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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

Honorable William P. Keesley

Case No. 2013-CP-32-01272
Case No. 2014-CP-32-00399

RECEIVED
OCT 02 2015
SC Court of Appeals

Alexander Guice, Appellant,

v.

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

**MOTION FOR CORRECTION AND/OR
CLARIFICATION OF APPELLANT'S
DESIGNATION OF MATTER**

Pursuant to Rule 209, SCACR, Respondents move this Court to order that Appellant's Designation of Matter to be Included in the Record on Appeal ("Designation") be corrected and/or clarified as described below. In particular, a number of Appellant's designations do not comply with Rule 209(b) because they do not sufficiently identify the materials Appellant intends to designate for the Record. In particular, Rule 209(b) SCACR provides that "[t]he Designation **must clearly identify** what the party desires to have included in the Record on Appeal ..." (emphasis added). A number of Appellant's designations do not indicate the date of the referenced document(s) or, in many cases, in which forum the referenced document(s) were filed.

As Appellant notes in his Initial Brief, “[t]he ... procedural history of this instant appeal is a morass.” (Appellant’s Initial Brief, p. 2). This matter has undergone two separate but related procedures at the Commission. One of those procedures was initially appealed to this Court, moved back to the Circuit Court, then appealed back to this Court (Appeal No. 2013-002491), and up to the Supreme Court which remanded back to the Circuit Court where a second appeal of the other Commission procedure was pending. Thus, there are two separate Circuit Court dockets arising out of the two separate processes at the Commission that, at this point in time, have been consolidated and are now on appeal to this Court. As a result, it is insufficient to simply designate a document as “Answer to Motion to Dismiss” without more information as to where the motion was filed and the date of the document. Respondents cannot properly analyze Appellant’s Initial Brief or respond to same unless they are able to accurately identify the documents Appellant designates for the Record on Appeal and relies on in his brief. In an effort to move this appeal forward, Respondents have spent a great deal of time attempting to identify and locate as many of the documents as possible that Appellant has designed which lack a date or, in many cases, any indication of the forum in which the document was filed.

However, the description of the following designations is completely inadequate in order for Respondents to identify which documents Appellant intends to designate:¹

No. 49 – “Answer to Motion to Dismiss” – this entry is undated and there is no indication what forum in which it was filed – Appellant needs to identify the date and forum in which the “Answer to Motion to Dismiss” was filed;

No. 74 – “Contents of WCC case File as of December 07, 2012 (WCC Form 18; Form 15’s; Form 12; correspondence to commission from the parties; etc.)” – this entry is undated and it is too vague and general to accurately identify what

¹ The numerical references herein are to the entries as numbered in Appellant’s Designation.

portions of the Commission record Appellant intends to include in the Record on Appeal – Appellant needs to identify individually the documents he intends to designate;

No. 77 – “Correspondences from Commission Agents’ Valerie D. Deller and Eugenia Hollmon” – this entry is undated and it is too vague and general to accurately identify what portions of the Commission record Appellant intends to include in the Record on Appeal – Appellant needs to identify individually the “correspondences” he intends to designate;

No. 78 – “Medical Reports, WCC Case No. 0506205” – this entry is undated and it is too vague and general to accurately identify what medical records contained in the Commission record Appellant intends to include in the Record on Appeal – Appellant needs to identify individually the medical reports he intends to designate; and

No. 80 – “Last three check receipts from compensation payments appellant received from employer’s representative” – this entry is undated and it is too vague and general to accurately identify what payment records Appellant intends to include in the Record on Appeal – Appellant needs to identify individually the “check receipts” he intends to designate.

Respondents request that this Court order Appellant to correct these designations as provided above.

In addition, Respondents request that this Court order Appellant to either confirm the dates/details of the following referenced documents or provide the correct date/details of the document he intends to designate:

No. 18 – “Appellate Panel Final Order dated 07/21/2013” – please confirm whether this is the order dated 07/17/2013;

No. 20 – “Decision from Commission Executive Director Gary M. Cannon dated 03/26-2013” – please confirm whether this is the letter from Gary M. Cannon to Appellant dated March 27, 2013;

No. 26 – “Proposed Order prepared by respondents dated 06/17/2015” – please confirm whether this is the proposed Order dated 06/08/2015 and sent under cover of email dated 06/17/2015;

No. 29 – “Correspondence from appellant to Circuit Court dated 04/09/2015” – please confirm whether this refers to a series of emails or a letter;

- No. 30 – “Appellant’s Answer to Reply to Motion for Relief from Administrative Orders” – undated – please confirm whether this refers to the document dated 03/22/2015;
- No. 31 – “Respondent’s Reply to Appellant’s Pre-trial Motions” – undated – please confirm whether this refers to the document dated 03/20/2015;
- No. 32 – “Motion to Stay” – this entry is undated – please confirm whether this refers to the document dated 03/07/2015;
- No. 33 – “Verified Motion to Disqualify” – undated – please confirm whether this refers to the document dated 03/15/2014 or the document dated 03/07/2015;
- No. 34 – “Motion for Relief from Administrative Orders” – undated – please confirm whether this refers to the document titled “Motion in Objection to Administrative Orders,” and dated 10/31/2014;
- No. 35 – “Notice of Cancellation of Hearing” – undated – please confirm whether this refers to the document dated 04/02/2014 or the document dated 10/15/2014;
- No. 36 – “Appellant’s Memorandum in Response to Supplemental Administrative Order Regarding Rule 63, SCRCPC And Determining to Hold a De Novo Hearing on the Pending Rule 59 Motion of the Employer/Carrier, And Setting the Date for Hearing the Rule 59 Motion and All Pending Motions” – undated – please confirm whether this refers to the document dated 03/07/2015;
- No. 37 – “Appellant’s Motion for Judgment on the Pleadings” – undated – please confirm whether this refers to the document dated 12/03/2014;
- No. 38 – “Appellant’s Motion In Objection to Administrative Orders” – undated – please confirm whether this refers to the document dated 10/31/2014;
- No. 39 – “Appellant’s Motion for Sanctions” – undated – please confirm whether this refers to the document dated 10/19/2014;
- No. 40 – “Appellant’s Answer to Respondents’ Motion to Alter/Amend” – undated – please confirm whether this refers to the document dated 10/19/2014;
- No. 42 – “Appellant’s Notice of Demand” – undated – please confirm whether this refers to the document dated 10/08/2014;
- No. 43 – “Appellant’s Reply to Respondents’ Memorandum in Response to Appellant’s Verified Notice to the Court and Motion for New Trial” – undated – please confirm whether this refers to the document dated 09/18/2014;

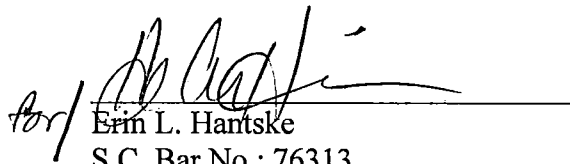
- No. 44 – “Respondent’s Memorandum in Response to Appellant’s Verified Notice to the Court and Motion for New Trial” – undated – please confirm whether this refers to the document dated 09/08/2014;
- No. 45 – “Appellant’s Answer to Reply to Motion for New Trial” – undated – please confirm whether this refers to the document dated 08/25/2014;
- No. 46 – “Respondents’ Reply to Motion for New Trial” – undated – please confirm whether this refers to the document dated 08/18/2014;
- No. 47 – “Motion for New Trial” – undated – please confirm whether this refers to the document dated 08/04/2014;
- No. 48 – “Respondents’ Memorandum in Support of Respondent’s Position on Appeal” – undated – please confirm whether this refers to the document dated 05/20/2014;
- No. 50 – “Appellant’s Reply to Answer to Appeal Brief, Case No. 14-00399” – undated – please confirm whether this refers to the document dated 03/04/2014;
- No. 51 – “Motion to Dismiss, Appellate Case No. 14-00399” – undated – please confirm whether this refers to the document dated 02/24/2014;
- No. 52 – “Reply to Appeal Brief, Case No. 14-00399” – undated – please confirm whether this refers to the document titled “Defendants’ Answer” and dated 02/24/2014;
- No. 53 – “Appeal Brief, Case No. 14-00399” – undated – please confirm whether this refers to the document dated 01/26/2014;
- No. 54 – “Respondents’ Brief to the Full Commission” – undated – please confirm whether this refers to the document dated 05/08/2013;
- No. 55 – “Appellant’s Brief to Full Commission” – undated – please confirm whether this refers to the document dated 04/22/2013;
- No. 56 – “Motion to Dismiss, Case No. 13-01272” – undated – please confirm whether this refers to the document dated 05/01/2013;
- No. 57 – “Complaint, Appellate Case No. 2013-CP-32-01272” – undated – please confirm whether this refers to the document dated 04/08/2013;
- No. 59 – “Proposed Commission Order on Motion for Reinstatement” – undated – please confirm whether this refers to the document dated 03/18/2013;
- No. 60 – “Answer to Motion for Reinstatement” – undated – please confirm whether this refers to the document dated 03/17/2013;

- No. 61 – “Reply to Motion for Reinstatement” – undated – please confirm whether this refers to the document dated 03/14/213;
- No. 62 – “Motion for Reinstatement” – undated – please confirm whether this refers to the document titled “Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments” and dated 03/04/2013;
- No. 63 – “Form 30 Request for Review” – undated – please confirm whether this refers to the document dated 11/01/2012 or the document dated 02/28/2013;
- No. 64 – “Commission District Assignments and Commission District Map” – undated – please confirm whether this refers to the document dated as having been downloaded 02/27/2013;
- No. 65 – “Answer to Motion for Transfer of Jurisdiction” – undated – please confirm whether this refers to the document dated 02/13/2013;
- No. 66 – “Motion for Transfer of Jurisdiction” – undated – please confirm whether this refers to the document dated 02/03/2013;
- No. 67 – “Notice of Form 50 Hearing” – undated – please confirm whether this refers to the document dated 01/29/2013;
- No. 68 – “WCC Form 51 and Amended Form 51” – undated – please confirm whether this refers to the documents dated 12/27/2012 and 01/14/2013 respectively;
- No. 69 – “WCC Form 50 and Amended Form 50” – undated – please please confirm whether this refers to the documents dated 12/07/2012 and 01/05/2013 respectively
- No. 70 – “Correspondence form Employer’s Representative and Employer Discharge Notice” – undated – please confirm whether this refers to the document dated 10/28/2005;
- No. 71 – “WCC Form 27 Subpoena (Employer’s Representative)” – undated – please confirm whether this refers to the document dated 12/07/2012;
- No. 72 – “WCC Form 27 Subpoena (Attorney Bacon)” – undated – please confirm whether this refers to the document dated 12/07/2012; and
- No. 73 – “Commission Order Relieving Attorney Bacon as counsel to appellant” – undated – please confirm whether this refers to the document dated 12/10/2012.

CONCLUSION

For the reasons stated herein, Respondents request that this Court order that Appellant's Designation be corrected as outlined above. In addition, Respondents request that the deadline for filing their Initial Brief be suspended until this Court rules on this Motion and Appellant's Designation of Matter has been corrected and/or clarified.

Respectfully submitted,



Erin L. Hantske

S.C. Bar No.: 76313

McANGUS GOUDELOCK & COURIE, LLC

Post Office Box 650007

735 Johnnie Dodds Blvd, Suite 200

Mt. Pleasant, South Carolina 29465

(843) 576-2900

Attorney for Respondents

September 30, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

Honorable William P. Keesley

Case No. 2013-CP-32-01272
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PROOF OF SERVICE

I certify that I have served the **Respondents' Motion for Correction and/or Clarification of Appellant's Designation of Matter** on Alexander Guice, pro se, by depositing a copy of it in the United States Mail, postage prepaid, on September 30, 2015, addressed as follows:

Alexander Guice
P.O. Box 13281
Tampa, Florida 33681



Jami Richards
Legal Assistant to Erin L. Hantske
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondents

mgc

Reply To

ERIN L. HANTSKE
Direct Dial: (843) 576-2946
erin.hantske@mgclaw.com

September 30, 2015

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SC Court of Appeals

Via U.S. Mail

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

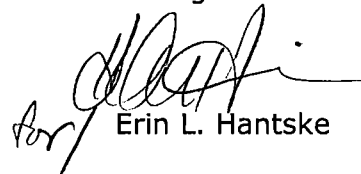
RE: Alexander Guice v. U.S. Food Service, Inc. and ACE American Insurance
Company c/o Gallagher Bassett Services, Inc.
Date of Accident: May 5, 2005
WCC File No.: 0506205
Our File No.: 2098.12550
Claim No.: 004063-032175-wc-01
Appeal No.: 2015-001821

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion for Correction and/or Clarification of Appellant's Designation of Matter, 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


Erin L. Hantske

Enclosures

cc: Alexander Guice, *pro se*

735 JOHNNIE DODDS BLVD, SUITE
200
POST OFFICE BOX 650007
MT. PLEASANT, SC 29465

843.576.2900 PHONE
843.534.0605 FAX
WWW.MGCLAW.COM



mgc

POST OFFICE BOX 650007
MOUNT PLEASANT, SC 29465

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2098.12550/HFH/jlr

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

