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Carmelo B. Sammataro

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January 12, 2015

RECEIVED

JAN 15 2015

SC Court of Appeals

VIA REGULAR MAIL AND EMAIL

Ms. Gertrude Shiver
Appellant, *Pro Se*
1026 Congaree Church Road
Gadsden, SC 29052
(g.shiver@att.net)

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. Shiver:

Since the beginning of the year, we have received a number of items from you via hand delivery and the United States mail that purport to constitute the Record on Appeal and related service documents. After spending a considerable amount of time parsing through this collection of materials, I write to bring your attention to several issues that require your attention, as well as the compilation and service of an Amended Record on Appeal. Without your cooperation in correcting these errors no later than the close of business on Friday, January 16, 2015, I will be forced to file a motion with the South Carolina Court of Appeals seeking an indefinite extension of time to file my clients' Final Brief until such time as you have served a corrected record.

After comparing the Record on Appeal you served with the Respondents' Amended Designation of Matter, it appears that certain designated documents were omitted. Additionally, it appears that while certain documents were included, there are gaps in numbering and missing pages. I have attempted to summarize these issues in the table that appears below.

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Cover Sheets:

The cover sheet for Record pages 215-418 is incorrect and should be amended to read "Volume II" to accurately reflect the contents of that Volume. The same is true for Record pages 419-614, which should be amended to read "Volume III," and the cover sheet for Record pages 615-827 should be amended to read "Volume IV." The cover sheet for Record pages 828-1023 should be amended to read "Volume V." The cover sheet for Record pages 1024-1227 should be amended to read "Volume VI." The cover sheet for Record pages 1228-1458 should be amended to read "Volume VII." The cover sheet for Record pages 1459-1569 should be amended to read "Volume VIII."

Missing pages:

157	Appellant's Complaint (WCC Claim No. 0616756)
220-223	July 23, 2007 Form 50, Request for Hearing (WCC Claim No., 9503744). We forwarded this document to you on October 22, 2014. It was identified as Item No. 16 on our Amended Designation of Matter and was behind the respective tab.
227-230	October 18, 2006 Form 50, Request for Hearing (WCC Claim No. 0126962)
231	October 9, 2006 Form 50, Request for Hearing (WCC Claim No. 0227098)
232-234	October 7, 2006 Form 50, Request for Hearing (WCC Claim No. 0322274)
501, 544	Appellant's APA (WCC Claim No. 0321756)
609	Part of Appellant's APA 15.
923-931	Errata sheets
1104, 1105, 1119	September 4, 2007 transcript of hearing before Commissioner Huffstetler
1257-1264	June 16, 2006 transcript of deposition of Gertrude Shiver
1441	Medical records from Palmetto Health -- The Center for Pain Management

Additional Errors:

Record	Index	Document Description	Respondents' Amended Designation Number	Issue Description
pp. 603-642	p. 4	Respondent Trident Regional Medical Center and Zurich American Insurance Company's APAs for WCC Claim No. 9503744	29	The designated pages are included; however, the wrong page range is listed in the Index. This document is listed as R. pp. 603-642. The

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				Index should be corrected to reflect the proper page numbers - R. pp. 611-642. It also appears that R. pp. 603-610 are out of place or sequence.
pp. 922	p. 4	Respondents Palmetto Health Richland and Key Risk Management Services APA's (WCC Claim 0321756)	27	This is errata sheet page was inserted upside down.
pp. 937-938				Errata sheet page 93(a) [R. p. 937] is out of sequence. It was placed in the Record before errata sheet page 93 [R. p. 938]. The order of these pages should be reversed.
pp. 1424-1426	p. 7	Letter from Claimant dated November 7, 2007	10	This document is identified in the Record as R. pp. 1397-1427. However, there are 3 additional pages inserted (R. pp. 1424-1426) in the middle of this document. The Record should be corrected by removing these extra pages.

While this list is by no means exhaustive, these are the most obvious deficiencies that will need to be corrected so that the parties will have a working Record on Appeal. I would appreciate your taking steps to ensure that a corrected Record is served by close of business Friday, January 16, so that I can avoid involving the Court unnecessarily.

January 15, 2015

Carmelo B. Sammataro, Esquire
P. O. Box 1473
Columbia, S. C. 29202

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

Dear Attorney Sammataro:

I received your letter yesterday dated January 12, 2015. I have already sent you a corrected Amended Record on Appeal. I hand delivered the Record on Appeal because I do not have the resources that you have. I have already spent around \$2,000.00 on this Record on Appeal and countless hours, days, and nights trying to get the obvious errors straightened out with Office Depot when I could have been working trying to pay off some debt. I have spent hours down at the Court of Appeals trying to find some obvious errors and getting them straightened out.

You said that you don't want to get the Court involved but neither do I, but I feel that I need to let them know what is going on because you seemed to be picking a fight with me over documents that involve me and I don't see any sense in that.

I had a time line with the Court of Appeals which I went over because of the trouble with Office Depot getting the Record of Appeals ready on time which was incorrect. It was difficult with me finding some one to do the Records on Appeal. I am hoping the final brief and reply brief will be different since the paper work is less.

Anyway, there are only four (4) volumes with a part two to each volume. Because of the Rules of Court, I was unable to write part two on the second part of each Volume. In addition, because of the time restraints and the problems with Office Depot, I didn't have time to comb every volume looking for mistakes. I had the obvious ones corrected that I found.

I only know of two documents that you wanted in that were missing and I left place holders in the volumes for that. I told you the problem that I had with a document that

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you said you sent with the date of July 23, 2007, Form 50. I asked you to resend me the document because I didn't see one dated for July 23, 2007. You wrote me a letter and

told me if I wanted anymore documents that I would have to get a Court Order. I didn't see any sense in that either with bothering the Court so I try to solve the problem myself. I took a list down to the Worker's Compensation Office to Ms. Eugenia Hollmon and her assistant for them to help me and I had to pay them \$20.00. They went to the basement and pull my files and they checked the computer. They were unable to find a Claimant Form 50 WCC Claim No. 9503744, Request for a Hearing dated July 23, 2007, nor did they find a missing page two to a March 10, 2006 Form 51, Employer's Answer (WCC Claim No. 0321756). These were the two pages that were missing from the record that you all wanted included. I went down to the Worker's Compensation office myself and I went through the files with Ms. Hollman assistant. We did not find a form with July 23, 2007, or a second page to Form 51 of March 10, 2006.

Furthermore, you sent a lot of loose documents behind tabs. I am sixty years old and the person assisting me is elderly. I have never worked in a law office before nor have any legal office experience. You could have staple the pages together and used some sticky notes. It was quite a while before I understood how to read the tabs and the corresponding documents.

You wrote me a letter before stating that you didn't want me to take nothing out of your office, therefore, you are going to have to send the volumes back to me to see if I can get the mistakes correct if there are any more mistakes. There probably are some more if Office Depot has made some mistakes. I will try to get what I can corrected if any. I am not promising that it will be before I pass in my Final brief. I don't know what you are talking about with some of these page numbers. For instance, you have that with the letter from Claimant dated November 7, 2007, *This document is identified in the Record as R. pp. 1397-1427. However, there are 3 additional pages inserted (R. pp. 1424- 1426) in the middle of this document. The Record should be corrected by removing these extra pages. Aren't pages 1424 -1426 included in the range of 1397-1427?*

I was perusing the papers that you sent and seem like some of these mistakes you complained about is not valid. Anyway, it will not be until this weekend until I can actually go back through the records to double check the mistakes and where they are located in the Record on Appeal. Anyway, Mrs. Stormy in the Court of Appeals told me that I am not going to get any more time in which to submit my Final Brief. I checked with her during the holidays. I will check with her again today. My Final Brief is due next week around Thursday, January 22, 2015. As of now, I am not going to get an extension that I know of. Therefore, I have to finished the Final Brief this weekend and take it to the printer around Sunday evening to get it run off and combed and returned on time to take it to the Court of Appeals.

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Yours truly,

A handwritten signature in cursive script that reads "Gertrude Shiver". The signature is written in black ink and is positioned below the text "Yours truly,".

Gertrude Shiver
1026 Congaree Church Rd.
Gadsden, S. C. 29052
803-353-3892

cc. Attorneys Allison Carter and Andrew W. Fajardo

January 15, 2015

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SC Court of Appeals

Honorable Jenny Abbott Kitchings, Clerk
P. O. Box 11629
Columbia, S. C. 29211

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 No. 2013-000887

Dear Honorable Kitchings:

Here is a copy of a letter and some complaint of deficiencies that I received yesterday, January 14, 2015, from Attorney Sammataro and a deadline of tomorrow, January 16, 2015, concerning my Records on Appeal. I didn't know whether I should file a motion because Ms. Stormy said that I wasn't going to get any extended time to file my Final Brief. It was not my intention of getting the Court involved.

Yours truly,



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cc. Andrew W. Fajardo, Esquire, Allison M. Carter, Esquire, and Carmelo B. Sammataro, Esquire.