IT IS FURTHER ORDERED** that Claimant is entitled to mileage for the evaluation with Dr. Glenn Scott on June 3, 2020, pursuant to the Act.

No hearing costs are assessed in this instance.

**IT IS SO ORDERED.**

SOUTH CAROLINA WORKERS'  
COMPENSATION COMMISSION

  
Susan S. Barden

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

***By Barbara Skarbek on November 25, 2020***

APPELLATE PANEL  
DECISION AND ORDER  
OF THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
WCC FILE NO. 1708689

[REDACTED]

1<sup>ST</sup> APPELLANT/CLAIMANT,

vs.

NUTRA Manufacturing, Inc.,

EMPLOYER,

AND

Sentry Casualty Company,

CARRIER,  
DEFENDANTS/2<sup>ND</sup> APPELLANTS

---

Appellate Panel Review held in Columbia, South Carolina,  
on February 22, 2021 per notices timely and properly served  
upon all parties of interest.

Appellate Panel Decision and Order filed  
June 22, 2021

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APPEARANCES:

1st Appellant/Claimant, [REDACTED], of Anderson,  
South Carolina, unrepresented by counsel.

Defendants/2nd Appellants represented by Jeffrey S. Jones,  
Esquire of Willson Jones Carter & Baxley, P.A. in Greenville,  
South Carolina.

evidence in the record as a whole, including but not limited to the APA submissions by Claimant and Defendants, the hearing and deposition testimony of Claimant, and the evidence set forth in the Findings of Fact herein.

82. Defendants shall receive credit for overpayment of temporary benefits paid beyond June 3, 2020.

83. Claimant's average weekly wage is \$655.67, yielding compensation rate of \$437.13.

### CONCLUSIONS OF LAW

In view of those Findings of Fact, and as provided in the South Carolina Code of Laws, WE, THE APPELLATE PANEL, CONCLUDE THE FOLLOWING AS MATTERS OF LAW:

1. Under § 42-1-130, Claimant was a covered employee at the time in question; and under § 42-1-140, Defendant/Employer was a covered employer under the Act.
2. Under § 42-1-160, Claimant sustained an injury to his right hip by accident arising out of and in the course and scope of his employment on June 15, 2017.
3. Under § 42-9-260, Defendants were entitled to stop payment of temporary compensation on June 3, 2020, the date on which Claimant reached maximum medical improvement.
4. Under § 42-15-60, Claimant was entitled to medical, surgical, hospital and other authorized treatment until June 3, 2020, the date on which Claimant reached maximum medical improvement, but not thereafter, there being no evidence that any additional medical treatment would tend to lessen the period of his disability.
5. Under § 42-9-30, Claimant has sustained 7% permanent partial disability to the right hip. From such award, Defendants are entitled to a credit for the overpayment of temporary total compensation since June 3, 2020, pursuant to § 42-9-210.

6. Under § 42-15-60(A), Defendants are not required to reimburse Claimant for the unauthorized right hip surgery and visits with Dr. Potts.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law,

**IT IS HEREBY ORDERED** that the Order of the Hearing Commissioner filed in the above-captioned matter on November 25, 2020, is hereby affirmed in part, and reversed in part.

**IT IS, THEREFORE, ORDERED** that the Application of Employer/Carrier to stop payment of temporary total compensation is hereby granted, effective June 3, 2020, the date on which Claimant reached maximum medical improvement.

**IT IS HEREBY ORDERED** that no body parts/conditions—other than the right hip – are causally related to the work injury on June 15, 2017.

**IT IS FURTHER ORDERED** that as a result of Claimant's accidental injury occurring on June 15, 2017, he has sustained 7% permanent partial disability to the right hip, for which Defendants shall pay to Claimant 19.6 weeks of compensation, at the compensation rate of \$437.13 per week, less a credit or offset to Defendants for the overpayment of temporary total compensation after June 3, 2020.

**IT IS FURTHER ORDERED** that Claimant reached maximum medical improvement on June 3, 2020, and Defendants are not liable for any additional medical, surgical, hospital or other medical treatment to Claimant after said date, until and unless further ordered by this Commission.

**IT IS FURTHER ORDERED** that Claimant is entitled to mileage for the evaluation with Dr. Glenn Scott on June 3, 2020, pursuant to the Act.

*Remainder of page intentionally left blank.*

**IT IS FURTHER ORDERED** that the portion of the Hearing Commissioner's Order requiring Defendants to reimburse Claimant for the unauthorized right hip surgery and visits with Dr. Potts, subject to the Workers' Compensation fee schedule, is hereby reversed.

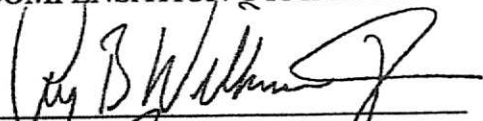
No hearing costs are assessed in this instance.

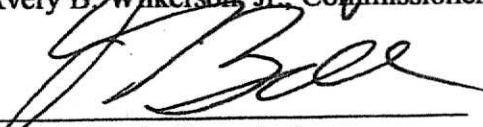
**AND IT IS SO ORDERED.**

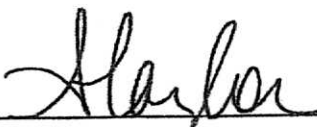
**AFFIRMED IN PART  
AND REVERSED IN PART**

**CONCUR:**

**SOUTH CAROLINA WORKERS'  
COMPENSATION COMMISSION**

  
Avery B. Wilkerson, Jr., Commissioner

  
T. Scott Beck, Commissioner

  
Commissioner Aisha Taylor



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

November 21, 2024

Vasile Florin Craus  
201 Knollwood Drive  
Anderson SC 29625

Mr. Jeffrey Scott Jones, Esquire  
108 Tinsley Court  
Greenville SC 29615

Mr. Christopher Michael Cato, Esquire  
500 Taylor Street  
Suite 200  
Columbia SC 29201

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

Dear Counsel and Mr. Craus:

After careful consideration by the Court, this case will be submitted on the record on appeal and briefs during the November 2024 term without oral argument.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine S. Harrison, Deputy".

CLERK



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

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November 27, 2024

Vasile Florin Craus  
201 Knollwood Drive  
Anderson SC 29625

Mr. Jeffrey Scott Jones, Esquire  
108 Tinsley Court  
Greenville SC 29615

Mr. Christopher Michael Cato, Esquire  
500 Taylor Street  
Suite 200  
Columbia SC 29201

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

Dear Counsel and Mr. Craus:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

  
CLERK

cc: Amy Bracy

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Jacquelyn Gladden and Patricia Reed, Respondents,

v.

Cyndy Reed Stewart, Appellant.

Appellate Case No. 2021-001413

---

Appeal From Orangeburg County  
Diane Schafer Goodstein, Circuit Court Judge

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Unpublished Opinion No. 2024-UP-404  
Submitted 2024-UP-404 – Filed November 27, 2024

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**AFFIRMED**

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Robert Sam Phillips, of Grier, Cox, & Cranshaw, LLC,  
of Columbia, for Appellant.

Margaret A. Collins and Elizabeth Dyanne Moore, both  
of Palmetto State Law Group, LLC, of Columbia, for  
Respondents.

---

**PER CURIAM:** Cyndy Reed Stewart appeals the Orangeburg County circuit court's order sanctioning her, granting attorney's fees to Jacquelyn Gladden and Patricia Reed (collectively, Sisters), and finding she willfully and wantonly forged

the deed to property in Orangeburg County (the Property), breached her fiduciary duty as power of attorney (POA) for Theodocia Reed (Mother), attempted to defraud Sisters, and intentionally executed a Florida POA to obfuscate the South Carolina POA. On appeal, Stewart argues the circuit court erred in (1) denying her motion to dismiss due to a lack of subject matter jurisdiction, and (2) finding she willfully and wantonly committed forgery and was liable to Sisters for attorney's fees and costs. We affirm pursuant to Rule 220(b), SCACR.

1. We hold the circuit court did not err by denying Stewart's motion to dismiss due to a lack of subject matter jurisdiction because at the time Sisters filed their complaint, the causes of action were not within the probate court's exclusive jurisdiction. *See Seels v. Smalls*, 437 S.C. 167, 172, 877 S.E.2d 351, 354 (2022) ("Questions of law involving subject matter jurisdiction . . . are reviewed de novo, without deference to the lower courts."); S.C. Const. art. V, § 11 ("The Circuit Court shall be a general trial court with original jurisdiction in civil and criminal cases, except those cases in which exclusive jurisdiction shall be given to inferior courts, and shall have appellate jurisdiction as provided by law."). The claims of forgery, breach of fiduciary duty as POA, and fraud as to the transfer of the Property during Mother's lifetime did not fall within the exclusive jurisdiction of the probate court, as provided by statute. *See* S.C. Code Ann. § 62-1-302(a)(1) (2022) (giving the probate court exclusive jurisdiction over subject matter related to estates of decedents, the contest of wills, construction of wills, determination of property in which the estate of a decedent or a protected person has an interest, and a determination of heirs and successors of decedents); *Brown v. Butler*, 347 S.C. 259, 263-64, 554 S.E.2d 431, 433-34 (Ct. App. 2001) (holding a master-in-equity had subject matter jurisdiction to set aside a deed when the transferee "received legal title to the property as a result of an *inter vivos* conveyance and held title for several months before the transferor's death"); *Gardner v. Gardner*, 253 S.C. 296, 302, 170 S.E.2d 372, 375 (1969) ("The general rule is that jurisdiction of a court depends upon the state of affairs existing at the time it is invoked."); *id.* ("If jurisdiction once attaches to the person and subject matter of the litigation the subsequent happening of events will not ordinarily operate to oust the jurisdiction already attached."). Furthermore, Stewart's subsequent transfer of the Property to Mother's estate did not render the claims moot because the issues of forgery, fraud, breach of fiduciary duty, and the damages that resulted therefrom had not yet been resolved. *See Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 25, 630 S.E.2d 474, 477 (2006) ("Generally, this [c]ourt only considers cases presenting a justiciable controversy."); *id.* ("A justiciable controversy exists when there is a real and substantial controversy which is appropriate for judicial determination, as distinguished from a dispute that is contingent, hypothetical, or abstract.").

2. We hold the circuit court did not err in finding Stewart willfully and wantonly forged the deed to the Property, sanctioning Stewart, and granting Sisters attorney's fees. *See Townes Assocs., Ltd. v. City of Greenville*, 266 S.C. 81, 86, 221 S.E.2d 773, 775 (1976) ("In an action at law, on appeal of a case tried without a jury, the findings of fact of the [court] will not be disturbed upon appeal unless found to be without evidence which reasonably supports the [court]'s findings."), *abrogated on other grounds by Matter of Est. of Kay*, 423 S.C. 476, 816 S.E.2d 542 (2018); *Taylor v. Medenica*, 324 S.C. 200, 221, 479 S.E.2d 35, 46 (1996) ("The plaintiff has the burden of proving punitive damages by clear and convincing evidence."). There was evidence which reasonably supported the circuit court's finding, particularly Stewart's actions in executing a second POA in Florida after Mother was declared incapacitated, signing the deed under Mother's name despite acknowledging she would not do so in other circumstances, and transferring the Property to herself in contravention of previous court orders and the South Carolina POA. *See Taylor*, 324 S.C. at 221, 479 S.E.2d at 46 ("In order for a plaintiff to recover punitive damages, there must be evidence the defendant's conduct was willful, wanton, or in reckless disregard of the plaintiff's rights."); *McCourt ex rel. McCourt v. Abernathy*, 318 S.C. 301, 308, 457 S.E.2d 603, 607 (1995) ("A conscious failure to exercise due care constitutes willfulness."); *Cartee v. Lesley*, 290 S.C. 333, 337, 350 S.E.2d 388, 390 (1986) ("Ordinarily, the test is whether the tort has been committed in such a manner or under circumstances that a person of ordinary reason or prudence would have been conscious of it as an invasion of the plaintiff's rights."). Although Stewart contends the circuit court improperly found a violation of a criminal statute, thereby exceeding its jurisdictional limits, the circuit court's order did not specifically find Stewart violated a criminal statute and did not otherwise indicate the trial was criminal in nature.<sup>1</sup>

**AFFIRMED.**<sup>2</sup>

**THOMAS, HEWITT, and VINSON, JJ., concur.**

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<sup>1</sup> Insofar as Stewart argues the statute relied upon by the circuit court in granting attorney's fees to Sisters was not applicable to this action, we hold the issue is not preserved for review. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) (holding an issue must be both raised to and ruled upon by the trial court in order to be preserved for appellate review).

<sup>2</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

# The South Carolina Court of Appeals

Vasile Florin Craus, Employee, Appellant,

v.

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


Appellate Case No. 2021-000778

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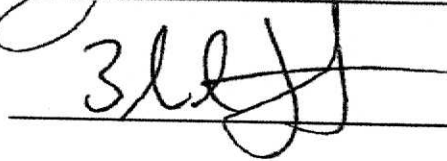
## ORDER

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After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:  
Vasile Florin Craus  
Jeffrey Scott Jones, Esquire  
Christopher Michael Cato, Esquire  
Amy Bracy

**FILED**  
**Jan 31 2025**

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