

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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OCT 07 2014
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2013-000887

Gertrude Shiver, Claimant,Appellant,

v.

Palmetto Health Richland, Employer, Key Risk Management Services, Inc., TPA, Palmetto Hospital Trust Services, Carrier, Trident Regional Medical Center, Employer, and Zurich American Insurance Company, Carrier, Respondents.

RESPONDENTS' AMENDED DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Respondents Palmetto Health Richland, Key Risk Management Services, Inc., Palmetto Hospital Trust Services, Trident Regional Medical Center, and Zurich American Insurance Company propose the following to be included in the record on appeal:

1. June 20, 2014 Motion Order of Commissioner Roche (WCC Claim No. 0217755);
2. March 26, 2013 Order of the Circuit Court (WCC Claim No. 9503744) (WCC Claim No. 0126962) (WCC Claim No. 0217755) (WCC Claim No. 0227098) (WCC Claim No. 0321756) (WCC Claim No. 0616756);
3. May 3, 2011 Order of the Full Commission (WCC Claim No. 9503744) (WCC Claim No. 0126962) (WCC Claim No. 0217755) (WCC Claim No. 0227098) (WCC Claim No. 0321756) (WCC Claim No. 0322274) (WCC Claim No. 0616756);
4. July 9, 2010 Order of the Circuit Court;

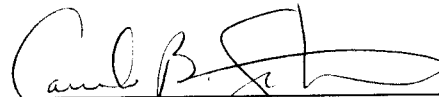
5. December 6, 2007 Decision and Order of the Full Commission;
6. October 23, 2007 Order of the single commissioner (WCC Claim No. 9503744) (WCC Claim No. 0126962) (WCC Claim No. 0217755) (WCC Claim No. 0227098) (WCC Claim No. 0321756) (WCC Claim No. 0616756);
7. August 24, 1995 Consent Order (WCC Claim No. 9503744);
8. April 3, 2014 Reply to Claimant's Motion for Sanctions and/or Motion to Dismiss for Lack of Subject Matter Jurisdiction (WCC Claim No. 0217755);
9. April 2, 2014 Motion for Sanctions for Non-Compliance with Payment of Statutory Benefits (WCC Claim No. 0217755);
10. November 5, 2007 letter from Claimant re: new evidence motion, with attached motion;
11. August 24, 2007 Form 51, Employer's Answer (WCC Claim No. 9503744);
12. August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0126962);
13. August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0217755);
14. August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0227098);
15. August 8, 2007 Form 51, Employer's Answer (WCC Claim No. 0322274);
16. July 23, 2007 Form 50, Request for Hearing (WCC Claim No. 9503744);
17. November 13, 2006 Form 51, Employer's Answer (WCC Claim No. 0616756);
18. October 19, 2006 Form 50, Request for Hearing (WCC Claim No. 0217755);
19. October 18, 2006 Form 50, Request for Hearing (WCC Claim No. 0126962);
20. October 9, 2006 Form 50, Request for Hearing (WCC Claim No. 0227098);
21. October 7, 2006 Form 50, Request for Hearing (WCC Claim No. 0322274);
22. October 7, 2006 Form 50, Request for Hearing (WCC Claim No. 0616756);
23. March 10, 2006 Form 51, Employer's Answer (WCC Claim No. 0321756);
24. October 18, 2005 Form 50, Request for Hearing (WCC Claim No. 0321756);

25. November 1, 2012 hearing transcript;
26. September 4, 2007 hearing transcript (WCC Claim No. 9503744);
27. Respondents Palmetto Health Richland and Key Risk Management Services, Inc.'s APA pp. 1-109; 1-161 (WCC Claim No. 0321756); pp. 1-21 (WCC Claim No. 0616756);
28. Respondents Palmetto Health Richland and Palmetto Hospital Trust Services' APA pp. 1-30 (WCC Claim No. 0126962); pp. 1-17 (WCC Claim No. 0217755); pp. 1-8 (WCC Claim No. 0227098); pp. 1-17 (WCC Claim No. 0322274); and
29. Respondents Trident Regional Medical Center and Zurich American Insurance Company's APA pp. 9-38, 106 (WCC Claim No. 9503744).

Counsel for Respondents certify that this Designation contains no matter that is irrelevant to this appeal.

October 7, 2014

By:



Michael E. Chase (Bar No. 15230)
Carmelo B. Sammataro (Bar No. 69746)
Turner, Padgett, Graham & Laney, P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR RESPONDENTS
PALMETTO HEALTH RICHLAND AND
KEY RISK MANAGEMENT SERVICES,
INC.

(Signature page continued.)

October 7, 2014

By: Andrew W. Fajardo / with express
Lana H. Sims, Jr. (Bar No. 5125) permission
Andrew W. Fajardo (Bar No. 80158) CBS
Adams and Reese LLP
1501 Main Street, 5th Floor
Columbia, SC 29201
Phone: (803) 254-4190

ATTORNEYS FOR RESPONDENTS
PALMETTO HEALTH RICHLAND AND
PALMETTO HOSPITAL TRUST
SERVICES

October 7, 2014

By: Allison M. Carter / with express
Allison M. Carter (Bar No. 12967) permission
Wilson Jones Carter & Baxley, P.A. CBS
421 Wando Park Blvd., Ste. 100
Mt. Pleasant, SC 29464
Phone: (843) 284-1083

ATTORNEYS FOR RESPONDENT
TRIDENT REGIONAL MEDICAL CENTER
AND ZURICH AMERICAN INSURANCE
COMPANY

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PROOF OF SERVICE

I certify this 7th day of October 2014 that I have served copies of RESPONDENTS' AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL by mailing same, postage prepaid in the United States mail, addressed to the following:


Ms. Gertrude Shiver
1026 Congaree Church Road
Gadsden, SC 29052
APPELLANT, PRO SE

Allison M. Carter, Esquire
Wilson Jones Carter & Baxley, P.A.
421 Wando Park Blvd., Ste. 100
Mt. Pleasant, SC 29464
**ATTORNEYS FOR RESPONDENTS
TRIDENT REGIONAL MEDICAL
CENTER AND ZURICH AMERICAN
INSURANCE COMPANY**

Lana H. Sims, Jr., Esquire
Andrew W. Fajardo, Esquire
Adams and Reese LLP
P. O. Box 2285
Columbia, SC 29202

**ATTORNEYS FOR RESPONDENTS
PALMETTO HEALTH RICHLAND
AND PALMETTO HOSPITAL TRUST
SERVICES**

October 7, 2014

By: 
Michael E. Chase (Bar No. 15230)
Carmelo B. Sammataro (Bar No. 69746)
TURNER PADGET GRAHAM & LANEY P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR RESPONDENTS
PALMETTO HEALTH RICHLAND AND KEY
RISK MANAGEMENT SERVICES, INC.

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Carmelo B. Sammataro

E-mail: SSammataro@TurnerPadget.com

Writer's Direct Dial: (803) 227-4253

Writer's Direct Fax: (803) 400-1532

October 7, 2014

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VIA HAND DELIVERY

SC Court of Appeals

The Honorable Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: Gertrude Shiver v. Palmetto Health Richland, Key Risk Management Services, Inc., Palmetto Hospital Trust Services, Trident Regional Medical Center and Zurich American Insurance Company
Appellate Tracking No.: 2013-000887
File No.: 1329.238

Dear Ms. Kitchings:

Enclosed please find the following:

1. Two copies of my correspondence of even date to Appellant forwarding copies of certain designated documents as per the Court's Order entered October 1, 2014;
2. Original and one copy of the Proof of Service regarding documents produced to Appellant;
3. Original and one copy of Respondents' Amended Designation of Matter To Be Included In The Record On Appeal; and
4. Original and one copy of Respondents' Proof of Service regarding the Amended Designation of Matter.

Please file the original documents and return a clocked copy of each to me via our office courier. Thank you for your assistance with this matter, and please contact me if you have any questions.

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Bank of America Plaza • 17th Floor • 1901 Main Street (29201) • PO Box 1473 • Columbia, SC 29202
Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com

October 7, 2014
Page 2

With kind regards, I am

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.

A handwritten signature in black ink, appearing to read "Carmelo B. Sammataro". The signature is stylized with a large, sweeping flourish at the end.

Carmelo B. Sammataro

CBS/tj

Enclosures

cc: Ms. Gertrude Shiver
Lana H. Sims, Jr., Esquire
Andrew W. Fajardo, Esquire
Allison M. Carter, Esquire
(w/enc.)

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
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MYRTLE BEACH

Carmelo B. Sammataro

E-mail: SSammataro@TurnerPadget.com

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SC Court of Appeals

Ms. Gertrude Shiver
Appellant, *Pro Se*
1026 Congaree Church Road
Gadsden, SC 29052

Re: Gertrude Shiver v. Palmetto Health Richland, Key Risk Management Services, Inc., Palmetto Hospital Trust Services, Trident Regional Medical Center and Zurich American Insurance Company
Appellate Tracking No.: 2013-000887
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Dear Ms. Shiver:

Pursuant to the Court's Order of October 1, 2014, I have enclosed copies of certain documents identified in Respondents' Designation of Matter that was filed with the Court on June 27, 2014. In the process of compiling documents you requested, we noted some clerical errors in our original Designation of Matter that have been corrected via Respondents' Amended Designation of Matter that we have served on you today via separate cover. In an effort to minimize any confusion, we have explained the changes below. The Item Numbers referenced in the left margin refer to the Item Numbers in the original Designation of Matter and correspond to the documents the South Carolina Court of Appeals has ordered us to produce.

<u>Item No.</u>	<u>Document Identified</u>
4	July 9, 2010 Order of the Full Commission (<i>The name of this document has been corrected in Respondents' Amended Designation of Matter to "July 9, 2010 Order of the Circuit Court," and a copy of the order is enclosed.</i>);
6	December 6, 2007 Decision and Order of the Full Commission;
11	November 5, 2007 letter from Claimant re: new evidence motion, with attached motion;

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Page 2

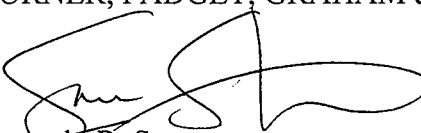
- 26 March 26, 2013 hearing transcript (*The correct identification of this document should read "March 26, 2013 Order of the Circuit Court," which is listed as No. 2 in Respondents' Designation of Matter. The duplicate entry has been deleted in Respondents' Amended Designation of Matter, and a copy of the order is enclosed.*);
- 29 November 5, 2007 letter from Claimant/Appellant (*This was a duplicate entry of the document identified as No. 11 above, a copy of which is enclosed. The duplicate entry has been deleted in Respondents' Amended Designation of Matter.*);
- 30 Respondents Palmetto Health Richland and Key Risk Management Services, Inc.'s APA pp. 1-109; 1-105 (WCC Claim No. 0321756); pp. 1-109; 1-161 (WCC Claim No. 0616756) (*The APA page numbers have been corrected in Respondents' Amended Designation of Matter, and copies of the documents are enclosed.*);
- 31 Respondents Palmetto Health Richland and Palmetto Hospital Trust Services' APA pp. 1-30 (WCC Claim No. 0126962); pp. 1-18 (WCC Claim No. 0217755); pp. 1-8 (WCC Claim No. 0227098); pp. 1-18 (WCC Claim No. 0322274) (*The APA page numbers have been corrected in Respondents' Amended Designation of Matter, and copies of the documents are enclosed.*); and
- 32 Respondents Trident Regional Medical Center and Zurich American Insurance Company's APA pp. 9-38, 106 (WCC Claim No. 9503744).

For your ease of reference, I also have enclosed a copy of Rule 210 of the South Carolina Appellate Court Rules, which addresses the content and formatting requirements for the record on appeal. Should you require additional assistance in this regard, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Carmelo B. Sammataro

TURNER PADGET

October 7, 2014

Page 3

CBS/tj

Enclosures

cc: The Honorable Jenny Abbott Kitchings, Clerk
Lana H. Sims, Jr., Esquire
Andrew W. Fajardo, Esquire
Allison M. Carter, Esquire
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Insurance Company, Carrier, Respondents.

PROOF OF SERVICE

I certify this 7th day of October 2014 that, pursuant to the Court's Order of October 1, 2014, I have served copies of the documents identified in Respondents' Designation Of Matter To Be Included In The Record On Appeal as Item Numbers 4, 6, 11, 26, 29, 30, 31, and 32, postage prepaid in the United States mail, addressed to the following:

Ms. Gertrude Shiver
1026 Congaree Church Road
Gadsden, SC 29052
(cover letter and documents)
APPELLANT, PRO SE

Allison M. Carter, Esquire
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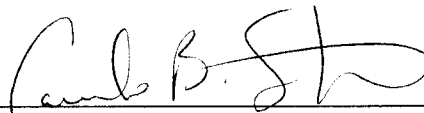
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