

**RECEIVED**

**Apr 17 2025**

**SC Court of Appeals**

THE 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.  
**Appellate Case No. 2024-001935**

Serge R. Wandji,  
Claimant, Appellant,

v.

The Regional Medical Center, Employer, and Antum Risk, Carrier,  
Respondents.

**RETURN IN OPPOSITION TO RESPONDENTS' MOTION TO EXCLUDE  
THE DEPOSITION OF DR. SAMIES FROM THE RECORD ON APPEAL**

Appellant Serge Wandji respectfully submits this Return in opposition to Respondents' Motion to Exclude the Deposition of Dr. John Samies from the Record on Appeal, and requests that the Court deny Respondents' motion in its entirety. The latest filing constitutes yet another transparent attempt by Respondents to obstruct the appellate process and evade judicial scrutiny by suppressing critical sworn testimony—testimony from their own designated expert witness.

**I. Respondents' Motion is a Continuation of Procedural Gamesmanship and Delay**

This Court should view the present motion in context: it is part of a pattern of dilatory and defensive tactics employed by Respondents throughout the pendency of this appeal. In January 2025 alone, Respondents filed multiple motions, including a Motion to Strike, which this Court has already ruled upon. Notably, as admitted by Respondents' own counsel Mr. Roy Howell III, in footnote 18 on page 20 of their Initial Response Brief, "*this Court denied their prior Motion to Strike references to Dr. Samies' deposition*". Courts in South Carolina have routinely held that repeated motions raising the same or similar issues—after prior rulings—amount to impermissible attempts to relitigate settled matters. See *State v. Beckham*, 334 S.C. 302, 308, 513 S.E.2d 606, 609 (1999) (stating that relitigation of decided issues is "procedurally improper and contrary to principles of judicial economy"). Further, following this Appeal Court's February 26, 2025 Order, the Appellant filed an Amended Designation of Matter to be Included in the Record

on Appeal on March 4, 2025, which the Respondents did not contest—thereby waiving any objection under SCACR Rule 210(c), which provides that only material presented to the lower tribunal and designated without objection is considered part of the Record on Appeal.

Now, less than one week after the Appellant filed his thoroughly documented and factually supported Reply Brief on April 10, 2025, Respondents—faced with the weight of their own expert’s contradictory statements—have resorted to what they know best: delay tactics and obstruction. South Carolina appellate courts have long condemned such behavior. See *Goodson v. Am. Bankers Ins. Co. of Florida*, 295 S.C. 400, 404, 368 S.E.2d 687, 689 (Ct. App. 1988) (litigation should not be hindered by "delay or obstructive tactics contrary to the orderly process of justice").

## **II. The “New Evidence” Argument Is a Desperate and Misleading Attempt to Preclude Accountability**

Equally unavailing is the Respondents’ strained argument that Appellant should have known about Dr. Samies’ conflict of interest earlier and that his deposition does not constitute “new evidence.” This is not only inaccurate—it is a deliberate misrepresentation of the record and a last-ditch attempt to obscure the truth. As thoroughly demonstrated in both Appellant’s Initial and Reply Briefs, Dr. Samies’ deposition revealed material, newly discovered facts that were not accessible before, during, or immediately after the Commission’s proceedings:

1. The so-called “expert” report was commissioned and produced within the Infectious Disease Department of The Regional Medical Center (TRMC)—a department chaired by Dr. Samies himself—not independently generated as Respondents claimed.
2. Dr. Samies admitted to making false statements in that letter, specifically the claim that Appellant’s COVID-19 exposure at work was “unlikely.” This retraction under oath destroys the credibility of his earlier opinion.
3. He confirmed that he received no compensation, was never retained as an independent expert, and thus lacked the neutrality expected of an expert witness under Rule 702, SCRE (Dr. Samies Tr. p. 7, ll. 3–5).
4. He testified that he “*does not know*” whether he will serve again in such a role as he did in this case, expressing ambiguity and regret—undermining the reliability of his past engagement (Dr. Samies Tr. p. 28, l. 23).

5. He acknowledged that the Appellant, as a hospital nurse, was indeed exposed to COVID-19 during the relevant time period—a fact that directly contradicts the substance of his earlier letter (Dr. Samies Tr. p. 31, ll. 22–23).
6. Critically, he conceded that his prior expert opinion was based on speculation, that he lacked direct factual knowledge, and that he relied on assumptions, not evidence.
7. Moreover, Dr. Samies testified that he was never informed by the Defendants about appearing at the Commission hearing, despite being explicitly listed by Mr. Roy Howell III in the Respondents’ pre-hearing brief as a witness expected to testify. This omission effectively deprived the Appellant of his fundamental right to due process by denying him the opportunity to cross-examine the Respondents’ so-called “expert” witness (Dr. Samies’ Tr. 31:2–8).

These sworn admissions by the Respondents’ own ‘expert’ witness—on record—go far beyond mere impeachment; they constitute substantive, previously unavailable facts that speak directly to bias, credibility, and the integrity of the Commission’s underlying ruling.

South Carolina law allows reconsideration or inclusion of newly discovered evidence where the facts “could not have been discovered with due diligence prior to the hearing.” *Harris v. State*, 377 S.C. 66, 72, 659 S.E.2d 140, 143 (2008). Here, as clearly documented in Appellant’s filings, it took over a year of litigation and judicial intervention in a separate civil proceeding before Appellant succeeded in compelling the deposition of Dr. Samies. This alone defeats Respondents’ assertion that the evidence could have been raised earlier.

To characterize such direct, sworn contradictions—made by the Commission’s relied-upon medical authority—as “not new” is both legally indefensible and factually absurd. It is yet another desperate maneuver in a campaign of procedural evasion.

### **III. Dr. Samies’ Deposition Was Considered by the Commission and Is Properly Part of the Appellate Record**

The Commission’s 27-page Motion Order package dated November 1, 2024, clearly reflects that it received and reviewed all relevant filings submitted by both parties. This comprehensive package includes: (1) the Appellant’s “Motion to Reopen Case or Request for Modification Based on Extraordinary Circumstances”; (2) the Respondents’ “Return to Motion to Reopen

Claim or Request for Modification”; and (3) the Appellant’s “Reply to Defendants’ Return to Claimant’s Motion to Reopen Claim or Request for Modification.” Most critically, the final page of the Commission’s Motion ORDER package—page 27—contains a detailed List of Exhibits submitted by the Appellant, which were received, accepted, and reviewed by the Commission. Top on that list, explicitly identifies “Dr. Samies Deposition Excerpts” as Exhibit #1, labeled as “Newly Discovered Evidence. (See Exhibit #1 of this filing: **Commission’s 27 pages Motion Order package**). Accordingly, the Respondents’ claim that the Commission never received or reviewed Dr. Samies’ deposition is demonstrably false and directly contradicted by the official record. These excerpts were submitted by Appellant as part of his “Reply to Defendants”, which is now Designation of Matter #6, in this Appeal process.

Furthermore, on November 4, 2024—just three days after the Commission issued its Motion Order on November 1, 2024, thereby closing the record on Appellant’s Motion to Reopen—Respondents inexplicably filed a Motion to Strike. In that filing, Respondents sought to have “*any and all references to Dr. Samies’ September 17, 2024 deposition, including the exhibited portions of the transcript itself,*” removed from the Commission’s file. Not stopping there, Mr. Roy Howell III made the extraordinary and legally unsound request that the Commission “*should reject the Claimant’s ‘Reply’ in its entirety.*” At the time of this filing (Defendant’s Motion to Strike), all documents submitted by the Appellant—including his ‘Reply’ to Respondents’ Return, which contained Dr. Samies’ deposition in its exhibits—had already been formally accepted and reviewed by the Commission prior to its November 1 ruling. The Commission’s own record, as reflected in its comprehensive 27 pages Motion Order package, confirms this sequence of events.

The Appellant’s November 5, 2024 ‘Reply’ to the Defendants’ Motion to Strike is now Matter #8 in his uncontested Amended Designation of Matters filed on March 4, 2025, with this Appeal Court. Under Rule 210(c), SCACR, the Record on Appeal includes all materials that were properly submitted and considered by the lower tribunal. Moreover, South Carolina courts have held that once the Commission accepts and relies upon submitted evidence, such evidence becomes part of the administrative record for appellate review. See *Harkins v. Greenville County*, 340 S.C. 606, 610, 533 S.E.2d 886, 888 (2000) (“Only evidence presented to and considered by the lower tribunal is properly includable in the record on appeal.”).

Also, the November 4, 2024, Respondents’ Motion to Strike—filed after the Commission had

already issued its ruling and closed the matter—was both untimely and legally baseless, and their attempt to purge lawfully submitted and reviewed evidence should be viewed for what it is: a post hoc effort to obscure unfavorable facts already in the record.

It is critical to clarify that Appellant is planning to fully comply with the Order of this Appeal Court and will include in the ROA all of the items already listed in his uncontested Amended Designation of Matters of March 4, 2025. Some of those filings—including Designation Matter #6, which this Appeal Court declined to strike—contain excerpts of Dr. Samies’ deposition and include the full deposition as an attached Exhibit.

Therefore, the entirety of Filing (Matter #6), as it was submitted to, accepted by, and reviewed by the Workers’ Compensation Commission, will lawfully be included in the Record on Appeal. As established in *S.C. Dep’t of Revenue v. Blue Moon of N.M., LLC*, 389 S.C. 1, 11, 698 S.E.2d 461, 466 (2010), appellate courts may properly consider any matter that “was in the record before the lower tribunal and part of its ruling.”

#### **IV. The Deposition is Central to Ensuring a Fair and Complete Appellate Review**

Fundamentally, Respondents’ Motion seeks to prevent this Court of Appeals from reviewing evidence that directly undermines the credibility of their own expert and reveals a significant conflict of interest, false and misleading statements. Dr. Samies, under oath, admitted that his opinion was based on speculation and personal "*understanding*" rather than on verified facts—a statement with direct implications for the fairness of the Commission’s findings.

South Carolina courts recognize that appellate review must ensure "*meaningful judicial scrutiny*" of administrative decisions. See *Fox v. Newberry Elec. Coop.*, 377 S.C. 593, 606, 661 S.E.2d 147, 154 (2008). Stripping the record of material that was accepted and considered by the Commission would deprive the appellate court of the ability to evaluate the decision under this standard.

#### **V. Conclusion**

This Court should reject Respondents’ attempt to relitigate matters already ruled upon and to exclude crucial, properly introduced testimony from the appellate record. The deposition of Dr. Samies was considered by the Commission, is essential to the fair adjudication of this appeal,

and any contrary argument is a meritless effort to obstruct justice.

WHEREFORE, Appellant respectfully requests that the Court DENY Respondents' Motion to Exclude the Deposition of Dr. Samies from the Record on Appeal and allow the appeal process to continue on its lawful course, without further obstruction or interference.

Respectfully submitted,

s/Serge Wandji  
Pro Se Appellant  
April 17, 2025

*Serge Wandji*

1

BEFORE THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO.      2118696

Serge Wandji,	)	
	)	
Claimant,	)	
vs.	)	
	)	
The Regional Medical Center,	)	
	)	
Employer,	)	<b>MOTION ORDER</b>
	)	
Antum Risk	)	
	)	
Carrier,	)	
	)	
	)	
	)	

A Motion regarding the following Motion has been received by Claimant, Mr. Serge Wandji.

Motion to Reopen Case or Request for Modification based on extraordinary circumstances.

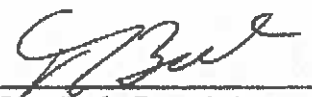
The Motion request is DENIED, as it goes to the merits of the Claim.

Motion Order served via USPS:

Serge Wandji PO Box 523 Columbia, SC 29202	Roy A. Howell, III Trask & Howell, LLC PO Box 2167 Mt. Pleasant, SC 29465
--	--

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).

  
\_\_\_\_\_  
T. Scott Beck, Commissioner

By Shawnee Radcliff on November 1, 2024

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
ORANGEBURG COUNTY (where injury occurred)

Serge Wandji, )  
 )  
 Employee/Claimant, )  
 )  
 -vs- )  
 )  
 The Regional Medical Center, )  
 )  
 Self-Insured Employer, )  
 Through )  
 )  
 Antum Risk, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

W.C.C. FILE NO. 2118696

**MOTION TO REOPEN CASE OR REQUEST FOR  
MODIFICATION BASED ON EXTRAORDINARY  
CIRCUMSTANCES**

TO: The South Carolina Workers' Compensation Commission

Pro se Claimant Serge Wandji respectfully moves this Honorable Commission to reopen the above-captioned workers' compensation case or, in the alternative, to modify the decision rendered by Commissioner Scott Beck and affirmed by the Workers' Compensation Appellate Panel based on extraordinary circumstances pursuant to Rule 60(b) of the South Carolina Rules of Civil Procedure and S.C. Code Ann. § 42-17-90.

This Motion is based on the following grounds:

**I. INTRODUCTION**

On March 8, 2024 the Workers' Compensation Appellate Panel affirmed the decision of Commissioner Scott Beck denying the Claimant's workers' compensation claim following his contraction of COVID-19 while working as a staff nurse at The Regional Medical Center (TRMC). However, newly discovered evidence, along with evidence of fraud, misrepresentation, and undisclosed conflicts of interest, has come to light. This evidence, if presented, would have had a significant impact on the case's outcome.

**II. GROUNDS FOR MOTION**

**1. Newly Discovered Evidence**

**SCWCC**  
OCT 04 2024  
**JUDICIAL**  
C. 05477

The Claimant has uncovered evidence that was not available during the initial hearings and could not have been discovered with due diligence. This includes the affidavit and deposition of Dr. John H. Samies, a medical and infectious diseases 'expert', which directly contradicts the findings relied upon by Commissioner Beck and the Appellate Panel.

Dr. Samies, presented as an independent and unbiased expert witness, was later revealed to be an executive Medical Staff and a member of the Board of Trustees at TRMC. His affiliation with the Defendant organization was never explicitly disclosed, resulting in a clear conflict of interest. Additionally, Dr. Samies did not appear to the hearing for cross-examination, depriving the Claimant of a fair opportunity to challenge his testimony, which was relied upon in the Commissioner's decision.

This newly discovered evidence demonstrates that Dr. Samies was not an independent expert, as portrayed. His 'expert' testimony, which played a critical role in the decision-making process, was biased due to his position at TRMC. This evidence could not have been uncovered during the original proceedings despite the exercise of due diligence.

**2. Fraud, Misrepresentation, and Conflict of Interest**

Following the original workers' compensation hearing, the Claimant successfully pursued a workers' compensation retaliation lawsuit, during which Dr. Samies was compelled to sit for a deposition. During this deposition, it was revealed that Dr. Samies was not an independent expert, as originally presented, but a sitting member of TRMC's Board of Trustees. This conflict of interest was not explicitly disclosed at the original hearing, resulting in significant misrepresentation.

Moreover, Dr. Samies admitted during the deposition that the timing and location of the Claimant's COVID-19 exposure, as stated in his expert letter, were inaccurate. Dr. Samies acknowledged that the Claimant, as a nurse at TRMC, was exposed to COVID-19 during August 2021 at his workplace, when multiple staff members and patients at TRMC had tested positive and that Claimant cared for patients who tested positive for COVID-19 on his own unit, per TRMC records. Thereby retracting the his previously made statement in his 'expert' letter which stated that "*a link to employment exposure here is unlikely*".

These facts were omitted in his expert letter, which was relied upon by the Commissioner in denying the Claimant's claim.

**3. Impact on Commissioner's Decision**

The Commissioner's decision to deny the Claimant's workers' compensation claim was significantly influenced by Dr. Samies' expert testimony. Given the newly discovered evidence of bias, conflict of interest, and fraudulent misrepresentation, it is clear that the decision to deny the claim was based on faulty and incomplete evidence. If the conflict of interest and fraudulent conduct had been disclosed during the original proceedings, the outcome of this case would likely have been different.

**III. LEGAL STANDARD**

Under Rule 60(b) of the South Carolina Rules of Civil Procedure, relief from judgment may be granted for:

- 60(b)(2): Newly discovered evidence that could not have been discovered in time to move for a new trial;
- 60(b)(3): Fraud, misrepresentation, or misconduct by an opposing party; and
- 60(b)(6): Any other reason justifying relief from the judgment.

Further, S.C. Code Ann. § 42-17-90 permits the Workers' Compensation Commission to review and modify decisions based on new evidence or changed circumstances.

**IV. RELIEF REQUESTED**

In light of the newly discovered evidence and the fraudulent misrepresentation by the Defendant's expert witness, the Claimant respectfully requests the following relief:

1. **Reopen the Case:** The case should be reopened to allow the introduction of this newly discovered evidence and to correct the fraudulent testimony presented during the original hearing.
2. **Modify the Decision:** In the alternative, the Commission should modify its decision in favor of the Claimant, as the newly discovered evidence and revelations of misconduct materially affect the validity of the original ruling.
3. **Any Additional Relief:** The Claimant requests any additional relief the Commission deems just and proper.

**V. CONCLUSION**

The Claimant respectfully asserts that the grounds presented constitute extraordinary circumstances warranting the reopening or modification of this case. This Motion seeks a fair opportunity to present the newly discovered evidence and correct the unjust result caused by the fraud, misrepresentation, and undisclosed conflict of interest.

Should this Motion be denied, the Claimant requests permission to file an appeal to the South Carolina Court of Appeals on these same grounds.

Date: October, 4, 2024

Respectfully submitted,  
Serge Wandji  
Pro se Claimant  
P.O. Box 523  
Columbia SC, 29202

sergewandji@gmail.com

---

**CERTIFICATE OF SERVICE**

I hereby certify that on this October 4, 2024, a true and correct copy of the Motion to Reopen Case or Request for Modification Based on Extraordinary Circumstances was served upon the following party via certified mail, and electronic mail, 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

s/Serge Wandji  
P.O. Box: 523  
Columbia, SC, 29202  
sergewandji@gmail.com

6  
**TRASK  
HOWELL**  
WORKERS' COMPENSATION DEFENSE

Beck

Reply to  
Roy A. Howell, III  
(843) 881-2236  
rhowell@trask-howell.com

October 11, 2024

**VIA REGULAR & CERTIFIED MAIL**

MH

Ms. Amy Bracy  
Judicial Director  
S. C. Workers' Compensation Commission  
P. O. Box 1715  
Columbia, SC 29202-1715

Re: Serge Wandji v. The Regional Medical Center  
W.C.C. File No.: 2118696  
Carrier File No.: WC2021098080  
Date of Accident: August 27, 2021

Dear Ms. Bracy:

Enclosed herewith for filing please find a Return to Motion "To Reopen Claim or Request for Modification" in regard to the above-named matter. By a copy of this letter, I am serving the Claimant with a copy of the motion.

Yours very truly,



Roy A. Howell, III

RAHIII/mbm/mkb

Enc.

cc: Sandra Axson, Antum Risk (w/enc.) (via upload only)  
Tiffany Kirby, MUSC Health - Orangeburg (w/enc.) (via email only)  
Serge Wandji (w/enc.)

**SCWCC  
OCT 15 2024  
JUDICIAL**

763 JOHNNIE DODDS BLVD. | P.O. BOX 2167  
P 843.881.4228 | F 843.881.8784



MT. PLEASANT, SOUTH CAROLINA 29465  
www.TRASK-HOWELL.com

BEFORE THE SOUTH CAROLINA  
WORKERS' COPMENSATION COMMISSION

Serge R. Wandji,	)	W.C.C. FILE NO. 2118696
Claimant/Appellant,	)	
	)	
v.	)	RETURN TO MOTION
	)	"TO REOPEN CLAIM OR
The Regional Medical Center of	)	REQUEST FOR MODIFICATION"
Orangeburg,	)	
Employer, and	)	
Palmetto Hospital Trust,	)	
Carrier,	)	
Respondents.	)	
	)	

The Regional Medical Center of Orangeburg and the Palmetto Hospital Trust respectfully request that the Claimant's Motion to "reopen his claim or request for modification" be denied by the Commission based upon the following:

1. The Claimant filed a Form 50 on September 9, 2022, alleging an "infection of whole body" due to both an injury and an illness on August 27, 2021, in Orangeburg, South Carolina. The Claimant's Form 50 does not allege an occupational disease.
2. The Respondents filed a Form 51 on October 7, 2022, denying the claim and raising affirmative defenses under S.C. Code Ann. § 42-11-10, *et seq.*. The Respondents denied the Claimant suffered any injury or illness as alleged and deny he is entitled to any medical or compensation benefits based on the Claimant's failure to meet his burden of proof. The Respondents contended that COVID-19 is one of the ordinary diseases of life for which more than 32% of the population of South Carolina has tested positive; therefore, the Claimant bore the burden of proving that he was infected with COVID-19 naturally and unavoidably from an accident arising out of and in the course of his employment and that his employment, which required him to wear an N-95 mask while

working with a population subject to stringent testing protocols, placed him at an increased risk of such infection. The Respondents further denied the Claimant properly raised an occupational disease claim and deny that any occupational disease claim meets any of the requirements of S.C. Code Ann. § 42-11-10. In addition, the Respondents specifically argued that the Claimant has failed to meet his burden of proving his entitlement to medical benefits with expert medical evidence stated to a reasonable degree of medical certainty as required by S.C. Code Ann. § 42-15-60, and failed to meet his burden of proving any loss of wage earnings capacity after reaching maximum medical improvement by January 14, 2022 (or at the latest May 14, 2022, when the Claimant began working for a new employer).

3. Following a hearing on February 16, 2023, Commissioner Beck concluded by Order dated May 31, 2023, that the Claimant's alleged injuries (a COVID-19 infection and related symptoms) were not caused naturally or unavoidably by any alleged accident on or about August 27, 2022, and his alleged injuries did not otherwise arise out of or in the course of his employment as required by S.C. Code Ann. § 42-1-160. Commissioner Beck further concluded that, pursuant to S.C. Code Ann. § 42-11-10, the Claimant's employment did not subject him to hazards in excess to those ordinarily incident to employment, that COVID-19 was not peculiar to the Claimant's occupation, and that the disease was neither directly caused by, nor especially incident to, nor the natural consequence of the Claimant's work.
4. The Commission's Appellate Panel affirmed Commissioner Beck by final Decision and Order dated March 8, 2024. The Claimant did not appeal.

5. On October 4, 2024, the Claimant filed a Motion to “reopen claim or request for modification” alleging newly discovered evidence and “fraud,” citing Rule 60(b), S.C.R.C.P. and S.C. Code Ann. § 42-17-90. The Respondents respectfully contend that the Claimant’s Motion is without merit.
6. Rule 60(B) of the South Carolina Rules of Civil Procedure does not apply to administrative proceedings before the South Carolina Workers’ Compensation Act. *See* Rule 1, S.C.R.C.P., Rule 81, S.C.R.C.P.; *see also* Stone v. Roadway Express, Emp., 367 S.C. 575, 582, 627 S.E.2d 695, 699 (2006); *accord* Nettles v. Spartanburg Sch. Dist. #£7, 341 S.C. 580, 588, 535 S.E.2d 146, 150 at *f.n.4* (Ct. App. 2000) (concluding that the workers’ compensation law does not provide for a motion under Rule 60, S.C.R.C.P.)
7. Instead, procedure before the Workers’ Compensation Commission is governed by Title 42 and Regulation 67 and neither permit a claimant to relitigate a claim or modify an order under the present circumstances.
8. Pursuant to S.C. Code Ann. § 42-17-60, an award of the Commission “is conclusive and binding as to all questions of fact.” Because the Claimant did not appeal<sup>1</sup> the Commission’s decision to the Court of Appeals, the Commission’s finding that that the Claimant’s alleged injuries (a COVID-19 infection and related symptoms) were not caused naturally or unavoidably by any alleged accident on or about August 27, 2022, and the finding that his alleged injuries did not otherwise arise out of or in the course of

---

<sup>1</sup> The Claimant’s Motion also “requests permission to file an appeal to the South Carolina Court of Appeals on these same grounds.” The Commission does not have authority to grant such “permission.” S.C. Code Ann. § 42-17-60 is a statute of repose and neither the Commission, nor the Courts, have any authority to extend the mandatory 30-day deadline, which was unequivocally imposed by the Legislature. *See infra*, ¶ 9.

10

his employment as required by S.C. Code Ann. § 42-1-160, are the conclusive and binding law of the case and not subject to review by any motion.

9. According to the South Carolina Supreme Court, S.C. Code Ann. § 42-17-60 is a statute of repose. See Lloyd v. AT & T Nassau Metals Corp., 299 S.C. 207, 209, 383 S.E.2d 257, 259 (Ct.App.1989) (holding that “the proper remedy [to an error in the single commissioner's order] is a timely appeal to the full Commission and then to the courts.... It is a rule of repose.”); see also Lloyd v. AT & T Nassau Metals Corp., 299 S.C. 207, 209, 383 S.E.2d 257, 259 (Ct. App. 1989) (explaining that the time limit for administrative remedies under S.C. Code Ann. § 42-17-10 promotes the finality and certainty of Commission decisions and is “a rule of repose”).
10. As further explained by the Supreme Court in Columbia/CSA-HS Greater Columbia Healthcare Sys., LP v. S.C. Med. Malpractice Liab. Joint Underwriting Ass'n, 411 S.C. 557, 560, 769 S.E.2d 847, 848–49 (2015), a “statute of repose creates a substantive right in those protected to be free from liability after a legislatively determined period of time.” Capco of Summerville, Inc. v. J.H. Gayle Constr. Co., 368 S.C. 137, 142, 628 S.E.2d 38, 41 (2006) (citing Langley v. Pierce, 313 S.C. 401, 403–04, 438 S.E.2d 242, 243 (1993)). “A statute of repose is typically an *absolute time limit* beyond which liability no longer exists and is not tolled for any reason because to do so would upset the economic balance struck by the legislative body.” *Id.* (emphasis added) (citing Langley, 313 S.C. at 404, 438 S.E.2d at 243). Thus, “[s]tatutes of repose by their nature impose on some plaintiffs the hardship of having a claim extinguished before it is discovered, or perhaps before it even exists.” *Id.* (quoting Camacho v. Todd & Leiser Homes, 706 N.W.2d 49, 54 n. 6 (Minn.2005)). Respectfully, S.C. Code Ann. § 42-17-60

imposes an absolute time limit for review of a final decision of the Commission and absolutely mandates denial of the Claimant's Motion.

11. Furthermore, pursuant to S.C. Code Reg. 67-215(B), the "Commission will not address a motion involving the merits of the claim." While the Commission "may entertain motions to reconsider an order, opinion, or award if the purpose of the motion is not an attempt to reargue the merits of the dispute," the Claimant's October 4, 2024, Motion is a clear attempt to reargue the merits of the claim. Therefore, the Claimant's Motion is improper and should be denied as a matter of law pursuant to the plain terms of S.C. Code Reg. 67-215(B).

12. Additionally, S.C. Code Reg. 67-215(B), clearly and unequivocally states that "[a]ny motion for reconsideration must be made within five (5) days of the date that the order, opinion, or award is served." (emphasis added). See generally, Strickland v. Richland Cnty. Legislative Delegation, 440 S.C. 438, 442, 892 S.E.2d 288, 290 (2023) (explaining "the prevailing rule of statutory interpretation is that the "use of words such as 'shall' or 'must' indicates the legislature's intent to enact a *mandatory* requirement." (internal citations omitted; emphasis original). Here, the Claimant's Motion to reopen his claim or to modify the Commission's March 8, 2024, Decision and Order was filed 210 days after the Decision and Order was served upon the Claimant and must be denied.

13. To the extent that the Claimant relies on S.C. Code Ann. § 42-17-90 because that statute empowers the Commission to review an award on the ground of "a change in condition," this reliance is misplaced. Firstly, a "change of condition," as the term is used in § 42-17-90, "means a change in the claimant's *physical condition* as a result of the original injury, occurring after the first award." Causby v. Rock Hill Printing & Finishing Co.,

249 S.C. 225, 227, 153 S.E.2d 697, 698 (1967) (citing Cromer v. Newberry Cotton Mills, 201 S.C. 349, 23 S.E.2d 19) (emphasis added). In addition, review under § 42-17-90 is not available as an alternative to, or substitute for, an appeal under S.C. Code Ann. § 42-17-60. *Id.*

14. Even if the Claimant's Motion were timely or proper, it is nevertheless not supported by any evidence and it does not comply with the Commission's regulatory requirements. S.C. Code Reg. 67-215(D)(1) requires that "[i]f the ground on which the motion or reply depend is based on the existence of facts not in the Commission's file, the moving party shall file an affidavit or affidavits evidencing those facts." No such affidavit was filed by the Claimant and the allegations contained in his Motion are not supported by any evidence in the Commission's file.

15. Moreover, the allegations contained in the Claimant's Motion are demonstrably false. For example, the Motion states that "the Claimant successfully pursued a workers' compensation retaliation lawsuit." In reality, a Motion for Summary Judgment is currently pending in his civil suit against the Regional Medical Center and neither that Motion, nor the merits of the civil suit, have been decided in the Claimant's favor.

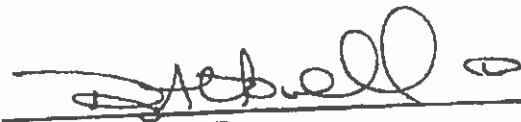
16. With regard to the Claimant's claims about the recent deposition testimony of Dr. Samies in his civil case, they are likewise without merit. Not only did the Claimant fail to exercise his right to depose Dr. Samies in the workers' compensation claim prior to (or even after) the February 16, 2023, hearing, but the recent deposition of Dr. Samies did not concern the merits of his workers' compensation claim and would not have been admissible in this claim because the Respondents were not present to exercise their own rights at that deposition. More importantly, Dr. Samies did not "retract" his previous

written statements at his recent deposition, as the Claimant baselessly alleges in his Motion.

17. The Claimant's Motion also baselessly alleges that Dr. Samies's "affiliation" with the Regional Medical Center "was never explicitly disclosed" and "could not have been uncovered during the original proceedings despite the exercise of due diligence." In fact, the Respondents' APA 12 (p.60) is the actual *Curriculum Vitae* for Dr. Samies and it explicitly states that he was a member of the "Board of Trustees—The Regional Medical Center, 2006, 2022—present" and "Chief of Medical Staff, The Regional Medical Center 2020-2021." Obviously, if the Claimant had exercised reasonable diligence (e.g., actually reading the documentary evidence submitted at the hearing and provided to him ten days before that hearing), he would have known of Dr. Samies's affiliations. However, they do not change the underlying fact that the Claimant simply failed to prove his entitlement to benefits under the Workers' Compensation Act.

Therefore, based upon the facts and arguments set forth herein above, the Respondents respectfully request that the Claimant's Motion to Reopen Case or Request for Modification be denied and dismissed with prejudice.

Respectfully submitted,



Roy A. Howell, III  
Trask & Howell, LLC  
Attorneys for the Respondents

October 11, 2024  
Mount Pleasant, SC

14

Serge Wandji  
Claimant,  
  
v.  
  
The Regional Medical Center  
Employer,  
And  
  
Self insured through Antum Risk  
Carrier, Defendants.

SOUTH CAROLINA  
WORKERS' COMPENSATION  
COMMISSION

WCC FILE NO: 2118696

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has served this Return to Motion "To Reopen Claim or Request for Modification" in the above-captioned action upon Claimant, Serge Wandji, to be served by certified and first-class mail prepaid postage at the addresses shown below on October 11, 2024.

Serge Wandji  
P.O. Box 523  
Columbia, SC 29202



Roy A. Howell, III  
Trask & Howell, LLC  
P.O. Box 2167  
Mt. Pleasant, SC 29465  
Bar ID: 11888  
(843) 881-2236  
rhowell@trask-howell.com

October 11, 2024  
Mt. Pleasant, South Carolina

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

ORANGEBURG COUNTY (where injury occurred)

Serge Wandji, )  
Employee/Claimant, )  
-vs- )  
The Regional Medical Center, )  
Self-Insured Employer, )  
Through )  
Antum Risk, )  
Defendant. )

W.C.C. FILE NO. 2118696

CLAIMANT'S REPLY TO DEFENDANT'S  
RETURN TO CLAIMANT'S MOTION TO  
REOPEN CLAIM OR REQUEST FOR  
MODIFICATION

**RECEIVED**

OCT 23 2024

SC WORKERS' COMPENSATION

**I. Introduction**

In Defendant's Response/Return to Claimant's Motion to Reopen the Claim, the Defendant failed to address or contest the specific grounds upon which Claimant's Motion is based, namely, newly discovered evidence as well as evidence of fraud, misrepresentation, and undisclosed conflicts of interest. Rather than substantively engaging with these critical issues, Defendant's attorney, Mr. Roy A. Howell III, submitted a seven-page argument that deviated from the actual basis of the Motion to Reopen. The response consisted of unfounded assertions that do not pertain to the new evidence or the legal grounds raised by the Claimant.

To clarify for the Defendant, the following section reiterates the legitimate grounds for the Motion to Reopen and outlines the relevant legal standards that mandate a reconsideration of this case, backed up with undisputable evidence.

## II. Grounds for Motion

### 1. Newly Discovered Evidence:

The Claimant has recently uncovered crucial new evidence, including an Affidavit and the deposition of Dr. John H. Samies. This evidence was not available during the original hearing and could not have been found through due diligence. Dr. Samies, who was presented as an independent expert, was later revealed to hold an executive position on The Regional Medical Center (TRMC)'s Board of Trustees, an undisclosed conflict of interest that casts doubt on his credibility. His deposition revealed inaccuracies in his previous expert testimony, particularly regarding the timing and location of the Claimant's COVID-19 exposure at TRMC.

### 2. Misrepresentation, and Conflict of Interest:

In his pre-hearing brief, as well as throughout both hearings, Mr. Roy A. Howell III, counsel for the Defendant, presented Dr. Samies as an independent and unbiased expert witness in the field of infectious diseases. However, it was subsequently revealed that Dr. Samies holds an executive position on the Medical Staff and serves as a member of the Board of Trustees at TRMC, the Defendant organization. In his deposition, when asked What kind of additional role he had at TRMC beside practicing medicine there? Dr. Samies answered "*I've been on a variety of committees, chaired a variety committees, have served on Board of Trustees. I've served on the Medical Executive Committee*" (Exhibit # 1: Deposition Transcript Pg. 5, Lines 11-16) . This affiliations were not expressly disclosed in the so-called "expert" letter (Exhibit #2:APA # 58 pg. 144. Dr. Samies' 'expert' letter), which was introduced as evidence in the workers' compensation proceedings by Mr. Howell, thereby creating a clear and undeniable conflict of interest.

The Defendant with the help of their attorney Mr. Howell, has improperly relied on a letter solicited from one of its own Board of Trustees members (Exhibit # 1: Excerpt from Dr. Samies' deposition Transcript Pg. 6, Lines 15-21; Pg. 7, Lines 1-2), purporting it to be an independent expert opinion, to substantiate its position in this workers' compensation case. Such reliance is inappropriate and legally problematic. A member of the Board of Trustees, who holds a vested interest in the Defendant organization, cannot be regarded as an independent expert witness, as is required under established legal standards.

According to South Carolina's Code of Civil Procedure, expert testimony must be impartial, objective, and devoid of any conflicts of interest. Courts have consistently emphasized the importance of credibility and independence in expert testimony, noting that biased testimony cannot be used to support a judgment. In *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), the court held that expert testimony must adhere to rigorous standards of reliability and independence. As such, the use of Dr. Samies' testimony in this case violates the legal requirement for unbiased expert evidence, further undermining the Defendant's position.

In this matter, the financial and professional relationship between Dr. Samies, a member of the Board of Trustees, and the Defendant (TRMC), gives rise to an inherent conflict of interest that renders Dr. Samies's testimony unreliable and unsuitable for consideration as independent expert testimony. Dr. Samies's deposition unequivocally revealed that his so-called "independent" letter of testimony was, in fact, initiated and generated by the Defendant itself. Specifically, when questioned about who requested that he author this letter, Dr. Samies admitted that the request originated from the Defendant's Infection Control Department, where he not only works but also serves as the chairperson (Deposition Transcript Pg. 6, Lines 15-21; Pg. 7, Lines 1-2). Dr.

Samies also admitted he well knew that his letter will be used for a labor litigation involving TRMC stating "*I understood that there was Workers' Compensation Questions*" (Deposition Transcript Pg. 8, Lines 12-15).

Furthermore, Dr. Samies acknowledged in his deposition that, as both a staff member and Board member at the Defendant hospital (TRMC), he received "*nothing*" in compensation for his participation, including the signing of the letter in question (Deposition Transcript Pg. 7, Lines 3-5). This disclosure underscores the conflict of interest that pervades Dr. Samies's involvement, particularly given his dual roles within the organization.

South Carolina courts have long recognized that the presentation of biased or self-serving evidence is a sufficient ground to deny or reject such testimony. In *State v. Galbreath*, 359 S.C. 398 (2004), the court established that biased testimony undermines the fairness of proceedings. Moreover, in *Hines v. Blue Cross Blue Shield of South Carolina*, 411 S.C. 108, 119 (2014), the court affirmed that presenting an expert witness with undisclosed ties to the employer, such as holding a position on the employer's Board of Trustees, could be viewed as evidence of bias intended to undermine the claimant's position. These legal precedents further support the conclusion that Dr. Samies's testimony should not be relied upon as independent or impartial in this case.

### 3. Fraud and False Statements

Dr. Samies' deposition unequivocally reveals that he knowingly provided false statements in his expert report, a pivotal piece of evidence that materially influenced the Commissioner's decision to deny the Claimant's compensation claim. Specifically, Dr. Samies admitted that the Claimant,

Samies also admitted he well knew that his letter will be used for a labor litigation involving TRMC stating "*I understood that there was Workers' Compensation Questions*" (Deposition Transcript Pg. 8, Lines 12-15).

Furthermore, Dr. Samies acknowledged in his deposition that, as both a staff member and Board member at the Defendant hospital (TRMC), he received "*nothing*" in compensation for his participation, including the signing of the letter in question (Deposition Transcript Pg. 7, Lines 3-5). This disclosure underscores the conflict of interest that pervades Dr. Samies's involvement, particularly given his dual roles within the organization.

South Carolina courts have long recognized that the presentation of biased or self-serving evidence is a sufficient ground to deny or reject such testimony. In *State v. Galbreath*, 359 S.C. 398 (2004), the court established that biased testimony undermines the fairness of proceedings. Moreover, in *Hines v. Blue Cross Blue Shield of South Carolina*, 411 S.C. 108, 119 (2014), the court affirmed that presenting an expert witness with undisclosed ties to the employer, such as holding a position on the employer's Board of Trustees, could be viewed as evidence of bias intended to undermine the claimant's position. These legal precedents further support the conclusion that Dr. Samies's testimony should not be relied upon as independent or impartial in this case.

### **3. Fraud and False Statements**

Dr. Samies' deposition unequivocally reveals that he knowingly provided false statements in his expert report, a pivotal piece of evidence that materially influenced the Commissioner's decision to deny the Claimant's compensation claim. Specifically, Dr. Samies admitted that the Claimant,

a registered nurse, was exposed to COVID-19 in August 2021 at TRMC, where multiple patients and staff tested positive (Exhibit # 3:APA # 50 pg. 91 ; and Exhibit # 4: APA # 47 pg. 84-86). The Claimant had been caring for COVID-positive patients on his own unit during this time (Exhibit # 5: APA #7 pg. 7-8; Deposition Transcript Pg. 31, Lines 16-23). Also, on Claimant's unit staff members tested positive for the COVID-19 virus (Exhibit # 5: APA #7). Dr. Samies himself acknowledged, "It's possible that any employee (at the hospital including Claimant) can be exposed when there are patients with COVID-19" (Deposition Transcript Pg. 31, Lines 22-23). This admission directly contradicts his earlier assertion in his expert testimony letter that it was "unlikely" the Claimant's exposure to COVID-19 was related to his employment.

Additionally, during the deposition, Dr. Samies conceded that his statements concerning the timing and location of the Claimant's COVID-19 exposure were inaccurate. He admitted to asserting in his letter that the Claimant's workplace exposure was "unlikely," despite not knowing when the Claimant was actually exposed to COVID-19 (Deposition Transcript Pg. 26, Lines 11-13). In other words, Dr. Samies repeatedly admitted that he lacked critical information about the Claimant's exposure but nonetheless concluded that workplace exposure was improbable (Deposition Transcript Pg. 27, Lines 9-11). Moreover, Dr. Samies admitted that his previous statements were both biased and speculative. In his so-called "expert" letter, he explicitly stated, "Given that he (the Claimant) had concerns about **non-employment exposure**, which prompted testing only a short time prior to his illness, I must wonder how much other potential non-employment exposure he had" (Exhibit # 2: Dr. Samies' Expert Testimony Letter). However, during his deposition, when confronted about this statement, Dr. Samies changed his account and claimed, "That is what I gleaned from the records of Employee Health" (Deposition Transcript Pg. 11, Lines 3-6), later adding, "It is what I understood from the records"

(Deposition Transcript Pg. 14, Line 5). These admissions indicate that Dr. Samies's statements were not based on any direct information he had read or been told but rather his personal imagination and interpretation of records, further demonstrating the biased and speculative nature of his testimony. It is imperative to underscore that the defense strategy employed by Mr. Roy Howell hinged primarily on presenting witnesses who would testify that the Claimant reported a potential COVID-19 exposure outside the hospital. This approach was outlined explicitly in Mr. Howell's Pre-Hearing Brief under the "Facts in Controversy" section (Exhibit #6: APA #). At the hearing held on February 16, 2023, the Defendant introduced two employees of TRMC, Mrs. Kelci Caruso, the head of the Employee Health Department, and Mrs. Kellie Evans, staff member of the same department, in an attempt to support this defense strategy.

Contrary to the Defendant's expectations, neither Mrs. Caruso nor Mrs. Evans corroborated Mr. Howell's defense. These two employees, being the only individuals with whom the Claimant discussed his COVID-19 exposure at TRMC, failed to support the notion that the Claimant reported exposure outside the hospital. During her testimony, Mrs. Caruso explicitly stated, "No sir, I don't recall you telling me where you were exposed" (Exhibit #7: WCC Hearing Transcript excerpt, Pg. 108, Lines 1-4). Likewise, Mrs. Evans testified, "I stated that you (Claimant) were exposed. I did not say that you stated you were exposed outside of the hospital" (Exhibit #7: WCC Hearing Transcript excerpt, Pg. 115, Lines 6-8). Even the presiding Commissioner, T. Scott Beck, after directly questioning Mrs. Evans for further clarification, noted, "Mrs. Wandji (Claimant) we've already made the point clear" that the Claimant never reported a possible COVID-19 exposure outside the hospital (Exhibit #7: WCC Hearing Transcript excerpt, Pg. 115, Lines 20-25; Pg. 116, Line 15-16).

It is also crucial to consider Dr. Samies' deposition, where he claimed that his assertion regarding the Claimant's potential non-employment-related exposure to COVID-19 was based on information "gleaned from the records of Employee Health" (Deposition Transcript Pg. 11, Lines 3-6). These records, referred to by Dr. Samies, were provided by Mrs. Caruso and Mrs. Evans, who, as demonstrated during their testimonies, did not support the narrative of an external COVID-19 exposure.

This inconsistency between Mr. Howell's defense strategy and the testimonies of key witnesses not only undermines the credibility of the Defendant's case but also raises concerns about the ethical integrity of the defense. The South Carolina Workers' Compensation system, like all judicial proceedings, requires that claims be based on credible and honest evidence. As established in *Rule 702 of the Federal Rules of Evidence* and the decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), expert testimony and evidence must be grounded in reliable principles and methods. Here, the defense's reliance on speculative and unsupported assertions fails to meet these legal standards.

The lack of corroboration from key witnesses and the misleading reliance on biased and speculative expert testimony calls for a thorough reconsideration of the facts and legal arguments presented in this case.

Misrepresentation of facts by an expert witness, as evident in this case, calls into question the integrity of the evidence. Case law, including *Lauderdale v. Dixon* and *Hines v. Blue Cross Blue Shield of South Carolina*, emphasizes the importance of transparency and impartiality in workers' compensation claims, particularly where expert testimony is involved. The failure to disclose a

conflict of interest and the fabrication of evidence to bolster a defense may constitute violations of workers' compensation laws and undermine the fairness of the proceedings.

Additionally, Dr. Samies' failure to appear at the original hearing—despite being listed as a witness in the Defendant's pre-hearing brief (Exhibit # 6: APA # )—denied the Claimant a critical opportunity for cross-examination, obstructing the process of achieving a fair and just outcome (Deposition Transcript Pg. 30, Lines 11-18). When questioned about his absence, Dr. Samies stated, "I wasn't asked, to my knowledge" (Deposition Transcript Pg. 31, Line 6). If this is indeed the case, it suggests that Mr. Roy Howell III, counsel for the Defendant, listed Dr. Samies as a witness to appear in person but failed to inform him of the hearing, thereby denying the Claimant the legal right to question the witness.

Taken together, these actions—including the false statements, undisclosed conflicts of interest, and the obstruction of the cross-examination process—raise substantial concerns regarding the ethical conduct of the defense and the integrity of the original proceedings. The cumulative impact of these misrepresentations, combined with unethical legal tactics, demands careful judicial scrutiny and may warrant revisiting the decision in this case.

#### **4. Impact on Commissioner's Decision:**

The Commissioner's decision to deny the Claimant's workers' compensation claim was significantly influenced by Dr. Samies' testimony. The revelations about Dr. Samies' role at TRMC and his misleading testimony demonstrate that the original judgment was based on faulty evidence. Had these newly discovered evidence been available during the original hearings, it would have had a substantial effect on the outcome, likely leading to a different decision.

### III. Legal Standard

Under Rule 60(b) of the South Carolina Rules of Civil Procedure, a judgment may be revisited for reasons including newly discovered evidence, fraud, misrepresentation, or misconduct. S.C. Code Ann. § 42-17-90 further allows the Workers' Compensation Commission to review and modify its decisions based on new evidence or changed circumstances. Both of these legal standards apply in this case.

### IV. Relief Requested

In light of the newly discovered evidence and the fraudulent misrepresentation by the Defendant's expert witness, the Claimant respectfully requests the following relief:

1. **Reopen the Case:** The case should be reopened to introduce this new evidence and to rectify the misrepresentations made during the original hearing.
2. **Modify the Decision:** In the alternative, the Commission should modify its ruling in favor of the Claimant based on the new evidence of misconduct.
3. **Additional Relief:** The Claimant requests any further relief the Commission deems just and proper.

### V. Conclusion

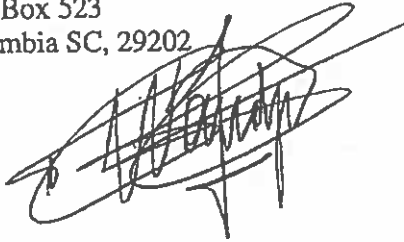
The Claimant respectfully submits that the circumstances outlined above constitute extraordinary grounds for reopening or modifying this case. The newly discovered evidence, combined with the fraud, misrepresentation and unethical legal tactics revealed during the proceedings, calls for a reconsideration of the original decision to ensure a just outcome.

25

If the Commission denies this Motion, the Claimant requests permission to appeal the decision to the South Carolina Court of Appeals.

Date: October 23, 2024

Respectfully submitted,  
Serge Wandji  
Pro se Claimant  
P.O. Box 523  
Columbia SC, 29202

A handwritten signature in black ink, appearing to be 'Serge Wandji', written over the typed name and address.

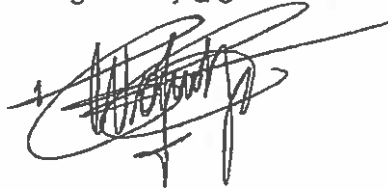
26

**CERTIFICATE OF SERVICE**

I hereby certify that on this October 23, 2024, a true and correct copy of the Reply to Defendant's Return to Claimant's Motion to Reopen Case or Request for Modification Based on Extraordinary Circumstances was served upon the following party via certified mail, and electronic mail, 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  
P.O. Box: 523  
Columbia, SC, 29202  
sergewandji@gmail.com



**LIST OF EXHIBITS:**

1. **Exhibit # 1:** Dr. Samies Deposition excerpts (Newly Discovered Evidence).
2. **Exhibit # 2:** APA # 58 pg. 144; Dr. Samies' expert letter testimony.
3. **Exhibit # 3:** APA # 50 pg. 91 -Hospital (TRMC) Memo on the Number of Patients with COVID-19 at the hospital as of August 6, 2021.
4. **Exhibit # 4:** APA # 47 pg. 84-86 - List of Staff member at TRMC who tested positive for COVID-19 in August 2021.
5. **Exhibit # 5:** APA # 7 pg. 7-8 - List of Patients who tested positive for COVID-19 and who were cared for by Claimant on his Unit in August 2021.
6. **Exhibit # 5 a** APA # 7- List of other employee on Claimant Unit who tested positive for COVID-19 in August 2012
7. **Exhibit # 6:** APA # 48 Pg. 88- Pre-Hearing Brief prepared by Mr. Roy A. Howell, III for the Defendant listing Dr. Samies as a Defendant witness to appear at the hearing.
8. **Exhibit # 7:** February 16, 2023 Workers Compensation Commission hearing excerpt

**RECEIVED**

**Apr 17 2025**

**SC Court of Appeals**

**THE 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.  
**Appellate Case No. 2024-001935**

Serge R. Wandji,  
Claimant, Appellant,

v.

The Regional Medical Center, Employer, and Antum Risk, Carrier,  
Respondents.

**PROOF OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of April 2025, a true and correct copy of the Appellant's RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO EXCLUDE THE DEPOSITION OF DR. SAMIES FROM THE RECORD ON APPEAL was served upon the following party via certified mail, and email to the Defendants 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](mailto:rhowell@trask-howell.com)

April 17, 2025

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

**RECEIVED**  
**Apr 17 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

April 17, 2025

**South Carolina Court of Appeals**  
The Honorable Jenny Abbott Kitchings  
P.O. Box 11629 Columbia, SC 29211

Re: Serge Wandji v. The Regional Medical Center: W.C.C. File No.: 2118696  
**Appellate Case No. 2024-001935**

Dear Mrs. Kitchings,

Enclosed herewith for filing, please find the Appellant's RETURN IN OPPOSITION TO RESPONDENT'S MOTION TO EXCLUDE THE DEPOSITION OF DR. SAMIES FROM THE RECORD ON APPEAL, along with a 27 pages one exhibit, with accompany Proof of Service, in the above-referenced matter. By copy of this letter, I am serving the Defendants Attorney Mr. Roy A. Howell, III, with a copy of these documents via email and regular mail. If you should have any questions, please do not hesitate to contact me.

Yours very truly,  
*Serge Wandji*  
s/Serge Wandji  
Appellant (Pro Se)

Enc.  
cc. Roy A. Howell, III (w/enc.) (email/mail)