

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM LEXINGTON COUNTY  
COURT OF COMMON PLEAS

Thomas A. Russo, Circuit Court Judge

Circuit Case No. 2013-CP-32-01272

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Appellate Case No. 2013-002491

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Alexander Guice,.....Appellant,

V.

US Foodservice, Inc., and Ace American Insurance  
Company c/o Gallagher Bassett Service, Inc.,.....Respondents.

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PETITION FOR REHEARING

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COME NOW, Alexander Guice, the named Appellant in the above style caption, who proclaims pleadings in this matter are being filed by Appellant in *propia persona*, wherein the pleadings are to be considered without regard to technicalities. See *Haines v. Kerner*, 92 Sct 594, also See *Power*, 914 F2d 1459 (11<sup>th</sup> Cir 1990). Pursuant to Rule 221, SCACR, Appellant presents this Petition for Rehearing seeking the Court to reconsider the decision to deny the Appellant's Motion for Costs with regards to the Court Order dated November 25, 2014 (Att. "D"), and issued by the

Honorable John C. Few, Chief Justice ("Judge Few"), which was received via regular mail by Appellant on November 29, 2014. In support of this Petition, Appellant would further state as follows:

ARGUMENT

I. The Court Order failed to provide a reason or provide a citation of authority in support of denying the Motion for Costs.

Rule 220(b), SCACR, **OPINIONS**, states in pertinent part,

*In every decision rendered by an appellate court, every point distinctly stated in the case which is necessary to the decision of the appeal and fairly arising upon the record of the court must be stated in writing and must, with the reason for the court's decision, be preserved in the record of the case...*

A review of the Court Order denying the Appellant's Motion for Costs confirms that Judge Few erred, by; (1) failing to state the distinct points as contained in the 'Motion for Costs' relied upon by Appellant in the Court Order, and (2) failing to state the reason(s) relied upon in support of denying the Motion. The stated error(s) of law by Judge Few, on behalf of Court, has served to prejudice the substantial rights afforded to the Appellant, and reflects a departure from the essential requirements of law, pursuant to Rule 220, SCACR.

II. The Court overlooked or misapprehended relevant points submitted by the Appellant as contained in the Motion

**for Cost.**

Based on the fact Judge Few erred with respect to failing to state in writing the distinct points relied upon by the Appellant in the November 25, 2014 Court Order, Appellant asserts Judge Few overlooked or misapprehended the relevant points submitted by the Appellant as contained in the Motion for Costs. Among other stated points, and in particular, as stated in argument "II" of the "Reply to Return to Motion for Costs", on remand, the Appellant prevailed in instant appeal, pursuant to the September 25, 2014 Circuit Court Order issued by the Honorable Brian M. Gibbons ("Judge Gibbons") (*See* Reply to Return to Motion for Costs", Att. "A", previously submitted).

The aforementioned September 25, 2014 Circuit Court Order effectively set aside all previous decisions rendered in the instant appeal, which included the March 27, 2013 decision rendered by Gary M. Cannon, Executive Director of the Workers' Compensation Commission, which led to Circuit Case No. 2013-CP-32-01272 and gave rise to the instant appeal.

Furthermore, with respect to Case No. 2013-CP-32-01272, it should be noted that although reassigned Circuit Judge, namely, The Honorable William P. Keesley ("Judge Keesley"), issued five (5) *sua sponte* Administrative Orders

on October 23, 2014 (Att. "E"), effectively reversing the aforementioned September 25, 2014 Court Order issued by former presiding Circuit Judge, namely, Judge Gibbons, that all *sua sponte* administrative orders issued by Judge Keesley; (1) were in violation of Rule 59(d), SCRCP, and (2) were issued in abuse of the discretionary powers afforded to Judge Keesley as the successor presiding Circuit Judge within the same Court (Att. "F").

By operation of law, Judge Keesley must immediately set aside all *sua sponte* administrative orders issued on October 23, 2014 regarding Case No. 2013-CP-32-01272, with prejudice, as the administrative orders were untimely, and for additional reasons, must be deemed a nullity<sup>1</sup>.

**III. The Court Order denying the Motion for Costs has the effect of finally deciding the Appellant's appeal.**

Appellant asserts although the Court remanded this matter back to the Circuit Court, and although the Appellant prevailed in the instant appeal on remand, the Appellant shall not be able to recover the costs associated with filing the instant appeal, which were incurred by the

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<sup>1</sup> It strains credulity to believe Judge Keesley, who has continuously served on the bench as a Circuit Judge since on or around August 13, 1991, was not duly informed, aware and fully advised of the premises that his actions, with respect to the issuance of the 5 *sua sponte* administrative orders dated October 23, 2014, were highly improper and unlawful in nature.

Appellant through no fault of his own, based on the final effect of the November 25, 2014 Court Order issued by Judge Few.

Furthermore, with respect to the Appellant's reasonable request to be reimbursed the cost incurred associated with the instant appeal, "Litigants should lose cases when the facts or the rules of substantive law are against them" (E. Warrant Moise, *Credibility and Character Evidence: History, Policy and Procedure* (2003), citing James F. Dresher, *A Guide to S.C. Evidence* 93 (1967)).

On remand, the Respondents did not prevail in the instant appeal. As such, the Appellant should be reimbursed the costs incurred regarding the instant appeal, plus interests, as said costs were incurred by Appellant through no fault of his own.


#### CONCLUSION

Accordingly, for all the reasons stated above, the Appellant respectfully submits that the Court should grant this Petition for Rehearing, by; (1) setting aside the November 25, 2014 Order, and (2) issuing a new Order granting the previous Motion for Costs, because the November 25, 2014 Court Order prejudiced the substantial rights afforded to the Appellant, and the Appellant should be fairly reimbursed for his costs associated with the instant appeal which were incurred by the

Appellant through no fault of his own.

Respectfully submitted,

Alexander Guice

By:   
\_\_\_\_\_

Alexander Guice  
Post Office Box 13281  
Tampa, Florida 33681  
(813) 562-0547  
alguice@hotmail.com

December 1, 2014  
Tampa, Florida

Appellant, Pro Se

**ATTACHMENT**

**"D"**

# The South Carolina Court of Appeals

Alexander Guice, Appellant,

v.

US Food Service, Inc., and ACE American Insurance  
Company c/o Gallagher Bassett Services, Inc.,  
Respondents.

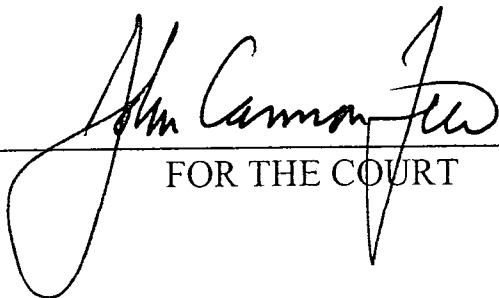
Appellate Case No. 2013-002491

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## ORDER

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Appellant's motion for costs is denied.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina

cc: Alexander Guice  
Erin Leigh Hantske, Esquire  
Beth Carrigg

**FILED**  
11/25/14

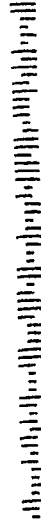


South Carolina Court of Appeals  
JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

COMMUNICATIONS SECTION  
ESSEX HOUSE  
25 NEW BRIDGE STREET  
LONDON EC4A 3DF

ALEXANDER GUICE  
P. O. BOX 13281  
TAMPA FL 33681

33681328181



**ATTACHMENT**

**“E”**

ORIGINAL

STATE OF SOUTH CAROLINA )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS  
OF THE ELEVENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2013-CP-32-01272  
2014-CP-32-00399

ALEXANDER GUICE, )  
Employee, )  
Appellant, )  
v. )  
US FOODSERVICE, INC., )  
Employer, )  
and )  
ACE AMERICAN INSURANCE )  
COMPANY, c/o GALLAGHER )  
BASSETT SERVICES, INC., )  
Carrier, )  
Respondents. )

ADMINISTRATIVE ORDER

FILED  
CLERK OF COURT  
LEXINGTON SC

2014 OCT 23 PM 4:56

FILED

WR  
#1

There are two files pending in this court. This matter is before me as Chief Judge for Administrative Purposes for Common Pleas in the Eleventh Judicial Circuit. After reviewing the files, the court issues this administrative order.

1) The two files seem to relate to the same subject. Since they contain common issues of law and fact, the cases will be consolidated under Rule 42(a), SCRCF, and the appellant and respondent are hereby notified that any objection to the consolidation must be filed immediately.

2) The extensive number of filings and issues raised justify classifying these cases as complex and assigning them to one judge. A separate order will be entered

assigning these cases to the undersigned judge.

3) This is an appeal from the Workers Compensation Commission. Under Rule 75, SCRCP, the files from the Commission are to be provided to the circuit court. Arrangements are to be made to obtain the Commission's file.

4) Under § 42-3-230, S.C. Code Ann., there is a provision for the destruction of the Commission's files after a period of time. While the court is unaware of any destruction, the Commission will be directed to preserve the files related to this case, until this appeal is ended.

5) There are allegations of irregularities in procedure by the Commission and its Executive Director. S.C. Code Ann. § 1-23-380(4) provides for a remand to the Commission, if there are matters outside the record. The appellant and respondent are to be prepared to brief this issue and the necessity of a remand, should the alleged procedural improprieties be outside the record. The court is aware of Mr. Guice's interpretation of the rulings from the South Carolina Court of Appeals and The Honorable Thomas A. Russo.

6) There is a dispute as to the interpretation to be given to orders issued by The Honorable Brian M. Gibbons. Both the appellant and the respondent have filed motions for reconsideration of the order(s). It is the undersigned judge's understanding that Judge Gibbons has recused

himself from this matter. If he is recused, he may take the position that he is precluded from further involvement in this case. Judge Gibbons will be contacted by the court in writing, with copies to the appellant and the respondent, to ask his position on whether or not he is able to entertain the motions for reconsideration, in light of his recusal. If he is not available to decide the pending motions, the court will invoke the procedures required under Rule 63, SCRCPP, and the directives established in the order of the Chief Justice issued on February 4, 2011 (Order 2011-02-04-01) [See Footnote 1].

WPA  
#3

7) A hearing was scheduled for November 10, 2014, before The Honorable Edgar W. Dickson. That hearing is hereby canceled, but not for the reasons advanced by Mr. Guice in the objections he has filed. The standard practice under Rule 40, SCRCPP, is for the Clerk of Court's office to prepare rosters and schedule hearings on non-jury matters.

8) Mr. Guice forwarded a notice of cancellation of the November 10 hearing. He may move to cancel a hearing, but does not have the power to cancel a hearing on his own. The Clerk of Court is directed to make a copy of the notice


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1 The order provides, in part: "IT IS FURTHER ORDERED that if a trial or hearing has been commenced and the judge is unable to proceed, the chief judge for administrative purposes shall assign the trial or hearing to a successor judge. . . . The successor judge may proceed with the trial or hearing upon certifying familiarity with the record and determining that the proceedings may be completed without prejudice to the parties. ....

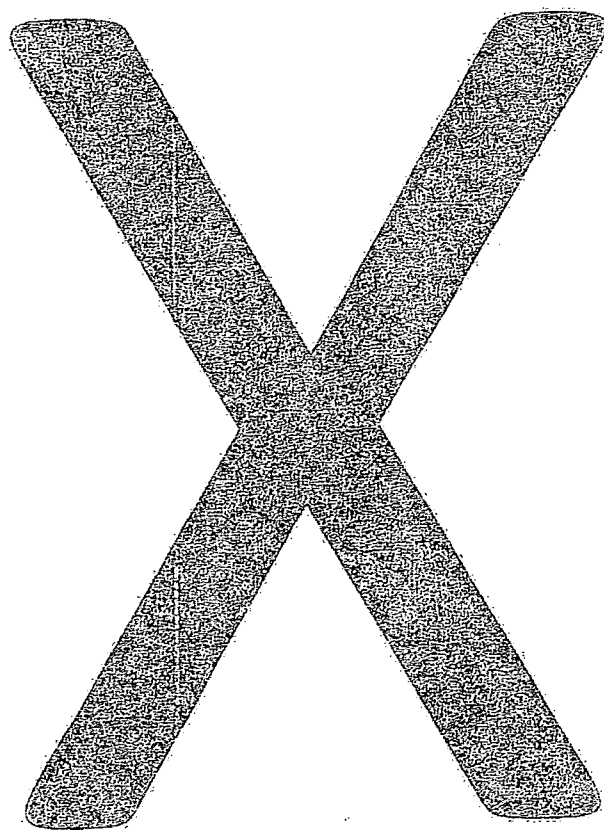
sent by Mr. Guice and put it in the files, but to return the original notice to him. The notice, on its face, is not executed by a judicial officer and has no force or effect.

#4  
9) Mr. Guice asserts that only the Chief Judge for Administrative Purposes can hear an appeal from the Workers Compensation Commission. In light of the designation of this case as complex and the assignment to a single judge, this issue is effectively moot for so long as the undersigned judge is designated as the Chief Judge for Administrative Purposes for Common Pleas. If Mr. Guice wishes to maintain the argument that only the Chief Judge for Administrative Purposes may hear this appeal, he must cite the authority he is relying upon.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
William P. Keesfey  
Chief Judge for Administrative  
Purposes, Eleventh Judicial Circuit,  
Common Pleas

October 23, 2014



ORIGINAL

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS  
OF THE ELEVENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2013-CP-32-01272  
2014-CP-32-00399

ALEXANDER GUICE, )  
 )  
Employee, )  
 )  
Appellant, )  
 )  
v. )  
 )  
US FOODSERVICE, INC., )  
 )  
Employer, )  
 )  
and )  
 )  
ACE AMERICAN INSURANCE )  
COMPANY, c/o GALLAGHER )  
BASSETT SERVICES, INC., )  
 )  
Carrier, )  
 )  
Respondents. )

ADMINISTRATIVE ORDER  
TO OBTAIN FILE FROM THE  
SOUTH CAROLINA WORKERS  
COMPENSATION COMMISSION  
AND DIRECTING THAT THE  
FILES NOT BE DESTROYED  
UNTIL FINAL RESOLUTION  
OF THE APPEAL

W. A. CHAPMAN  
CLERK OF COURT  
LEXINGTON SC

2014 OCT 23 PM 12:49

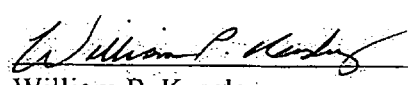
FILED

This is an appeal from the Workers Compensation Commission. Under Rule 75, SCRCP, the files from the Commission are to be provided to the circuit court. Arrangements are to be made to transfer the file.

Under § 42-3-230, S.C. Code Ann., there is a provision for the destruction of the Commission's files after a period of time. While the court is unaware of any destruction, the Commission is directed to preserve the files related to this case, until this appeal is ended.

AND IT IS SO ORDERED.

October 23, 2014

  
William P. Keesley  
Chief Judge for Administrative Purposes

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF LEXINGTON  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP3200399

|                 |   |
|-----------------|---|
| Alexander Guice | US Foodservice Inc<br>ACE American Insurance Co |
|-----------------|---|

PLAINTIFF(S)

DEFENDANT(S)

|               |   |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|--|--|--|
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If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

|                     |            |                    |
|---------------------|------------|--------------------|
| Circuit Court Judge | Judge Code | Date<br>10/24/2014 |
|---------------------|------------|--------------------|

**For Clerk of Court Office Use Only**

This judgment was entered on **24th of October 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **24th of October 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Alexander Guice P O Box 45062 Tampa, FL 33677

Erin Leigh Hantske PO Box 650007 Mt. Pleasant, SC 29465

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

---

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

---

Court Reporter

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Beth A. Carrigg - Clerk of Court

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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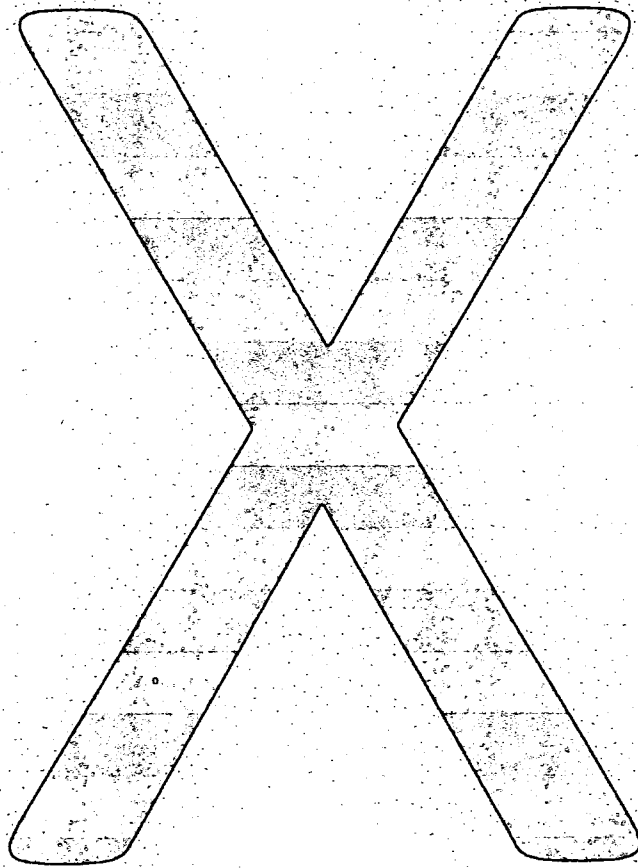
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ORIGINAL

STATE OF SOUTH CAROLINA )  
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COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS  
OF THE ELEVENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2013-CP-32-01272  
2014-CP-32-00399

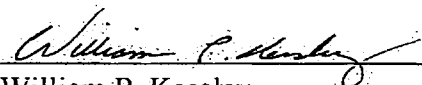
ALEXANDER GUICE, )  
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Employee, )  
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Appellant, )  
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v. )  
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US FOODSERVICE, INC., )  
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Employer, )  
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and )  
 )  
ACE AMERICAN INSURANCE )  
COMPANY, c/o GALLAGHER )  
BASSETT SERVICES, INC., )  
 )  
Carrier, )  
 )  
Respondents. )

ADMINISTRATIVE ORDER  
TO CONTINUE THE HEARING  
SCHEDULED FOR NOVEMBER 10

FILED  
OCT 23 2014  
CLERK OF COURT  
LEXINGTON SC

A hearing was scheduled for November 10, 2014. The hearing is continued.  
AND IT IS SO ORDERED.

October 23, 2014

  
\_\_\_\_\_  
William P. Keesley  
Chief Judge for Administrative Purposes

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF LEXINGTON  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP3200399

|                 |   |
|-----------------|---|
| Alexander Guice | US Foodservice Inc<br>ACE American Insurance Co |
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PLAINTIFF(S)

DEFENDANT(S)

|               |   |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

DISPOSITION TYPE (CHECK ONE)

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- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.  
 Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

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If applicable, describe the property, including tax map information and address, referenced in the order:

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Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date 10/24/2014

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Alexander Guice P O Box 45062 Tampa, FL 33677

Erin Leigh Hantske PO Box 650007 Mt. Pleasant, SC 29465

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

Beth A. Carrigg - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

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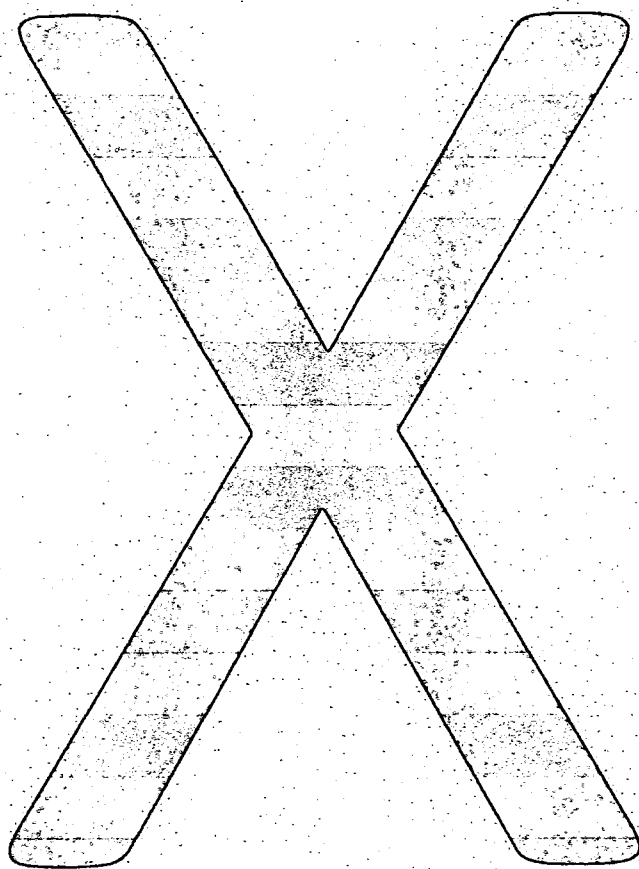
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ORIGINAL

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COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS  
OF THE ELEVENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2013-CP-32-01272  
2014-CP-32-00399

ALEXANDER GUICE, )  
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Employee, )  
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Appellant, )  
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v. )  
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US FOODSERVICE, INC., )  
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Employer, )  
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and )  
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ACE AMERICAN INSURANCE )  
COMPANY, c/o GALLAGHER )  
BASSETT SERVICES, INC., )  
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Carrier, )  
 )  
Respondents. )

ADMINISTRATIVE ORDER  
CONSOLIDATING THE FILES

2014 OCT 21 PM 12:49  
WILLIAM A. CARRUTHERS  
CLERK OF COURT  
LEXINGTON SC

FILED

The two files relate to the same subject. Since they contain common issues of law and fact, the cases will be consolidated under Rule 42(a), SCRCF, and the appellant and respondent are hereby notified that any objection to the consolidation must be filed immediately. The Clerk of Court shall combine the files into Case Number 2013-CP-32-01272.

AND IT IS SO ORDERED.

  
Chief Judge for Administrative Purposes

23<sup>rd</sup> day of October,

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF LEXINGTON  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP3200399

|                 |   |
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| Alexander Guice | US Foodservice Inc<br>ACE American Insurance Co |
|-----------------|---|

PLAINTIFF(S)

DEFENDANT(S)

|               |   |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Self-Represented Litigant |
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- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

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Additional Information for the Clerk: \_\_\_\_\_

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|                     |            |                    |
|---------------------|------------|--------------------|
| Circuit Court Judge | Judge Code | 10/24/2014<br>Date |
|---------------------|------------|--------------------|

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ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

Beth A. Carrigg - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

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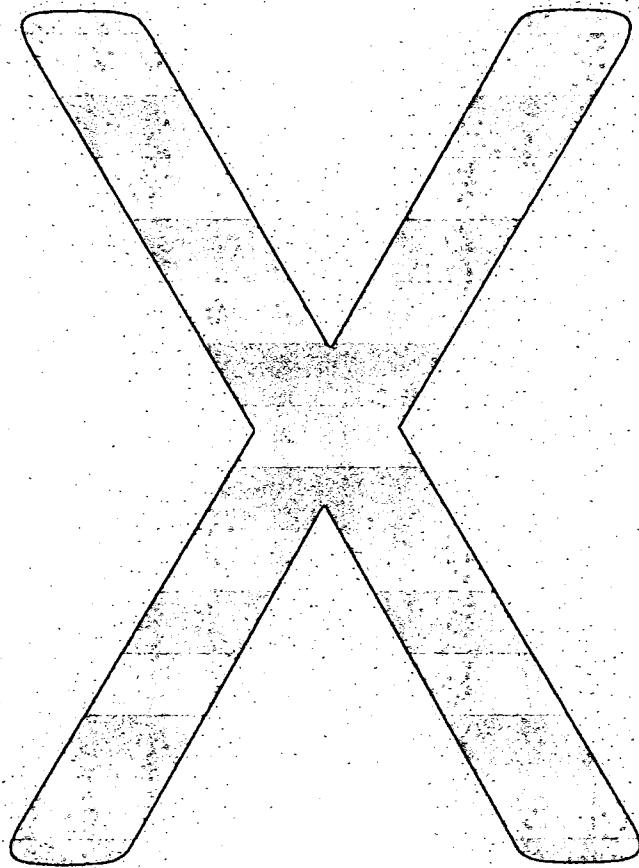
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ORIGINAL

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

IN THE COURT OF COMMON PLEAS  
OF THE ELEVENTH JUDICIAL CIRCUIT  
CASE NUMBERS: 2013-CP-32-01272  
2014-CP-32-00399

ALEXANDER GUICE, )  
 )  
Employee, )  
 )  
Appellant, )  
 )  
v. )  
 )  
US FOODSERVICE, INC., )  
 )  
Employer, )  
 )  
and )  
 )  
ACE AMERICAN INSURANCE )  
COMPANY, c/o GALLAGHER )  
BASSETT SERVICES, INC., )  
 )  
Carrier, )  
 )  
Respondents. )

ADMINISTRATIVE ORDER  
DESIGNATING CASES AS  
COMPLEX LITIGATION

FILED  
2014 OCT 21 PM 12:49  
JAMES A. CARROLL  
CLERK OF COURT  
LEXINGTON SC

The extensive number of filings and issues raised justify designating these cases as complex and assigning them to one judge.

THEREFORE, IT IS ORDERED that these cases are designated as complex.

IT IS FURTHER ORDERED that the undersigned judge will hear and handle all pre-trial motions and other matters pertaining to this case, and conduct the hearings and any post-trial proceedings in the Court of Common Pleas for Lexington County.

Chief Judge for Administrative Purposes

23<sup>rd</sup> day of October,

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF LEXINGTON  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP3200399

|                 |   |
|-----------------|---|
| Alexander Guice | US Foodservice Inc<br>ACE American Insurance Co |
|-----------------|---|

PLAINTIFF(S)

DEFENDANT(S)

|               |   |
|---------------|---|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant<br><input type="checkbox"/> Self-Represented Litigant |
|---------------|---|

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order, (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

| Judgment in Favor of<br>(List name(s) below) | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

|                     |            |                    |
|---------------------|------------|--------------------|
| Circuit Court Judge | Judge Code | Date<br>10/24/2014 |
|---------------------|------------|--------------------|

**For Clerk of Court Office Use Only**

This judgment was entered on **24th of October 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **24th of October 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Alexander Guice P O Box 45062 Tampa, FL 33677

Erin Leigh Hantske PO Box 650007 Mt. Pleasant, SC 29465

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Beth A. Carrigg/mh

---

**Court Reporter**

---

Beth A. Carrigg - Clerk of Court

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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**ATTACHMENT**

**"F"**

Alexander Guice

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P.O. Box 13281  
Tampa, FL 33681  
Phone: (813) 562-0547  
Email: [alguice@hotmail.com](mailto:alguice@hotmail.com)

November 15, 2014

The Honorable Beth A. Carrigg  
Clerk of Court  
Lexington County  
205 East Main Street  
Lexington, South Carolina 29072

Re: Alexander Guice v. US Foodservice, Inc., et al  
Case No.: 2013-CP-32-1272 / 2014-CP-32-399

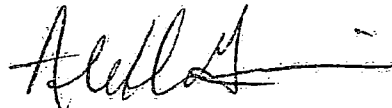
Dear Ms. Carrigg:

Please find enclosed an original and a copy of a Correspondence to the Honorable William P. Keesley and a certificate of service in regard to the above style caption. Please return a stamped copy to the undersigned in the prepaid self-addressed envelope enclosed for your convenience.

By copy of this letter, I have provided the Respondents' counsel of record, Erin L. Hantske, and Judge Keesley, a copy of the same, via regular mail and E-Mail with enclosures.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice  
Appellant, Pro Se

/ag

Cc: Erin L. Hantske, Esq. (via reg. mail & E-Mail)  
The Honorable William P. Keesley (via reg. mail & E-Mail)

November 25, 2014

VIA E-MAIL & Reg. Mail

The Honorable William P. Keesley  
Circuit Court Judge  
P.O. Box 10  
Edgefield, SC 29824-0010

Re: Alexander Guice v. U.S. Food Service, Inc. and ACE American Insurance Company c/o Gallagher Bassett Services, Inc.  
Appellate Case No.: 2013-CP-32-01272/2014-CP-32-00399

Judge Keesley:

Please be advised that the undersigned Appellant and moving party in the above referenced matter submits this correspondence seeking that you immediately set aside all sua sponte Administrative Orders you rendered in this matter on October 23, 2014, with prejudice. The undersigned also respectfully advise that you immediately deny the Respondents' frivolous "Motion to Alter or Amend Circuit Court Order dated September 25, 2014" and immediately grant the undersigned's motion for sanctions.

First, with respect to your sua sponte Administrative Order(s) you issued in this matter on October 23, 2014, the orders were untimely and therefore a nullity. In particular, Rule 59(d), SCRCP, clearly establishes that "not later than 10 days" after the entry of judgment, a court of its own initiative may order a new trial for any reason for which it might have granted a new trial on motion of a party. In the instant case, the circuit court rendered its judgment on **September 25, 2014**, effectively rendering your **October 23, 2014** administrative orders untimely, null and void.

Furthermore, your administrative order falsely opines, on three (3) separate occasions, that the parties have filed "motions for reconsideration" regarding the aforementioned September 25, 2014 court order, when in fact, neither party has filed a motion for reconsideration with regards to the aforementioned September 25, 2014 court order. It is the undersigned's opinion that you falsely opined that the parties filed "motions for reconsideration" in an attempt to legitimize your erroneous and problematic administrative orders. As such, your sua sponte administrative orders are untimely and therefore null and void. The undersigned's position regarding your failure to comply with Rule 59(d), SCRCP and resulting invalidation of your administrative order(s) is supported by established case law. See *Heins v. Heins*, 344 S.C. 146, 543 S.E.2d 224 (Ct. App. 2001) (ruling that, pursuant to Rule 59(e), SCRCP, a family court judge does not have the authority to alter or amend a judgment, *sua sponte*, once the judgment is more than 10-days-old).

Second, your sua sponte administrative orders issued in this matter on October 23, 2014 effectively and unlawfully **reversed** the September 25, 2014 Circuit Court Order issued by the Honorable Brian M. Gibbons ("Judge Gibbons"). It is well settled in South Carolina that one judge may not overrule another judge of the same court. *Charleston County Dep't of Social Services v. Father, Stepmother, and Mother*, 317 S.C. 283, 288, 454 S.E.2d 307, 310 (1995); see also *Tisdale v. American Life Ins. Co.*, 216 S.C. 10, 13, 56 S.E.2d 580, 581 (1949) (holding that it is "axiomatic" that a Circuit Judge does not have the power to reverse the ruling of another Circuit Judge); *Dinkins v. Robbins*; 203 S.C. 199, 202, 26 S.E.2d 689, 690 (1943) ("The rule is well settled that the prior order of one Circuit Judge may not be modified by the subsequent order of another Circuit Judge, except in cases when the right to do so has been reserved to the succeeding Judge, when it is allowed by rule of court or statute, or when the subsequent order does not alter or substantially affect the ruling or decision represented by the previous order."); see also *Dinkins*, 203 S.C. at 203, 26 S.E.2d at 690 (reversing order of Circuit Judge because it substantially altered a previous order of another Circuit Judge despite finding that the order would have otherwise been "fully warranted"); see also *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (noting that an appellate court need not address remaining issues when a prior issue is dispositive).

As you know, Judge Gibbons GRANTED "all particulars" set forth in the undersigned's "Motion for New Trial", pursuant to the September 25, 2014 Court Order. As such, this matter has been properly disposed.

Third, the undersigned would direct your attention to the Respondent's "Motion to Alter or Amend Circuit Court Order dated September 25, 2014" filed by Attorney Hantske, on behalf of the Respondents, on or around October 16, 2014. In particular, Attorney Hantske asserted Rule 59(d), SCRPC, in support of the motion. Furthermore, Attorney Hantske merely requested a "clarification" regarding the first finding as contained in the September 25, 2014 Court Order, **and nothing more**. It is the undersigned's opinion that the motion filed by Attorney Hantske was frivolous, and a further attempt to legitimize your problematic and erroneous administrative orders you rendered on October 23, 2014. Additionally, Rule 3.1, RPC, Rule 407, SCACR, clearly establishes that a lawyer "...shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous..." See *In re James*, 267 S.C. 474, 229 S.E.2d 594 (1976).

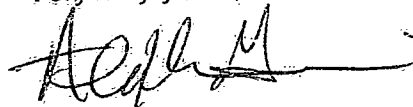
As an attorney, Ms. Hantske certainly is aware, or should reasonably be aware, of the clearly expressed intent of the September 25, 2014 Court Order, particularly, as previously stated, wherein Judge Gibbons GRANTED "all particulars" set forth in the Motion for New Trial.

Finally, your failure to take prompt appropriate actions on the pending motions in this matter is unreasonable. The Court was provided the response from Judge Gibbons dated October 29, 2014 and received by the Court on November 6, 2014 wherein Judge Gibbons declined to adjudicate the pending motions due to recusal. Neither party has

requested oral arguments with regards to the adjudication of the "Motion to Alter or Amend", "Motion for Sanctions", and "Motion in Objection to Administrative Order". Still further, Rule 74, SCRCP, clearly establishes that "... priority shall be given to the hearing and disposition of such appeals in accordance with law". Attorney Hantske has declined to file a responsive pleading to the "Motion for Sanctions", has declined to file a Reply to the "Motion to Alter or Amend Circuit Court Order dated September 25, 2014", and it would be untimely if Attorney Hantske attempted to do so at this point. The undersigned respectfully doubts that Attorney Hantske shall be filing a responsive pleading to the "Motion in Objection to Administrative Order". As such, you have an adjudicative and ministerial duty, respectfully, pursuant to Cannon 3, CJC, Rule 501, SCACR, to dispose this matter promptly, efficiently and fairly.

In closing, the undersigned prevailed in the above referenced action on September 25, 2014. All issues have been resolved. All previous decisions in this matter have been set aside. The undersigned's employment has been reinstated. Attorney Hantske must comply with R. 67-506D of the Act and must immediately release all unlawfully withheld temporary total compensation payments plus 25% interest effective December 4, 2005 to date, to the undersigned. **Everyday** Attorney Hantske and the Respondents are allowed to continue depriving the undersigned out of entitled employment, entitled access to health benefits and compensation payments, respectively, secured by the undersigned pursuant to the September 25, 2014 Court Order of Judge Gibbons, shall be an additional day the undersigned injured worker is forced to continue to endure "**harsh and incongruous**" results, not because of the actions of the Respondents, but due to a **direct result of your actions** while acting in the official capacity and scope as the fair and impartial presiding judicial officer in this matter. Pursuant to Cannon 3B(8), CJC, Rule 501, SCACR, your immediate attention and response to this correspondence is requested and appreciated.

Very truly yours,



Alexander Guice  
Appellant/Claimant, Pro Se

/ag

Cc: The Honorable Beth A. Carrigg (via e-mail & reg. mail)  
Erin L. Hantske, Esq. (via e-mail & reg. mail)

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

) IN THE COURT OF COMMON PLEAS  
) ELEVENTH JUDICIAL CIRCUIT  
) Civil Action No. 2014-CP-32-00399  
) 2013-CP-32-01272

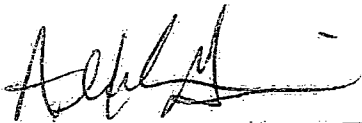
Alexander Guice,  
Employee, Claimant,  
Appellant,

Versus

US Foodservice, Inc., and Ace American  
Insurance Company, c/o Gallagher Bassett  
Services, Inc.,  
Employer AND Carrier,  
Respondents.

**Certificate of Service**

I HEREBY CERTIFY that I provided a copy of correspondence to the Honorable William P. Keesley and a certificate of service, via Electronic Mail, and regular mail, by depositing a copy of the same in the US Postal Service on November 25<sup>th</sup>, 2014 with sufficient postage affixed on the parties listed below.



Alexander Guice  
Post Office Box 13281  
Tampa, Florida 33681  
Phone: (813) 562-0547  
Appellant, Pro Se

Signed this 25<sup>th</sup> Day of November, 2014

**COPIES SENT TO:**

Erin L. Hantske, Esquire  
Post Office Box 650007  
Mt. Pleasant, SC 29465

Clerk of Court  
205 East Main Street  
Lexington, SC 29072

The Honorable William P. Keesley  
Circuit Court Judge  
Post Office Box 10  
Edgefield, South Carolina 29824-0010

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY  
COURT OF COMMON PLEAS

RECEIVED

DEC 08 2014

Thomas A. Russo, Circuit Court Judge

SC Court of Appeals

Circuit Case No. 2013-CP-32-01272

Appellate Case No. 2013-002491

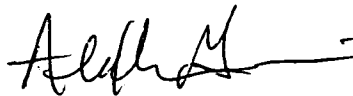
Alexander Guice, .....Appellant,

V.

US Foodservice, Inc., and Ace American Insurance  
Company c/o Gallagher Bassett Service, Inc., .....Respondents.

PROOF OF SERVICE

I HEREBY DO CERTIFY that a true copy of the foregoing  
Petition for Rehearing was provided to the attorney of  
record for the Respondents by depositing a copy of the same  
in the U.S. Postal Service, via Priority Mail, with  
sufficient postage affixed and addressed to: Erin L.  
Hantske, Esq. P.O. Box 650007 Mt. Pleasant, SC 29465 on  
this 1<sup>st</sup> day of December, 2014.



Alexander Guice  
P.O. Box 13281  
Tampa, FL 33681  
(813) 562-0547  
Appellant, Pro Se

Alexander Guice

---

P.O. Box 13281  
Tampa, FL 33681  
Phone: 813-562-0847  
Email: arguice@hotmail.com

**RECEIVED**

December 1, 2014

DEC 08 2014

**VIA PRIORITY MAIL**

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

**SC Court of Appeals**

Re: Alexander Guice v. U.S. Food Service, Inc., et al  
Appellate Case No. 2013-002941

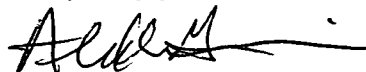
Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of a 'Petition for Rehearing' with attachments, and a proof of service. Please also find enclosed a \$25.00 money order regarding the filing fee. Please forward to the appropriate individual for filing and return a date stamped copy of the same to the Appellant in the prepaid self-addressed envelope enclosed for your convenience.

By copy of this letter the Respondents, through the Respondents' counsel of record, has been served a copy of the same via priority mail with enclosures.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice  
Appellant, Pro Se

/AG

Enclosures: As stated

cc: Erin L. Hantske, Esq. (via Priority mail w/encl.)