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Apr 21 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM ORANGEBURG
COUNTY in the Court of Common Pleas
Judge Maite Murphy

Case No.: 2023-CP-38-00331

Serge R. Wandji, Plaintiff/Appellant
v.
The Regional Medical Center, Defendant/Respondent

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

Appellate Case No.2025-000108

Appellant's Submission Pursuant to Rule 210, SCACR

Pursuant to Rule 210 of the South Carolina Appellate Court Rules, Appellant respectfully designates the following materials to be included in the Record on Appeal:

A. Orders, Motions, and Related Judicial Communications

1. Email correspondence from the Law Clerk of the Honorable Judge Murphy, dated December 16, 2024, notifying the Appellant of the court's decision to grant summary judgment in favor of the Defendant.
2. Proposed Order granting Defendant's Motion for Summary Judgment, dated December 30, 2024, and prepared by Defendant's counsel, Mrs. Amanda Williams.
3. Final Order signed by the Honorable Judge Murphy on January 15, 2025, adopting in full the Defendant's proposed Order.

B. Summary Judgment Filings and Related Materials

4. Defendant's Motion for Summary Judgment filed September 24, 2024, while discovery remained ongoing.
5. Appellant's Motion in Opposition to Summary Judgment, filed November 4, 2024, based on incomplete and outstanding discovery (which was never addressed or ruled upon by the trial court).

6. Defendant's untimely production of critical discovery documents on November 12, 2024, previously requested by Appellant more than one year earlier.
7. Appellant's Memorandum in Opposition to Summary Judgment, filed November 21, 2024.

C. Discovery and Hearing Materials

8. Appellant's Motion to Compel the Deposition of Dr. John Samies, including all attached exhibits.
9. Transcript excerpt of the November 14, 2024, hearing before the trial court.
10. Full deposition transcript of Dr. John Samies, including exhibits.
11. Deposition transcript of Mr. David Sutherland, CEO of TRMC.

D. Correspondence Regarding ADR and Settlement

12. Email correspondence documenting the Appellant's offer of court-annexed mediation/arbitration and good-faith settlement, and the Defendant's written rejection of same.

E. Exhibits

Exhibit 1: Job description and employment requirements for Plaintiff as outlined by Defendant.

Exhibit 2: Group text message from Plaintiff's Unit Program Director confirming COVID-19 exposure on the unit.

Exhibit 2a: Medical assessment confirming Plaintiff's COVID-19 exposure and infection.

Exhibit 3: Positive COVID-19 test result confirming Plaintiff's infection during employment at TRMC.

Exhibit 4: COVID-19 Exposure Incident Report submitted by Plaintiff to Employee Health.

Exhibit 5: Confirmation from Employee Health acknowledging receipt of Plaintiff's Incident Report.

Exhibit 6: Email from Defendant requesting Plaintiff's return to work despite ongoing illness.

Exhibit 7: Hospital records documenting Plaintiff's COVID-19-related pneumonia and acute stress disorder.

Exhibit 8: Letter from Defendant demanding FMLA paperwork from Plaintiff while hospitalized.

Exhibit 8a: Documentation of retroactive and involuntary leave assignment.

Exhibit 9: Personal checks written by Plaintiff to maintain insurance coverage after medically ordered work removal.

Exhibit 10: Correspondence regarding Plaintiff's inquiry into the status of his workers' compensation claim.

Exhibit 10a: Email from Mrs. Caruso (Employee Health) to Plaintiff.

Exhibit 10b: Plaintiff's email to HR Director Mrs. Norris requesting status update.

Exhibit 10c: Plaintiff's fifth email to HR Director regarding his claim.

Exhibit 11: Plaintiff's initial Form 50 filed with the South Carolina Workers' Compensation Commission.

Exhibit 12: Settlement offer from Defendant (TRMC) to Plaintiff.

Exhibit 13: Plaintiff's second Form 50 filed with the Workers' Compensation Commission.

Exhibit 14: Plaintiff's post-hospitalization medical updates to Defendant.

Exhibit 15: Defendant's acknowledgment of Plaintiff's medical updates.

Exhibit 16: Medical clearance for Plaintiff's return to work with restrictions.

Exhibit 17: Email from Plaintiff's counsel to Defendant concerning return-to-work status.

Exhibit 18: Plaintiff's email efforts to resume work.

Exhibit 18a: Follow-up email dated March 9, 2022.

Exhibit 19: Clinical psychologist's medical clearance for Plaintiff to return to work.

Exhibit 20: Email exchange between HR Director Norris and labor attorneys regarding termination strategy.

Exhibit 21: Termination letter/email issued in retaliation for Plaintiff's compensation claim.

Exhibit 22: Deposition excerpts from Dr. John Samies.

Exhibit 23: Written testimony from Dr. Samies, showing bias as a member of Defendant's Board of Trustees.

Exhibit 24: Internal memo identifying COVID-19 patients present in the facility on August 6, 2021.

Exhibit 24a: List of TRMC employees infected with COVID-19 in August 2021.

Exhibit 25: List of COVID-19 patients treated by Plaintiff during August 2021.

Exhibit 25a: Staff list from Plaintiff's unit who tested positive for COVID-19 that month.

Exhibit 26: Defendant's Pre-Hearing Brief from the Workers' Compensation Commission.

Exhibit 27: Transcript excerpts from the workers' compensation hearing.

Exhibit 28: Series of internal emails between Employee Health and Dr. Samies.

Exhibit 29: Deposition excerpt of Mr. David Sutherland, CEO of TRMC.

Exhibit 30: COVID-19-related medical bills inappropriately charged to Plaintiff.

Exhibit 31: Debt collection letters to Plaintiff related to those unlawful medical charges.

Exhibit 32: Identification of Defendant's initial labor attorney involved in Plaintiff's termination.

Exhibit 32a: Details regarding the involvement of the second labor attorney.

Exhibit 33: Plaintiff's HIPAA-related email correspondence.

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

April 21, 2025

Serge Wandji

s/Serge Wandji

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PROOF OF SERVICE

I hereby certify that on this 21st, day of April 2025, a true and correct copy of the APPELLANT DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL was served upon the following party via certified mail, and email to the Defendants Attorney in file as followed:

Mrs. Amanda C. Williams
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April 21, 2025

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