

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No.: 2013-001892

South Carolina Second Injury Fund,.....Appellant,

v.

Specialty Risk Services,.....Respondent.

**RETURN TO MOTION TO  
SUPPLEMENT RECORD ON APPEAL**

**TO: JENNY ABBOTT KITCHINGS, CLERK OF COURT OF THE SOUTH  
CAROLINA COURT OF APPEALS; AND, VERNON F. DUNBAR, ESQUIRE,  
ATTORNEY FOR SPECIALTY RISK SERVICES, RESPONDENT**

**YOU WILL PLEASE TAKE NOTICE** that Appellant, the South Carolina Second Injury Fund (the "Fund") hereby files this Return to the Notice of Motion and Motion of Respondent, Specialty Risk Services, Requesting Appellant Supplement Record By Adding Matters Improperly Excluded From The Record On Appeal, pursuant to Rule 240(e). Appellant denies that Respondent is entitled to the relief sought for the following reasons:

1. Respondent's Motion to Supplement the Record was received on April 28, 2014, and thus, this Return is timely.

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**SC Court of Appeals**

2. Appellant also asserts that pursuant to Rule 209(b), the January 14, 2011 hearing transcript and the February 18, 2011 Decision and Order resulting therefrom are not relevant to this appeal.

3. The South Carolina Workers' Compensation Commission's hearing transcript dated January 14, 2011 determined issues in Claimant's Motion to Compel Respondent's Compliance with Orders of the Commission and to pay outstanding medical bills and mileage expenses. The Fund was not a party to the January 14, 2011 hearing and Respondent did not include the January 14, 2011 hearing transcript as part of its Administrative Procedures Act submissions to the Single Commissioner, the Full Commission, or the Circuit Court. The January 14, 2011 Hearing Transcript resulted in the signed Order of Commissioner Avery Wilkerson, dated February 18, 2011.

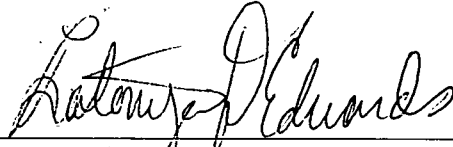
4. The Decision and Order of Commissioner Avery Wilkerson dated February 18, 2011 was not submitted as an Administrative Procedures Act submission to the Single Commissioner, the Full Commission, or the Circuit Court.

5. Respondent contacted Appellant to request that these records be included in the Designation; however, Appellant did not have a complete copy of these records and contacted Respondent to advise that these records were not included in its Administrative Procedures Act submissions. Respondent indicated that he would follow up prior to the date the record was being forwarded for printing regarding a resolution.

6. After the record was forwarded for printing, Respondent contacted Appellant and indicated that if the requested documents were not included in the Designation, this Motion would follow. Appellant informed Respondent that the record had already been printed.

Appellant respectfully requests that this Honorable Court deny Respondent's request to Supplement the Record on Appeal, or alternatively, that Respondent bear the costs of supplementing the record should the excluded documents be deemed relevant.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Latonya Dilligard Edwards". The signature is written in black ink and is positioned above a horizontal line.

Latonya Dilligard Edwards, Esquire  
Dilligard Edwards, LLC  
3790 Fernandina Road, Suite 103  
Columbia, South Carolina 29210  
S.C. Bar No.: 14593  
(803) 750-2214 (telephone)  
(803) 750-2377 (facsimile)

May 8, 2014  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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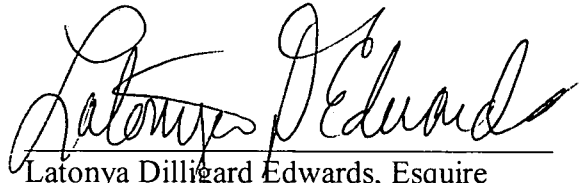
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**PROOF OF SERVICE**

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The undersigned employee of Dilligard Edwards, LLC, Attorney for the Appellant, does hereby certify that service of the **Return To Motion To Supplement Record On Appeal** to the South Carolina Court of Appeals in the above-captioned matter was made upon counsel of record for Respondents BMW Manufacturing Corp. (Employer) and Specialty Risk Services (Carrier), and the South Carolina Workers' Compensation Commission, by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope on this 8<sup>th</sup> day of May, 2014, addressed as follows:

Vernon F. Dunbar, Esquire  
McAngus Goudelock & Courie, LLC  
Post Office Box 2980  
Greenville, South Carolina 29602

A handwritten signature in black ink, reading "Latonya Dilligard Edwards". The signature is written in a cursive style with a horizontal line underneath the name.

Latonya Dilligard Edwards, Esquire  
Dilligard Edwards, LLC  
3790 Fernandina Road, Suite 103  
Columbia, South Carolina 29210  
S.C. Bar No.: 14593  
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ATTORNEY FOR APPELLANT

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3790 FERNANDINA ROAD SUITE 103  
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LATONYA DILLIGARD EDWARDS † \*  
[LATONYA@DILLIGARDEDWARDS.COM](mailto:LATONYA@DILLIGARDEDWARDS.COM)

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† ALSO LICENSED IN NORTH CAROLINA  
\* CERTIFIED CIRCUIT COURT MEDIATOR

May 8, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29211

Re: South Carolina Second Injury Fund v. Old Republic Insurance Company  
Appellate Case No.: 2013-001892

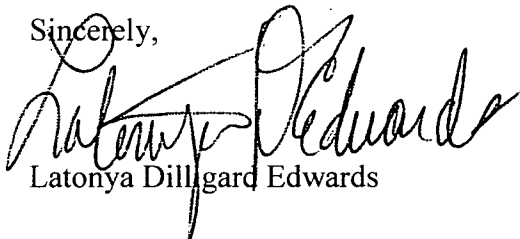
Dear Ms. Kitchings:

Enclosed herewith please find for filing the original and six (6) copies of South Carolina Second Injury Fund's Return to Motion to Supplement Record on Appeal, along with the Proof of Service.

By copy of this letter, I am notifying Respondent's attorney of this communication with your office.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to give me a call.

Sincerely,



Latonya Dillgard Edwards

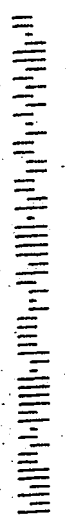
LDE/ems  
Enclosures

cc: Vernon F. Dunbar, Esquire (w/encls.)

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Dilligard Edwards, LLC  
3790 Fernandina Road, Suite 103  
Columbia, SC 29203

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The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

