

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

**RECEIVED**

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APPEAL FROM LAURENS COUNTY

OCT 21 2014

Eugene C. Griffith, Jr., Circuit Court Judge  
Trial Court Case No.: 2013-CP-30-506

**SC Court of Appeals**

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Appellate Case No.: 2014-001459

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American Home Assurance Company, (Carrier).....Appellant

v.

South Carolina Second Injury Fund.....Respondent

(In Re: Ben Johnson (Employee/Claimant) v. American Services, Inc. (Employer))

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**DESIGNATION OF MATTER TO BE  
INCLUDED IN THE RECORD ON APPEAL**

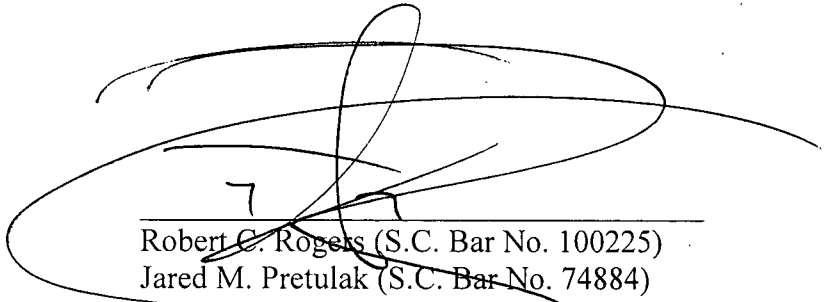
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Appellant proposes that the following be included in the Record on Appeal:

1. Form 19 / Status Report and Compensation Receipt, dated March 16, 2009; [underlying SCWCC claim];
2. Order of South Carolina Workers' Compensation Commission, dated March 25, 2009 [underlying SCWCC claim];
3. Medical records of Vincent S. Toussaint, M.D., dated January 3, 2000 through August 3, 2009;

4. Medical records of The Family Healthcare Center, P.A., dated November 17, 2005 through January 4, 2006;
5. Medical records of Physicians Health and Rehab, dated December 27, 2005 through May 18, 2006;
6. Medical records of Carolina Neurosurgery and Spine Center, dated January 30, 2006 through July 17, 2007;
7. Medical records of Self Regional Healthcare (radiology), dated February 27, 2006 through July 9, 2007;
8. Medical records of Self Regional Healthcare, dated August 3, 2007;
9. Medical records of Self Regional Healthcare (pain clinic), dated February 27, 2006 through March 10, 2008;
10. Medical records of Carolina Center for Advanced Management of Pain, dated June 27, 2007;
11. Medical records of Oaktree Medical Centre, P.C., dated April 15, 2008;
12. Employee Health Questionnaire, dated August 19, 2005;
13. Medical Certificate of Sumeer Lal, M.D., dated June 7, 2011;
14. Medical Certificate of C. David Tollison, Ph.D., dated June 9, 2011;
15. Medical Certificate of David S. Rogers, M.D., dated June 17, 2011;
16. Transcript of Hearing before South Carolina Workers' Compensation Commission, dated August 24, 2011;
17. Decision and Order of South Carolina Workers' Compensation Commission, dated October 12, 2011 ("Hearing Commissioner Order");
18. Form 30 / Request for Commission Review, dated October 26, 2011;
19. Decision and Order of Appellate Panel of South Carolina Workers' Compensation Commission, dated May 22, 2012 ("Appellate Panel Order");
20. Notice of Appeal to Laurens County Circuit Court (1<sup>st</sup> Appeal), dated June 21, 2012;
21. Transcript of Motion Hearing before Laurens County Circuit Court (1<sup>st</sup> Appeal), dated February 21, 2013;

22. Form 4 Judgment: Order Remanding to Appellate Panel of South Carolina Workers' Compensation Commission, dated February 21, 2013;
23. Decision and Order of Appellate Panel of South Carolina Workers' Compensation Commission (On Remand), dated June 14, 2013 ("Commission Remand Order");
24. Notice of Appeal to Laurens County Circuit Court (2<sup>nd</sup> Appeal), dated July 2, 2013;
25. Transcript of Motion Hearing before Laurens County Circuit Court (2<sup>nd</sup> Appeal), dated January 23, 2014;
26. Order of Laurens County Circuit Court, dated June 4, 2014;
27. South Carolina Code § 42-9-400 (2003) (applicable to work injuries occurring prior to July 1, 2007);
28. South Carolina Second Injury Fund, A Step-by-Step Approach for Handling Second Injury Fund Claims, section I (July 2002) (excerpt).



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Robert C. Rogers (S.C. Bar No. 100225)  
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[jpretulak@gwblawfirm.com](mailto:jpretulak@gwblawfirm.com)

Attorneys for Appellant.

Date: October 17, 2014  
Greenville, South Carolina

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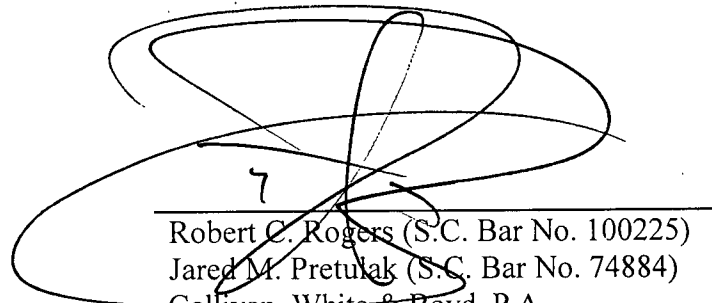
**CERTIFICATE OF SERVICE**

I do hereby certify that on the 17<sup>th</sup> day of October, 2014, I served a copy of the **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** upon the Clerk of Court for the South Carolina Court of Appeals, the attorney for the Respondent, and others as specified below, by placing a copy of the same in the United States Mail, with due and proper postage affixed thereto, to the following:

Latonya D. Edwards, Esq.  
Dilligard Edwards, LLC  
3790 Fernandina Road, Ste. 103  
Columbia, SC 29210

The Honorable Lynn Lancaster  
Laurens County Clerk of Court  
P.O. Box 287  
Laurens, SC 29360

Ms. Amy Bracy  
Judicial Director  
S. C. Workers' Compensation Commission  
P O Box 1715  
Columbia, SC 29202



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Attorneys for Appellant

October 17, 2014

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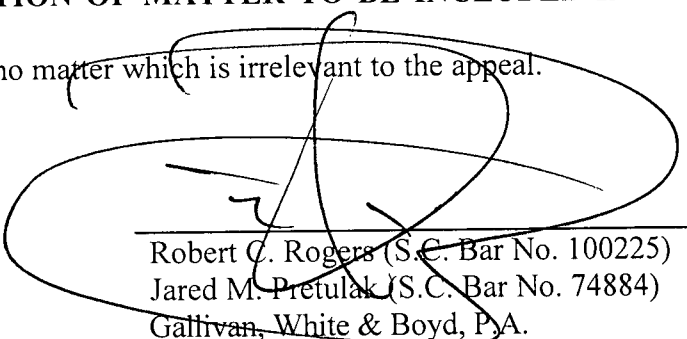
v.

South Carolina Second Injury Fund,.....Respondent.

(IN RE: Ben Johnson (Employee/Claimant) v. American Services, Inc. (Employer) )

**CERTIFICATE OF RELEVANCE**

As attorney of record for the Appellant, pursuant to SCACR 209 (c), I do hereby certify that the **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** contains no matter which is irrelevant to the appeal.



Robert C. Rogers (S.C. Bar No. 100225)  
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Attorneys for Appellant

October 17, 2014

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**Gallivan, White & Boyd, P.A.**  
ATTORNEYS AT LAW

October 17, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29111

**Re: American Home Assurance Company v. South Carolina Second Injury Fund**  
[ IN RE: Ben Johnson v. American Services, Inc.)  
Appellate Case No. 2014-001459

Dear Ms. Kitchings:

Enclosed for filing are an original and two (2) copies of both the Appellant's Initial Brief and the Designation of Matter To Be Included In The Record on Appeal for the above-referenced matter. Also enclosed for filing are the original and two (2) copies each of the Certificates of Service for the Brief and Designation of Matter, an original and two (2) copies of the Certificate of Relevance for the Designation of Matter, and a check for \$25.00 to cover the filing fee. We request that the Court file the originals and clock and return the copies of each document using the enclosed self-addressed envelope.

By copy of this letter and the enclosures, all parties are served with the Appellant's Initial Brief and the Designation of Matter To Be Included In The Record on Appeal.

With kind regards,

Yours very truly,

GALLIVAN, WHITE & BOYD, P.A.

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Jared M. Pretulak  
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RCR/JMP/khp  
Enclosures

cc: The Honorable Lynn Lancaster, Clerk of Court, Laurens County  
Latonya D. Edwards, Esq.  
Amy Bracy, Judicial Director, S. C. Workers' Compensation Commission

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10/17/2014

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TO: \_\_\_\_\_

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S. C. Court of Appeals  
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