

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

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Case No. 2013-CP-32-01272

Case No. 2014-CP-32-00399

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Appellate Case No. 2015-001821

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APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

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Alexander Guice, Appellant,

v.

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

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**RETURN IN OPPOSITION TO MOTION FOR CORRECTION  
AND/OR CLARIFICATION OF APPELLANT'S  
DESIGNATION OF MATTER**

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Pursuant to Rule 240(e), SCACR, Alexander Guice, the named and undersigned pro se Appellant, submits these pleadings in *propria persona*. See Haines v. Kerner, 92 Sct 594; also See Power 914 F2d 1459 (11<sup>th</sup> Cir 1990); also See Hulsey v. Ownes, 63 F3d 354 (5<sup>th</sup> Cir 1995). *Id.* Appellant presents this Return in opposition to the "Motion for Correction and/or Clarification of Appellant's Designation of Matter" (Motion for correction/clarification") dated

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SC Court of Appeals

September 30, 2015 filed by respondents' counsel in the above-entitled action, which was received by appellant via regular mail, with service upon the undersigned on October 05, 2015. In return to the Motion for clarification/correction, appellant further states as follows:

**1. General Denial.**

Appellant asserts that each and every averment set forth in respondents' Motion for Correction/clarification which is not hereafter expressly admitted is DENIED and strict and absolute proof demanded thereof. Specifically, appellant denies respondents' claim(s) that the Designation of Matter filed and served by appellant contains any proposed document wherein respondent is not able to accurately identify what documents appellant propose to be included within the Record on Appeal.

**2. Appellant DENIES respondents' contention that "This matter has undergone two separate but related procedures at the Commission" (Motion for correction/clarification, p. 2. Previously submitted).**

Specifically, appellant contends the March 27, 2013 Decision of Workers' Compensation Commission Executive Director Gary M. Cannon denying appellant's 'Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments' which was filed by the undersigned with the Commission after the issuance of the *sua sponte* February 22, 2013 Commission Order and filing of WCC Form 30 Request for review was filed, but prior to the Appellant Panel's convening of the Form 30 Review Appellate hearing, wherein Mr. Cannon's March 27, 2013 decision was appealed by appellant to the circuit court under Appellate Case No. 2013-CP-32-01272; appealed before this Court

under Appellate Case No. 2013-002491; appealed to the Supreme Court, and ultimately remanded back to the circuit court pursuant to this Court's April 24, 2014 remand Order, was not "two separate processes at the Commission".

In fact, Appellate Case No. 2013-CP-32-01272; Appellate Case No. 2013-002491 and the appeal to the Supreme Court reflected a continuation of proceedings before the Commission, wherein, as averred by appellant, the Commission, and specifically, District 7 jurisdictional Commissioner Andrea C. Roche, erred by failing to issue an Order on the Motion for reinstatement in accordance with S.C. Code Ann. § 42-3-20(C)(2007), and S.C. Reg. 67-707(C)(2)(c)(Supp. 2008); and wherein Mr. Cannon acted in excess of his jurisdictional authority and legislative grant as set forth in S.C. Code Ann. § 42-3-80(Supp. 2008)(See *Wigfall v. Tideland Utilities, Inc.*, Op. No. 25628 (S.C. Sup. Ct. filed April 14, 2003) (Shearouse Adv. Sh. No. 14 at pg.10)("workers' compensation is a creature of statute. As such, we [Supreme Court] are bound to strictly construe the terms of the statute and to rely on the General Assembly to amend the statute where necessary")), by issuing the aforementioned *sua sponte* March 27, 2013 Decision in this contested case brought before the Commission. See *Triska v. Dep't of Health & Env'tl. Control*, 292 S.C. 190, 194, 355 S.E.2d 531, 533 (1987)(holding that an agency **must** follow its own regulations) (Emphasis added); also see *Med. Soc'y of S.C. v. Med. Univ. of S.C.*, 334 S.C. 270, 275, 513 S.E.2d 352, 355 (1999) ("An agency created by statute has only the authority granted to it by the legislature."). *Id.*

Appellant contends respondents' have improperly utilized their Motion for

correction/clarification to advance the unpreserved argument that Appellate Case No. 2013-CP-32-01272 arose “out of two separate processes at the Commission”, wherein this argument was not contained and preserved within respondents’ Motion to Alter/Amend Circuit Court Order dated September 25, 2014” filed by respondents’ on October 16, 2014 in regards to the September 25, 2014 Circuit Court Order issued in relation to Appellate Case No. 2013-CP-32-01272 / 2014-CP-32-00399. Motion to Alter/Amend Circuit Court Order dated September 25, 2014, Case No. 13-01272 / 14-00399. Attachment “A”.

As such, appellant contends this Court should consider denying the respondents’ Motion for correction/clarification for abusing the purpose of a correction/clarification application in terms of respondents’ submission of the aforementioned unpreserved argument. See *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) (“It is axiomatic that an issue cannot be raised for the first time on appeal, but **must** have been raised to and ruled upon by the trial judge to be preserved for appellate review.”) (Emphasis added); also see *State v. Nelson*, 331 S.C. 1, 5 n. 6, 501 S.E.2d 716, 718 n. 6 (1998) (“[T]he ultimate goal behind preservation of error rules is to insure (sic) that an issue raised on appeal has first been addressed to and ruled on by the trial court.”). *Id.*

**3. Appellant DENIES respondents’ contention or implication that the medical reports in regards to the instant appeal were on file with the Commission prior to consideration and approval of the Settlement Agreement and Release on January 05, 2006.**

Appellant contends that respondents’ statement as to the Medical Reports, and specifically, “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” (Motion for Correction/clarification, p. 3), improperly implies the respondents did file the medical records with the Commission prior to the issuance of the Settlement Agreement and Release, when in fact, there were no medical reports regarding WCC Case No. 0506205 contained within the Commission record as of December 07, 2012. Appellant has further contended that employer’s representative has never filed any medical reports in regards to WCC Case No. 0506205 with the Commission. Appellant’s Initial Brief, previously submitted.

Appellant contends the medical reports were not filed with the Commission and subsequently contained within the Commission’s record until appellant initially filed copies of the medical reports with the Commission as exhibits to appellant’s Motion for reinstatement – in March 2013. See Index of Exhibits to Motion for reinstatement (exhibits not included), Att. “B”.

**4. Appellant DENIES respondents’ contention that appellant’s designation of matter, in anyway, is in noncompliance with Rule 209(b), SCACR.**

First, appellant contends that a review of appellant’s designation of matter in conjunction with the ‘Statement of the Case’ portion of appellant’s initial brief clearly provides the appropriate dates and forums the requested documents originated from. See Appellant’s Initial Brief & Designation, previously submitted.

Second, with respect to appellant’s proposed ‘contents of the Commission’s Copy of WCC Case File Number 0506205 as of December 07, 2012’ AND ‘the Medical Reports with regards to WCC Case File Number 0506205’, appellant contends respondents’ are in fact informed and aware of the

exact documents regarding the same, based on the grounds that a true copy of the aforementioned documents were provided to the respondents as exhibits to appellant's 'Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments' (Motion for Reinstatement) appellant filed with the Commission on March 04, 2013; the Index of Exhibits to Appellant's Brief filed before the Appellate Panel regarding the WCC Form 30 Review dated April 22, 2013; and the Index of Exhibits to appellant's appeal brief filed with the Circuit Court under Appellate Case No. 2014-CP-32-00399 dated January 26, 2014. Index of Exhibits to Motion for Reinstatement, Att. "B". Appellant's Brief to the Appellate Panel – Index of Exhibits (exhibits not included). Attachment "C". Appellant's Brief to the Circuit Court – Index of Exhibits (exhibits not included). Attachment "D".

Further, when respondents' were duly served with the aforementioned documents as contained within Commission's Case File Number 0506205 as of December 07, 2012 and the Medical Reports regarding WCC Case File Number 0506205 per the Motion for reinstatement; Appellant's Brief to the Full Commission; and Appellant's Brief to the Circuit Court, respondents' declined to object to aforementioned documents on any grounds and heretofore has no grounds to support their claim as to not having the ability to identify and locate proposed documents. See *McKissick v. J.F. Cleckley & Co.*, 325 S.C. 327, 344, 479 S.E.2d 67, 75 (Ct. App. 1996) ("Failure to object when the evidence is offered constitutes a waiver of the right to have the issue considered on appeal."). *Id.*

Finally, appellant contends appellant's designation of matter was in fact in compliance with Rule 209, SCACR, based on the acceptance of the same by the Clerk for the Court of Appeals after consideration of the same in conjunction with appellant's initial brief. Specifically, the Clerk of Court received, reviewed, and examined appellant's designation of matter in conjunction with appellant's initial brief, and accepted the same without the issuance of a deficiency notice<sup>1</sup>. See Appellant's Initial Brief and Designation of Matter. Previously submitted.

Accordingly, based on the grounds that 1) the Clerk of Court reviewed and accepted appellant's designation of matter as submitted; 2) the respondents' are already in possession of the contents of the Commission's Copy of WCC File Number 0506205 as of December 07, 2012 and the Medical Reports in regards to WCC File Number 0506205; and 3) a review of appellant's initial brief in conjunction with appellant's designation of matter clearly provides the required specificity to identify what documents appellant seeks to be included within the record on appeal, appellant contends the respondents' Motion for Correction/clarification should be denied by the Court as "without merit" or "justification". See *Heath v. Aiken County*, 302 S.C. 178, 394 S.E.2d 709 (1990) ("A court need not go so far as to brand a claim 'frivolous' in order for it to be

**5. Respondents' request to suspend the tolling and computation of time to file their initial brief and designation of matter should be deemed abandoned.**

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<sup>1</sup> Appellant points out that several documents proposed to be included within the record on appeal as set forth in appellant's designation of matter were previously provided to the Court of Appeals (and respondents') as supporting exhibits to appellant's Return to respondents' Motion to Dismiss in re: Appellate Case No. 2013-002491. See Return to Motion to Dismiss, Appellate Case No. 2013-002491. Previously submitted.

found to be without substantial justification”). *Id.*

Appellant contends respondents’ “request”, as set forth in the ‘Conclusion’ section of their Motion for Correction/clarification, and specifically, “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” (Motion for Correction/clarification, p. 7), is short, conclusory, unsupported by authority, and therefore should be deemed abandoned. See *R & G Constr., Inc. v. Lowcountry Reg’l Transp. Auth.*, 343 S.C. 424, 437, 540 S.E.2d 113, 120 (Ct. App. 2000) (where no authority is cited and argument in brief is conclusory, issue is deemed abandoned); also see *State v. Lindsey*, 394 S.C. 354, 363, 714 S.E.2d 554, 558 (Ct. App. 2011)(“When a party provides no legal authority regarding a particular argument, the argument is abandoned and the court will not address the merits of the issue.”). *Id.*

Because respondents’ request to suspend the tolling of this action until such time as the Court has adjudicated their aforementioned motion and appellant’s designation of matter has been corrected/clarified was not supported by authority and therefore should be deemed abandoned, as well as the fact respondents’ was duly served with a true copy of appellant’s initial brief and designation of matter on September 17, 2015 (See Proof of Service and USPS Priority Mail Confirmation enclosed and incorporated herein as Att. “E”), appellant contends if respondents’ fail to file their initial brief and designation in this matter not later than October 16, 2015 in accordance with Rule 208(a)(2), SCACR, and Rule 209(a), SCACR, respectively, this Court should consider the initial brief and

designation of matter filed by respondents in this matter untimely and reject the same if filed after October 16, 2015. *Id.* See *Holley v. Mount Vernon Mills, Inc.*, 312 S.C. 320, 440 S.E.2d 373 (1994)(“When the terms of a statute are clear, the court must apply those terms according to their literal meaning.”); also see *Nexsen v. Ward*, 96 S.C. 313, 80 S.E. 599 (1914)(“[E]very word, clause, and sentence must be given some meaning, force, and effect, if it can be done by any reasonable construction.”); also see *South Carolina Dep’t of Soc. Servs. v. Gamble*, 337 S.C. 428, 523 S.E.2d 477 (Ct. App. 1999)(“When construing a statute, courts should consider the words of the statute in conjunction with the purpose of the whole statute and the policy of the law”). *Id.*

**6. The Court should consider imposing reasonable sanctions upon respondents’ counsel *sua sponte* for filing a frivolous motion and/or filing a motion with the intent to delay the processing and adjudication of the instant appeal.**

Appellant contends the Court should consider imposing reasonable sanctions upon respondents’ counsel, namely, Erin L. Hantske, Esquire and McAngus, Goudelock & Courie, LLC, *sua sponte*, for submitting the frivolous Motion for Correction/clarification and/or filing the aforementioned motion for the purpose of delaying the processing and adjudication of the instant appeal.

Rule 269, SCACR, provides in part:

*Where an appeal, petition, **motion** or return is frivolous or taken solely for the purposes of delay, or is not in compliance with these Rules, **the appellate court may upon its own motion** or that of a party, after ten (10) days notice, **impose upon offending attorneys or parties such sanctions** as the circumstances of the case and discouragement of like conduct in the future may require. (Emphasis added). *Id.**

Appellant contends the *sua sponte* imposition of sanctions by the Court

upon respondents' counsel is appropriate based on several factors. First, appellant's well plead argument as set forth in point "4" above meritoriously confirms that respondents', through counsel, are in fact informed and aware of all documents proposed to be contained within the record on appeal per appellant's designation of matter. See Argument "4" above.

Second, appellant contends that as a result of the respondents' counsel's filing the alleged frivolous motion, the procedural process of adjudicating the instant appeal is now intentionally delayed, by respondents' counsel, wherein appellant would contend the action has prejudiced the appellant in terms of the additional time which may accrue until the Court renders a determination on respondents' correction/clarification motion.

Because the respondents', through counsel, are in fact informed and aware of all documents proposed in appellant's designation to be included within the record on appeal, appellant contends respondents' Motion for Correction/clarification; 1) is frivolous; **or** 2) has been submitted with the sole purpose to delay the processing and adjudication of the instant appeal; **or** 3) has been submitted as a means to improperly afford respondents' counsel additional time to file respondents' brief and designation; **or** 4) any combination of the above. See Argument "3" above; Respondents' Motion for Correction/clarification; "Statement of the Case" portion of Initial Brief of Appellant; and appellant's Designation of Matter. Previously filed.

In any event, appellant contends based upon the conduct of respondents' counsel in terms of the filing and service of the frivolous and intentionally-

delaying Motion for Correction/clarification, the Court should consider imposing reasonable sanctions, *sua sponte*, and in the discretion of the Court, upon respondents' counsel, as a means to effect positive reinforcement and "discouragement of like conduct in the future" in accordance with Rule 269, SCACR, and/or other applicable law. *Id.*

**7. The Court should consider attaching priority to the above-entitled appeal and expedite the adjudication of respondents' Motion for Correction/clarification.**

Appellant contends the Court should consider expediting the adjudication of respondents' Motion for Correction/clarification as well as the instant appeal. Specifically, appellant prevailed in the instant appeal pursuant to the Circuit Court's September 25, 2014 Order granting appellant's Motion for New Trial as to "all particulars" set forth in the same. Furthermore, appellant has argued that the Commission lacked jurisdiction at the time it approved the Settlement Agreement and Release on January 05, 2006 which has deprived appellant of entitled TTD benefits; and denied appellant access to entitled medical and health benefits now for nearly ten (10) years. See Appellant's Initial Brief.

Finally, as the above-entitled action reflects an appeal from the Workers' Compensation Commission, appellant contends the same is entitled to "sure swift recovery regarding work place injuries". See *Peay v. U.S. Silica Co.*, 313 S.C. 91, 94, 437 S.E.2d 64, 65 (1993) ("Workers' compensation laws were intended by the Legislature to relieve workers of the uncertainties of a trial for damages by providing sure, swift recovery for workplace injuries regardless of fault."); also see *Parker v. Williams & Madjanik, Inc.*, 275 S.C. 65, 70, 267 S.E.2d

524, 526 (1980) ("The employee receives the right to swift and sure compensation; the employer receives immunity from tort actions by the employee."); also see Rule 74, SCRCF ("...priority shall be given to the hearing and disposition of such appeals in accordance with law."). *Id.*


### CONCLUSION

Accordingly, based on the foregoing reasons, appellant moves the Court to deny respondents' Motion for Correction/clarification as the same is without merit or justification. Further, appellant moves the Court to reject and deem respondents' initial brief and designation of matter untimely if the same is not filed and served by respondents' on or prior to October 16, 2015 and to consider imposing reasonable sanctions upon respondents' counsel, *sua sponte*, for filing a frivolous motion and/or filing the motion at issue with the purpose of delaying the adjudication of the instant appeal.

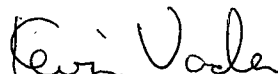
### VERIFICATION

I, **Alexander Guice**, the named and undersigned self-represented appellant in this matter, do hereby swear, under penalty of perjury, that I prepared, read and reviewed the information contained herein and believe it to be true and correct to the best of my knowledge and ability.

Respectfully submitted,

By:   
Alexander Guice  
Post Office Box 13281  
Tampa, FL 33681  
(813) 562-0547  
alguice@hotmail.com  
Appellant, Pro Se

Sworn to before me this  
14 day of October, 2015

  
Notary Public of Florida  
My commission expires 8-19-2019

October 14, 2015



# ATTACHMENT A

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )

IN THE CIRCUIT COURT FOR  
THE ELEVENTH JUDICIAL DISTRICT

ALEXANDER GUICE, )  
 )  
Claimant, )

Civil Action No. 2014-CP-32-399  
2013-CP-32-1272

v. )

US FOODSERVICE, INC., )  
 )  
Employer, )

**DEFENDANTS' MOTION TO  
ALTER/AMEND CIRCUIT COURT  
ORDER DATED SEPTEMBER 25, 2014**

and )

ACE AMERICAN INSURANCE )  
COMPANY C/O GALLAGHER )  
BASSETT SERVICES, INC., )

Carrier, )

Defendants.

TO: HONORABLE JUDGE BRIAN M. GIBBONS AND ALEXANDER GUICE:

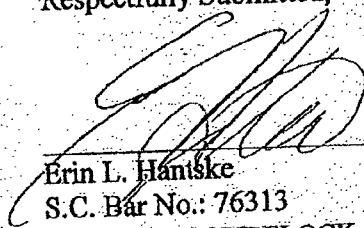
**YOU WILL PLEASE TAKE NOTICE** that pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure and other applicable law, Defendants US Foodservice, Inc., and their Carrier ACE American Insurance Company, by and through their undersigned counsel, hereby file this Motion to alter/amend the Order Granting Appellant/Claimant's Motion for a New Trial and Order for Recusal dated September 25, 2014, filed with the Lexington County Clerk of Court on September 29, 2014, and received by Defendants on October 7, 2014. Defendants Motion is based on the following grounds:

1. The parties proceeded to a hearing before Judge Brian M. Gibbons on June 16, 2014, per the Claimant's appeal from the Full Commission of the Workers' Compensation Commission.
2. Following the hearing, Judge Gibbons ordered Defendants to prepare the Decision and Order.
3. Defendants prepared that Order and the same was approved on July 30, 2014.
4. The Claimant/Appellant filed a Motion for a New Trial on August 4, 2014, requesting a new trial or hearing and further requesting relief which was the basis of his appeal.
5. Following submission of briefs from both parties regarding this issue per Judge Gibbons' request, Judge Gibbons issued a subsequent Order dated September 25, 2014.
6. Specifically, on page No. 4 of the Order, the first finding states "the Appellant/Claimant's Motion for new trial or hearing is GRANTED as to all particulars set forth in his Motion and that my Order of July 30, 2014 be and hereby is VACATED."
7. Defendants respectfully request clarification of that particular Finding of Fact as we subsequently received correspondence from the Claimant asserting that this finding entitles the Claimant to the relief sought and not merely the new trial. Specifically, the Claimant asserts that all previous Decision and Orders, including but not limited to, the Settlement Agreement and Final Release dated January 5, 2006, the Order from Commissioner Susan Barden dated February 22, 2013, and the Decision and Order of the Appellate Panel dated July 17, 2013, are all set aside. Furthermore, he asserts that Judge Gibbons granted the relief he requested including "reinstat[em]ent

of] Appellant's employment and release [of] the unlawfully withheld temporary total compensation payments, as well as 25% interest penalty assessed."

**WHEREFORE**, Defendants respectfully request this Honorable Court to clarify the first finding of the Order granting Appellant/Claimant's Motion for a New Trial in Order for Recusal and submit an amended Order, if necessary; specifically, as to whether the Appellant/Claimant is entitled to the relief sought, setting aside of the previous Orders and the granting of the new trial or hearing.

Respectfully Submitted,



---

Erin L. Haniske  
S.C. Bar No.: 76313  
McANGUS GOUDELICK & COURIE, LLC  
Post Office Box 650007  
735 Johnnie Dodds Blvd, Suite 200  
Mt. Pleasant, South Carolina 29465  
(843) 576-2900  
*Attorney for Respondents*

October 16, 2014

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

ALEXANDER GUICE, )

Claimant, )

v. )

US FOODSERVICE, INC., )

Employer, )

and )

ACE AMERICAN INSURANCE COMPANY )  
C/O GALLAGHER BASSETT SERVICES, )  
INC., )

Carrier, )

Defendants. )

IN THE CIRCUIT COURT FOR  
THE ELEVENTH JUDICIAL DISTRICT

CIVIL ACTION NO. 2014-CP-32-00399  
2013-cp-32-1272

**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee at MCANGUS GOUDELOCK & COURIE, and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Alexander Guice (via U.S. mail, e-mail & certified mail/rrr)  
Post Office Box 13281  
Tampa, Florida 33681

Lexington County Clerk of Court  
205 East Main Street, Suite 146  
Lexington, South Carolina 29072

DOCUMENT: Defendants' Motion to Alter/Amend Circuit Court Order Dated  
September 25, 2014

DATE OF MAILING: October 16, 2014



Susan M. Moten  
Legal Assistant to Erin L. Hantske

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

October 16, 2014

Emily Hinson  
Lexington County Clerk of Court  
205 East Main Street, Suite 146  
Lexington, South Carolina 29072

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  
Civil Action No. 2014-CP-32-399 and 2013-cp-32-1272

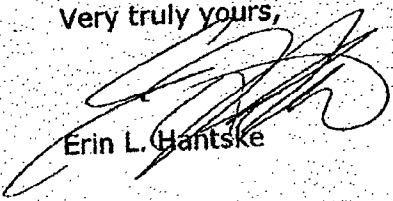
Dear Ms. Hinson:

Enclosed please find the original and one (1) copy of Defendants' Motion to Alter/Amend Circuit Court Order Dated September 25, 2014 for filing in the above-referenced matter along with a check in the amount of \$25.00 representing the filing fee. I have also enclosed a self-addressed, stamped envelope for the return of a filed copy of same.

Defendants are respectfully requesting clarification regarding the Order submitted from Judge Brian M. Gibbons dated September 25, 2014, filed September 29, 2014, and received by Defendants on October 7, 2014. Defendants believe that the court can clarify this without a Motion, but we are filing the attached Motion pursuant to the South Carolina Rule of Civil Procedure 59(e) within ten days from receipt of the Order to preserve this matter and ensure compliance with the same.

By copy of this letter to Alexander Guice, *Pro se* Claimant, we are serving a copy of same upon him by U.S. mail and certified mail/return receipt requested.

Very truly yours,

  
Erin L. Hantske

ELH/smm

cc: The Honorable Brian M. Gibbons, Lexington County Judicial Center (w/encl.)  
Alexander Guice (w/encl.)(via U.S. mail, e-mail & Certified Mail/RRR)  
Cheryl McLaughlin, US Foodservice, Inc. (w/encl.)(via e-mail)  
Rexann Huneycutt, Gallagher Bassett Services, Inc. (w/encl.)(via e-mail)  
Lisa Purvis, US Foodservice, Inc. (w/encl.)(via e-mail)

STATE OF SOUTH CAROLINA )

COUNTY OF LEXINGTON )

ALEXANDER GUICE, )

Plaintiff(s) )

vs. )

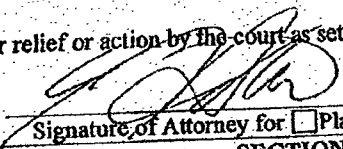
US FOODSERVICE, INC., EMPLOYER, and  
ACE AMERICAN INSURANCE COMPANY C/O  
GALLAGHER BASSETT SERVICES, INC.,  
CARRIER, )

Defendant(s) )

IN THE COURT OF COMMON PLEAS

MOTION AND ORDER INFORMATION FORM  
AND COVER SHEET

C/A No: 2014-CP-32-399  
2013-cp-32-1272

|  |   |
|--|---|
| Plaintiff's Attorney:<br>Alexander Guide, <i>Pro Se</i> Claimant Bar No.<br>Address:<br>Post Office Box 13281<br>Tampa, Florida 33681<br>phone:<br>e-mail: <a href="mailto:alguice@hotmail.com">alguice@hotmail.com</a><br>other:  | Defendant's Attorney:<br>Erin L. Hantske Bar No. 76313<br>Address: McAngus, Goudelock & Courie, LLC<br>Post Office Box 650007<br>735 Johnnie Dodds Blvd., Suite 200 (29464)<br>Mt. Pleasant, South Carolina 29465<br>(843) 576-2900<br>Direct number: (843) 576-2946 Fax: (843) 534-0605<br>e-mail: <a href="mailto:erin.hantske@mgclaw.com">erin.hantske@mgclaw.com</a> other: |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)   |   |
| SECTION I: Hearing Information<br>Nature of Motion: DEFENDANTS' MOTION TO ALTER/AMEND CIRCUIT COURT ORDER DATED SEPTEMBER 25, 2014<br>Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO   |   |
| SECTION II: Motion/Order Type<br><input checked="" type="checkbox"/> Written motion attached<br><input type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.   |   |
| Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant<br><br>Date submitted: <u>October 16, 2014</u>   |   |
| SECTION III: Motion Fee<br><input checked="" type="checkbox"/> PAID - AMOUNT: \$25.00<br><input type="checkbox"/> EXEMPT: (check reason) <ul style="list-style-type: none"> <li><input type="checkbox"/> Rule to Show Cause in Child or Spousal Support</li> <li><input type="checkbox"/> Domestic Abuse or Abuse and Neglect</li> <li><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party</li> <li><input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief</li> <li><input type="checkbox"/> Motion for Stay in Bankruptcy</li> <li><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP)</li> <li><input type="checkbox"/> Proposed order submitted at request of the court; or,<br/>reduced to writing from motion made in open court per judge's instructions</li> </ul> Name of Court Reporter:<br><input type="checkbox"/> Other: |   |
| JUDGE'S SECTION<br><input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other:  | JUDGE: _____<br>CODE: _____ Date: _____   |
| CLERK'S VERIFICATION<br>Date Filed: _____  |   |
| Collected by: _____  |   |
| <input type="checkbox"/> MOTION FEE COLLECTED: _____<br><input type="checkbox"/> CONTESTED - AMOUNT DUE: _____   |   |

# ATTACHMENT B

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO. 0506205

ALEXANDER GUICE, )  
 )  
 Employee, )  
 )  
 Claimant, )  
 Vs. )  
 )  
 US FOODSERVICE, INC., Et. al, )  
 )  
 Employer AND Carrier, )  
 )  
 Defendants. )

**INDEX OF EXHIBITS**

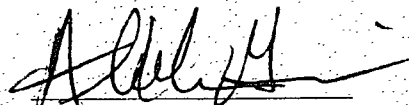
LISTED BELOW, pursuant to Regulation 67-612 (B)(1) of the Act, Alexander Guice, the *pro se* Claimant, the Moving Party, presents the Index of Exhibits containing Reports, and the like, to be used with regards to the Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments in the above-referenced matter. The Reports are listed in reverse chronological order IAW Regulation 67-612 (G)(1)(2) of the Act and the Administrative Procedures Act to the best of the *pro se* Claimant's ability.

**LIST OF EXHIBITS**

| <b>Exhibit Number</b> | <b>Description</b>  | <b>Date(s)</b>          | <b>Page(s)</b> |
|-----------------------|---|-------------------------|----------------|
| One                   | Copy of Commission File WCC # 0506205 as of 12/07/2012  | 12/07/2012 – 05/13/2005 | 1 THRU 36      |
| Two                   | Claimant's Employment File  | 12/21/2012 – 08/16/2001 | 1 THRU 16      |
| Three                 | MEDICAL REPORT – Cathy Dayton, RN, CCM, Genex   | 10/28/2005              | 1              |
| Three                 | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 10/27/2005              | 2 Thru 4       |
| Three                 | Medical Report – James R. Cole, Physical Therapist, Physical Work Performance Evaluation Summary  | 10/19/2005              | 5 Thru 12      |
| Three                 | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 10/6/2005               | 13 Thru 15     |
| Three                 | MEDICAL REPORT – Cathy Dayton, RN, CCM, Genex – Initial Report: Medical Case Management           | 09/23/2005              | 16 Thru 20     |
| Three                 | Medical Report – Alan Tamadon, MD, Rehabilitation   | 09/15/2005              | 21 Thru 23     |

|       |  |                            |            |
|-------|--|----------------------------|------------|
|       | Medicine Services, P.C. –<br>Notice of Work Status   |                            |            |
| Three | Medical Report – Alan<br>Tamadon, MD, Rehabilitation<br>Medicine Services, P.C. –<br>Notice of Work Status | 08/25/2005                 | 24 Thru 26 |
| Three | Medical Report – Alan<br>Tamadon, MD, Rehabilitation<br>Medicine Services, P.C. –<br>Notice of Work Status | 08/18/2005                 | 27 Thru 29 |
| Three | Medical Report – Alan<br>Tamadon, MD, Rehabilitation<br>Medicine Services, P.C. –<br>Notice of Work Status | 07/21/2005                 | 30 Thru 32 |
| Three | Medical Report – Alan<br>Tamadon, MD, Rehabilitation<br>Medicine Services, P.C. –<br>Notice of Work Status | 07/07/2005                 | 33 Thru 35 |
| Three | Medical Report – Alan<br>Tamadon, MD, Rehabilitation<br>Medicine Services, P.C. –<br>Notice of Work Status | 06/16/2005                 | 36 Thru 39 |
| Four  | WCC No.: 0506205 –<br>CONSENT ORDER OF<br>SUBSTITUTION OF<br>COUNSEL                                       | 01/14/2013                 | 1 Thru 2   |
| Four  | Sworn Affidavit of Alexander<br>Guice  | 12/31/2012                 | 3 Thru 4   |
| Four  | Motion and Order To Be<br>Relieved As Counsel  | 12/10/2012 –<br>11/15/2012 | 5 Thru 6   |
| Four  | Relief of Counsel letter and<br>response   | 11/5/2012 – 10/28/2012     | 7 Thru 8   |

Respectfully submitted,



Alexander Guice  
Claimant, *pro se*  
Post Office Box 45062  
Tampa, Florida 33677  
(813) 335-4046 Phone  
(813) 898-2908 Fax  
[alguice@hotmail.com](mailto:alguice@hotmail.com)

March 4, 2013.

# ATTACHMENT C

**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION**

W.C.C. FILE NO.: 0506205

ALEXANDER GUICE, )  
 )  
 Employee, )  
 )  
 Appellant, )  
 Vs. )  
 )  
 US FOODSERVICE, INC., et. al, )  
 )  
 Employer AND Carrier, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**INDEX OF EXHIBITS**

LISTED BELOW, pursuant to Regulation 67-612 (B)(1) of the Act, Alexander Guice, the *pro se* Claimant, the Moving Party, presents the Index of Exhibits containing Reports, and the like, to be used with regards to the Appellant's Brief in the above-referenced matter. The Reports are listed in reverse chronological order IAW Regulation 67-612 (G)(1)(2) of the Act and the Administrative Procedures Act to the best of the *pro se* Claimant's ability.

**LIST OF EXHIBITS**

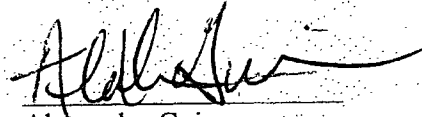
| <b>Exhibit Number</b> | <b>Description</b>  | <b>Date(s)</b>          | <b>Page(s)</b> |
|-----------------------|---|-------------------------|----------------|
| One                   | Copy of Commission File WCC # 0506205 as of 12/07/2012  | 12/07/2012 – 05/13/2005 | 1 THRU 36      |
| Two                   | Claimant's Employment File  | 12/21/2012 – 08/16/2001 | 1 THRU 16      |
| Three                 | MEDICAL REPORT – Cathy Dayton, RN, CCM, Genex   | 10/28/2005              | 1              |
| Three                 | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 10/27/2005              | 2 Thru 4       |

|       | Work Status   |            |            |
|-------|---|------------|------------|
| Three | Medical Report – James R. Cole, Physical Therapist, Physical Work Performance Evaluation Summary  | 10/19/2005 | 5 Thru 12  |
| Three | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 10/6/2005  | 13 Thru 15 |
| Three | MEDICAL REPORT – Cathy Dayton, RN, CCM, Genex – Initial Report: Medical Case Management           | 09/23/2005 | 16 Thru 20 |
| Three | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 09/15/2005 | 21 Thru 23 |
| Three | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 08/25/2005 | 24 Thru 26 |
| Three | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 08/18/2005 | 27 Thru 29 |
| Three | Medical Report – Alan Tamadon, MD, Rehabilitation Medicine Services, P.C. – Notice of Work Status | 07/21/2005 | 30 Thru 32 |
| Three | Medical Report – Alan Tamadon, MD,  | 07/07/2005 | 33 Thru 35 |

|       |  |                            |            |
|-------|--|----------------------------|------------|
|       | Rehabilitation<br>Medicine Services,<br>P.C. – Notice of<br>Work Status  |                            |            |
| Three | Medical Report –<br>Alan Tamadon, MD,<br>Rehabilitation<br>Medicine Services,<br>P.C. – Notice of<br>Work Status | 06/16/2005                 | 36 Thru 39 |
| Four  | WCC No. 0506205<br>– CONSENT<br>ORDER OF<br>SUBSTITUTION<br>OF COUNSEL   | 01/14/2013                 | 1 Thru 2   |
| Four  | Sworn Affidavit of<br>Alexander Guice  | 12/31/2012                 | 3 Thru 4   |
| Four  | Motion and Order<br>To Be Relieved As<br>Counsel   | 12/10/2012 –<br>11/15/2012 | 5 Thru 6   |
| Four  | Relief of Counsel<br>letter and response   | 11/5/2012 – 10/28/2012     | 7 Thru 8   |
| Five  | SCWCC NOTICE<br>OF BRIEF<br>REQUEST  | 04/03/2013                 | 1 Thru 4   |
| Five  | Appellant's Payment<br>of \$150.00 Filing<br>Fee   | 03/14/2013                 | 5 Thru 7   |
| Five  | SCWCC Judicial<br>Department<br>Memorandum   | 03/12/2013                 | 8 Thru 10  |
| Five  | Appellant's Form 30<br>and Form 32   | 02/28/2013                 | 11 Thru 14 |
| Five  | SCWCC Hearing<br>Districts<br>Assignments and<br>District Map  | 02/28/2013                 | 15 Thru 17 |
| Five  | Order dated<br>02/22/2013 signed<br>by Commissioner<br>Susan S. Barden   | 02/22/2013                 | 18 Thru 19 |
| Five  | Motion For Rule To<br>Show Cause   | 02/19/2013                 | 20 Thru 32 |
| Five  | Claimant's Answer<br>to Defendant's<br>Reply to Claimant's   | 02/16/2013                 | 33 Thru 43 |

|      |  |                         |                  |
|------|--|-------------------------|------------------|
|      | Telephonic Hearing   |                         |                  |
| Five | Defendant's Reply to Claimant's Motion to Transfer Jurisdiction                                  | 02/13/2013              | 44 Thru 48       |
| Five | Defendant's Reply to Claimant's Motion for Telephonic Hearing                                    | 02/13/2013              | 49 Thru 53       |
| Five | Motion for Telephonic Hearing  | 02/03/2013              | 54 Thru 61       |
| Five | Motion for Transfer of Jurisdiction  | 02/03/2013              | 62 Thru 73       |
| Five | SCWCC NOTICE OF HEARING  | 01/29/2013              | 74 Thru 75       |
| Five | Claimant's Change of Address   | 01/16/2013              | 76 Thru 78       |
| Five | Complaint – Virginia L. Crocker, Director  | 01/14/2013              | 79 Thru 88       |
| Five | Electronic Mail Correspondence – Alexander Guice, Virginia L. Crocker, and Erin L. Hantske, Esq. | 12/26/2012-12/27/2012   | 89 Thru 94       |
| Five | Amended Form 51  | 01/14/2013              | 95 Thru 98       |
| Five | Amended Form 50  | 01/05/2013              | 99 Thru 103, 105 |
| Five | Payment of \$25.00 Form 50 Filing Fee  | 01/04/2013              | 104, 106         |
| Five | SCWCC Judicial Department Memorandum   | No date listed          | 107 Thru 109     |
| Five | Form 51  | 12/27/2012              | 110 Thru 113     |
| Five | Form 50 and Form 32  | 12/7/2012               | 114 Thru 118     |
| Five | Electronic Mail Correspondence – Alexander Guice and Eugenia Hollmon, SCWCC Judicial Department  | 11/14/2012 – 11/15/2012 | 119 Thru 121     |

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alexander Guice", written over a horizontal line.

Alexander Guice  
Appellant, *pro se*  
Post Office Box 45062  
Tampa, Florida 33677  
(813) 335-4046 Phone

April 22, 2013.

# ATTACHMENT D

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON )

WCC CASE NO. 0506205

Alexander Guice, )  
Employee, Claimant, )  
Appellant, )

Versus )

**APA INDEX LIST OF EXHIBITS**

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

LISTED BELOW please find the Index of Exhibits containing reports, and the like, to be used with regards to the Appeal in the above-captioned matter. The reports are listed IAW the Administrative Procedures Act, to the best of the Appellant's ability

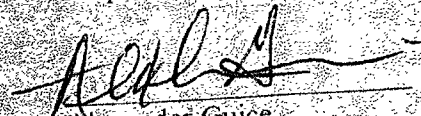
**INDEX OF EXHIBITS**

| Exhibit Number | Description   | Date(s)    | Page(s)    |
|----------------|---|------------|------------|
| 1              | Employers First Report of Injury  | 05/21/2005 | 1          |
| 1              | Correspondence to Commission From Attorney Robert Bacon                         | 05/11/2005 | 2          |
| 1              | Medical Report, Outpatient Follow-up, AND Notice of Work Status, Dr. Tamadon    | 10/27/2005 | 3 Thru 5   |
| 1              | Medical Report, Physical Work Performance Evaluation Summary, James R. Cole, PT | 10/19/2005 | 6 Thru 8   |
| 1              | WCC Form 18   | 12/01/2005 | 9          |
| 1              | Correspondence from Respondent  | 03/09/2006 | 10         |
| 1              | Medical Report Initial Report Medical Case management                           | 09/23/2005 | 11 Thru 15 |
| 1              | WCC FORM 15   | 11/7/2005  | 16         |

|   |   |               |            |
|---|---|---------------|------------|
| 1 | SETTLEMENT AGREEMENT AND RELEASE "CLINCHER"                   | 01/5/2006     | 17 Thru 24 |
| 1 | COMPENATION PAYMENT RECEIPTS                                  | 12/01-02/2005 | 25 Thru 27 |
| 1 | WCC FORM 61   | 01/05/2006    | 28         |
| 1 | RELEIF OF COUNSEL NOTICE, ROBERT G. BACON ESQ                 | 10/28/2012    | 29         |
| 1 | CORRESPONDENCE, ROBERT G. BACON                               | 11/05/2012    | 30         |
| 1 | ELECTRONIC CORRESPONDENCE, EUGENIA HOLLMON, WCC               | 11/15/2012    | 31         |
| 1 | ORDER ON RELEIF OF COUNSEL, R. BACON, WCC                     | 12/10/2012    | 32 Thru 33 |
| 1 | WCC FORM 27 - ERIN HANTSKE, ESQ RESPONDENT                    | 12/07/2012    | 34 Thru 36 |
| 1 | RESPONSE TO FORM 27-ERIN HANTSKE, ESQ RESPONDENT              | 12/21/2012    | 37 Thru 38 |
| 1 | FORM 27 - REQUEST FOR CLIENT COPY OF FILE - ROBERT BACON, ESQ | 12/07/2012    | 39 Thru 41 |
| 1 | WCC FORM 50 - REQUEST FOR HEARING ALEXANDER GUICE             | 12/07/2012    | 42 Thru 45 |
| 1 | WCC FORM 20 - ERIN HANTSKE, ESQ - RESPONDENT                  | 12/20/2012    | 46 Thru 47 |
| 1 | WCC FORM 51 - ERIN HANTSKE, ESQ - RESPONDENT                  | 12/27/2012    | 48 Thru 50 |

|   |  |            |            |
|---|--|------------|------------|
| 1 | WCC AMENDED<br>FORM 50<br>ALEXANDER GUICE  | 01/05/2013 | 51 Thru 55 |
| 1 | WCC AMENDED<br>FORM 51<br>ERIN HANTSKE,<br>ESQ.<br>RESPONDENT                      | 01/14/2013 | 56 Thru 58 |
| 1 | NOTICE OF<br>HEARING WCC<br>0506205  | 01/29/2013 | 59         |
| 1 | MOTION FOR<br>TRANSFER OF<br>JURISDICTION --<br>ALEXANDER GUICE                    | 02/03/2013 | 60 Thru 63 |
| 1 | DEFENDANTS'<br>REPLY TO<br>CLAIMANT'S<br>MOTION FOR<br>TRANSFER OF<br>JURISDICTION | 02/13/2013 | 64 Thru 67 |
| 1 | ORDER<br>COMMISSIONER<br>SUSAN BARDEN  | 02/22/2013 | 68         |
| 1 | WCC FORM 30 A<br>GUICE   | 02/28/2013 | 69         |
| 1 | SCWCC DISTRICT<br>ASSIGNMENTS AND<br>DISTRICT MAP                                  | 02/28/2013 | 70 Thru 72 |
| 1 | DECISION AND<br>ORDER<br>APPELLATE PANEL<br>- WCC                                  | 07/17/2013 | 73 Thru 78 |
|   |  |            |            |

Respectfully submitted,



Alexander Guice  
Post Office Box 13281  
Tampa, Florida 33681  
(813) 562-0547  
Appellant, *pro se*

January 26 2014  
Tampa, Florida

# ATTACHMENT E

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

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

Appellate Case No. 2015-001821

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

Alexander Guice, Appellant,

v.

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

PROOF OF SERVICE

I hereby certify that the Respondents, through counsel, were provided a true copy of a cover letter to the Clerk, the Initial Brief, and Designation of matter, by depositing the same in the US Postal Service, via Priority Mail, and addressed to: **Erin L. Hantske, Esq., P.O. Box 650007 Mt. Pleasant, SC 29465** on this 14<sup>th</sup> day of September, 2015.

By: 

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

September 14, 2015

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SC Court of Appeals

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

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William P. Keesley, Successor Circuit Court Judge **OCT 16 2015**

---

**SC Court of Appeals**

Case No. 2013-CP-32-01272

Case No. 2014-CP-32-00399

---

Appellate Case No. 2015-001821

---

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

---

Alexander Guice, Appellant,

v.

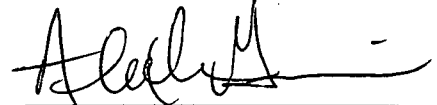
US Food Service, Inc., Employer, and  
Ace American Insurance Company c/o  
Gallagher Bassett Services, Inc., Respondents.

---

**PROOF OF SERVICE**

---

I hereby certify that the Respondents, through counsel, were provided a true copy of a cover letter to the Clerk; a Return in opposition to Motion for Correction and/or Clarification of Appellant's Designation of Matter and a proof of service, by depositing the same in the US Postal Service, via Priority Mail, and addressed to: **Erin L. Hantske, Esq., P.O. Box 650007 Mt. Pleasant, SC 29465** on this **14<sup>th</sup>** day of October, 2015.



Alexander Guice

P.O. Box 13281

Tampa, FL 33681

(813) 562-0547

Appellant, Pro Se

October 14, 2015

Alexander Guice

---

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

October 14, 2015

Via Priority Mail

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

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OCT 16 2015

SC Court of Appeals

Re: Alexander Guice v. U.S. Foodservice, Inc., et al  
Appellate Case No. 2015-001821

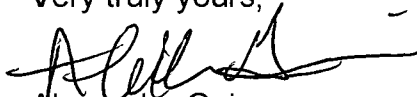
Dear Ms. Kitchings:

Please find enclosed an original and seven (7) copies of a Return in opposition to Motion for Correction and/or Clarification of Appellant's Designation of Matter and a proof of service in regards to the above referenced appeal. Please forward to the appropriate personnel for processing, and please return clocked copies of the same to the undersigned in the pre-paid self-addressed envelope enclosed for your convenience.

By copy of this correspondence, Erin L. Hantske, Esq., the respondents' counsel of record, has been provided a copy of the same via priority mail with enclosures.

Should you have any questions, 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, Esquire

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SC Court of Appeals

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