

THE STATE OF SOUTH CAROLINA  
in The Court of Appeals

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APPEAL FROM DARLINGTON COUNTY  
S.C. Workers Compensation Commission

Appellate Panel Judges:  
T. Scott Beck  
Melody L. James  
Avery B. Wilkerson, Jr.

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Case No. 2013-000759

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Kevin S. Stokes, Employee,

Appellant,

v.

Techno Loading Arms, a division of  
Aluminum Ladder Company, Employer,  
and Bridgefield Casualty Insurance  
Company, c/o Summit Holdings, Inc., Carrier

Respondents.

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**FINAL BRIEF OF APPELLANT**

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**SC Court of Appeals**

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## STATEMENT OF ISSUES ON APPEAL

1. Did the Commission err in finding that the Claimant failed to prove an injury by accident?
2. Did the Commission err in finding that the claimant did not suffer an aggravation of a pre-existing condition?

## STANDARD OF REVIEW

The Administrative Procedures Act (the APA) “governs appellate review of a final decision from an administrative agency.” Hill v. Eagle Motor Lines, 373 S.C. 422, 427, 645 S.E.2d 424, 428 (2007); See S.C. Code ann. § 1-23-310, et seq (Supplement 2011). Under the APA this Court “may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact.” S.C. Code ann. § 1-23-380 (A)(5); Shealy v. Aiken County; 341 S.C. 448, 455, 535 S.E.2d 438, 442 (2000). The Commission is tasked with finding facts, evaluating the credibility of the witnesses, and assigning weight to the evidence”.

The Court may reverse or modify the decision if substantial rights of the appellate have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- a] In violation of constitutional statutes or statutory provisions;
- b] In excess of the statutory authority of the agency;
- c] Made upon unlawful procedure;
- d] Affected by other error of law;
- e] Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or,

- f] Arbitrary or capricious or characterized by abusive of discretion or clearly unwarranted exercise of discretion.

S.C. Code ann. § 1-23-380 (A)(5)(a)-(f).

#### STATEMENT OF THE CASE

The Appellant Kevin Scott Stokes alleges that he sustained an injury by accident to his back which resulted in an aggravation of a pre-existing condition arising out of and in the course of his employment with the Respondent on August 26, 2011. This on-the-job back injury was witnessed by a co-worker William Belin who was helping the Appellant move a TC-10 ladder at the time of the injury. The Appellant seeks authorization for past and continued causally related medical treatment for his back, temporary total disability benefits from September 20, 2011 and continuing until such time as maximum medical improvement is reached.

The Respondents deny that the Appellant sustained a compensable injury by accident or aggravation of a pre-existing condition. The Respondents specifically asserted that the Appellant failed to meet his burden of proof under §42-1-160 and/or §42-9-35 of the Workers Compensation Act. The Respondents further deny that the Appellant is entitled to any benefits under the Act. Additionally, the Respondents assert that even if the claim were to be found compensable, the Respondents deny liability for the unauthorized medical treatment received by the Appellant in violation of §42-15-60.

This case was heard before a single commissioner who denied the claim by Decision and Order dated August 9, 2012. (R. p. 7-20). The Appellant then filed a

Request for Review by the full commission on August 9, 2012. (R. p. 21). After a hearing and oral argument before the Appellate Panel of the Workers Compensation Commission, the Appellate Panel issued its decision affirming the single commissioner's Order by decision dated April 3, 2013. (R. p. 2-6). This appeal to the Appellate Court followed.

### FACTS

The Appellant Kevin Scott Stokes was 38 years old at the time of his hearing before the single commissioner. He only completed the ninth grade in school and began working for the employer in this case, Aluminum Ladder, in 2005. He was employed as a welder. The Appellant testified that in performing his job as a welder "you climb and you bend and you twist some." (R. p. 21, line 25). He described lifting various items including counter weights, hand rails, TC-10 ladders, and other items. He testified these items range anywhere from 100 lbs. in weight to 2-3,000 lbs. The very heavy items are handled with the help of a JIB crane. Although the crane picks these items straight up and down, you have to "manually push it where you want it - try to lift over." (R. p. 22, lines 20-21). He testified that he worked 10 hours a day Monday through Thursday, 8 hours on Friday and occasionally 4 hours on Saturday, working at least 48 hours a week every week. (R. p. 23, lines 19-21).

The Appellant testified to his injury on August 26, 2011. He testified that he was finishing up 26 counter weights and when he got to the last one he was flipping it over and felt a sharp pain in his back "like somebody stabbed me. Both legs was hurting. I went down to the ground." (R. p. 24, lines 15-16). The Appellant testified

that Will Belin and George Ray came over to see what was going on with him. George Ray told him that he appeared real white and sweaty. The Appellant testified that he was down on the ground for a few minutes and then got up and went to the bathroom and came back about 10 minutes later. At that time George Ray told him that it looked like he was going to pass out, real white and sweating, a cold sweat. The Appellant walked behind the welder where there was a fan and sat down in a chair for a few minutes and then went back to work. He started welding a hand rail and when he went to flip it over he "experienced the same pain and went down to the ground." Then he began working on a TC-10 ladder (*emphasis added*) but called Will Belin over to help him. He testified that Will Belin flipped the ladder over and "as soon as I grabbed it and went to pick it up my knees buckled and I broke out into a sweat again...." (*emphasis added*). Will Belin told him to stop working and sit down and rest. (R. p. 25, lines 6-7, 11, 14, 18-22). He sat behind the welder until the 3:00 o'clock bell rang to go home. This was on a Friday. (R. p. 25, lines 23-24; p. 26, line 4). The Appellant testified that he saw his supervisor Michael Blackmon as he was leaving work and told him that he had hurt his back. (R. p. 26, lines 12-13, 18-19).

He continued to have excruciating pain all that day, that night and the next day, Saturday, which was August 27 when he went to the emergency room. (R. p. 37, lines 1-3). He testified that the emergency room doctor thought it was kidney stones but he tried to tell them that it was his back. He testified that he never did have any kidney stones (R. p. 27, lines 6-8). He further testified that he saw Michael

Blackmon again on that Monday, and again told him about the problems he was having with his back. (R. p. 27, lines 13-19). A couple of days later he saw his regular family physician Dr. Elder and shortly after that had an MRI done which showed a recurrent herniated disc. Dr. Chokshi performed surgery on September 30 and put 2 plates and 4 screws in his low back. (R. p. 28, lines 17-24). The Appellant testified that on September 28 he told Cindy Smith, a benefits specialist at Aluminum Ladder that he had hurt his back at work and was going to require surgery. She instructed him to inform Michael Blackmon, the supervisor, which he did immediately. (R. p. 29, lines 5-6, 13-18). The Appellant testified that Cindy Smith completed a workers compensation accident report form and put the date of September 9 down on the form as the date of the accident. He explained that at that time he could not remember exactly what day the accident was, and that between the two of them, they figured out that he had "missed a day or something" and that she used the date of September 9. He testified that he later determined in a discussion with his wife that he had gone to the emergency room on August 27 with his back pain and that the accident had occurred the day before which was August 26, a Friday. (R. p. 30, lines 5-7, 17-21).

The Appellant testified that he came out of work on September 20 and has not been able to return to work since that time. (R. p. 30, lines 24-25; p. 31, lines 1-5). In January of 2012 he underwent a second surgery as a result of a severe infection in his low back (R. p. 32, lines 2-7).

The Appellant underwent a previous back surgery in 2009, also performed by Dr. Chokshi. Following that back surgery in 2009 Dr. Chokshi released him to return

to work full duty with no restrictions on November 23, 2009. He returned to full duty with no restrictions and worked 10-12 hours a day until he hurt his back on August 26, 2011. (R. p. 32-33, lines 2-3, 13-14, 20-25).

The Appellant testified that when he went to the emergency room he told the ER doctor that he had hurt his back the day before and could not explain why that was not in the ER report. (R. p. 35, lines 22-25).

He further testified that he saw Dr. Elder a few days later on August 31 and also told Dr. Elder that he had hurt his back on August 26, but again had no explanation as to why Dr. Elder did not have it in his notes. (R. p. 36, lines 1-13).

The Appellant had no explanation as to why his treating doctors did not note in their records that he had hurt his back on August 26, 2011.

After the Appellant was released by Dr. Chokshi to return to work, full duty, with no restrictions on November 23, 2009 he did return to work full duty, performing the same job he had performed before the surgery, and was able to perform his job completely and properly. He did have flare-ups of back pain from time to time and did seek medical attention for it, but from November of 2009 until his accidental injury in August of 2011, almost 2 years, he missed only 2 days from work as a result of back problems.

The Appellant's on-the-job injury was witnessed by a co-worker William Belin. Mr. Belin testified in his deposition that he worked at Aluminum Ladder for approximately six years and that he worked in the structural department along with the Appellant and another co-worker named George Ray. Mr. Belin testified that around the last of August or first of September of 2011 he was working with the

Appellant **"moving a flat section of a TC-10 ladder and when we were moving it, Scott - Scott's knees bucked and he - his back tweaked and he had a look of anguish on his face, and I was like, are you alright? He was like, no. I think I re-hurt my back."** (R. p. 38, lines 14-18). (Emphasis added). Mr. Belin testified that this section of the TC-10 ladder weighed approximately 100 - 130 pounds. He further testified that after this incident occurred the Appellant stopped working for a period of time, "he kind of just like - just held his back. He walked over to - walked over to his area." (R. p. 39, lines 11-21).

Another co-worker, George Ray, works in the same area as the Appellant and William Belin. He did not see the actual incident involving the Appellant and William Belin but saw the Appellant immediately thereafter. Mr. Ray testified that one day in August or September of 2011 the Appellant told him that he had hurt his back. Mr. Ray was unsure how he hurt it, at one point stating that he might have been moving a welding machine but then stated "I don't know if it was pulling the welding machine I can't remember exactly what it was he was pulling on or moving or whatever, but it was around the time we was moving the welding machine which - we tote ladders there a lot. I mean, we do a - do a lot of lifting there." (R. p. 40, lines 4-24). **Mr. Ray was asked "and he told you he hurt his back pulling or pushing or lifting something", answer "Yes sir."** (R. p. 41, lines 9-11). (emphasis added). Mr. Ray testified at that point he came over to the Appellant and observed him and he looked white and needed to get behind the fan. **"I want to say he was sweating a little bit. He popped out in a cold sweat, like."** ( R. p. 40, lines 18-19). (emphasis

added). Mr. Ray told the Appellant that he needed to rest for a little bit. (R. p. 41, lines 18-22) "And this is right after he told you he had hurt it?" Answer, "Yes sir." (R. p. 42, lines 3-5).

**"But there is no doubt in your mind that on that date, whatever it was, that he told you he hurt his back and he appeared to be in pain at that time?"**  
**Answer, "Yeah." Question, "OK. That is correct?" Answer, "Yes."** (R. p. 43, lines 17-23). (*emphasis added*).

The Appellant was treated by Dr. Rakesh Chokshi, an orthopaedic surgeon. In his deposition, Dr. Chokshi, the treating orthopaedic surgeon who performed the surgery in 2009 and again in September 2011, testified that the MRI taken on September 21, 2011 showed "a fairly large herniated disc at L4-5 and it was close to 70% of the space being occupied in the canal..." (R. p. 45, lines 4-6). Dr. Chokshi went on to state that this was a concern because of the large size of the disc and the fact that it took up 70% of the canal space, testifying that it can result in a neurologic emergency or develop cauda equina syndrome. (R. p. 45, lines 14-15).

Dr. Chokshi stated that it was decided to perform surgery because "he was in enough pain, he just was ready to do whatever that we needed to do." Dr. Chokshi was asked, based on his examination, the MRI findings and his surgery, whether he could determine if that was an acute or recent injury and he testified **"it was probably a recent. You don't get this kind of a large herniated disc chronic. People just can't live with that type of space occupying disc material for long periods of time."** (R. p. 46, lines 6-9). (*emphasis added*). It was Dr.

Chokshi's opinion that the Appellant may need long term pain management care and because of his continuing problems he was still unable to go back to work. (R. p. 47, lines 11-16). It was also Dr. Chokshi's opinion that the Appellant was not at MMI. (R. p. 48, lines 10-12).

Dr. Chokshi testified that he recalled a conversation with the Appellant and his fiancée about a workers compensation claim when he saw the Appellant in September of 2011. Dr. Chokshi testified that "he was concerned, you know, when I told him what his MRI showed and all the pain he was having, and we talked about impending cauda equina and things like that, **he said, well, this is related to a work injury.**" (R. p. 49, lines 2-17). (*emphasis added*). Dr. Chokshi went on to state, "but we were not sure how quickly that (workers comp claim) would get processed and I just didn't want to have any real medical emergency on my hand with his problem so at that point in time he decided, well, let me go ahead and process this particular surgery through my regular insurance, and that's what he did and he said then I'm going to talk to whosoever to try to sort it out on the back end." (R. p. 49, lines 23-25; p. 50, lines 1-6).

Dr. Chokshi further testified that in his medical opinion stated to a reasonable degree of medical certainty that the recent injury was an aggravation of a pre-existing condition "so I would say it was the same weak disc that ruptured, so I guess **it would be an aggravation of a previously degenerative disc or previously injured disc.**" (R. p. 50, lines 10-23). (*emphasis added*).

Dr. Chokshi was asked why there was no mention in his notes about a work

accident and Dr. Chokshi stated **"If I didn't write it, it doesn't mean that we didn't talk about it."** (emphasis added). Sometimes, you know, a lot of stuff happens in a visit, if you are focusing on what we are going to take care of immediately." (R. p. 51, lines 11-15). Dr. Chokshi went on to state "....according to my notes that particular day, I don't remember - I don't have it in here, but I do remember the discussion about his insurance that he was really concerned about that." (R. p. 51, lines 17-21)

In further explaining why he remembered a conversation with the Appellant about hurting his back at work, but it not being in his notes, Dr. Chokshi stated "but like I told you earlier, you know, when somebody is in a lot of pain, we are trying to make a decision of what we are going to do with it, **so it's possible that a lot of that communication that occurred may not have been fully put in the notes."** (R. p. 54, lines 14-19). (emphasis added). When asked whether or not the Appellant's symptoms would begin to get worse if he simply continued living his daily life, Dr. Chokshi stated "again, going back, I guess clinical situation in general, people's symptoms can wax and wane." (R. p. 58, lines 17-23). Dr. Chokshi went on to state "....it is certainly possible that, you know, things got worse, went to the emergency room, Dr. Elder saw him, things got worse, got treated and then I don't know why he decided not to get the MRI unless - the assumption on my part would be that he was doing OK at that point in time. He said, well, I am going to hold off, and something else changed the process." (R. p. 59, lines 2-9). When asked if he could determine to a reasonable degree of medical certainty whether or not the problems the

Appellant was having in September were the result of something that happened in August or something that was going on in April (of 2011), Dr. Chokshi stated "... I couldn't tell you the chronology of the process, but what we saw and when we saw him with the findings of his MRI, **it was significantly bad that we had to do some kind of intervention at that point in time.**" (R. p. 59, lines 21-25; p. 60, lines 1-6). (*emphasis added*). When asked about the Appellant's visit to Dr. Elder on August 31 of 2011 Dr. Chokshi stated, "...you know if I had to picture in my mind what was going on back then, you know, he had these little flare-ups that he kept going and seeing people for, and then it sounds like this is the time when it was acute again and that is the documentation by Dr. Elder." (R. p. 61, lines 7-12). Dr. Chokshi went on to state "well, the problem that he had could - it sounded from his history of many months prior to - you showed me all different notes, that he was having exacerbations and improvements, obviously, as he was being treated." (R. p. 63, lines 21-25). Again, Dr. Chokshi was asked if he had any documentation in his notes about a work accident on August 26, 2011 and Dr. Chokshi stated, "like I told you, there was an issue with the - his insurance, and he was concerned that this was a work injury and he was not going to be able to work it through in order to get what he felt at that point in time medically he needed...." (R. p. 65, line 25; p. 66, lines 1-5). Dr. Chokshi went on to state "based on my recalling of the events, when we made the decision for his surgical treatment, that's the conversation we had, which is that he specifically told me that he was concerned that this problem that he is dealing with for which we are talking about doing a surgical intervention, you know, **he**

**believed that it was related and aggravated by his work problem and he wanted workers comp to step in and help him with this process....but because of the pain that he was having and the concern we had, impending cauda equina type problem, we didn't want him to wait too, too long,** (emphasis added) and that's when he did, on his own, decide that he will deal with that issue on the other end of the spectrum but then he wanted us to go ahead and take care of his medical issues right then." (R. p. 66, lines 24-25; p. 67, lines 1-18).

Dr. Chokshi testified that when he examined the Appellant on September 28, 2011 he was in severe pain, and that the MRI taken the week before showed a large herniated disc that occupied 70% of the disk space, and at that point in time the Appellant was unable to work. (R. p. 68, lines 21-25; p. 69, lines 1-7).

Dr. Chokshi was asked "Doctor, can you state based on those facts, to a reasonable degree of medical certainty, that it would appear that he had some event that caused this 70% disc bulge and suddenly not being able to work after he had been working the whole year except for missing 4 or 5 days?" Dr. Chokshi answered, **"it's certainly possible, yes."** (emphasis added). And then the next question was, **"Can you state that to a reasonable degree of medical certainty?"** **Dr. Chokshi answered, "I can."** (R. p. 70, lines 18-25; p. 71, lines 1-3). (emphasis added).

Dr. Chokshi was then asked if he could determine when that event occurred and he stated, "if I can reconstruct it in my mind, things like OK, when did it get so bad that he stopped working or when did it get to a point that he just felt like he had

to see a spine specialist....so I'm just trying to reconstruct it in my mind as to what changed at that point in time when - which lead this particular individual to say, OK well I got - I only go to my primary care doctor, but I can't work and I need to see somebody and when I saw him, no reason for me to believe that there was any malingering going on there, we did what we thought was best at that point in time." (R. p. 71, lines 19-23; p. 72, lines 14-22). Dr. Chokshi stated, "and the only other thing I told you earlier was, I recall specifically about his insurance issue, because he was concerned about it..." (R. p. 72, lines 24-25; p. 73, lines 1-2).

#### ARGUMENTS

1. The Commission's decision is clearly erroneous in light of the fact that a co-worker who was working with the Appellant witnessed Appellant's on-the-job injury and therefore the reliable, probative and substantial evidence on the whole record supports finding that the Appellant suffered an on-the-job injury.

Here the full commission's decision is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record.

The full commission denied this case finding that the claimant failed to prove he suffered an injury by accident on August 26, 2011 based solely on the fact that the contemporaneous medical records did not mention an on-the-job accident. The commission also pointed out that the date of onset in the medical records was inconsistent with an August 26 date of accident. The commission stated that this

finding was based on the greater weight of evidence in the record including the medical records of Dr. Elder, Dr. Mancuso and Carolina Pines Regional Medical Center.

In making this finding, the commission simply overlooked the deposition of Dr. Chokshi and the eyewitness testimony of William Belin and George Ray, coworkers of the Appellant.

There can be no stronger evidence of an injury by accident than the eyewitness testimony of a coworker who actually observed the accident occur. William Belin's testimony was clear, convincing and consistent with that of the Appellant concerning his injury. Both testified that they were moving a section of a TC-10 ladder and when moving it the Appellant's knees buckled, his back tweaked and "he had a look of anguish on his face." (R. p. 38, lines 14-18). This is the strongest kind of evidence you can have. In addition to William Belin who was actually participating in the moving of the TC-10 ladder when the Appellant got hurt, the testimony of George Ray, another coworker, also confirmed the fact that the Appellant suffered an injury at work and his testimony was also consistent with that of William Belin and the Appellant. Mr. Ray testified that the Appellant appeared to be in pain, popped out in a cold sweat, and he testified that there was no doubt in his mind that the Appellant told him he had hurt his back and that he appeared to be in pain at that time. Clearly the evidence from these two eyewitnesses trumps the fact that the medical records did not reflect an on-the-job injury. Moreover, Dr. Chokshi, in his deposition, succinctly explained why a mention of an on-the-job accident may not be in the medical records, **"...it's possible that a lot of that**

**communication that occurred may not have been fully put in the notes.**” (R. p. 54, lines 17-19). **“If I didn’t write it, it doesn’t mean that we didn’t talk about it.”** (R. p. 51, lines 11-15). (*emphasis added*). Dr. Chokshi mentioned several times in his deposition that he and the Appellant did in fact talk about the fact that it was a work-related injury and that the Appellant was going to make a workers compensation claim. Dr. Chokshi stated that he simply did not put it in his medical records, although he distinctly remembered it, because he was more focused on treatment of the Appellant. This of course goes for all the other medical records as well. The Appellant testified that he told each of his treating medical providers that he had hurt his back on the job and it is most likely that they just simply did not mention it in their records because they were more focused on his treatment. The Single Commissioner herself pointed out that there are many reasons why things don’t get recorded in medical records pointing out that “sometimes things don’t get recorded in medical records or are recorded erroneously.” The fact that this case was denied simply because it was not mentioned in the medical records is clear error because the testimony of the two eyewitnesses and that of Dr. Chokshi clearly reflect an on-the-job injury. Dr. Chokshi testified that he felt the injury was recent because **“you don’t get this kind of a large herniated disc chronic. People just can’t live with that type of space occupying disc material for long periods of time.”** (R. p. 46, lines 6-9). (*emphasis added*). In fact Dr. Chokshi considered the Appellant’s condition so severe that it was a medical emergency and he needed surgery immediately. He pointed out in his deposition that the Appellant decided to go ahead

and file it on his regular insurance rather than wait on the workers comp carrier to make a decision because of the medical necessity of the surgery based on the severity of the Appellant's condition.

The commission further pointed out that the date of onset in the records is not consistent with an August 26 date of accident. The Appellant only has a ninth grade education and is clearly not a very good historian and in fact originally could not remember the exact date he got hurt. This again does not defeat a claim for an on-the-job injury when there is such strong evidence from the two eyewitnesses and Dr. Chokshi, the treating orthopaedic surgeon who performed his surgery. When taken as a whole, Dr. Chokshi's testimony clearly indicates that there was a recent event which caused the very serious back condition which the Appellant suffered. Dr. Chokshi stated, **"It was significantly bad that we had to do some kind of intervention at that point in time."** (R. p. 60, lines 4-6). (*emphasis added*). Clearly Dr. Chokshi's testimony supports a finding that the work injury occurred recently and would be consistent with an August 26, 2011 date of injury.

2. The Appellant suffered an on-the-job injury which aggravated a pre-existing condition as proven by the deposition testimony of Dr. Chokshi, Appellant's treating orthopaedic surgeon.

The commission also found that the Appellant failed to prove an aggravation

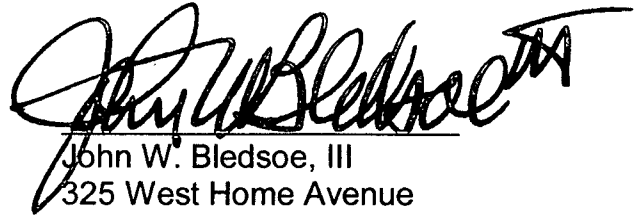
of a pre-existing condition. Again the commission simply failed to consider the testimony of Dr. Chokshi who stated that to a reasonable degree of medical certainty it was his opinion that the recent injury was an aggravation of a pre-existing condition. **“.....it would be an aggravation of a previously degenerative disc or previously injured disc.”** (R. p. 50, lines 19-23). (*emphasis added*). You cannot get stronger evidence than this of an aggravation of a pre-existing condition. This testimony comes from the doctor who actually performed this surgery and the Appellant's previous back surgery in 2009.

#### CONCLUSION

It is clear from the commission's decision that this case was denied simply because the medical records did not reflect an on-the-job injury. “I find the Appellant made a good witness, but I cannot ignore the objective medical evidence in the record.” (R. p. 19, Paragraph 4). Again, the commission ignored the testimony of Dr. Chokshi who distinctly remembered discussing a workers comp claim and an on-the-job, work-related injury with the Appellant but simply failed to put it in his notes. In addition, she ignored the eyewitness testimony of William Belin and George Ray, both of whom verified an on-the-job injury.

October 16, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John W. Bledsoe, III". The signature is stylized with a large, looping initial "J" and a long, sweeping horizontal stroke at the end.

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APPEAL FROM DARLINGTON COUNTY  
S.C. Workers Compensation Commission

Appellate Panel Judges:

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Company, c/o Summit Holdings, Inc., Carrier

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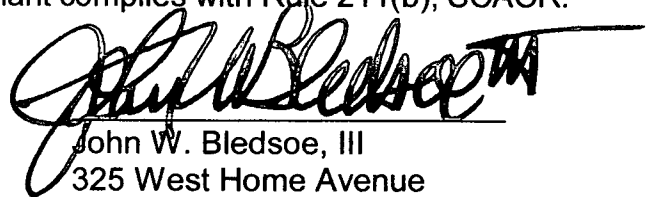
Respondents.

**CERTIFICATE OF COUNSEL**

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I certify that this Final Brief of Appellant complies with Rule 211(b), SCACR.

October 16, 2013



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THE STATE OF SOUTH CAROLINA  
in The Court of Appeals

---

APPEAL FROM DARLINGTON COUNTY  
S.C. Workers Compensation Commission

Appellate Panel Judges:

T. Scott Beck

Melody L. James

Avery B. Wilkerson, Jr.

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Case No. 2013-000759

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OCT 17 2013

SC Court of Appeals

Kevin S. Stokes, Employee

Appellant,

v.

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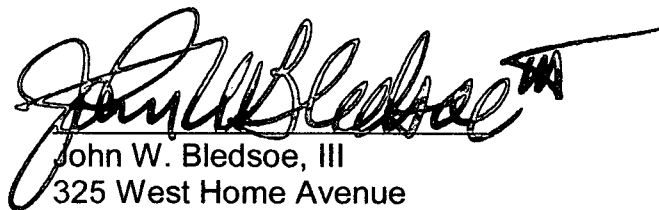
Respondents.

**PROOF OF SERVICE**

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I certify that I have filed and served the Final Brief of Appellant by personal delivery of 15 bound copies, and 1 unbound copy of it on October 17, 2013 to The Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals, Columbia, SC 29211.

October 16, 2013



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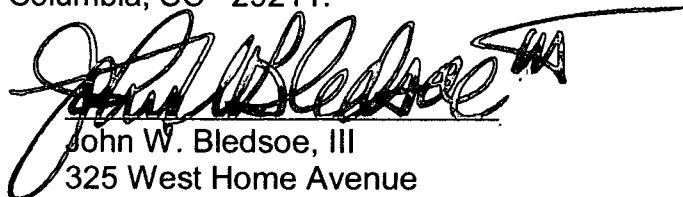
Respondents.

**PROOF OF SERVICE**

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I certify that I have served the Final Brief of Appellant on Techno Loading Arms and Bridgefield Casualty Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on October 17, 2013, to their attorney of record, Nicolas L. Haigler, P O Box 11449, Columbia, SC 29211.

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