

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
COURT OF COMMON PLEAS

Honorable William P. Keesley

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

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**RECEIVED**

OCT 26 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.

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

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Pursuant to Rule 240, SCACR, Respondents reply to Appellant's Return in Opposition to Motion for Correction and/or Clarification of Appellant's Designation of Matter ("Return"), which Respondents received on October 19, 2015. First, contrary to Appellant's assertions otherwise, Respondents have not attempted to argue any substantive matters in their Motion. Appellant himself characterized "[t]he ... procedural history of this instant appeal [as] a morass." (Appellant's Initial Brief, p. 2). As noted in the Motion, one appeal was made 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 from the Commission procedure was pending. As a result of two separate Circuit Court dockets that have now been consolidated and are now on appeal to this Court, it simply 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 have spent a great deal of time attempting to discern which documents Appellant is designating and have narrowed the list of problematic designations as much as possible.

Second, Appellant has failed to address in any meaningful way the issues raised in Respondents' Motion. Although a great number of documents have been submitted at every level in this case, Appellant still has not identified which medical records he is designating for the Record. Respondents are not alleging they do not have copies of specific documents; rather, that Appellant's Designation does not identify which documents he is proposing to include in the Record. If, in fact, Appellant is designating all of the documents identified on Attachments B, C and D to his Return, that response at least provides some identification as to which records he is designating. Respondents note that the documents listed on Attachments B, C and D amount to hundreds of pages of documents.

Third, Appellant has failed to address any of the other issues raised in their Motion beyond his assertions concerning the medical reports. Consequently, Respondents renew their request that this Court order him to clarify the items he intends to designate for the Record. Simply saying Respondents can compare his Brief to his Designation and figure out what he intends to designate, which Respondents in fact have already done, is insufficient. The items listed in the Motion are items that Respondents

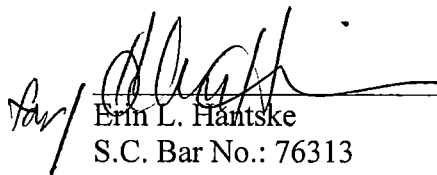
either could not accurately identify through this process, and/or items that they need Appellant to confirm.

Fourth, Respondents vigorously deny any and all allegations that their Motion is frivolous and/or was filed for purposes of delay. Appellant's Designation lists 80 items, many of which are vaguely described and/or undated.

CONCLUSION

For the reasons stated herein, Respondents request that this Court order that Appellant's Designation be corrected and/or clarified as outlined in their Motion. 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

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October 24, 2015

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In The Court of Appeals

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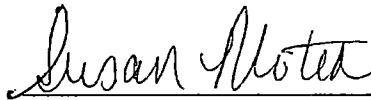
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**PROOF OF SERVICE**

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I certify that I have served the Respondents' **Reply to Appellant's Return in Opposition to 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 October 24, 2015, addressed as follows:

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



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