

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY  
Court of Common Pleas

The Honorable W. Jeffrey Young, Circuit Court Judge

Appellate Case No.: 2014-002212  
C.A. No.: 2013-CP-43-02283  
WCC Case No.: 9832185

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FEB 17 2015

SC Court of Appeals

Arrowpoint Capital Corporation/Arrowwood Indemnity Co , Carrier, Appellant,

v.

South Carolina Second Injury Fund, Respondent,

[In re: Joe Mathis, Employee/Claimant

v.

Yuasa-Exide, Incorporated, Employer]

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DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

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

1. Order of W. Jeffrey Young, Presiding Circuit Court Judge in the Court of Common Pleas, Third Judicial Circuit (September 16, 2014),
2. Workers' Compensation Appellate Panel Decision and Order (December 12, 2013),
3. Hearing Commissioner's Decision and Order (November 27, 2012);
4. Settlement Agreement, Release and Order and Form 19 (November 8, 2010),
5. Consent Scheduling Order (August 13, 2009);

6. Employee's Notice of Claim, Form 50 (June 3, 2009),
7. Form 54, Employer's Request for Hearing (October 28, 2011);
8. Form 55, Second Injury Fund's Answer to Employer's Request for Hearing (November 18, 2011);
9. Form 58, Employer's Pre-Hearing Brief (July 27, 2012);
10. Form 58, Second Injury Fund's Pre-Hearing Brief (August 3, 2012);
11. Form 30, Employer's Request for Commission Review (December 10, 2012);
12. Transcript of hearing before Circuit Court (June 3, 2014);
13. Transcript of hearing before Full Commission Appellate Panel (September 16, 2013);
14. Transcript of hearing before Hearing Commissioner (August 13, 2012);
15. Employer's APA Submissions (July 27, 2012);
  - A. Edward L. Baker, Jr., M.D., Second Injury Fund Medical Questionnaire (6/26/2011);
  - B. Eugene Shippen, M.D., Second Injury Fund Medical Questionnaire (5/31/2011);
  - C. Nicholas A. Lind, PsyD. (12/3/2009);
  - D. David R. Price, M. Ed., Vocational Assessment of Claimant (10/6/2009);
  - E. L. Randolph Waid, Ph.D., Neuropsychological Evaluation of Claimant (9/2/2009),
  - F. Barry Weissglass, M.D., Health Evaluation of Claimant, (6/24/2009),
  - G. Yuasa-Exide's Health History Documents (7/5/1984 – 6/26/1995);
  - H. Claimant's Blood Lead Levels (09/15/1975 – 6/30/1995);
  - I. Claimant's Deposition Transcript (8/12/2009),
  - J. Employee/Claimant Knowledge Affidavit (10/29/2010);
  - K. Yuasa-Exide's Performance Review (9/19/1983);

16. "Overview of Lead Cases" binder (presented to hearing commissioner August 13, 2012);

A. Articles regarding lead

1. Health Effects of Chronic Lead Exposure Among Employees of Exide Battery Production Plant – Sumter SC,
2. Lead-related nephrotoxicity: A review of the epidemiologic evidence;
3. Literature Review – Lead and Health Effects;
4. Statistical Data Concerning Hypertension, Diabetes, Renal Kidney Failure, and Memory Loss in Society;
5. Case Studies in Environmental Medicine – Lead Toxicity;

B. OSHA and Yuasa-Exide Regulations;

1. Electronic Code of Federal Regulations;
2. Lead Control Program – Yuasa-Exide Regulations;

C. Commission and Court cases involving *Lee Ernest Franklin*;

1. Employee's Notice of Claim and/or Request for Hearing dated July 3, 2001;
2. Decision and Order of Commissioner George N. Funderburk dated June 10, 2005;
3. Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission dated May 3, 2006;
4. Decision and Order of Commissioner George N. Funderburk dated January 31, 2008,
5. Decision of the Supreme Court of South Carolina, Opinion No 26880 dated September 13, 2012,

17. Memorandum of Law (August 10, 2012);

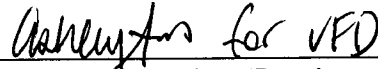
18. Email from J. Daniel Mallory, IV, law clerk to The Honorable W. Jeffery Young (July 21, 2014),

19. Letter from Appellant to Judge Young re: State Accident Fund v. S.C. Second Injury Fund (In Re: Johnny M. Adger v. City of Manning) (July 31, 2014);

I certify that this designation contains no matter which is irrelevant to this appeal.

February 11, 2015

Respectfully submitted,

 for VFD

\_\_\_\_\_  
Vernon F. Dunbar, Esquire

S.C. Bar No.: 7836

McAngus, Goudelock & Courie LLC

Post Office Box 2980

55 East Camperdown Way, Suite 300 (29601)

Greenville, South Carolina 29602

(864) 239-4000

Attorneys for Appellants

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY  
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The Honorable W Jeffrey Young, Circuit Court Judge

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Appellate Court Tracking No. 2014-002212  
Civil Action No 2013-CP-43-02283  
WCC File No 9832185

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Arrowpoint Capital Corporation/Arrowood Indemnity Co , Carrier, Appellant

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[In re: Joe Mathis, Employee/Claimant

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**PROOF OF SERVICE**

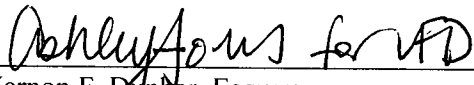
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I certify that I have served the Appellants' Initial Brief to Court of Appeals and Designation of Matter on the attorney of record for South Carolina Second Injury Fund, by depositing a copy of it in the United States Mail, postage prepaid, on the 11th day of February, 2015 addressed to the attorney of record:

Latonya D Edwards, Esquire  
Attorney for South Carolina Second Injury Fund  
3790 Fernandina Road, Suite 103  
Columbia, South Carolina 29210

The Honorable Jenny Abbott Kitchings  
Clerk of Court – SC Court of Appeals  
1015 Sumter Street  
Columbia, SC 29211

February 11, 2015

  
\_\_\_\_\_  
Vernon F Dunbar, Esquire  
S C. Bar No. 7836  
McAngus, Goudelock & Courie LLC  
Post Office Box 2980  
55 East Camperdown Way, Suite 300 (29601)  
Greenville, South Carolina 29602  
(864) 239-4000  
*Attorneys for Appellants*

**REPLY TO**

VERNON F. DUNBAR  
Direct Dial (864) 239-6735  
vernon.dunbar@mgclaw.com

February 11, 2015

**RECEIVED**  
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**SC Court of Appeals**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29211

RE: Arrowpoint Capital Corporation/Arrowood Indemnity Co. v. South Carolina  
Second Injury Fund  
In Re: Joe Mathis v. Yuasa-Exide, Inc.  
Appellate Court Tracking No.: 2014-002212  
Civil Action No.: 2013-CP-43-02283  
Our File No.: 20113.14171

Dear Ms. Kitchings:

Enclosed for filing in the above referenced matter is Appellants' Initial Brief, Designation of Matter, AND Proof of Service.

By copy of this letter, I am serving a copy of the same on Latonya Dilligard Edwards, Esquire, attorney for the South Carolina Second Injury Fund.

If you have any additional questions regarding the enclosed information, please do not hesitate to contact me.

With kindest regards,

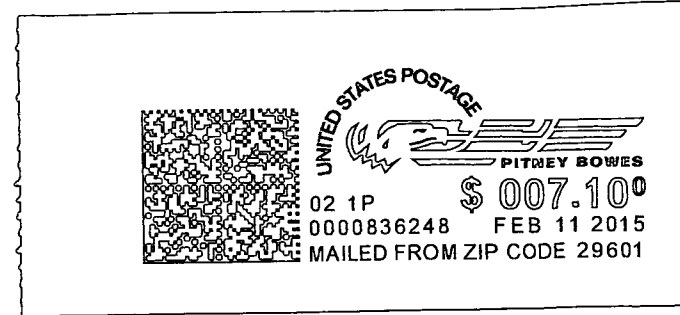
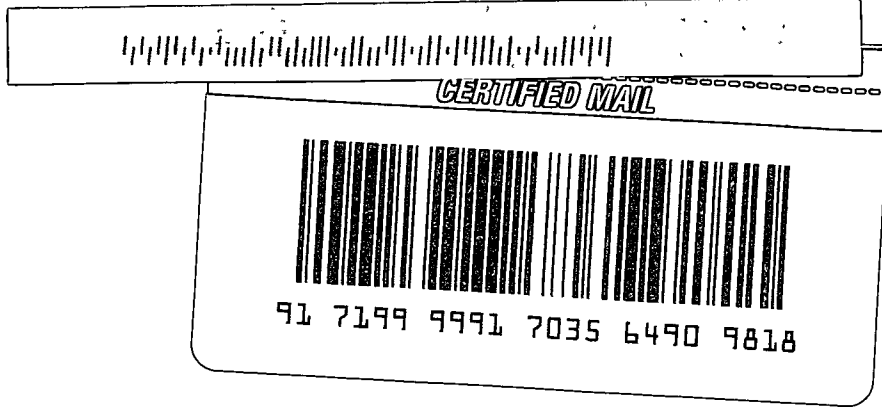
Very truly yours,

*Ashley Ans for VFD*  
Vernon F. Dunbar

VFD/jm

Enclosures

cc: Latonya D. Edwards, Dilligard Edwards, LLC (w/enclosures)  
Eric Rowell, **SENT VIA EMAIL** (w/enclosures)



**mgc** | INSURANCE  
DEFENSE

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**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**20113.14171/VFD/jm**

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