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**NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]  
Frank Wilson vs. American LaFrance  
(September 16, 2014)

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SEP 18 2014

**SC Court of Appeals**

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APPEAL FROM COUNTY OF DORCHESTER  
Court of Common Pleas

Maite Murphy, Circuit Court Judge

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Case Number 2013CP1801299

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 FRANK E. WILSON

Employee,

Claimant,

**APPELLANT**

vs.

AMERICAN LaFRANCE,

Employer,

AND

AIG C/O GALLAGHER BASSETT SERVICES, INC.

Carrier,

**RESPONDENT**

Helen F. Hiser  
McAngus, Goudelock and Courie  
P. O. Box 650007  
Mount Pleasant, SC 29465  
(843) 576-2900  
Attorney for Respondent

and

Erin Hantske  
McAngus, Goudelock and Courie  
P. O. Box 650007  
Mount Pleasant, SC 29465  
(843) 576-2900  
Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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NOTICE OF APPEAL

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Frank E. Wilson appeals the **Judgment (ORDER)** from the State Of South Carolina County Of Dorchester In The Court Of Common Pleas- **Case Number 2013CP1801299**. The Circuit Court Judge that issued the **Judgment (ORDER)** was Judge Maite Murphy. The date that the **Judgment (ORDER)** was issued was August 19, 2014. It is of note that the Appellant requested a Hearing due to the complexity of the case. The Appellant's request for **Case Number 2013CP1801299** to be conducted in the form of a Hearing to allow the Appellant to explain and argue his position as it relates to a case which does have some form of complexity. Judge Maite Murphy denied the Appellant's right to explain and argue his position as it relates to the above case. I have enclosed the the **Judgment (ORDER)** for **Case Number 2013CP1801299**- PAGES: 1 thru 25 and **Form 4** document- PAGES: 1 thru 2. \*\*\*It is of note that the **Judgment (ORDER)** for **Case Number 2013CP1801299** was drafted and prepared by the Defendants/Respondents for which a great degree of suspicion involved which does bring a great amount of disappointment to the Appellant. Furthermore, the Appellant is still in a disappointed state of mind for which Judge Maite Murphy allow this disturbing behavior by the Defendants/Respondents to take place. The issue of the Defendants/Respondents only drafting and preparing the **Judgment (ORDER)** for **Case Number 2013CP1801299** in a format and pattern that would only support the Defendants/Respondents position as it relates to **Case Number 2013CP1801299**. Judge Maite Murphy allow the disturbing actions of the Defendants/Respondents while they continuously omitted overwhelming evidence from the **Judgment (ORDER)** that would have displayed a different outcome as it relates to the **Judgment (ORDER)** for the above case. The Appellant is unsure why Judge Maite Murphy allowed this to take place and eventually sign off on this disturbing action and behavior demonstrated by the Defendants/Respondents as it related to the **Judgment (ORDER)** for **Case Number 2013CP1801299**. The Appellant will continue to serve my **LORD and SAVIOUR JESUS CHRIST** who is the head of my life. Once again, the Appellant is still very disturbed with the actions and behavior of any and everyone involved with attacking the Appellant. The only way the Appellant is surviving these attacks is due to my **FAITH** in my **LORD and SAVIOUR JESUS CHRIST** who is the head of my life. Finally, the Appellant is aware that my **LORD and SAVIOUR JESUS CHRIST** sees everyone who is treating the Appellant unfairly and attacking the Appellant!!! The Appellant is respectfully requesting that the State of South Carolina Court of Appeals In The Supreme Court address and determine the following issues

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described below:

1.) **The Appellant's Thoracic Spine (mid to upper Back) Injury**

The Appellant was involved in a very extensive work related motor vehicle accident on May 16, 2005. The Appellant received multiple injuries which included the Back, Neck, Right Shoulder, Ribs, Lungs and Bladder. The Appellant's Left Shoulder injury occurred on or about the third (3<sup>rd</sup>) or fourth (4<sup>th</sup>) quarter of 2006 during a work conditioning program and a FCE. The Appellant respectfully request that the Defendants provide compensation, medical evaluation and medical treatment for the Appellant's Thoracic Spine (mid to upper Back) injury. The Appellant is respectfully requesting that the medical evaluation and medical treatment for the Appellant's Thoracic Spine (mid to upper Back) injury be provided by the **Authorized Treating Physician from the Southeastern Spine Institute**. This is based on the **DECISION AND ORDER** by The Honorable David W. Huffstetler from the South Carolina Workers' Compensation Commission Hearing held on March 10, 2009. The Honorable David W. Huffstetler's **DECISION AND ORDER** stated that IT IS THEREFORE ORDERED that the Defense shall provide medical treatment for the Claimant's Back through the Southeastern Spine Institute. This is due to Claimant not receiving the orthopaedic management outlined in the **DECISION AND ORDER** by Commissioner J. Alan Bass from the South Carolina Worker's Compensation Commission Hearing held on April 10, 2007. The Claimant had an initial visit with Don O. Stovall, Jr., MD of Lowcountry Orthopaedics And Sports Medicine on August 4, 2005. At the time of the Claimant's initial visit on August 4, 2005 with Dr. Stovall, the Claimant stated that the orthopaedic issues there were experiences of Neck pain, Low Back pain, Mid Back pain with leg pain and Right Shoulder pain. Dr. Stovall stated to the Claimant that he would initially evaluate and treat the Claimant's Neck, Low Back and Right Shoulder. As it relates to the Claimant's Mid Back, Dr. Stovall stated that he would not evaluate and treat the Mid Back because his primary focus would be the Claimant's Lumbar Spine (Low Back), Cervical Spine (Neck) and Right Shoulder. Dr. Stovall stated that once the Claimant's Lumbar Spine (Low Back) was completely evaluated and treated, then the Thoracic Spine (mid to upper Back) pain should be resolved or lessened. This certainly was not the case. The Claimant continued to experience both Lumbar Spine and Thoracic Spine ongoing and continuing pain. The Claimant returned back to Dr. Stovall on March 2, 2009 at the request of the Defendants. The Claimant would like to add that Dr. Stovall was **hand selected by the Defendants**. The Claimant's **strong opinion** is that Dr. Stovall displayed an act of **bias** throughout the course of the Claimant's initial visit on August 4, 2005 thru the Claimant's last visit on March 2,

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2009. As it relates to the Claimant's March 2, 2009 office visit with Dr. Stovall, the Claimant stated to Dr. Stovall that he had been experiencing **severe ongoing and continuing Lumbar Spine pain** along with ongoing and continuing Thoracic Spine pain with leg pain, Cervical Spine pain, Right Shoulder pain and Left Shoulder pain. Dr. Stovall omitted the Claimant's complaint of **severe ongoing and continuing Lumbar Spine pain** along with ongoing and continuing Thoracic Spine pain and Left Shoulder pain from the Claimant's March 2, 2009 office visit medical report. After the issued **DECISION AND ORDER** from the South Carolina Workers' Compensation Commission Hearing on March 10, 2009 with The Honorable David W. Huffstetler which stated the IT IS THEREFORE ORDERED that the Defense shall provide medical treatment for the Claimant's Back through Southeastern Spine Institute. Once again this was due to the Claimant not receiving the orthopaedic management outlined in the issued **DECISION AND ORDER** from the South Carolina Workers' Compensation Commission Hearing with Commissioner J. Alan Bass on April 10, 2007. On June 17, 2009, the Claimant restarted his evaluation and treatment with the Southeastern Spine Institute for his Lumbar Spine injury, Thoracic Spine injury and Cervical Spine injury. On July 11, 2009 the Claimant had a Lumbar Spine **MRI** to address and determine the Claimant's **severe Lumbar Spine pain**. The Claimant's Lumbar Spine **MRI** was ordered by Thomas Roush, MD of Southeastern Spine Institute. The Lumbar Spine **MRI scan** revealed that the L5-S1 disc was completely collapsed and as a result the Claimant's Lumbar Spine was bone on bone at the L5-S1 levels. This was only four (4) months after the Claimant's March 2, 2009 office visit with Dr. Stovall and when Dr. Stovall omitted the Claimant's complaint of **severe ongoing and continuing Lumbar Spine pain** along with ongoing and continuing Thoracic Spine pain and Left Shoulder pain. The Claimant's Lumbar Spine **MRI scan** on July 11, 2009 explained the **severe ongoing and continuing Lumbar Spine pain**. It is the Claimant's **strong opinion** that the omitting of the Claimant's complaint of **severe ongoing and continuing Lumbar Spine pain** along with ongoing and continuing Thoracic Spine pain and Left Shoulder pain was done on purpose with an attempt to place the Claimant at **MMI (Maximum Medical Improvement)** although the Claimant had remaining issues with his Lumbar Spine, Thoracic Spine (mid to upper Back), Right Shoulder and Left Shoulder. Furthermore as a result of the neglect and or at least mismanagement of the Claimant's **orthopaedic injuries** which includes the Claimant's Lumbar Spine, Thoracic Spine (mid to upper Back), Right Shoulder and Left Shoulder, the Claimant finally underwent an expedited L5-S1 fusion surgery by Donald R. Johnson, II, MD of the Southeastern Spine Institute on April 2010. The Claimant also finally underwent three (3) Right Shoulder surgeries and one (1) recent Left Shoulder surgery. Due to the Claimant's neglect and or at least mismanagement of

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2.) **Bilateral Lower Extremity EMG/nerve conduction study**

the Claimant's Back, the Claimant began to develop a worsening of **Bladder function** initially noted on or about September 2007. This would be supported by the medical reports, medical documents and all supporting documents to be introduced as evidence. Due to the fact that the Claimant has undergone **Lumbar Spine surgery** and is still experiencing Lumbar Spine pain, Thoracic Spine pain and ongoing and continuing bilateral leg symptoms, the **Authorized Treating Physician** of the Southeastern Spine Institute recommended and requested the **Bilateral Lower Extremity EMG/nerve conduction study**. This is the **Authorized Treating Physician** the Claimant was ordered to have his evaluation and treatment with. This **DECISION AND ORDER** was issued by the Honorable David W. Huffstetler from the South Carolina Workers' Compensation Commission Hearing held on March 10, 2009.

3.) **Left Shoulder Evaluation and Treatment Expenses Reimbursement**

The Claimant had a South Carolina Workers' Compensation Commission Hearing on April 10, 2007 with Commissioner J. Alan Bass. As it would relate to the Claimant's **Left Shoulder injury**, Commissioner Bass ordered the Defendants to provide an updated Cervical Spine MRI to address and determine the Claimant's Left Shoulder pain. If the updated Cervical Spine MRI did not reveal any significant changes from the previous Cervical Spine MRI, then the Defendants were ordered to provide the Claimant with a Left Shoulder MRI. Commissioner Bass stated that the record would be held open for thirty (30) days for the Defendants to provide the Claimant both the updated Cervical Spine MRI and Left Shoulder MRI. The Defendants provided the Claimant an updated Cervical Spine MRI before the thirty (30) days but the Defendants would only authorize the Left Shoulder MRI after the thirty (30) days that Commissioner Bass stated the record would be held open. It is the Claimant's **strong opinion** that the Defendants intentionally delayed the authorizing of the Claimant's Left Shoulder MRI to prevent the Left Shoulder injury being made a part of the Claimant's South Carolina Workers' Compensation Commission claim. The Claimant finally began to seek the evaluation and treatment for his Left Shoulder injury on his own as the Claimant's Left Shoulder injury had begun to worsen.

4.) **The Claimant's MOTION dated February 27, 2012**

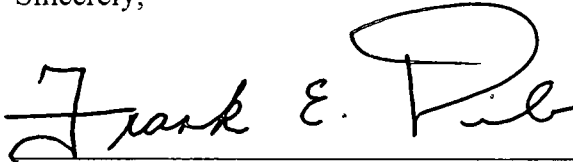
The Claimant is respectfully requesting that this issue be addressed and determined at this

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STATE OF SOUTH CAROLINA Court of Appeals.

- 5.) The Claimant is respectfully requesting reimbursement for expenses as it would relate to the single Commissioner (Avery B. Wilkerson, Jr.) April 18, 2012 South Carolina Workers' Compensation Commission Hearing and the COMMISSION REVIEW panel Hearing on September 18, 2012. These expenses reimbursement request is for ,but not limited to, the Claimant's filing fees, photocopying fees, mailing and postage fees, the Claimant's transportation to and from the Hearings as it relates to this STATE OF SOUTH CAROLINA Court of Appeals process and the previous South Carolina Workers' Compensation Commission two (2) Hearings on April 18, 2012 and September 18, 2012.

Sincerely,



DATE: September 16, 2014

Frank E. Wilson (Appellant)  
8755 Jessica Court  
North Charleston, SC 29406  
(843) 327-9616

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**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
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(September 17, 2014)

Frank Wilson, Appellant,

v.

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Carrier, Respondents.

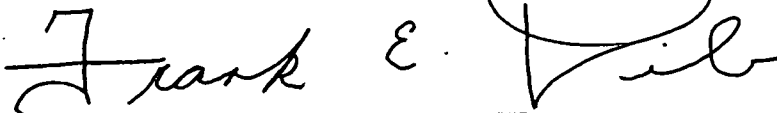
Erin Hantske  
McAngus, Goudelock and Courie  
P. O. Box 650007  
Mount Pleasant, SC 29465  
(843) 576-2900  
Attorney for Respondents

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SC Court of Appeals

I hereby certify that on September 17, 2014 I filed a copy of the following documents with THE STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER IN THE COURT OF COMMON PLEAS:

- 1.) THE STATE OF SOUTH CAROLINA Court of Appeals Case Number 2013CP1801299 NOTICE OF APPEAL dated September 16, 2014- PAGES: 1 thru 6
- 2.) STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER IN THE COURT OF COMMON PLEAS Circuit Court Judge Maite Murphy- Judgment (ORDER) dated August 19, 2014- PAGES: 1 thru 25
- 3.) STATE OF SOUTH CAROLINA COUNTY OF DORCHESTER IN THE COURT OF COMMON PLEAS FORM 4 dated August 19, 2014- PAGES: 1 thru 2
- 4.) PROOF OF SERVICE OF A NOTICE OF APPEAL document dated September 17, 2014

by depositing a copy of it addressed to CHERYL GRAHAM CLERK OF COURT DORCHESTER COUNTY 5200 East Jim Bilton Blvd. St. George, SC 29477



Frank E. Wilson  
8755 Jessica Court  
North Charleston, SC 29406  
(843) 327-9616

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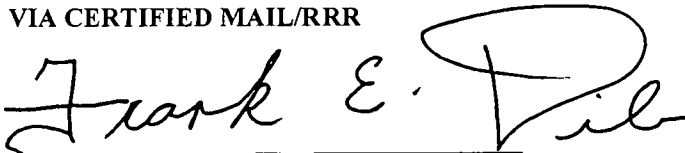
Erin Hantske  
McAngus, Goudelock and Courie  
P. O. Box 650007  
Mount Pleasant, SC 29465  
(843) 576-2900  
Attorney for Respondents

I hereby certify that I have served the Respondents a copy of the following documents:

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by depositing a copy of it in the United States Mail, postage prepaid, on September 17, 2014, addressed to Helen F. Hiser of McAngus, Goudelock and Courie P. O. Box 650007, Mount Pleasant, SC 29465

VIA CERTIFIED MAIL/RRR



Frank E. Wilson  
8755 Jessica Court  
North Charleston, SC 29406  
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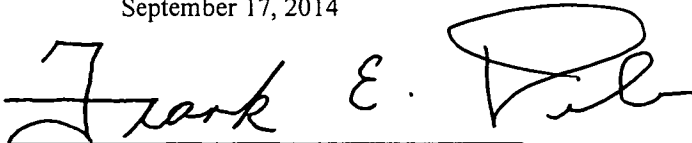
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Erin Hantske  
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P. O. Box 650007  
Mount Pleasant, SC 29465  
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Attorney for Respondents

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- 4.) THE STATE OF SOUTH CAROLINA COURT OF APPEALS filing fee in the amount of \$100.00 with check number 2462
- 5.) PROOF OF SERVICE OF A NOTICE OF APPEAL document dated September 17, 2014

by depositing a copy of it addressed to 1205 Pendleton Street, Columbia, SC 29201 on  
September 17, 2014



Frank E. Wilson  
8755 Jessica Court  
North Charleston, SC 29406  
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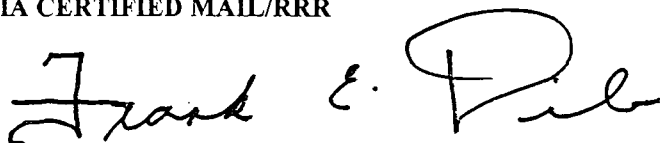
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by depositing a copy of it in the United States Mail, postage prepaid, on September 17, 2014, addressed to Erin Hantske of McAngus, Goudelock and Courie P. O. Box 650007, Mount Pleasant, SC 29465

VIA CERTIFIED MAIL/RRR



Frank E. Wilson  
8755 Jessica Court  
North Charleston, SC 29406  
(843) 327-9616

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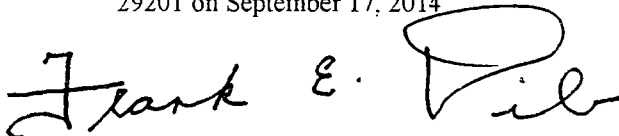
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Carrier, Respondents.

Erin Hantske  
McAngus, Goudelock and Courie  
P. O. Box 650007  
Mount Pleasant, SC 29465  
(843) 576-2900  
Attorney for Respondents

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Frank E. Wilson  
8755 Jessica Court  
North Charleston, SC 29406  
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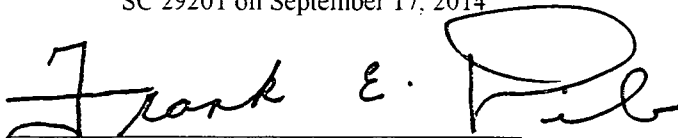
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Mount Pleasant, SC 29465  
(843) 576-2900  
Attorney for Respondents

I hereby certify that on September 17, 2014 I filed a copy of the following documents with the South Carolina Workers' Compensation Commission:

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Frank E. Wilson  
8755 Jessica Court  
North Charleston, SC 29406  
(843) 327-9616

FRANK E. WILSON  
8755 JESSICA COURT  
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ERIN HANTSKE-McANGUS GONDELOCK  
AND COURIE**  
Street, Apt. No.,  
or PO Box No. **P.O. BOX 650007**  
City, State, ZIP+4 **MOUNT PLEASANT, SC 29465**

**FRANK E. WILSON**  
8755 JESSICA COURT  
NORTH CHARLESTON, SC 29406

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003 500213 (022)		TO \$	9.60
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Reg Unit Price	\$	4.80	
		SubTotal	\$ 29.60
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		Cash	\$ 40.00
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Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
Photo/Doc Mailer 9.75x12.25 Chipboard	1	\$1.59	\$1.59
Photo/Doc Mailer 9.75x12.25 Chipboard	1	\$1.59	\$1.59
SAINT GEORGE SC 29477-8020 Zone-1 First-Class Mail Large Env 9.60 oz. Expected Delivery: Fri 09/19/14 Return Rcpt (Green Card)			\$2.87
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MOUNT PLEASANT SC 29465-6507 Zone-1 First-Class Mail Large Env 9.10 oz. Expected Delivery: Fri 09/19/14 Return Rcpt (Green Card)			\$2.87
@@ Certified USPS Certified Mail #: 70140150000223800803			\$2.70
Issue Postage:			\$3.30
			=====
			\$8.87
<b>Total:</b>			<b>\$20.92</b>
<b>Paid by:</b>			
Cash			\$20.95
Change Due:			-\$0.03

@@ For tracking or inquiries go to  
 USPS.com or call 1-800-222-1811.  
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