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SC Court of Appeals

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BRIEF OF APPELLANT*

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

George E. Brown, Circuit Court Judge

Case No. 2026-000207

Bernard Bluefort, Deceased,
And Belinda Bluefort, Claimant,

Appellants,

v.

Jimmie's Tree Service, Inc., Employer, and
American Interstate Insurance Company, Carrier,

Respondents.

[INITIAL] BRIEF OF APPELLANT

Belinda D. Bluefort
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Belinda Bluefort

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STATEMENT OF ISSUES ON APPEAL

1. DID THE COURT ERR BY NOT ALLOWING APPELLANT TO SUBMIT SUFFICIENT EVIDENCE?
2. DID THE COURT, REPORTING AGENCY, AND RESPONDENTS ERR BY FRAUD BY MISREPRESENTING TAMPERING WITH AUDIO, DOCUMENTATION, RECORDING, TESTIMONY, AND EVIDENCE?
3. DID THE COURT ERR BY LACK OF DUE PROCESS?
4. DID THE RESPONDENT BREACH TO NOTIFY
5. DID THE COURT ERR BY ABUSE OF DISCRETION, REVERSIBLE ERROR, JUDICIAL BIASIS, JUDICIAL MISCONDUCT?
6. DID THE COURT ERR BY PROCEDURAL ERROR?
7. DID THE COURT ERR BY DENIAL OF DUE PROCESS?
8. DID THE COURT ERR BY HOLDING A EX PARTE MEETING WITHOUT THE KNOWLEDGE OF THE CLAIMANT'S WIFE?
9. DID THE RESPONDENT OR COURT ERRED BY FRAUD BY ALTERING EVIDENCE?
10. DID THE RESPONDENTS ERR BY LACK OF DEPENDENCY INVESTIGATION/OR DUE PROCESS PRIOR TO RELEASING COMPENSATION TO THE WRONG CLAIMANT(S)?
11. DID THE ELSTOPPEL OF THE RESPONDENTS BARRED THE STATUTE OF LIMITATION?
12. DID THE RESPONDENT ERR BY FRAUD BY FALSE STATEMENTS?
13. DID THE COURT ERR IN OMITTING THE TESTIMONY OF ANN VEATCH NOONAN?
14. DID THE COURT ERR BY USING INCOMPLETE HOSPITAL, EMS, SCDMV, AND SCHP REPORTS?
15. DID THE COURT ERR BY OMITTING THE AUTOPSY REPORT?

STATEMENT OF THE CASE

This is a compensable wrongful accidental death Medical Malpractice with disfigurement case that was denied. On September 29, 2020 Bernard Bluefort the claimant was at work working with no injuries. When an unusual extraordinary circumstance happened from the accident. Which resulted in Emergency Personnel being dispatched to aid him in his distress. Then he was transported to a Tideland's Georgetown Memorial Hospital. Where he later on that same day that his unfortunate subsequent death was casually related his employment because he was at work when he sustained his injuries from Cardiac Arrest within less than twenty four hours of being admitted to the hospital. The claimant's wife was at home with her daughter clearing sections of the land in preparation for receiving a She Shed. The worker assisting in clearing the land and delivering dirt, inquired about the tree limbs, and wood. The claimant's wife called her husband Bernard Bluefort to ask was it okay for the worker assisting with clearing the land and delivering dirt to get the tree limbs and wood. Bernard did not answer his cell phone. Instead a woman allegedly a Sheriff answered informing the claimant's wife that he was not able to talk and that she needed to go to the hospital. The alleged Sheriff told the Claimant's Wife she needed to go to Georgetown Memorial Hospital where they were about to take Bernard Bluefort. The Claimant's wife immediately prepared to go to the hospital. After arriving to the hospital the Claimant's wife and her daughter were taken into a special waiting room where a doctor met with them and said. That he was sorry and they did all that they could do and left out the room. A while later another doctor came into the room stating that they were about to do an emergency surgery on Bernard for a Heart Catheterization that

Bernard Bluefort

they were going through his thigh instead of his wrist. Then the Claimant's wife and his step daughter were taken to the Catheterization surgery waiting room. The Jimmy Ray Feagin the owner of Jimmie's Tree Service Inc accompanied by a man came into the Catheterization Surgery waiting room at Tidelands Georgetown Memorial Hospital on September 29, 2020. Where he handed the Claimant's Wife his lunch bag and his boot.

After the surgery of the Deceased Claimant he was transport to The Intensive Care Unit. The family was sent home due to visitation hours. At about 1 am or a little after 1 am on September 30, 2020 the doctor from Tidelands Georgetown Memorial Hospital Called the Claimant's wife to inform her the claimant expired. On January 9, 2025 Ann Veatch Noonan in St George Court that "He (Deceased Claimant) died the day of the accident." On April 30, 2025 Belinda Bluefort stated to the Court in Columbia South Carolina during a Worker's Compensation Commission Hearing that the deceased Claimant did not go to work with any injuries. Something happened to him and I want to know what happened Judge. On April 30, 2025 a hearing was held at The South Carolina's Worker Compensation to determine whether or not the death claim is compensable. Where the Honorable Scott T Beck denied the Claimant's Wife to submit sufficient evidence to prove her claims. On several occasions the judge abused his use of power by ordering a unrepresented claimant to participate in mediation in the middle of hearing. The judge also conspired with Ann Veatch Noonan how to end this case. "He stated to Ann Noonan. How did we get this far? I thought we closed this.... Mrs. Bluefort, I'm ordering you to cooperate with Mediation and a second Dependency investigation." The judge dismissed the Claimant's wife hesitation of ding a second investigation. The judge also ignored the Claimant's wife's concern about something happed to the claimant and that she wanted answers.

STANDARD OF REVIEW

This is a compensable wrongful accidental death Medical Malpractice with disfigurement according to S.C. Code Ann § 42-15-40, S.C. Code Ann § 41-1-160, S.C. Code Ann § 42-9-290. The full unedited Hospital, EMS, 911, SCDMV, SCHP and autopsy reports are sufficient evidence to suggest that beyond a reasonable doubt that the claimants death was the result of injuries sustained that caused the heart attack that the claimant ultimately succumbed to his injuries. The nature of the injuries that caused heart attack beyond a reasonable doubt sufficient evidence to prove that the claim is compensable for wrongful accidental death medical malpractice with disfigurement. S.C. Code Ann § 42-15-20 is enforceable due to the testimony of Ann Veatch Noonan's confession supports that the respondents had knowledge of the accident by stating that the claimant died the day of the accident which was September 29, 2020. Therefore, it can be questionable whether or not if fraud or a crime was intended? The actions and behavior of the respondent's, judge's negligence is sufficient evidence for grounds of these entities to be investigated because the amendment rights of the claimant's wife has been violated on several occasions. It can be questioned why is the claimant's wife having to go through this process if another claimant wasn't already been compensated. The claimant's wife is going through this process because in fact another claimant was compensated therefore the claimant's wife is having to go through the emotional distress to prove that she in fact who she say she is in order to be compensated and to bring justice to her husband. Something happened to the claimant that caused his unfortunate death and the actions of the respondents further more raise questions and the intent of fraud and a crime was committed. Why did the claimant suffered injuries that caused his tongue to be

physically twisted to the side. We would like to petition the court to do a thorough investigations so that the claimant's wife and children can properly grieve his death and try to begin to move forward with their lives. The amount of emotional, physical, mental toll this entire process has brought upon the claimant's wife and children is beyond repair. The idea of not know what happened to your love one that was in good health and good standings to calling him to find out that he is unresponsive and not able to come to the cell phone it a traumatic experience the the claimant's immediate family have to live with the rest of their lives. Knowing that this is not the first incident that happened to the claimant while at work. There were several other incidents that occurred on the job that the claimant was in the process of making claims for one in particular was approximately somewhere from the beginning of July to about July 7, 2020. When the claimant was involved with a vehicle accident where he was taken by ambulance and admitted to Lake City Hospital where he was later discharged with minor injuries. The claimant had to go to therapy where he received compensation for being reimbursed for mileage traveling to and from therapy. There were several other claims from incidents or accidents that happened on the job that the claimant encountered during his tenure at Jimmie's Tree Service. The Honorable Scott T. Beck violated the Claimant's wife's 14 amendment by the use of using unethical procedural errors and refusing her to a fair and equal hearing. Despite her warnings of feeling that being that she was unrepresented of an attorney. Judge Beck abused his power and the fact that the claimant's wife knew very little about the law to his advantage to dismiss the case and close the case by denying her in her death claim despite she argued that the claimant had injuries therefore the respondents defense of the use of the statute of limitation is barred. The judge expressed his dismay through his tone of voice.

FACTS

1. The actions of the Judge would suggest Denial of Due Process and abuse of discretion for using an incomplete investigation instead of using the completed thorough investigation. Therefore, his failure to do so violates the Claimant's right to a fair hearing. The Claimant's Wife was ordered by the Judge to do a Good Faith Dependency Investigation conducted by Tuten Insurance Service. Even though she expressed to the judge her hesitations and discomfort.
2. When she had already completed an investigation with Allied Universal that Judge Scott T. Beck refused to use. "He said that the report was sloppy". The judge allowed Attorney Ann Veatch Noonan to choose who she wanted to conduct the second Good Faith Dependency Investigation with Tuten Insurance Services.
3. The Estoppel actions of the respondents preventing the Claimant's wife to file the necessary claims is grounds to Barr their use of the statute of limitation for their defense. Their failure to notify the Claimant's widow to of a work related accident. The respondents neglect to cooperate with the Claimant's wife by limiting her access to information let alone insurance that she was entitled to.
4. The Claimant's wife's motions to add sufficient evidence to prove her case was denied. The Judge and the respondents argue that the Claimant's wife did not show sufficient evidence to prove that the death claim was compensable. This is a contradiction and abuse of power. How can someone prove their case without

being allowed to submit sufficient evidence to prove their case. The procedural Error and imbalance of powers made it impossible for the claimant's wife to show just case.

5. The testimony of Ann Veatch Noonan on January 9, 2025 is sufficient evidence to suggest that as she stated "He died the day of the accident". Why would she state that if there wasn't an accident? The statement of Ann Veatch Noonan, along with Georgetown EMS Report, Tidelands Georgetown Memorial Hospital, 911 telephone calls, State Trooper Reports, and The South Carolina Department of Motor Vehicles sealed reports are sufficient evidence to suggest that the Claimant died the day of the accident September 29, 2020.
6. The Good Faith Dependency Investigations both list the Claimant's wife as his next of kin and is proven by court documented records.
7. The negligence of the respondents is reason to not bar the statute of limitation. The death claim is compensable due to the injuries sustained that resulted in the unfortunate death of the claimant.
8. On April 30, 2025 the judge accused the Claimant's Wife of failing to appear to court hearings. The claimant's wife informed the judge that she never missed a hearing. Ann Veatch Noonan informed the judge that "Mrs. Bluefort was never made aware of those meetings" Therefore, it is sufficient evidence of Ex Parte meeting taking place without the claimant's wife having any knowledge of a meeting.

ARGUMENTS

- I. THE LACK OF DUE PROCESS. THE CLAIMANT'S WIFE'S MOTIONS TO ADD SUFFICIENT EVIDENCE TO PROVE HER CASE WAS CONSTANTLY DENIED. HER MOTIONS THAT THE FULL REPORT OF TIDELAND'S MEMORIAL HOSPITAL, GEORGETOWN COUNTY EMS, THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLE, AND THE SOUTH CAROLINA HIGHWAY PATROL REPORTS WERE DENIED. IT IS IMPOSSIBLE TO PROVE FACTS OF THE CASE WITHOUT BEING PERMITTED TO SUBMIT SUFFICIENT EVIDENCE TO SUPPORT THE CLAIMS.
- II. BECAUSE THE RESPONDENTS COULD HAVE RAISED FRAUD IN HIS PRIOR BREACH TO NOTIFY THE APPELLANT. THEREFORE, HIS ARGUMENT TO USE THE STATUTE OF LIMITATION AS A DEFENSE IS BARRED.
- III. THE RESPONDENTS NEGLIGENCE TO REPORT A FATALITY WITHIN 8 HOURS COULD RAISED THE INTENT OF FRAUD OR A CRIME. WHY WAS THE PROPER ENTITIES NOTIFIED? WHY THERE IS NO RECORD FROM OSHA OR LLR REPORTED OF AN ACCIDENT? WHY IS THE ACCIDENT SEAL AT THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLE AND THE SOUTH CAROLINA HIGHWAY PATROL?
- IV. BECAUSE THE RESPONDENT COULD HAVE RAISED FRAUD BY FAILURE TO COMPLY WITH FEDERAL GUIDELINES, FAILURE TO REPORT A WORK PLACE INCIDENT, FAILURE TO REPORT A HOSPITALIZATION TO THE SOUTH CAROLINA LABOR, LICENSING, AND LABOR OF REGULATIONS, OSHA, FEDERAL GUIDELINES, LABOR LAWS, PROPER PROCEDURES AND POLICIES IN PLACE. THEREFORE THE RESPONDENTS INTEGRITY AND INTENTIONS ARE

QUESTIONABLE.

V. BECAUSE COURT ERRED BY ABUSE OF DISCRETION. THE JUDGE DENIED THE DEATH CLAIM DUE TO THE CLAIMANT'S WIFE NOT ABLE TO PROVE HER CLAIMS. HOWEVER, THE JUDGE'S ABUSE OF DISCRETION IS WHAT PREVENTED THE CLAIMANT'S WIFE TO BE ABLE TO SUBMIT SUFFICIENT EVIDENCE TO PROVE HER CASE. THE JUDGE FAILED TO USE THE FIRST DEPENDENCY INVESTIGATION BUT INSTEAD HE USED THE SECOND DEPENDENCY INVESTIGATION WHICH WAS NOT COMPLETE AND WAS NOT AS THOROUGH AS THE FIRST INVESTIGATION. THE EX PARTE MEETING THAT WAS HELD WITHOUT UNREPRESENTED CLAIMANT'S WIFE IS EVIDENCE TO SUPPORT THAT HER 14TH AMENDMENT RIGHT WAS VIOLATED. THEREFORE, THE JUDGE'S ACTIONS DISPLAYED DENIAL OF DUE PROCESS. DENYING THE CLAIMANT'S WIFE TO A FAIR HEARING.

VI. BECAUSE THE JUDGE ERRED BY PROCEDURAL ERROR BY REFUSING THE CLAIMANT'S WIFE TO MOTION TO SUBMIT THE COMPLETE HOSPITAL AND EMS REPORTS. THE JUDGE'S REFUSAL TO REQUEST EMERGENCY 911 CALL, AND ADD OTHER SUFFICIENT EVIDENCE TO SUPPORT HER CLAIMS. INSTEAD THE JUDGE ALLOWED OPPOSING COUNSEL ASSIST HIM IN CHOOSING WHAT THEY WOULD PERMIT TO BE USED. THE ONLY DOCUMENTATION THAT WAS PERMITTED TO BE USED WAS THOSE SUBMITTED BY THE RESPONDENTS.

VII. BECAUSE RESPONDENTS ERRED IN LACK OF CONDUCTING A DEPENDENCY INVESTIGATION PRIOR TO ANY CLAIMANT RELEASING COMPENSATION.

- VIII. THEREFORE, IT CAN BE ARGUED THAT THE WRONG DEPEND WAS COMPENSATED FOR THE ERROR OF THE RESPONDENTS TAKING THE PROPER PROTOCOL POLICIES AND PROCEDURES FOR THE ISSUANCE OF ANY COMPENSATION. THEREFORE, HAD A DEPENDENCY INVESTIGATION WAS COMPLETED THE COURT RECORDS WOULD PROVE THE NEXT OF KIN.
- IX. THE RESPONDENTS ERRED BY DENYING ACCESS TO THE CLAIMANT'S ONLINE ACCESS FOR VITAL INFORMATION PERTAINING TO THE CLAIMANT'S POLICY HOLDERS AND IMPORTANT INSURANCE INFORMATION SUCH AS INSURANCE AGENCY CONTACT INFORMATION.
- X. BECAUSE THE COURT ERRED BY DISMISSING EVIDENCE OF ANN NOONAN'S TESTIMONY THAT CLAIMANT DIED THE DATE OF THE ACCIDENT. WHICH IS SUFFICIENT EVIDENCE TO SUPPORT THE FACT THAT THE CLAIMANT'S WIFE STATED THAT ACCORDING TO THE CLAIMANTS PAY FOR THE DAY IN QUESTION, HOSPITAL, AND EMS REPORTS ALL CONNECT THAT THE CLAIMANT WAS AT WORK, A WORK RELATED ACCIDENT HAPPENED, AND THE CLAIMANT DIED THAT SAME DAY SEPTEMBER 29, 2020 AND NOT SEPTEMBER 30, 2020. THE PAY THAT THE CLAIMANT RECEIVED FOR SEPTEMBER 29, 2020 IS SUFFICIENT EVIDENCE TO SUPPORT THAT THE CLAIMANT WAS IN FACT AT WORK WORKING AND HE WAS PAID FOR THE AMOUNT OF HOURS HE WORKED. THE CLAIMANT RECEIVED PAYMENT FOR THE HOURS WORK ON SEPTEMBER 29, 2020. THE RESPONDENTS DEFENSE ATTORNEY ADMITTED TO THEIR BEING AN ACCIDENT AND THAT HE DIED THE DAY OF THE ACCIDENT.

THEREFORE, ANN VEATCH NOONAN'S CONCEDED GUILT SABOTAGED HER ENTIRE DEFENSE ARGUMENT THAT THE CLAIMANT DIED FROM NATURAL CAUSE THAT WAS NOT RELATED TO ANY WORK RELATED INCIDENTS. ATTORNEY NOONAN BUILT HER CASE AROUND THE CLAIMANT DIED FROM A HEART ATTACK FROM NATURAL CAUSE. HOWEVER, THIS CONCEDED GUILT SUGGEST THAT THE CLAIMANT'S HEART ATTACK WAS A RESULT OF A UNUSAL SUBSEQUENT EXTRAORDINARY CIRCUMSTANCE THAT TOOK PLACE AND THE INJURIES SUSTAINED RESULTED IN THE HEART ATTACK THAT UNFORTUNATELY CAUSED THE CLAIMANT TO SUCCUMB TO HIS INJURIES.

XI. THE JUDGE DID NOT TAKE INTO CONSIDERATION THAT ANN VEATCH NOONAN PROVIDED HIM WITH DOCUMENTATION THAT THE UNREPRESENTED CLAIMANT'S WIFE WAS NOT PRIVY TO. THE JUDGE WAS MRS. BLUEFORT GIVEN A COPY ANN VEATCH NOONAN RESPONDED THAT SHE DID NOT HAVE A COPY. THEN JUDGE TOOK THE DOCUMENTATION FROM ANN VEATCH NOONAN AND PROCEEDED WITH THE HEARING.

XII. THE RESPONDENT'S NEGLIGENCE TO COOPERATE WITH THE CLAIMANT'S WIFE IS SUFFICIENT EVIDENCE TO SUGGEST ELSTOPPEL. THEREFORE, THE RESPONDENTS DENSE OF THE STATUTE OF LIMITATION IS BARRED BECAUSE AN UNSUAL EXTRAORDINARY CIRCUMSTANCE TOOK PLACE THAT CAUSED A ACCIDENT THAT RESULTED TO THE INJURIES OF THE CLAIMANT. WHERE HE LATER SUCCUMBED TO HIS INJURIES. WHEN THE CLAIMANT WENT TO WORK HE DID NOT HAVE ANY INJURIES. WHY WAS EMERGENCY PERSONNEL

CALLED IF THERE WAS NO INJURIES OR ACCIDENT? WHAT HAPPENED TO CAUSE INJURIES? WHY WAS THE CLAIMANT UNRESPONSIVE? WHAT HAPPENED? WHO CALLED EMS? WHY WAS HE DRIVING A WORK VEHICLE IF HE WAS NOT AT WORK? WHAT TOOK PLACE FOR THESE UNFORTUNATE EVENTS TO TAKE PLACE? WHY ARE THE ACCIDENT REPORT SEALED AT THE SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES? WHY IS THE SOUTH CAROLINA HIGHWAY PATROL REPORTS SEALED? WHY WAS THE LABORING, LICENSING, AND REGULATION BOARDS NOT NOTIFIED OF A WORK PLACE ACCIDENT? WHY WAS THE LABORING BOARD OR OSHA CONTACTED SO THAT THEY COULD PROPERLY INVESTIGATE THE UNFORTUNATE EVENTS THAT TOOK PLACE THAT DAY? IF FRAUD OR A CRIME INTENDED WHY WAS THE CLAIMANT'S WIFE, OSHA, LLR NOTIFIED? WHY OSHA DO NOT HAVE ANY KNOWLEDGE OF A EMPLOYEE OF JIMMIE'S TREE SERVICE WAS HOSPITALIZED? WHY OSHA OR LABORING, LICENSE, REGULATIONS HAVE NO REPORT OF A JIMMIE'S TREE SERVICE EMPLOYEE DEATH?

XIII. WHY THE JUDGE DISPLAY PUBLIC DISLIKE FOR THE CLAIMANT'S WIFE AND CHILDREN? IT CAN BE ARGUED THAT THE JUDGE'S PUBLIC DISPLAY OF DISREGARD FOR THE CLAIMANT'S WIFE AND CHILDREN WAS UNETHICAL FROM HIM TALKING AT THEM INSTEAD OF TALKING TO THEM, HIS TONE OF VOICE, HIS DISREGARD FOR A FAIR AND ACCURATE HEARING, HIS ABUSE OF POWER BY ORDERING THAT THE CLAIMANT'S WIFE TO PARTICIPATE WHEN THE RESPONDENT'S ATTORNEY WAS NOT ABLE TO DEFEND HER CASE FROM THE FIRST DEPENDENCY INVESTIGATION. THEN THE JUDGE ALLOWED THE

DEFENSE ATTORNEY TO USE A INSURANCE COMPANY THAT SHE FAVORED.

SHE(THE CLAIMANT'S WIFE) EXPRESSED TO HIM THAT SHE ALREADY COMPLETED A DEPENDENCY INVESTIGATION. THE JUDGE DENIED ALL MOTIONS TO ADD SUFFICIENT EVIDENCE. THEN HE EXPRESSED THAT THE CLAIMANT'S WIFE WAS NOT ABLE TO SUBMIT SUFFICIENT EVIDENCE TO SUPPORT HER CLAIMS.

CONCLUSION

The full unedited hospital, Ems, E 911, Sheriff, South Carolina Department of Motor Vehicle, and The South Carolina Highway Patrol reports and the testimony of Ann Veatch Noonan are sufficient evidence to support the fact of the deceased claimant's injuries suggest that the unfortunate subsequent extraordinary circumstances from the accident resulted in the Cardiac event that where he later succumb to those injuries. The unfortunate subsequent death can be related to his employment due to the claimant was at work, the working hours that the claimant received compensation for on that day. The negligence of the Judge, Respondents, and the Reporting agency. For the reasons stated, this Court should reverse the judgement of the South Carolina's Workers Compensation Commission Court and not bar the statute of limitation. The testimony of the respondents attorney is sufficient proof that the claimant's wife was not notified by the respondents until the attorney's confession notify her that a accident happened and that the claimant died the day of the accident. Therefore, the claimant's wife is well within the statute of limitation being that she did not find out from the respondents until January 09, 2020 when the respondents finally admit to her that there was an accident and that in fact the claimant died the day of the accident.

Belinda Shuford

Respectfully submitted,

July 15, 2026

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