

Form 4

NOTICE OF APPEAL FROM A DECISION MADE BY THE COURT
OF GENERAL SESSIONS COMMON PLEAS
THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
IN THE SUPREME COURT

Dennis, Circuit Court Judge

RECEIVED

OCT 16 2013

SC Court of Appeals

Appellate Case Number 2013-001985

Case Number 2013CP-10-1223

October 08, 2013

RECEIVED

OCT 15 2013

S.C. SUPREME COURT

Rev. Dr. Sandra A. Kearse vs. Charleston County School District

NOTICE OF CIVIL APPEAL

Sandra A. Kearse requested for a motion to rescind a motion to dismiss and to receive amounts to be awarded for the claimant based on severity of injuries and based on evidence given by three credible worker's compensation doctors and two insurance companies that participated in the care of Mrs. Kearse. Judge Dennis imposed a decision on 09/09/2013. Judge Dennis *did not* impose which motion he had made the decision for. See Form 4 and original motion(s) attached (exhibits 1).

I make this civil appeal based on the Judge not having enough time to review the case and the *error* that is consistently being supported by Counsel Whitten concerning a \$325.00 medical bill to a doctor that did not treat me because I was in the hospital. (see exhibit 2 discharge paper). She has also refuse to accept facts given by former Counsel Rhonda Jennings (even though she admits it in writing, exhibit 3 and 4) and claimant Sandra A. Kearse about properly notifying her office and my being in the hospital at that given time. In addition, Charleston County School District 4 is unlawfully refusing to pay for injuries arising out of the slip and fall accident that occurred on January 03, 2007 (See 2011-197087 Case of Joe A.

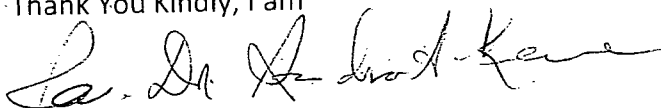
Osmanski, Employee, Appellant, v. Watkins & Shepard Trucking, Inc., Employer and North America Insurance Company Carrier). Also, Charleston County Schools and (LL Schaffer Insurance whose name was dropped from the correspondences) erred in 1) failing to apply a clear and convincing standard of proof to a *claim of fraud they made against the employee on her application*, 2) *determining that Mrs. Kearse was barred from receiving Temporary Total Benefits of any kind* and 3) *According to Section 42-9-400 provides: if an employee has a permanent physical impairment from any cause or origin incurs a subsequent disability from injury by accident arising out of and in the course of his employment, resulting in compensation and medical payments, liability or either for disability that is substantially greater by reason of the combined efforts of the pre-existing impairment and subsequent injury or by reason of the aggravation of the pre-existing impairment. The employer or his insurance company carrier shall in the first instance pay all awards of compensation and medical benefits provided by this Title, and they have not paid it all. This experience of a direct blow to my head in relation to my neck and back has truly demonstrated the inference of problems of loss of sleep, chronic pain, tremors, shortness of breath, degenerating discs that have been exacerbated by this slip and fall accident on January 03, 2007.*

There has been no effort to pay for any Temporary Total Benefits according to laws set forth by S.C., nor the apparent physical brain and neck damage related to the back, according to the Case in Pearson v. JPS Converter and Industrial Corporation, 327 S.C. 393, 489 S.E.2d 219(1997). The only records that sufficiently supported this was given by an Author and Brain Specialist and Chairman of Rehabilitative services at Emory University Hospital, Dr. David Burke. Even though Dr. Jervey and Dr. Scott records both indicated injuries inside the brain, it was never sufficiently recorded and attended to.(exhibits 7,8 and 9)

This civil appeal is taken from the decision made by the Honorable R. Markley Dennis, entered on August 21, 2013 and made on the date of August 09, 2013. It was filed on August 22, 2013. (see exhibit 1 Form 4). I was served on October 07, 2013, the order from the The South Carolina Court of appeals was dated October 03, 2013. (Exhibit 10)

I am respectfully requesting for additional time according to Rule 203 to properly serve subpoena(s) and properly respond to this demand because I am under some very critical doctor's care at this given time. I shall continue to do the very best I can to stay within the confinements of the Law!

Thank You Kindly, I am



Rev. Dr. Sandra A. Kearse

CC: INGENIX, Counsel Leslie Whitten, Counsel Rhonda Jennings, Honorable Jean Toal, *Chief Justice of Supreme Court*
Honorable Julie Armstrong, Honorable Daniel Shearouse and CIGNA

Rev. Dr. Sandra A. Kearse, Pro Se / Claimant
1725 London Crest Dr. #301
Orlando, Florida 32818 (407) 522 7207 Telephone and Facsimile

Counsel-Leslie M. Whitten representing Charleston County School District 4
YCR,LLP
P.O. Box 993
Charleston, South Carolina 29402-0993
Telephone & Fax (843) 724-6642 / (843) 579- 1329

NOTICE OF REQUEST FOR CLINCHER

March 14, 2013

COPY

Sandra A. Kearse, Claimant
1725 London Crest Dr. # 301
Orlando, Florida 32818

Leslie Whitten Esquire
25 Calhoun Street Suite 400
Post Office Box 993
Charleston, South Carolina 29402

File Number: 0700666
Date of Accident: 01/03/2007
Claim #: 0707000014

To Attorney Whitten and All concerned:

Enclosed you will find my settlement offer of \$297,479.03 to settle all claims on the above case by "clinchier". After you have discussed this settlement offer, please respond to me within ten (10) days. It is as follows: Based on \$225.30 per week (does not include commute)

- 1) Temporary Total Benefits from 01/03/2007 to 04/15/2013 (minus 3 weeks paid in '07 in amt. of \$225.30) - \$3675.90.00 TTB Total = \$297,479.03
- 2) 10% to Back as related to neck and head per Dr. Zieglewski = \$67,590.00
- 3) 10% to Neck as related to Head \$11,265.00 (50 weeks)
- 4) Scarring to Head and Face = \$22,530.00 = (100 weeks)
- 5) 50% loss of right Ear/ (Tinitus still persists) and Left ear = \$37,174.50
- 6) 50% loss of left Ear/Tinnitus(need HA-confirmed in 2012)

- 7) UHealthcare refused to pay because says WC should have =Hearing Aids 2800.00
- 25% total body to encompass general diminishing of function to eyes, head, ears, jaws, throat, upper left arm and right hair = \$28,162.50 Total 239,588.63 +57,890.40

If by chance this settlement is not agreed to, then we shall seek specific penalties for Defendant unlawfully stopping Temporary Total Benefits and refusing to re-start, even though there were findings in the record by Commissioner Susan Barden and Commissioner Avery Wilkerson and affirmed on appeal by the Appellate Panel since June 21,2010, where the *first* review of the Appellate Panel affirmed that I was not at MMI even then. Furthermore, Defendant has refused to pay for the "numerous medical expenses", as required under the Worker's Compensation Act and was confirmed by the Single Commissioners Barden and Wilkerson and the First Appellate Panel. In lieu of the just law, please, consider this settlement offer.

Faithfully, I am

[Handwritten Signature]
Rev. Dr. Sandra A. Kearse

[Handwritten notes:]
Exhibit (5)
Form 4 award
calculation(s) for injuries
Exh. (2) Health Central deby
Exh 3, 4 - Email transcripts
collective Exhibits
Exh 9

STATE OF SOUTH CAROLINA
 COUNTY OF Charleston
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2013 CP-10-1223

2013 AUG 22 PM 2:42
 FILED
 CLERK OF COURT

Sandra Kearse
 PLAINTIFF(S)

Charleston County School District
 DEFENDANT(S)

Submitted by: *Sandra A. Kearse*

Attorney for: Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON): Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: Court denied Appeal.

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
<i>Claimant Sandra A. KEARSE</i>	<i>Defendant: Charleston County School District</i>	<i>\$ 297,479.03</i>
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

[Signature]
 Circuit Court Judge

2060
 Judge Code

8/22/13
 Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20__ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20__ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)
CLERK OF COURT

Court Reporter: _____

JULIE J. ARMSTRONG
CLERK OF COURT, C.P. & G.S.
100 BROAD STREET, SUITE 106
CHARLESTON, SC 29401-2258
RETURN SERVICE REQUESTED



www3.charlestoncounty.org

102



SANDRA A KEARSE
1725 LONDON CREST DR UNIT 301
ORLANDO FL 32818-7003

NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRC

Order/Full Commission order dated 2/12/13 is affirmed

CASE NO: 2013CP1001223

Sandra A Kearse VS Charleston County School District

This judgment was entered on the 10th day of September, 2013, and a copy mailed first class on Wednesday, September 11, 2013, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at www3.charlestoncounty.org.

*Clara Thomas Smith - Exec. Dir. of
Injured Workers Advocates*

*Shaniqua Seth - Health Commissioner
Myra Women's Health Network*

KEARSE, SANDRA

HC - TMU

MD: Merchant, Mohammed A., DO

Acct: 1026500188

MRN: 525916

Discharge Date:

Requested Date: 09/23/2010 19:49

Page 2 of 2

Discharge Patient Home Med List

Medication	Dose	Route	Freq	Last Taken	Next Dose Due	Start Date	Stop Date
Vitamin B-12 Generic: Cyanocobalamin (Vitamin B-12)	1 tablet	Oral	Every day				

Nurse Signature:

S. George W _____ Date: 9/23/10

Patient Signature:

Sandra X. Kearse _____ Date: 9/23/10

This list indicates medications to be taken/given following discharge. Do not take any additional medications unless you check with your physician.

Kearse, Mrs. Sandra A.
Case #: 205846 (205846)

Case Type: WC
Class: GRO

DOI: 01/03/2007
Assigned: BARBARA

LIM Date: 01/01/2009
Date Opened: 08/14/2008

Page 1 of 2

07/18/2013 09:17 AM

Case Note - Page 1221 of 1979

Topic: E-Mail

Date: 09/23/2010 11:05 AM Staff: RHONDA

From: Napier, Jeanne
To: Whitten, Leslie
CC: Erdmann, Heather; DANA ENCK; Rhonda Jennings
Subject: RE: Sandra Kearse
Received: 9/22/2010 5:39:34 PM

Hello,

Yes, Ms. Whitten

Per our phone conversation this afternoon, I received your message and after talking with you, immediately phoned Dr. Goll's office to notify that tomorrow's appointment needs to be cancelled.

As we discussed, I did not reschedule.....will await word that Ms. Kearse is stable and able to reschedule.

Jeanne Napier, RN, BSN, CRRN, CCM
Florida QRP WC1001695
phone: 386-562-7719
fax: 1-386-269-1214

From: Whitten, Leslie [mailto:lwhitten@ycrlaw.com]
Sent: Wednesday, September 22, 2010 2:58 PM
To: Napier, Jeanne
Cc: Erdmann, Heather; DANA ENCK; Rhonda Jennings
Subject: Sandra Kearse
Importance: High

Jeanne,

I just left you a voicemail. I just a call from Ms. Kearse's lawyer's office. Apparently she is currently being admitted to the ER with chest pains and high bp. As a result, the appointment with Dr. Goll tomorrow is going to need to be rescheduled. Please let me know you got this.

Thanks,
Leslie M. Whitten
Attorney at Law
Young Clement Rivers, LLP
Phone: (843) 724-6691
Fax: (843) 579-1329

To receive updates on Workers' Compensation Issues in South Carolina from Young Clement Rivers' Workers' Compensation Practice Group, please visit our new website at www.ycrlaw.com and opt-in for emails and RSS feeds.

Young Clement Rivers, LLP
<http://www.ycrlaw.com>
Charleston: (843) 577-4000

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Kearse, Mrs. Sandra A.
Case #: 205846 (205846)

Case Type: WC
Class: GRO

DOI: 01/03/2007
Assigned: BARBARA

LIM Date: 01/01/2009
Date Opened: 08/14/2008

Page 2 of 2

07/18/2013 09:17 AM

Case Note - Page 1221 of 1979

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REHAB NTE

KEARSE, SANDRA - TEC_00025315271

* Final Report *

she has had to change her glasses since then. This seems to have stabilized 3 months after the accident. She does not have tinnitus that is constant, and has had an ENT evaluation which has not been productive for reducing this. She does have PND, for which she sits up in bed at times, but has had a cardiac examination which has been negative for cardiovascular dysfunction. She does have headaches, for which sinus medication does seem to help, but notes thunderclap-type headaches which last for less than a minute, and are focused on the right side of her parietal region of her head.

IMPRESSION: Mild brain injury/complicated: The patient has had an MRI negative, but functionally significant mild traumatic brain injury. Her symptoms of memory loss, word-finding difficulty, fatigue, sweating, heart racing, emotional lability and sleep disorder are all consistent with this diagnosis. I suggested that she have diagnostic tests including:

1. Sleep study to rule out sleep apnea. If positive, this could be treated with a CPAP or BIPAP.
2. Neurosurgery: The patient should have a neurosurgical evaluation to rule out aneurysms, especially in the right occipital parietal region.
3. Occupational therapy: The patient should seek out occupational therapy to assist with her neck pain, as well as relaxation therapy for symptoms of tinnitus.
4. Speech language pathologist: A speech language pathologist can assist with pragmatics and word-finding difficulty, cognitive processing, and recovery from her brain injury.
5. Physical medicine and rehabilitation physician: The patient should seek out a PMR specialist who specializes in brain injury so that neurochemical intervention might be entertained.
6. The patient does have a neuropsychologist, and this individual will be helpful in allowing her access to the appropriate diagnostic and therapeutic entities that she does need.

Overall, we spent approximately one hour with the patient, with most of that time spent in counseling and coordination of care.

David T. Burke, MD

D: 03/13/2009 12:32:03 T: 03/13/2009 15:19:49
DTB/MB 637184/363870597/

Signature Line

Electronically Signed by: Burke, David T, MD on 03/16/09 11:37

Printed by: Waters, Tiffany N.
Printed on: 4/17/2009 11:33

RE: SANDRA KEARSE

Page -2-

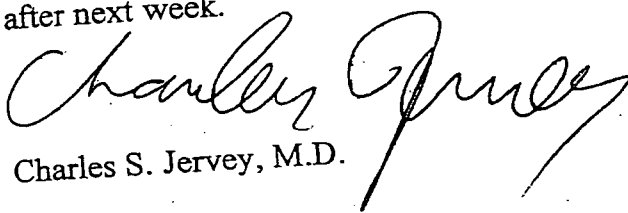
FAMILY HISTORY & ROS: Noted in the chart.

PHYSICAL EXAMINATION: She is alert and oriented X3. She appears in some distress and was laying on the exam table when I entered the room. She was able to sit up without assistance but moved very slowly to bring herself to a seated position, and then had to sit motionless for a few minutes before she could cooperate with the exam. She complained of feeling dizzy when she sat upright. Head - There is a slight swelling in the midline of the forehead. This area is very tender to the palpation. The remainder of her head is nontender to palpation. Her neck is nontender to palpation. Cranial nerves II-XII intact per protocol. Ears - Canals clear and TM's gray with good light reflexes and landmarks. Sensation is intact to pinprick throughout. Motor exam shows symmetrical bulk and tone with 5/5 strength throughout and no drift. She has symmetrical coordination throughout, and normal reflexes. Gait - She ambulates very slowly.

DIAGNOSTIC STUDIES: She had a non-contrast head CT scan dated 1/3/07. It showed left frontal cephalohematoma, also incidental findings of basal ganglia calcifications bilaterally and also incidental findings of some maxillary and ethmoid sinus disease.

IMPRESSION: I think she is probably having vertigo as a result of her recent head injury. It is relatively severe and accompanied by considerable nausea and vomiting.

RECOMMENDATION: I plan on getting a video nystagmogram within the next few days. I will see her for a follow-up visit as soon as that has been completed. I think she will probably need to be out of work for at least a week. I am hoping, however, that she will be able to return to work after next week.



Charles S. Jervey, M.D.

CSJ/jl

cc: The Schaffer Group, Att: Heather Erdmann, Fax 843-937-4990

STATE OF SOUTH CAROLINA)

COUNTY OF Charleston)

Rev Sandra A. Kearse)
Plaintiff,)

vs.)

Charleston County School District)
Defendant.)

IN THE COURT OF COMMON PLEAS
_____ JUDICIAL CIRCUIT

CASE NO.: 2013_CP-10-1223

**MOTION AND ORDER INFORMATION
FORM AND COVERSHEET**

COPY

Plaintiff's Attorney:
Pro Se, Bar No. _____
Sandra A. Kearse
Address:
1725 London Crest Dr. # 301
Orlando, FL 32818
Phone: 407 522 7207 Fax _____
E-mail: _____ Other: _____

Defendant's Attorney:
Leslie Whitten, Esq., Bar No. 69446
Address:
YCR, LLP
Post Office Box 993
Charleston, SC 29402-0993
Phone: (843) 724 6642 Fax (843) 579 1329
E-mail: _____ Other: _____

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

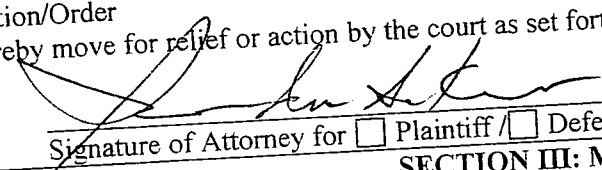
SECTION I: Hearing Information

Nature of Motion: Notice of Court to Cancel the Appeal to Dismiss and to seek if other party has "Clean Hands"
Estimated Time Needed: _____ Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.


Signature of Attorney for Plaintiff / Defendant

04/18/2013
Date submitted

SECTION III: Motion Fee

- PAID - AMOUNT: \$ 25.00
- EXEMPT: (check reason)
 - Rule to Show Cause in Child or Spousal Support
 - Domestic Abuse or Abuse and Neglect
 - Indigent Status State Agency v. Indigent Party
 - Sexually Violent Predator Act Post-Conviction Relief
 - Motion for Stay in Bankruptcy
 - Motion for Publication Motion for Execution (Rule 69, SCRPC)
 - Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
- Name of Court Reporter: _____
- Other: _____

JUDGE'S SECTION

- Motion Fee to be paid upon filing of the attached order.
- Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

- MOTION FEE COLLECTED: \$ _____
- CONTESTED - AMOUNT DUE: \$ _____

Submitted by Counsel Whitten

8. That there is no evidence from any doctor that the Claimant's lumbar spine injury is related to or was aggravated by her fall of January 3, 2007:

9. That the Claimant's lumbar spine injury is not compensable:

10. That the Claimant voluntarily resigned from Charleston County School district on November 3, 2007:

✓ 11. That the Claimant was not on any restrictions at the time of her resignation and that no doctor wrote her out of work after November 3, 2007;

✓ 12. That the Claimant is not entitled to any further temporary total disability benefits;

✓ 13. That the Employer/Self-Insured scheduled the Claimant for an evaluation with Dr. Goll one September 23, 2010:

14. That the Claimant was a no show for the September 23, 2010 appointment, and the Employer/Self-Insured incurred a \$325 cancellation fee:

15. That the Defendants are entitled to a credit of \$325 for the no show fee incurred from the appointment the Claimant missed with Dr. Goll:

16. That there is no visible discoloration or disfigurement on the Claimant's face or forehead:

17. That there is no compensable disfigurement in this case:

18. That the Claimant had chronic neck pain prior to her work injury:

19. That the Claimant's complaints and diagnostics to her cervical spine before and after her fall were substantially similar:

20. That the medicals in this case are extensive and span several years. The preponderance of the medical evidence shows that the Claimant has 0% impairment to the neck (Dr.

4. S.C. Code Ann. § 42-9-30 establishes possible compensation for an injury to the back and neck; and

5. "Maximum medical improvement" (MMI) is term used to indicate that the workers' compensation claimant has reached such plateau that in physician's opinion there is no further medical care or treatment which will lessen degree of impairment. Lee v. Harborside Café, 564 S.E.2d 354, 350 S.C. 74 (Ct. App. 2002).

ORDER

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Employer/Self-Insured shall be entitled to a credit for the \$325 charge incurred when the Claimant was a no show for the September 23, 2010 appointment with Dr. Goll; it is further

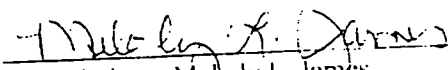
ORDERED, ADJUDGED, AND DECREED that the Employer/Self-Insured shall pay the Claimant for a period of 15 weeks at the weekly rate of \$225.30, which represents 5% permanent partial disability or loss of use of the back, relative to the neck.

No hearing costs or penalties are assessed in this matter.

AND IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

By:


Commissioner Melody L. James

omitted by Claimant's Attorney

5) We have received the APA Submissions from the Parties, and as the ultimate finders of fact, we conclude the opinions of Dr. Goll and Dr. Imfeld have been considered, but do not change the ultimate ruling in this case. The Claimant has not reached maximum medical improvement and is in need of additional medical treatment (*Amendment*).

CONCLUSIONS OF LAW

1. The parties to this proceeding are subject to and bound by the provisions of the South Carolina Workers' Compensation Act.
2. The Defendants are financially responsible for all causally related medical treatment, medication, evaluative procedures, diagnostic procedures, etc., which the Claimant receives for her compensable injuries, as recommended, prescribed, or performed by treating physicians, as these services are reasonable and necessary within the meaning of South Carolina Code Annotated '42-15-60 (1976) including treatment with a physician in Florida as recommended by Dr. Zgleszewski and in accordance with Dr. Zgleszewski's recommendations;
3. Under '42-9-10 and '42-1-120, the Claimant has not reached maximum medical improvement.

ORDER

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the Claimant is not at maximum medical improvement and that the parties are to consult with Dr. Zgleszewski and request that he refer the Claimant to a physician in Florida who can administer treatment to the Claimant in accordance with Dr. Zgleszewski's recommendations;

6 There was never any visible treatment given to claimant ^{secondary to the injuries she sustained}, therefore, making even injuries that were recognized exacerbated + her ability to hold down a job has now been decreased because of neglect + non-

Emory Healthcare-Confidential Document

This information is subject to all Federal and State laws regarding confidentiality and privacy and to the policies and procedures of Emory Healthcare regarding patient information. Any unauthorized use, disclosure, or reproduction of this information is strictly prohibited.

REHAB NTE

KEARSE, SANDRA - TEC_00025315271

* Final Report *

Document Type: REHAB NTE
Document Date: 13 March 2009 00:00
Document Status: Auth (Verified)
Document Title: REHAB NTE
Performed By: Burke, David T on 13 March 2009 12:32
Verified By: Burke, David T on 16 March 2009 11:37
Encounter info: 17348799, TEC, TEC Visit, 3/13/2009 - 3/13/2009

* Final Report *

REHAB NTE (Verified)

THE EMORY CLINIC, INC.
DEPARTMENT OF REHABILITATION MEDICINE
CENTER FOR REHABILITATION MEDICINE AT CENTRAL CAMPUS

PATIENT NAME: KEARSE, SANDRA
MRN: 25315271
ENCOUNTER NO: 17348799
DATE OF SERVICE: 03/13/2009
DOB: 09/15/1954
DOCUMENT TYPE: REHAB NTE
PHYSICIAN NO: 01788
ATTENDING MD: DAVID T. BURKE, MD
REFERRING PHYSICIAN:

FIRST-EVER CLINIC APPOINTMENT

CHIEF COMPLAINT: Fall, with trauma to the head.

HISTORY OF PRESENT ILLNESS: Ms. Kearse is a 54-year-old female who was in her usual state of good health, when on 01/03/2007 she fell forward, striking the front of her head, with an altered level of consciousness and a hematoma. She was taken to the emergency room, where a CAT scan was negative, and she was discharged home. Since that time, she has complained of difficulties with headaches, short-term memory difficulties, and some difficulties with breathing, as well as visual distortion. She had at that also noticed some dizziness and balance issues as well, and has sought treatment for all of these since then. She comes in today complaining of headaches and breathing

Printed by: Gibson, Peggy M.
Printed on: 4/3/2009 14:52

Page 1 of 4
(Continued)

into the brain and the skull cannot protect the brain like it once could, leaving room for further injury. A person with an open head injury may be assigned to wear a helmet to protect the exposed brain from impact and further injury. If a piece of the skull has been displaced during the traumatic event, that piece of skull may be surgically replaced at a later date or an artificial bone flap may be used to cover the open area.

Return to top

There are many types of open head injuries, one is the **depressed skull fracture** which is where the broken piece of skull bone moves in towards the brain. There is a **compound skull fracture** which is where the scalp is cut and the skull is fractured. A **basilar skull fracture** is when the skull fracture is located at the base of the skull (neck area) and may include the opening at the base of the skull. This type of injury can cause damage to the nerves and blood vessels that pass through the opening at the base of the skull. A **Cribiform Plate Fracture** is when the cribriform plate, which is a thin structure located behind the nose area is fractured. When this happens cerebral spinal fluid can leak from the brain area out the nose.

Battle's Sign is when the skull fracture is located at the ear's petrous bone. This produces large black and blue marks on the areas below the ear, on the jaw and neck and it may include damage to the nerve for hearing. Sometimes blood or cerebral spinal fluid may leak out of the ear.

*As Jeremy diagnosed
Eustachian tube
Dysfunction
ignored ear
after Dr.
Stephen refused
everything to him*

Another type of open head injury is **Raccoon Eyes**, which sometimes occurs when the skull fracture is located in the anterior cranial fossa. This produces black and blue mark looking areas around the eyes. Cerebral spinal fluid may leak into the sinuses. Nerve damage for the sense of smell or eye functions may occur.

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A **Closed Head Injury** occurs when a person receives an impact to the head from an outside force, but the skull does not fracture or displace. After a closed head injury the brain has no place to expand if it starts to swell. This can cause an increase in pressure inside the skull, causing brain tissues to compress, which causes more damage.

If the brain starts to swell, it may expand through any available opening in the skull, including the eye sockets. When the brain expands through the eye sockets, it can compress and impair the functions of the eye nerves. For instance, if an eye nerve is compressed, a person's pupil will appear dilated (big). One reason why medical personnel may monitor a person's pupil size after an accident is to ensure that there is not too much intracranial pressure.

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Other Effects of Traumatic Brain Injury

Many times the brain is not the only part of the body that is damaged from a traumatic brain injury. Since the brain is the main control center for the body, anything that goes wrong inside the brain, will likely have effects on the rest of the body. **Polytrauma** is a term used by physicians to explain injuries in other parts of the body. Popular complications include lung, heart and gastrointestinal dysfunction, plus excessive blood clotting and nerve injuries. Some trauma victims develop hypermetabolism, where their body needs so much energy to keep the body functioning that it starts to pull energy from muscles and other tissues. Many brain trauma victims can develop permanent behavioral and mental disorders like depression and increased irritability, that can cause problems at home and in the work force. Others retain the inability to think and reason like they could before the accident. Some have permanent physical disabilities or lose senses like taste and smell. Alzheimers, Parkinsons and dementia can be some of the long-term effects of a traumatic brain injury.

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Ways to Prevent Brain Injuries

The Center for Disease Control and Prevention recommend the following tips for preventing a brain injury:

- always wear a seatbelt, and buckle your child into a seatbelt
- be sure you and your children wear a helmet when you ride a motorcycle, horse or bike, and when you ski, play contact sports or play baseball
- keep firearms and bullets stored in a locked cabinet when not in use and keep children away from them at all times
- avoid falls by using a step stool with grab bar, using handrails on steps, installing window guards to prevent children from falling and make sure your child plays on shock absorbing material, like mulch or sand (not blacktop)

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Caring for a loved one who is a survivor of a brain injury can be hard, but you are not alone. Organizations that specialize in the care, education and prevention of brain injuries are as follows:

*See picture
illustrations
neglected up
to present
day.*

*1st MRI
diagnosis of swelling in Brain*

Carolina Neurological Clinic
125 Doughty Street, Suite 460, Charleston, SC 29403
Phone 843-723-0202 Fax 843-723-1052

MEDICAL EXCUSE/WORK LIMITATIONS

This is to certify that House Sandra was seen in/phoned the office today,

March 16, 07 and is under my treatment for _____

INSTRUCTIONS: Return to work/school, starting _____

Regular duties, starting _____

No work until further notice.

Light Duty w/ following restrictions: * No lifting greater than 25lbs.

Please excuse from work/school _____

Head injury/Dizziness: Avoid driving, operating heavy/moving machinery, climbing/heights.

Neck injury: No repetitive bending/turning of neck. No lifting more than 10 pounds.

Back injury: No repetitive bending/stooping of back. No lifting more than 20 pounds.

Hand injury: No repetitive use of affected hand. Limit gripping/grasping.

Brain injury/Cognitive impairment/Seizures: No driving or operation of heavy, moving machinery. No work at heights. _____

No prolonged standing/sitting for more than _____ hours at a time.

Part time work limited to _____ hours total/day; _____ hours total/week.

Other Job/Injury specific limitations: _____

James L. Bumgartner, MD

Thomas H. Dukes, MD

Charles S. Jervay
Charles S. Jervay, MD

Thomas F. Stout, MD

RE: SANDRA KEARSE
Page -2-

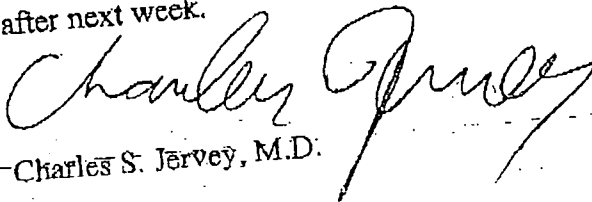
FAMILY HISTORY & ROS: Noted in the chart.

PHYSICAL EXAMINATION: She is alert and oriented X3. She appears in some distress and was laying on the exam table when I entered the room. She was able to sit up without assistance but moved very slowly to bring herself to a seated position, and then had to sit motionless for a few minutes before she could cooperate with the exam. She complained of feeling dizzy when she sat upright. Head - There is a slight swelling in the midline of the forehead. This area is very tender to the palpation. The remainder of her head is nontender to palpation. Her neck is nontender to palpation. Cranial nerves II-XII intact per protocol. Ears - Canals clear and TM's gray with good light reflexes and landmarks. Sensation is intact to pinprick throughout. Motor exam shows symmetrical bulk and tone with 5/5 strength throughout and no drift. She has symmetrical coordination throughout, and normal reflexes. Gait - She ambulates very slowly.

DIAGNOSTIC STUDIES: She had a non-contrast head CT scan dated 1/3/07. It showed left frontal cephalohematoma, also incidental findings of basal ganglia calcifications bilaterally and also incidental findings of some maxillary and ethmoid sinus disease.

IMPRESSION: I think she is probably having vertigo as a result of her recent head injury. It is relatively severe and accompanied by considerable nausea and vomiting.

RECOMMENDATION: I plan on getting a video nystagmogram within the next few days. I will see her for a follow-up visit as soon as that has been completed. I think she will probably need to be out of work for at least a week. I am hoping, however, that she will be able to return to work after next week.


Charles S. Jerve, M.D.

CSJ/jl

cc: The Schaffer Group, Att: Heather Erdmann, Fax 843-937-4990



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 03, 2013

Sandra A. Kearse
1725 London Crest Dr #301
Orlando FL 32818

Re: Sandra A. Kearse v. Charleston County School District
Appellate Case No. 2013-001985

Dear Counsel:

This will acknowledge receipt of your documents in the above entitled matter. According to Rule 203 of the South Carolina Appellate Court Rules, a notice of appeal must include the name of the court from which the appeal is taken; the judge's name; the lower court docket number; the date of the order being appealed; a statement of when the appealing party received the decision from which the appeal is taken; the name of the appealing party; and the names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each. A copy of the order being challenged on appeal, a certificate of service showing the notice has been timely served on all respondents, and a filing fee of \$100.00 must accompany the notice of appeal.

Within ten (10) days of the date of this letter, you must provide the Court with the following:

- (1) A notice of appeal containing all information required in Rule 203, SCACR.
- (2) The one-hundred dollar (\$100) filing fee.
- (3) Proof of service naming the documents served and showing you timely served

all parties to the appeal.

(4) A copy of the court order being challenged on appeal.

Failure to provide the requested items will result in dismissal of your appeal.

Please be advised that the time limits for perfecting this appeal are not held in abeyance.

If you intend to proceed with this appeal pro se, the fact that you are not an attorney does not relieve you of the responsibility to perfect your appeal in accordance with the South Carolina

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Leslie Michelle Whitten

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
BEFORE THE SUPREME COURT

RECEIVED

OCT 15 2013

S.C. SUPREME COURT

Sandra A. Kearse, Employee/Claimant

October 9, 2013

Vs.

CERTIFICATE OF SERVICE

Charleston County Schools, Employer

I hereby certify that on October 10, 2013, I mailed the one (1) Certified Copy of this Notice of Appeal to:

Leslie M. Whitten, Partner
P.O. Box 993
25 Calhoun St. Suite 400
Charleston, S.C. 29402-0993

(X) Certified Mail Return Receipt Requested

With a copy to:

Rhonda R. Jennings, ESQ.
Jennings Law Firm
1365-D Ashley River Road
Charleston, South Carolina 29407

RECEIVED
OCT 16 2013
SC Court of Appeals

XC: Ingenix, Jennifer Huneke for CIGNA, Julie Armstrong Clerk of Court, Honorable Jean Toal, Honorable Daniel Shearouse and Deputy Clerk V. C. Allen

JSM
Rev. Dr. Sandra A. Kearse