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**May 19 2025**

**SC Court of Appeals**

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

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.*

**APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO MODIFY THE  
RECORD ON APPEAL AND HOLD TIME IN ABEYANCE**

COMES NOW the Appellant, Serge Wandji, appearing pro se, and respectfully submits this Response to Respondent's Motion to Modify the Record on Appeal and Hold Time in Abeyance, filed May 16, 2025. For the reasons outlined below, Appellant:

1. **Does not oppose** the inclusion of certain materials identified by Respondent;
2. **Opposes** Respondent's request to remove properly designated materials from the appellate record, specifically, the deposition of Dr. Samies, which is integral to the designated exhibits previously accepted by the Court; and
3. **Agrees** that the Court may grant reasonable time to resolve the outstanding record-related issues prior to the filing of final briefs.

**I. NO OBJECTION TO INCLUSION OF IDENTIFIED MATERIALS**

Appellant acknowledges that certain documents referenced by Respondent may have been omitted from the initially filed Record on Appeal. As a pro se litigant acting in good faith and with diligence, Appellant compiled the record based on the materials accepted by the South

Carolina Workers' Compensation Commission. Appellant does not object to the Court granting leave to supplement the record with relevant, properly authenticated materials from the lower tribunal proceedings.

## II. OPPOSITION TO REMOVAL OF DR. SAMIES' DEPOSITION

Appellant strongly opposes Respondent's selective and improper request to exclude the deposition of Dr. Samies from the Record on Appeal. This deposition is not a stand-alone document, but rather one of several exhibits comprising:

- **Designation of Matter No. 6** – Appellant's Reply to Respondent's Return (October 23, 2024), and
- **Designation of Matter No. 8** – Appellant's Return to Respondent's Motion to Strike (November 5, 2024).

These materials were duly filed, accepted, and reviewed by the Workers' Compensation Commission, and this Honorable Court **affirmed their inclusion** in its **February 26, 2025 Order** denying Respondent's prior motion to strike Designation Matter No. 6.

Respondent now seeks to surgically remove only one exhibit (Dr. Samies' deposition) while leaving the remainder of the Designation Matters intact. This is procedurally improper. As Rule 210(c), South Carolina Appellate Court Rules (SCACR), provides: "The Record on Appeal shall contain only such material as is necessary for the determination of the appeal." The Court has already determined that the entirety of Designation Matters No. 6, including all exhibits, are necessary for appellate review. To retroactively remove a single, unfavorable exhibit after the Court has approved the record would compromise the fairness, coherence, and completeness of

the appellate process.

South Carolina courts have consistently emphasized the importance of a full and impartial record. See *Pirayesh v. Pirayesh*, 359 S.C. 284, 289, 596 S.E.2d 469, 472 (Ct. App. 2004) (“An appellate court must have the complete record before it to conduct a meaningful review.”); *Jefferson v. Gene’s Used Cars, Inc.*, 295 S.C. 317, 368 S.E.2d 456 (Ct. App. 1988).

Allowing Respondent to exclude a single, adverse deposition, while preserving all others, would also risk undermining judicial neutrality, a concern echoed by this Court in *Doe v. State*, 421 S.C. 490, 808 S.E.2d 807 (Ct. App. 2017). Such selective modification invites inequity and distorts the evidentiary framework before the Court.

Moreover, Dr. Samies’ deposition contains testimony highly relevant to the core issues on appeal, including the timing, context, and credibility of medical opinions relied upon by the Employer. Its removal would substantially prejudice Appellant and impair this Court’s ability to conduct a full and fair review.

### III. AGREEMENT TO TEMPORARY ABEYANCE FOR FINAL BRIEFING

Appellant agrees that the Court may allow reasonable time to resolve these record-related matters before the parties file final briefs. Appellant respectfully requests that the Court adjust any briefing deadlines as needed to ensure adequate time for both parties to review and finalize the amended Record on Appeal.

### IV. CONCLUSION

WHEREFORE, Appellant respectfully requests that this Honorable Court:

1. Permit inclusion of any additional documents identified by Respondent, provided they are part of the lower tribunal record and relevant to the appeal;
2. Deny Respondent's request to selectively remove Dr. Samies' deposition, which was properly submitted as part of Designation Matter No. 6 and previously accepted in full by this Court;
3. Adjust the appellate briefing schedule as necessary to accommodate resolution of these record-related issues; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 19th day of May, 2025.

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APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

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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 19<sup>th</sup> day of May 2025, a true and correct copy of the **APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO MODIFY THE RECORD ON APPEAL AND HOLD TIME IN ABEYANCE** was served upon the following party via U.S. mail, and email to the Defendants Attorney in file as followed:

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May 19, 2025

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