

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

69995

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Hon. Alison R. Lee, Circuit Court Judge

RECEIVED
OCT 07 2013
SC Court of Appeals

Case No. 2011CP4003561

Gertrude Shiver,.....Claimant, Appellant

v.

Palmetto Health Richland, Employer, Key Risk Management Services, Inc., TPA
Palmetto Hospital Trust Services, Carrier, Trident Regional Medical Center,
Employer, Zurich American Insurance Company,
Carrier.....Respondents,

MOTION TO REJECT THE DISMISSAL OF MOTION OF THE APPEAL

This Motion is submitted to the Court to reject the dismissal of the motion of the appeal and the dismissal of all of my claims with prejudice that was submitted by Attorney Carter and agreed upon by the rest of the opposing attorneys. I am not an attorney but I tried to follow the Court Rules and Proceeding as I understood them. I followed the instructions that were found on the Judiciary Website as well as the Court Proceeding book that was found at the USC Law Library. In addition, I submitted all documents to the Court within the time line of the Court which was given to me by letters from the Court.

I have no authority over the Court Reporter, Mrs. Rema Thomas. I have already submitted the correspondence to the Court where she notified me of the time when the transcript would be transcribed and when she forgot to notify me when the transcript was ready. I am just an injured worker, and I have no authority over anyone in the court system. I requested the transcript and paid for it as required by the Courts. I could not make the Court Reporter work any faster in transcribing and notifying me when the transcript was ready.

I corrected my mistakes within the timeline that was given to me by the Court and resubmitted the documents as required. The Court identified the mistakes that I had made. As for all documents and the transcripts, all information is relevant to the deliberate mishandling of my claims.

As for arguments, there wasn't supposed to have been any arguments. I had already been offered monetary amount for my injuries by the attorneys involved before the hearing with Commissioner Huffstetler. I had not been offered anything from Zurich Insurance Company. I had previously been offered a monetary amount by Attorney Douglas E. Pratt-Thomas who was representing Trident Hospital in 2000. Commissioner Huffstetler was angry at me for writing a book and telling what Attorney Thomas M. White had done to my claim of 1995. He didn't have anything to do with this. He was not interested in my case that had come before him. He was only interested in punishing me and getting rid of my claims against Trident Hospital and Palmetto Health Richland with prejudice. He told the opposing attorneys and the insurance companies not to give me anything.

I still have all of the old painful injuries. Commissioner Huffstetler never handle the case that was before him, but broke up all of the claims after he retried a 1997 case against me where decisions were already made concerning my right shoulder by a previous Commissioner (Commissioner Adkins) and where the claim was still saved at the Worker's Compensation Level. I have a permanent injury to my right shoulder and right and left foot. These injuries are still painful. I have trouble lifting with my right arm and I have trouble walking long distances.

This was done because I was set up by Attorney Chase and worker's Compensation Commissioner Huffstetler after Attorney Chase had read my book and gotten me fired from Palmetto Health Richland Hospital. They had it fixed so that they could get rid of all of my claims and I would not be awarded anything. In addition, I would not ever obtain a job either.

I never received any orthopedic treatment for my left Achilles tendon by the orthopedic physicians that Palmetto Health Richland sent me to. I never received any orthopedic treatment to my right shoulder and right foot from the doctor that E. Douglas Pratt-Thomas and Attorney Thomas M. White sent me to after an Order was signed by Commissioner Lyndon in 1995. I was never compensated for the breast reduction that I had to relieve some of the pain in my right shoulder. I still have problems lifting with my right shoulder as well as writing. I was never reimbursed for some medications that I had to pay for this 1995 fall at Trident Hospital.

I had more injuries with this claim of 1995 at Trident Hospital besides the right shoulder and right foot. Especially my left foot and other parts of my body were injured. These injuries were all taken out. I had to end up having gyn surgery

because of the fall. Trident Hospital never reimbursed me for my medications or paid for my surgery as a result of this fall. I received an Order sign by the Commissioner Lyndon where I was supposed to receive some orthopedic care for my right shoulder and right foot. I was told by Commissioner Mickle that the worker's compensation commissioner cannot make a physician take care of me.

As for the Order signed by Judge Lee, whoever wrote the Order lied about the injured to my right wrist and that I had received temporary total benefits for my back when I fell out of the chair at Palmetto Health Richland. Nothing was asked or mentioned about the injuries that I had after the fall at Trident Hospital and Palmetto Health Richland. This Circuit Court hearing was not conducted like it supposed to have been. All of these opposing attorneys were well aware that I couldn't find an attorney for legal representation. The worker's compensation office was also aware of this. Although I finished a paralegal program, I never worked in the field. I only had a little bit of worker's compensation in my studies.

I am a nurse by occupation and I still do hands on nursing. Considering my medical condition, I should not be in nursing doing strenuous work or bedside care. My whole body has been injured except for my head. I have several herniated discs in the cervical, lumbar, and sacral area of my spine. I have never been compensated for these orthopedic injuries from Trident Hospital as well as Palmetto Health Richland except for the lumbar spine injury from Trident Hospital which occurred in 1997. I never received any temporary total benefits from Palmetto Health Richland for my back injury when I fell out of the chair. Instead I was attacked and fired from

the Hospitals. I have been kept out of jobs at the hospitals and well as at the physicians' offices. I have been grossly subjected to injustice.

I never had an MRI to rule out rotator cuff tear to my right shoulder although I continue to have pain in the whole shoulder blade and trouble writing.

Judge Lee is not a worker's compensation attorney and she did not ask the right type of questions, to get at the truth or to results that I could argue about. She wasn't asking worker's compensation questions nor did she award me anything for my injuries.

I am asking the court to continue with my appeal because the injustice that I have received so far has been very gross. I need a Worker's Compensation Judge etc., who is going to ask the right type of worker's compensation questions and a chance for me to submit a written response. Perhaps someone in the Court system will give me some kind of justice for my worker's compensation injuries and my continued health problems. I don't know whether I have covered all grounds or not but I would like the court's permission to add to this motion as needed. This 1995 case was still there because of the decisions of the 1997 worker's compensation hearing. There hasn't been any change since I received the Order from Commissioner Mickle in 2000 where I could bring up the claim whenever I wanted to. I have not had another accident to my right shoulder and right arm. I have had multiple injuries to my whole body as a total and I have some disabilities as a result of all of these injuries. I was supposed to have received some monetary compensation for my injuries for this claim. I have been through many years of abuse because of this claim with no compensation. Trident Hospital has been allowed to get away with not compensating

me for all of these years in addition to the abuse I have suffered from various people connected to Trident Hospital.

In addition, Palmetto Health Richland has not compensated me for the injuries and lack of care that I received as a result of my injuries there. Instead, I have been abuse by them. I have suffered mental and physical abuse as a result of Commissioner Huffstetler and Attorney Michael E. Chase setting me up and retrying the 1997 case against Trident Hospital where I had already suffered before where the nurses at Trident Hospital tried to ruin my nursing career where I would never be able to work again in nursing in spite of my orthopedic injuries. Attorney Michael E. Chase had it fixed so that I would never be able to work again in Nursing as well as Health Information Management. I still have not been able to find a desk job (light duty job) in Health Information Management since he told various one about my book and got me fired from Palmetto Health Richland and K-Mart.

All false information related to this case in the Worker's Compensation Office has to be corrected. I was never fired from my nursing jobs for mistreating patients; I asked Palmetto Health Richland for a physician for my injuries but was only given the nurse practitioner; my care with my physician is on going; and I am not finished with the doctors. I cannot go to any of Trident Hospital or Palmetto Health Richland doctors. On a last note, the case that went before Commissioner Huffstetler and has gone through the court system thus far is not the intended case. The intended case was never heard. Instead, Commissioner Huffstetler substituted the 1997 case and retried it again me. The care to these types of injuries that I have is never finished and I will need care from the doctors. I have been restricted from going back to the

physician because of a lack of health insurance and funds. At the present time, I do not have a primary physician for medical care.

I do not have any legal training and I could not find an attorney for legal representation. It has been many years since I took the paralegal courses and things have changed drastically. The case went to Commissioner Huffstetler for him to decide how much each insurance company owed me toward my injuries. I was told by the insurance company agent that South Carolina Worker's Compensation laws were made so that the injured worker could represent themselves. There is no case law and citation for what Commissioner Huffstetler and Attorney Chase did to me after reading my book and for Judge Lee not asking the right questions. Judge Lee signed an Order where it was written that I received money. The money was for the temporary total benefits that I supposed to have gotten when I fell out of the chair at Palmetto Health Richland. I never received any temporary total benefits from any insurance company representing Palmetto Health Richland. The injury to my right wrist was from using the hole puncher at Palmetto Health Richland, not from Red Hill Baptist Church's fall. The Church was not responsible for my fall anyway. I still have problems from the injury to my left Achilles tendon and left foot which is a combination injury from Trident Hospital and Palmetto Health Richland. If Commissioner Huffstetler had started off where Commissioner Mickle had left off with the 1995 claim against Trident Hospital for my 1995 fall, this case could had been settled at the Worker's Compensation Level. I should not be punished again for how Commissioner Huffstetler handled the case. I tried to turn the case around but I was blocked by the opposing attorneys, especially Attorney Carter. Attorney Michael

E. Chase had me going through the court system because of his action for putting in the Order about me being fired from 3-4 jobs for mistreating patients and that I had not asked Palmetto Health Richland for a physician for my injuries.

I never received anything for my temporary total benefits for falling out of the chair at Palmetto Health Richland. Instead I had already been set up by Attorney Michael E. Chase and Commissioner Huffstetler. In addition, he was angry with me because of my book that I had written about my life and how I was being treated by my employers and the worker's compensation system. He was also angry at me for telling that Attorney Thomas M. White made me signed the Order of 1995 where all of my injuries were deliberate taken out except the right shoulder and right foot. I am trying to do the best that I can to save my case and to get some kind of justice for how I have been treated thus far by the legal system. Since Attorney E. Douglas Pratt-Thomas was handling the case, Attorney Carter should have let him continue where he left off.

As a result of my book being written and read by Attorney Michael E. Chase, I have been severely punished for writing the truth. I was fired and not given my PTO money amount by Palmetto Health Richland; It was fixed so that I could draw not unemployment; it was fixed so that I could not ever obtained a job; the 1997 case against Trident Hospital was retried so that the decisions would be reversed where I had won against Trident Hospital and that my 1995 claim against Trident Hospital would be dismissed with prejudice inspite of the 1997 decision by the worker's compensation commission; I would never be compensated for the injury to my right shoulder nor receive any orthopedic care. I still use my arm shoulder feet and my

who body in handling and taking care of patients (client); all of my claims against Palmetto Health Richland dismissed with prejudice; no compensation for any of my injuries from Palmetto Health Richland although I wasn't responsible for any of the accidents and the worker's compensation injury to my right wrist that occurred at Palmetto Health Baptist placed on Red Hill Baptist Church. I had to have another gyn surgery after I tripped over the telephone cord at Palmetto Health Richland which has been ignored by Attorney Michael E. Chase and the Courts.

I was never compensated for my neck injury for where the white supervisor dropped a heavy chart on the left side of my neck, for my rib pain, for the sciatica, etc., and for the second gyn surgery that I had to have as a result of the fall.

Attorney Michael E. Chase was well aware that I was afraid of some tall white men when he came and stood over me at the worker's compensation hearing

Now, the opposing attorneys are asking that I be denied an appeal and all of my claims dismissed as if I never was injured at my place of employment. It is as if I never had any of the injuries. It is as if I am not covered under the Worker's Compensation Laws of South Carolina. This case was mainly held to reverse what I had written in my book and all that had happen to me as a covered employee.

I am asking the Court to let my appeal continue and I be awarded something for my injuries. I don't know of any other covered employee that this has happened to. It wasn't my intention that I didn't have any citations. I don't know of a case where an injured employee has been denied worker's compensation benefits because of a book that the employee has written about his/her life and the trouble that has been encountered under worker's compensation. I cannot prove an injury if the

physician does not write the truth in his notes. The Courts has left this up to the physician. I cannot make a physician take care of me nor can I make an attorney represent me. I cannot make anyone connected to the court system do their jobs properly, especially the court reporter and the judges.

Decisions about my injured right shoulder have already been made in 1997 by a worker's compensation commissioner who is a worker's compensation attorney. There was no reason why Commissioner Huffstetler had to go and retry this 1997 case and reverse this decision except that the injury happened at Trident Hospital. He did not have to revisit this 1997 case at all.

I am asking the Court to continue with my appeal. Thank you.



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Zurich American Insurance Company, Carrier.....Respondents,

PROOF OF SERVICE

I, Gertrude Shiver, do hereby certify that I have served all counsel in this action with a copy of the Motion to Reject The Dismissal of the Motion of the Appeal included in the Record of Appeal by depositing a copy of the same in the United States Mail, postage prepaid, addressed as indicated below on the 9th day of October, 2013:

Parties Served:

Via Certified mail, RRR

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