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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 2216315

Court of Appeals Case No. 2025-001178

Amos Mack, Employee,.....Appellant,

v.

Don's Car Crushing, Employer,
and BusinessFirst Insurance Company, Carrier .....Respondents.

RESPONDENTS' RETURN TO APPELLANT'S MOTION TO STAY THE RECORD ON APPEAL

Pursuant to Rule 240, SCACR, and Rule 210, SCACR, Respondents move this Court to deny Appellant's Motion to Stay the Record on Appeal, as Respondents were never properly served with the Motion to Stay the Record, and there is no basis for staying the record, as Appellant bears the burden to assemble and file the Record on Appeal.

By way of brief background, Appellant filed the Record on Appeal on May 12, 2026, and the Court sent a deficiency letter on May 20, 2026. He filed a corrected Record on Appeal on May 28, 2026, and Respondents filed a motion requesting that the Court strike the record and issue an Order instructing Appellant to adhere to Rule 210, SCACR, when preparing the Record on Appeal. The first Record on Appeal was wholly incomplete because it did not include twelve of the fourteen

line-items Respondents identified in their Designation of Matter to be included in the Record on Appeal. Judge Curtis granted Respondents' motion to strike on August 27, 2026, and indicated that the records filed on May 28, 2026, and June 21, 2026, would not be accepted as filed. Appellant was given ten days from the date of the Order to file a third amended Record on Appeal that would include all of the matters designated by the parties, would not include any matter not presented to the lower court or tribunal, and would be properly paginated. Judge Curtis noted that failure to comply may result in the dismissal of the appeal. On September 8, 2026, Appellant filed a Motion to Stay the Record on Appeal with the Court and subsequently submitted a Supplemental Memorandum in Support of the Motion to Stay the Record on Appeal.

Rule 210, SCACR, governs the requirements for the Record on Appeal. This rule requires an appellant to assemble and file the Record on Appeal with the Clerk of Court. The appellate rules, including Rule 210, SCACR, do not outline any specific burden or requirement for Respondents to serve or provide documents to Appellant for the record. Appellant's Motion to Stay the Record is improper, and his argument for staying the record has no legal support. Appellant's motion, along with the supplemental memorandum, rests on the argument that Respondents created a deficient record by failing to provide him with the documents listed in Respondents' Designation of Matter to be included in the Record on Appeal. Appellant indicated that Respondents had a "mandatory legal duty" to send him every document that was sent to Appellant's former counsel, and that Respondents were responsible for serving him with all designated record material. Appellant failed to provide any evidence or support for his argument, and Respondents disagree with the contention that they have a duty to serve or provide Appellant with the matters for the Record on Appeal. Respondents contend that they satisfied any obligations under the appellate rules regarding the Record on Appeal by filing and serving Appellant with

their Designation of Matter. The Supreme Court has previously held, and South Carolina courts have repeatedly held, that the appellant must prepare the record on appeal. *Johnson v. S.C. Dep't of Prob*., 372 S.C. 279, 283 (2007). Respondents properly provided the Designation of Matter and specifically identified which documents Appellant omitted from his first Record on Appeal in their Motion regarding the first record. Appellant's argument appears to conflate Respondents' Designation of Matter with a separate duty to collect and produce the materials. The appellate rules place no burden or requirement on Respondents to provide the matters designated for the record to Appellant.

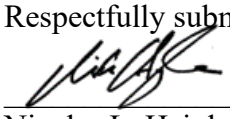
Appellant's separate contention that Respondents had a duty to provide him with every document ever sent to his former counsel lacks merit and is unsupported by the rules. Appellant's implication is not only incorrect but also unduly burdensome, as the documents are available to Appellant at equal hardship. To the extent Appellant needed documentation from his former counsel, he could have requested it or his client file, but the burden to produce those files for the Record on Appeal does not suddenly arise for Respondents because Appellant failed to take those actions. If Appellant did request these documents from his former counsel, he has provided no evidence of those requests to Respondents. However, Appellant's separation from his former counsel or his failure to obtain documentation from that counsel does not shift responsibility for preparing the record to Respondents.

In addition to this motion being foundationally improper, Appellant never properly served Respondents with the Motion to Stay the Record on Appeal, nor the Supplemental Memorandum associated with the motion. On September 8, 2026, Respondents received a copy of Appellant's Motion to Stay via fax, as well as a copy of the Supplemental Memorandum filed by Appellant via fax. Under Rule 240(d), SCACR, regarding motions made to the Court, "the motion or petition

shall be filed with the clerk of the appellate court, and a copy shall be served upon each party." Rule 240, SCACR, also indicates that "failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition." Rule 262, SCACR, provides proper methods for service upon other parties. This rule details that service shall be made by delivering a copy to the person, depositing a copy in the U.S. mail, or "serving a copy on the person by electronic means in a manner provided by order of the Supreme Court of South Carolina." Pursuant to the last Order by the Supreme Court dated April 24, 2024, electronic service via fax is not a proper or accepted means of service on an opposing party. By failing to properly serve Respondents with the Motion to Stay the Record, Appellant failed to comply with the service requirements under the appellate court rules. Accordingly, Appellant should be deemed to have abandoned the motion, and the motion should be denied.

The law clearly indicates that Appellant is responsible for assembling the record. Because Appellant bears responsibility for assembling the record and because the Motion to Stay was improperly served, Respondents request that Appellant's Motion to Stay the Record on Appeal be denied. If the Court determines that this motion should be granted, due to the complexities of this case's procedural history, Respondents respectfully request that this Court also issue controlling deadlines for filing the corrected Record on Appeal and the Final Briefs for both parties.

Respectfully submitted,



Nicolas L. Haigler, Esquire
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2151 Pickens Street, Suite 500
Columbia, South Carolina 29201
(803) 231-7847

ATTORNEY FOR RESPONDENTS

9-8-2026

IN THE COURT OF SOUTH CAROLINA APPEALS

Case No. 2025-001178

AMOS Mack

V.

Doris Carr's Clarshing Co.
And Business First Insurance

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SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO STAY RECORD ON APPEAL SEPTEMBER 4, 2026

Case No. 2025-001178

Appellant respectfully submits this Supplemental Memorandum in support of motion stay the record on appeal mailed on September 4, 2026. This Supplement is submitted urgently by hand delivery on September 8, 2026, pursuant to the Court's August 27, 2026 Order granting 10 days to amend the third record on appeal

Statement of fact and legal Argument

1. ON August 27, 2026 the Court issued an order, granting Appellant 10 day to amend the third record on appeal.

2. Appellant mailed a Motion to stay the record on Appeal on 9-4-26 and submits this Supplemental Memorandum by hand on 9-8-26, to prevent severe prejudice

3. Out of 14 document designated by respondent claims 12 are missing in act including the 2-5-order Addendum which was never served to me.

Case no. 2025-001178

4. Mandatory Duty of Direct Service on the Appellant a Prose SCACR Rule 233 and SCRCP Rule 5

A. Respondent had a mandatory legal duty to send Appellant every pice of document and record that they sent of Appellant forme attorney during the prosection of this case.

B. John Land, did not have power of attorney over Appellants case no 2025-001178 nore the worker Compensation case of South Coraline 221815 John land ask [redacted] on 9-9-2021, and Me and the court approve of him release him like want too. He ask to be release Court Command. [redacted] Randal Pitts to no notice document being serve directly upon Appellant leaves Appellant Completely Stripped of the ... on Appeal

5. Critical Omission of December 13, 2024 Statement of Case 221815 ...

Case no. 2025-001178

4. Mandatory Duty of Direct Service on the Appellant a Prose SCACR Rule 233 and SCRCP Rule 5

A. Respondent had a mandatory legal duty to send Appellant every pice of document and record that they sent of Appellant forme attorney during the prosecution of this case.

B. John Land, did not have power of attorney over Appellents case no 2025-001178 nore the worker Compensation case of South Caroline 2216315 John Land ask ~~[illegible]~~ less afte 9-9-2024 and Me and the Court approved Sd i release him like want too. He ask to be release Court approved.

C. ~~[illegible]~~ Respondents failure to these 12 missing document being serve directly upon Appellents leaves Appellant completely stripped of the essential records required to assemble an appeal

5. Critical Omission of December 19, 2024 Statement of Case 2216315, when this case was at the Full Commission, the court must ensure it in the record, it have been a part of the Case Record.

Case No 2025-00118

Mandatory Duty of Direct Service (SCACR Rule 233) And (SCRCP 5)

R3

Under SCACR Rule 233 and SCRCP Rule 5. ONCE my Attorney John Lend, Withdrew and i become pro-se Respondent had a mandatory legal duty to serve all designated record material direct to me. ~~Respondent~~ Respondent faile to serve 12 out of 14 designated document, Specifically including the February 5, 2025 Order Addendum from Hearing Commissioner, Michane Campbell

7. Responden Defected the Administrative Record The respondent completely omitted the Full Commission January 13, 2025 order of Addendum From the Full Commission, for Campbell to Fix the record, and on January 30, 2025, Campbell return the record, missing the date of report and fail to identify 1 through 5 Summit document, Concealing the Medical Promised by Adjuster Angel Torres telling, Medcial is being Provided, TTD have been deny in full, pending in the letter of 11-8-2022 And the Full Commission knew the record, was incomplet Without that information. Becaus commission did not Fix the record on 1-13-2025 When he was Order to by the Full Commission during that interval remand, a Second remand will cause ongoing physical

Case No 2025-001178

8. Lack of Statutory Authority and Violation
P.4. of He who decides, Must Hear.
When Commissoner Campbell, Fail to reconvene
The september 9, 2024 decision and May 15, 2025
Order were issued without statutory Authority
Following Commissione Wilkinson Jr. 3E connon recusal
Commissioner Campbell who was assigned to the case
Never held a hearing with me in this Case. Making
these order culture Vires and void. (See page 2, in the
Footnote Comphell statement) Full Commission May 5 2025 order
9. Irreparble Procedural Prejudice
Fail to serve physical record directly
on me, as a pro-se litgant prove that it is practically
impossible For ~~me~~ me to complete and paginate the
record on appeal.

Respectfully Submitted

CC.
Michelle Hunter
Fax 803-924 0300

Court of Appeal - Mrs. Jenny Abbott Kitchings
803-734 1839

Case No. 2025-001178

Certification of Service by USPS
Fact on 9-8-2026
For Nicholas L. Haigler
At Robinson Gray, LLC in
Columbia, South Carolina

PH 803-929-1400

Fax Number 803-929-0300

Amos Mack
1256 Turkey Bay Rd
Holly Hill S.C
29059
803-614-2321
803 592-2748

Case No. 2025-001178

This is a Motion to Stay the
record of appeal, on 8-27-26
the Court Give 10 Day to amend the
record. This motion to stay of records
Is Cause the respondent have not provied
me with ~~their~~ ~~this~~ those record, they send
a list, but not the record the respondent have
defected the record Himself, the respondent on
9-9-2024, enter a decision, without statutory
Authority to make any decision in this case. So this
case #2025-001178 must stay the issues. Until
the Court rule, did the respondent have the right
to enter a decision on ~~Sept~~ 9-9-2024, without
Statutory Authority. Motion free mailed and
proof of ~~service~~ service, By Mail

Amos Mack

cc

Amos Mack
1256 Tony Bay
Holly Hill S.C.
29059

BOWMAN SC 29018
SEP 04 2026
USPS

Nicolas Haigler
2151 Picken Street Suite
P.O. Box 11449
Columbia 29201

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Appellate Case No. 2025-001178

SCWCC File No. 2216315

Amos Mack, Employee.....Appellant,

v.

Don's Car Crushing, Employer

and BusinessFirst Insurance Company, Carrier.....Respondents.

PROOF OF SERVICE

I certify that I, Abby Cavallo, legal assistant for Robinson, Gray, Stepp & Laffitte, LLC, have caused the Respondents' Motion to Reject the Record on Appeal to be served on the parties below addressed as follows:

The Honorable Jenny Abbott Kitchings
Clerk of the SC Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211
Via email: ctappfilings@sccourts.org

Amos Mack
Appellant
1256 Tony Bay Road
Holly Hill, South Carolina 29059

September 18, 2026

Abby Cavallo
Legal Assistant to Nicolas L. Haigler

ROBINSON GRAY
Litigation + Business

NICOLAS L. HAIGLER
DIRECT 803.231.7847
nhaigler@robinsongray.com

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Sep 18 2026
SC Court of Appeals

September 18, 2026

Via email: ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Amos Mack v. Don's Car Crushing and BusinessFirst Insurance Company
Appellate Case No.: 2025-001178

Dear Ms. Kitchings:

Enclosed for filing please find the **Respondents' Return to Appellant's Motion to Stay the Record on Appeal** regarding the above referenced matter. Should you have any questions, pleas do not hesitate to contact my office.

With a copy of this letter, we are hereby serving a copy of these documents on counsel for the Appellant.

Very truly yours,

Nicolas L. Haigler, Esquire

Enclosure(s) as stated

cc: Robert Hudak (via email)