

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 0506037

Frank Wilson, Employee, Appellant,

v.

American LaFrance, Employer, and
AIG C/O Gallagher Bassett Services, Inc., Carrier, Respondents.

**MEMORANDUM REGARDING
CORRECTION OF RECORD ON APPEAL**

Pursuant to this Court's Order dated September 2, 2015, Respondents American LaFrance and AIG C/O Gallagher Bassett Services, Inc. hereby submit their Memorandum Regarding Correction of Record on Appeal.

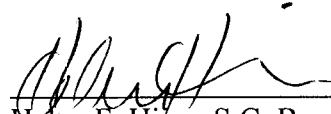
In a Motion for Correction of Record on Appeal, dated July 7, 2105 ("Motion"), Respondents moved this Court to order that a number of corrections be made to the Record on Appeal ("ROA") pursuant to Rule 210, SCACR (that Motion is attached hereto for ease of reference). Appellant filed an amended ROA which resolved one problem identified by Respondents by including consecutive page numbers. However, the amended ROA does not include any of the items that Respondents identified as missing from the ROA, as set forth in their Second Motion for Correction of Record on Appeal, dated July 29, 2015. In particular, items identified as Nos. 2(a) – (q), 3, 4, and 5

in the attached Motion are still missing from the ROA and need to be included before Respondents can file their Final Brief. As Respondents previously stated, they will be glad to provide Appellant with copies of any of the missing designated materials that Appellant is unable to locate in his files and/or provide whatever other assistance this Court deems necessary or advisable.

September 3, 2015

Respectfully submitted,

McANGUS GOUDELOCK & COURIE LLC



Helen F. Hiser, S.C. Bar No.: 76124

Erin L. Hantske, S.C. Bar No.: 76313

735 Johnnie Dodds Blvd., Suite 200

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*Attorneys for Respondents American
LaFrance and AIG c/o Gallagher Bassett
Services, Inc.*

Attachment

76558

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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JUL 09 2015

WCC File No. 0506037

SC Court of Appeals

Frank Wilson, Employee,Appellant,

v.

American LaFrance, Employer, and
AIG C/O Gallagher Bassett Services, Inc., Carrier, Respondents.

**MOTION FOR CORRECTION
OF RECORD ON APPEAL**

Pursuant to Rule 210, SCACR, Respondents American LaFrance and AIG C/O Gallagher Bassett Services, Inc. move this Court to order that the following corrections be made to the Record on Appeal ("ROA"):

1. The ROA filed by Appellant is not numbered consecutively throughout as required by Rule 210(c). This needs to be corrected before the parties can prepare their Final Briefs.
2. Although Appellant certified that the ROA contains all material proposed to be included by any of the parties, the ROA does not contain the following:
 - a. Decision and Order of Single Commissioner Avery B. Wilkerson, filed June 21, 2012 (No. 6 on the attached Respondents' Designation of Matter to be Included in the Record on Appeal, dated March 13, 2015)

("Respondents' Designation") (Attachment A). This Order needs to be included in the ROA.

- b. Order of the Court of Appeals, dated July 5, 2013 (No. 8 on the Respondents' Designation). This Order needs to be included in the ROA.
- c. Transcript of April 18, 2012 Hearing before Single Commissioner Wilkerson (No. 13 on the Respondents' Designation). This full transcript needs to be added to the ROA.
- d. Respondents' Form 51, dated Feb. 27, 2012 (No. 19 on the Respondents' Designation). This material needs to be added to the ROA.
- e. Claimant's Form 30, dated June 14, 2012 and resubmitted on or around June 27, 2012, with attachments (No. 20 on the Respondents' Designation). This material needs to be added to the ROA.
- f. Claimant's Notice of Appeal of the Commission Decision, dated February 6, 2013 (No. 21 on the Respondents' Designation). This material needs to be added to the ROA.
- g. Respondents' Revised Pre-Hearing Brief, dated March 19, 2014, with Attachment Index (No. 22 on the Respondents' Designation). This material needs to be added to the ROA.
- h. Letter from Helen Hiser to Cheryl Graham, Clerk of Court, dated May 6, 2014 (No. 24 on the Respondents' Designation). This material needs to be added to the ROA.

- i. Letter from Frank Wilson to Cheryl Graham, Clerk of Court, dated June 6, 2014 (No. 25 on the Respondents' Designation). This material needs to be added to the ROA.
- j. Affidavit of Erin L. Hantske, dated June 11, 2014 (No. 26 on the Respondents' Designation). This material needs to be added to the ROA.
- k. Letter from Helen Hiser to Cheryl Graham, Clerk of Court, dated June 12, 2014 (No. 27 on the Respondents' Designation). This material needs to be added to the ROA.
- l. Letter from John Guerry, Law Clerk, Hon. Maité Murphy, dated June 19, 2014 (No. 28 on the Respondents' Designation). This material needs to be added to the ROA.
- m. Email from John Guerry, Law Clerk, Hon. Maite Murphy, to Erin Hantske and Helen Hiser, dated July 18, 2014, and indicating the same would be mailed to Mr. Wilson (No. 29 on the Respondents' Designation). This material needs to be added to the ROA.
- n. Claimant's 2009 APA pp. 153-156 (No. 30 on the Respondents' Designation). This material needs to be added to the ROA.
- o. Claimant's 2012 APA pp. 4-5, 40-54, 58-66 (portions of No. 31 on the Respondents' Designation). This material needs to be added to the ROA.

p. Respondents' 2009 APA pp. 16-46 (portions of No. 32 on the Respondents' Designation). This material needs to be added to the ROA.

q. Respondents' 2010 APA pp. 123-124 (portions of No. 33 on the Respondents' Designation). This material needs to be added to the ROA.

3. Numerous pages are missing from the Transcript of April 10, 2007 Hearing before Commissioner Bass. Both Respondents and Appellant designated the full transcript of this hearing. (No. 11 on the Respondents' Designation, and No. 13 on the attached Appellant's Designation of Matter to be Included in the Record on Appeal ("Appellant's Designation") (Attachment B). The missing pages need to be included in the ROA.

4. Numerous pages are missing from the Transcript of March 10, 2009 Hearing before Commissioner Huffstetler. Both Respondents and Appellant designated the full transcript of this hearing (No. 12 on the Respondents' Designation,¹ and No. 17 on the Appellant's Designation). The missing pages need to be included in the ROA.

5. Numerous pages are missing from the Transcript of September 18, 2012 Hearing before the Appellate Panel of the Full Commission. Both Respondents and Appellant designated the full transcript of this hearing (No. 14 on the Respondents' Designation, and No. 6 on the Appellant's Designation). The missing pages need to be included in the ROA.

¹ Respondents note that, as a result of a typographical error on their Respondents' Designation, this transcript is listed as pertaining to a March 20, 2009 hearing; however, the hearing before Commissioner Huffstetler was held on March 10, 2009, not March 20, 2009.

Respondents request this Court to order Appellant to correct the ROA as outlined above. Upon request, Respondents will be glad to provide Appellant with copies of any of the missing designated materials that Appellant is unable to locate in his files.

Respondents further request this Court to order that the Final Briefs in this appeal will not be due until the Record on Appeal has been properly corrected.

This motion conforms with Rule 240, SCACR.

July 7, 2015

Respectfully submitted,

McANGUS GOUDELOCK & COURIE LLC



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Erin L. Hantske, S.C. Bar No.: 76313
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*Attorneys for Respondents American
LaFrance and AIG c/o Gallagher Bassett
Services, Inc.*

Attachment A

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

MAR 18 2015

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SC Court of Appeals

WCC File No. 0506037

Frank Wilson, Employee,Appellant,

v.

American LaFrance, Employer, and
AIG C/O Gallagher Bassett Services, Inc., Carrier, Respondents.

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

Respondents propose the following be included in the Record on Appeal:

1. Decision and Order of Single Commissioner J. Alan Bass, dated April 17, 2008;
2. Decision and Order of Single Commissioner David W. Huffstetler, filed April 16, 2009;
3. Decision and Order of Single Commissioner Derrick Williams, filed April 5, 2010;
4. Decision and Order of Single Commissioner Andrea C Roche, filed August 11, 2011;
5. Decision and Order of Single Commissioner Avery B. Wilkerson, filed February 10, 2012;
6. Decision and Order of Single Commissioner Avery B. Wilkerson, filed June 21, 2012;
7. Commission Decision and Order, filed January 7, 2013;
8. Order of the Court of Appeals, dated July 5, 2013;
9. Circuit Court Order, filed December 17, 2013;

10. Circuit Court Order, filed August 19, 2014;
11. Transcript of April 10, 2007 Hearing before Commissioner Bass;
12. Transcript of March 20, 2009 Hearing before Commissioner Huffstetler;
13. Transcript of April 18, 2012 Hearing before Single Commissioner Wilkerson;
14. Transcript of September 18, 2012 Hearing before the Appellate Panel of the Full Commission;
15. Transcript of Sept. 6, 2013 Hearing before Judge Goodstein;
16. Transcript of March 12, 2014 Hearing before Judge Murphy;
17. Claimant's Form 50, dated Feb. 17, 2012;
18. Attachment to Claimant's Form 50, dated Feb. 17, 2012;
19. Respondents' Form 51, dated Feb. 27, 2012;
20. Claimant's Form 30, dated June 14, 2012 and resubmitted on or around June 27, 2012, with attachments;
21. Claimant's Notice of Appeal of the Commission Decision, dated February 6, 2013;
22. Respondents' Revised Pre-Hearing Brief, dated March 19, 2014, with Attachment Index;
23. Directive, mailed on April 27, 2012;
24. Letter from Helen Hiser to Cheryl Graham, Clerk of Court, dated May 6, 2014;
25. Letter from Frank Wilson to Cheryl Graham, Clerk of Court, dated June 6, 2014;
26. Affidavit of Erin L. Hantske, dated June 11, 2014;
27. Letter from Helen Hiser to Cheryl Graham, Clerk of Court, dated June 12, 2014;
28. Letter from John Guerry, Law Clerk, Hon. Maité Murphy, dated June 19, 2014;
29. Email from John Guerry, Law Clerk, Hon. Maite Murphy, to Erin Hantske and Helen Hiser, dated July 18, 2014, and indicating the same would be mailed to Mr. Wilson;
30. Claimant's 2009 APA pp. 153-156;
31. Claimant's 2012 APA pp. 2-6, 9-12, 14, 40-54, 58-66;

32. Respondents' 2009 APA pp. 15-46; and

33. Respondents' 2010 APA pp. 123-124, 142, 143.

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

March 13, 2015

McANGUS GOUDELICK & COURIE LLC



Helen F. Hiser, S.C. Bar No.: 76124
Erin L. Hantske, S.C. Bar No.: 76313
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P.O. Box 650007
Mount Pleasant, SC 29465
(843) 576-2900

*Attorneys for Respondents American LaFrance and
AIG c/o Gallagher Bassett Services, Inc*

Attachment B

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

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]**

**APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas**

Maite Murphy, Circuit Court Judge

Case No. 2014-001996

**American LaFrance, Employer, and AIG C/O Gallagher Bassett Services, Inc.,
Carrier, Respondent,**

v.

Frank Wilson,

Appellant,

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

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

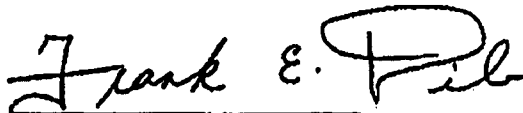
- 1. Order of August 19, 2014**
- 2. Order of December 17, 2013**
- 3. Transcript of the incomplete Hearing with the Honorable Maite Murphy held on
March 12, 2014**
- 4. Transcript of the Hearing with the Honorable Diane S. Goodstein held on
September 6, 2013**
- 5. The South Carolina Workers' Compensation Commission COMMISSION
REVIEW panel DECISION AND ORDER from the Hearing held on September
18, 2012**

6. The South Carolina Workers' Compensation Commission COMMISSION REVIEW panel Hearing Transcript dated September 18, 2012
7. Palmetto Cardiovascular and Thoracic Associates, P. A. -James M. Benner, M. D. medical document dated July 21, 2005
8. LOWCOUNTRY ORTHOPAEDICS AND SPORTS MEDICINE (Don. O. Stovall, Jr., MD) PATIENT INFORMATION FORM dated August 4, 2005
9. LOWCOUNTRY ORTHOPAEDICS AND SPORTS MEDICINE/Don O. Stovall, Jr., MD medical reports and documents dated July 26, 2006 thru March 10, 2008
10. The Appellant's patient medical report with Jeffrey E. Faaberg Sr., MD of Edisto Spine Center dated December 19, 2006
11. THE DEPOSITION OF FRANK WILSON (Appellant) dated February 20, 2007
12. South Carolina Workers' Compensation Commission DECISION AND ORDER from the Hearing held with Commissioner J. Alan Bass on April 10, 2007
13. The Appellant's South Carolina Workers' Compensation Commission Hearing Transcript from the Hearing with Commissioner J. Alan Bass on April 10, 2007
14. TriCounty Radiology Associates- Appellant's Left Shoulder MRI report dated May 31, 2007
15. South Carolina Diagnostic Patient Receipt for the Appellant's Left Shoulder MRI on May 31, 2007
16. South Carolina Workers' Compensation Commission DECISION AND ORDER from the Hearing with The Honorable David W. Huffstetler held on March 10, 2009
17. South Carolina Workers' Compensation Commission Hearing Transcript from the Hearing with The Honorable David W. Huffstetler held on March 10, 2009
18. TRICOUNTY RADIOLOGY ASSOCIATES- Appellant's Back MRI report dated July 11, 2009
19. The Appellant's Southeastern Spine Institute patient medical report dated October 12, 2009
20. The Appellant's Southeastern Spine Institute patient medical report dated January 25, 2010
21. THE DEPOSITION OF FRANK WILSON (Appellant) dated February 15, 2010
22. South Carolina Workers' Compensation Commission DECISION AND ORDER from the Hearing with Commissioner Derrick Williams held on March 23, 2010
23. The Appellant's Southeastern Spine Institute Physician's Statement (Donald R. Johnson, II, MD) dated June 18, 2011
24. South Carolina Workers' Compensation Commission DECISION AND ORDER from the Hearing with Commissioner Andrea C. Roche held on July 21, 2011
25. South Carolina Workers' Compensation Commission DECISION AND ORDER from the Hearing with Commissioner Avery B. Wilkerson, Jr. held on November 30, 2011
26. The Appellant's Southeastern Spine Institute patient medical report dated November 22, 2011
27. The Appellant's Southeastern Spine Institute patient medical report dated December 29, 2011
28. The Appellant's Southeastern Spine Institute patient medical report dated Febru-

- ary 24, 2012
29. The Appellant's Southeastern Spine Institute Pain Management Physician's Statement (William Blane Richardson, MD) dated February 24, 2012
 30. South Carolina Workers' Compensation commission DIRECTIVE 1. thru DIRECTIVE 16. Dated April 27, 2012- PAGES: 1 thru 3, for the preparing of the DECISION AND ORDER by the Respondents, for the Hearing with Commissioner Avery B. Wilkerson, Jr. held on April 18, 2012
 31. South Carolina Workers' Compensation Commission- WCC Form # 50- (Employee's Request for Hearing) dated February 17, 2012
 32. South Carolina Workers' Compensation Commission- WCC Form # 58- (Appellant's) PRE-HEARING BRIEF dated March 19, 2012
 33. South Carolina Workers' Compensation Commission- WCC Form # 59- APPELLANT'S INFORMAL BRIEF dated August 3, 2012
 34. The Appellant's ORTHOPAEDIC SPECIALIST OF CHARLESTON (John M. Graham, Jr., MD) patient medical report dated February 4, 2010
 35. The Appellant's Southern Orthopedics and Sports Medicine medical expenses for The Appellant's Left Shoulder Evaluation dated August 8, 2009 and September 29, 2009. This was due to the Appellant having to seek Left Shoulder Evaluation on his own. Furthermore, the Appellant's Left Shoulder injury had begun to worsen.

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

February 16, 2015



Frank E. Wilson
8755 Jessica Court
North Charleston, SC 29406
(843) 327-9616
Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Maité Murphy

Civil Case No. 2013-CP-18-1299

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JUL 09 2015

SC Court of Appeals

Frank Wilson, Claimant, Appellant,

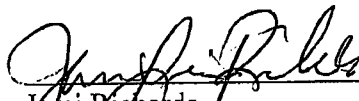
v.

American LaFrance, Employer, and,
AIG c/o Gallagher Bassett Services, Inc., Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents' **Motion for Correction of Record on Appeal** on Frank Wilson by depositing a copy of it in the United States Mail, postage prepaid, on July 7, 2015, addressed as follows:

Mr. Frank Wilson, *pro se*
8755 Jessica Court
North Charleston, South Carolina 29406



Jami Richards
Legal Assistant to Helen F. Hiser
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

July 7, 2015

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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JUL 09 2015

SC Court of Appeals

RE: Frank Wilson v. American LaFrance and AIG c/o Gallagher Bassett
Services, Inc.
Date of Accident: May 16, 2005
WCC File No.: 0506037
Our File No.: 2098.05297
Claim No.: 001961-031227-WC-02
Appellate Case No.: 2014-001996

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion for Correction of Record on Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the self-addressed, stamped envelope. Also enclosed is our firm's check in the amount of \$25 for filing the motion.

If you have any questions, please do not hesitate to contact me.

Yours truly,
McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: Frank Wilson, *pro se*

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The Honorable Jenny Abbott Kitchings
South Carolina Court Of Appeals
1220 Senate St
Columbia SC 29201-3769

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JUL 09 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

The Honorable Maité Murphy

Civil Case No. 2013-CP-18-1299

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SEP 08 2015

SC Court of Appeals

Frank Wilson, Claimant,Appellant,

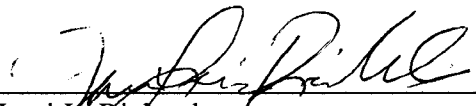
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I certify that I have served the Respondents' **Memorandum Regarding Correction of Record on Appeal** on Frank Wilson by depositing a copy of it in the United States Mail, postage prepaid, on September 3, 2015, addressed as follows:

Mr. Frank Wilson, *pro se*
8755 Jessica Court
North Charleston, South Carolina 29406



Jami E. Richards
Legal Assistant to Helen F. Hiser
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Attorneys for Respondents