

**RECEIVED**

**May 20 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

The Honorable T. Scott Beck, Commissioner

Appellate Case No. 2024-001935

S.C. W.C.C. File No. 2118696

Serge Wandji, Claimant,.....Appellant,

v.

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

**RESPONDENTS' REPLY TO RETURN TO  
MOTION TO MODIFY THE RECORD ON APPEAL  
AND HOLD TIME IN ABEYANCE**

In reply to the Appellant's Return to the Motion to Modify the Record on Appeal, the Respondents respectfully submit that the cases cited by the Appellant do not stand for the propositions for which they are cited and otherwise do not support the Appellant's argument that he should be entitled to include in the Record on Appeal a deposition that was taken in an unrelated civil claim, which was never submitted into evidence before, or considered by, the Workers' Compensation Commission prior to deciding the merits of the Appellant's workers' compensation claim or in denying the Appellant's untimely and improper motion to reconsider

or reopen that workers' compensation claim.<sup>1</sup> Specifically, neither "Jefferson v. Gene's Used Cars, Inc., 295 S.C. 317, 368 S.E.2d 456 (Ct. App.<sup>2</sup> 1988)", nor "Doe v. State, 421 S.C. 490, 808 S.E.2d 807 (Ct. App.<sup>3</sup> 2017)", mention any issue with respect to a record on appeal. While the Appellant purports to quote "Pirayesh v. Pirayesh, 359 S.C. 284, 289, 596 S.E.2d 469, 472<sup>4</sup> (Ct. App. 2004)", this quotation<sup>5</sup> does not actually appear in that case (or in any other published decision of the South Carolina appellate courts that the Respondents can identify) and Pirayesh, 359 S.C. 284, 596 S.E.2d 505, does not address any issue with respect to a "complete record" or "meaningful review."

Whether these citations are "AI hallucinations" or simply manufactured by the Appellant, they represent not only a lack of candor, but a pattern of abusive, frivolous, and potentially fraudulent pleadings, which is grossly prejudicial to the Respondents and to the judicial system itself. A review of cases addressing similar issues was recently compiled in Saxena v. Martinez-Hernandez, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003, at \*2 (D. Nev. Apr. 23, 2025), and are worthy of consideration given that the South Carolina courts have not squarely addressed these emerging issues. In Saxena v. Martinez-Hernandez, a *pro se* litigant argued "that his use of

---

<sup>1</sup> Despite the Appellant's contention to the contrary, the Respondents respectfully submit that this Court did not previously affirm the inclusion of the deposition of Dr. Samies in the Record on Appeal by its February 25, 2025, Order.

<sup>2</sup> Jefferson is actually a decision by the South Carolina Supreme Court.

<sup>3</sup> Doe v. State is also a decision by the South Carolina Supreme Court.

<sup>4</sup> 596 S.E.2d 469 and 596 S.E.2d 472 are two separate North Carolina cases.

<sup>5</sup> "An appellate court must have the complete record before it to conduct a meaningful review."

artificial intelligence should not be grounds for dismissal because he is pro se and disabled.”

The U.S. District Court determined that.

“[t]his is no excuse for submitting non-existent authority to the court in support of a brief. *See* Muñoz v. United States, 28 F.4th 973, 978 (9th Cir. 2022) (pro se litigants must adhere to the same procedural requirements as other litigants) ...

Saxena's use of AI generated cases—and his subsequent refusal to accept responsibility for doing so—is just another example of Saxena's abusive litigation tactics, and further explains why the court issued case-terminating sanctions.”

Saxena, *supra* at p.2 (citing Mescall v. Renaissance at Antiquity, 2023 WL 7490841, at \*1 n.1 (W.D.N.C. Nov. 13, 2023) (warning “the use of artificial intelligence ... may result in sanctions or penalties when used inappropriately”); Ruggiero, Velardo, Burke, Reizen & Fox, P.C. v. Lancaster, 2023 WL 5846798, n.5 (E.D. Mich., Sept. 11, 2023) (warning a pro se defendant that using generative artificial intelligence hallucination to create citations may result in court-imposed sanctions and is a waste court and party resources); Anonymous v. N.Y.C. Dep't of Educ., 2024 WL 3460049, at \*7 (S.D.N.Y., July 18, 2024) (warning a pro se plaintiff that citations generated by artificial intelligence are unreliable, and that citation to nonexistent legal authority is unacceptable)).

The Respondents respectfully contend that similar sanctions are warranted in the case *sub judice* to prevent further waste of court and party resources.

With respect to the materials designated for inclusion in the Record on Appeal by the Respondents<sup>6</sup>, it appears that the Appellant has conceded that they should not have been omitted. Therefore, in accordance with Rule 210(c), S.C.A.C.R., the Respondents respectfully request that the Court of Appeals issue an order requiring the Appellant to modify the Record on Appeal to exclude the transcript of the deposition of Dr. Samies, and to include all materials designated by the Respondents. The Respondents further respectfully request that the time for filing the Respondents' Final Brief under Rule 211, S.C.A.C.R., be held in abeyance until such reasonable time after the Record on Appeal has been modified by the Appellant to include all materials designated by the Respondents.

Respectfully submitted,

May 20, 2025



Roy A. Howell, III, *S.C. Bar #11888*  
Kirsten Leslie Barr, *SC Bar #15525*  
Trask & Howell, L.L.C.  
P.O. Box 2167  
Mt. Pleasant, SC 29465  
(843) 881-4228  
Attorneys for the Respondents

---

<sup>6</sup> Specifically, the Form 51 dated October 7, 2022; the Appellant's Form 30; the (entire) transcript of hearing before Commissioner T. Scott Beck dated February 16, 2023; the Respondents' APA pp. 58-60 (Dr. Samies's *curriculum vitae*); and the Appellant's Notice of deposition of Mr. David Sutherland taken January 9, 2023, were designated by the Respondents but omitted from the Record on Appeal by the Appellant.

RECEIVED

May 20 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

The Honorable T. Scott Beck, Commissioner

Appellate Case No. 2024-001935

S.C. W.C.C. File No. 2118696

Serge Wandji, Claimant,.....Appellant,

v.

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

PROOF OF SERVICE

The undersigned hereby certifies that the Respondents served the above-named Appellant, Serge Wandji, with a copy of the attached Reply to Return to Motion to Modify the Record on Appeal and Hold Time in Abeyance this 20th day of May 2025, by emailing and depositing a copy of the same in the United States Mail, first class postage prepaid, addressed as follows:

Serge Wandji  
579 Folly Road P.O. Box 12112  
Charleston, SC 29422  
*sergewandji@gmail.com*

May 20, 2025



Roy A. Howell, III, S.C. Bar #11888  
Kirsten Leslie Barr, SC Bar #15525  
Trask & Howell, L.L.C.  
P.O. Box 2167  
Mt. Pleasant, SC 29465  
(843) 881-4228  
Attorneys for the Respondents

TRASK  
HOWELL  
WORKERS' COMPENSATION DEFENSE

RECEIVED

May 20 2025

SC Court of Appeals

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

May 20, 2025

Via Mail/Email-ctappfilings@sccourts.org

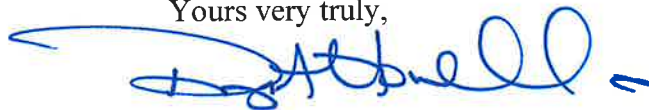
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

Re: Serge Wandji v. The Regional Medical Center  
W.C.C. File No.: 2118696  
Appellate Case No.: 2024-001935  
Carrier File No.: WC2021098080  
Date of Accident: August 27, 2021

Dear Ms. Kitchings:

Enclosed herewith for filing, please find our Reply to Return to Motion to Modify the Record on Appeal and to Hold Time in Abeyance, with accompanying Proof of Service, in the above-referenced matter. By copy of this letter, I am serving the Appellant, Serge Wandji, 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,



Roy A. Howell, III

RAHIII/mbm/les

Enc.

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

