

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY JAN 25 2016
COURT OF COMMON PLEAS SC Court of Appeals

Honorable William P. Keesley, Circuit Court Judge

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

Alexander Guice,Appellant,

v.

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

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

Respondents propose the following be included in the Record on Appeal:¹

1. Employee Status Notice, dated Nov. 4, 2005;
2. Settlement Agreement and Release, signed by Appellant on Dec. 22, 2005, W.C.C. No. 0506205;
3. Full Commission Order & Award, filed Jan. 5, 2006, W.C.C. No. 0506205;
4. Appellant's Form 30, dated Nov. 1, 2012, W.C.C. No. 0506205;
5. Letter from A. Guice to SC Workers' Compensation Commission, dated Nov. 18, 2012, W.C.C. No. 0506205;
6. Appellant's Form 50, dated Dec. 7, 2012, W.C.C. No. 0506205;
7. Respondents' Form 51, dated Dec. 27, 2012, W.C.C. No. 0506205;

¹ Respondents' designation of the pleadings filed by the parties does not include the attachments to those pleadings unless otherwise noted in the specific designation.

8. Appellant's Amended Form 50, dated Jan. 5, 2013, W.C.C. No. 0506205;
9. Respondents' Amended Form 51, dated Jan. 14, 2013, W.C.C. No. 0506205;
10. Letter from A. Guice to E. Hantske, dated Jan. 17, 2013, transmitting a List of Exhibits & Exhibit 1 (36 pages));
11. Appellant's Motion for Transfer of Jurisdiction, dated Feb. 3, 2013, W.C.C. No. 0506205;
12. Appellant's Motion for Telephonic Hearing, dated Feb. 3, 2013, W.C.C. No. 0506205;
13. Single Commissioner Order, dated Feb. 22, 2013, W.C.C. No. 0506205;
14. Appellant's Form 30, dated Feb. 28, 2013, W.C.C. No. 0506205;
15. Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments, dated March 4, 2013, W.C.C. No. 0506205;
16. Defendants' Reply to Claimant's Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments, dated March 14, 2013, W.C.C. No. 0506205;
17. Claimant's Answer to Defendant's [sic] Reply to Claimant's Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments, dated March 17, 2013, W.C.C. No. 0506205;
18. Letter from A. Guice to Virginia Crocker, dated March 18, 2013 with proposed "Order Granting Claimant's Motion for Reinstatement of Employment and Release of Temporary Total Compensation Payments," W.C.C. No. 0506205;
19. Letter from E. Hantske to V. Crocker, dated Mar. 25, 2013, W.C.C. No. 0506205;
20. Letter from G. Cannon to A. Guice, dated March 27, 2013, W.C.C. No. 0506205;
21. Summons; Complaint; and Supplement, dated April 8, 2013, C.A. # 2013-CP-32-1272;
22. Appellant's Brief (to the Full Commission), dated Apr. 22, 2013, W.C.C. No. 0506205;
23. Defendants' Motion to Dismiss, dated May 1, 2013, C.A. # 2013-CP-32-1272;
24. Respondents' Brief to the Full Commission, dated May 7, 2013, W.C.C. No. 0506205;
25. Appellant's Reply Brief (to the Full Commission), dated May 11, 2013, W.C.C. No. 0506205;
26. Transcript of June 3, 2013 Hearing before Judge Russo;
27. Order Granting Defendants' Motion to Dismiss, filed June 13, 2013, C.A. # 2013-CP-32-1272;
28. Commission Decision & Order, filed July 17, 2013, W.C.C. No. 0506205;
29. Appellant's Notice of Appeal, dated Aug. 19, 2013, Ct. App. No. 2013-001804;
30. Transcript of September 3, 2013 Hearing before Judge Russo;
31. Form 4 Order, filed Sept. 6, 2013, C.A. # 2013-CP-32-1272;
32. Appellant's Notice of Appeal, dated Nov. 13, 2013, Ct. App. No. 2013-002491;

33. Order, filed Dec. 6, 2013, Ct. App. No. 2013-001804;
34. Notice of Appeal, and Motion to Proceed in Forma Pauperis, both dated Dec. 23, 2013, C.A. # 2014-CP-32-399;
35. Letter from A. Guice to R. Frierson, dated Dec. 23, 2013;
36. Amended Notice of Appeal, dated Dec. 31, 2013, C.A. # 2014-CP-32-399;
37. Order, dated filed Jan. 3, 2014, C.A. # 2014-CP-32-399;
38. Summons; Brief of Appellant; APA Index List of Exhibits, all dated Jan. 26, 2014, C.A. # 2014-CP-32-399;
39. Defendants' Answer, dated Feb. 24, 2014, C.A. # 2014-CP-32-399;
40. Motion to Dismiss, dated Feb. 24, 2014, C.A. # 2014-CP-32-399;
41. Respondents' Motion to Dismiss Appeal, dated Feb. 28, 2014, Ct. App. No. 2013-002491;
42. Motion to Disqualify, dated March 15, 2014, C.A. # 2014-CP-32-399;
43. Form 4 Order continuing hearing scheduled for 4/3/14, filed April 3, 2014, C.A. # 2014-CP-32-399;
44. Order Denying Appellant's Motion to Disqualify, filed Apr. 4, 2014, C.A. # 2014-CP-32-399;
45. Letter from A. Guice to Judge Russo, dated April 10, 2014, C.A. # 2014-CP-32-399;
46. Order, filed April 24, 2014, Ct. App. No. 2013-002491;
47. Notice of Motion or Status Conference Scheduling, dated May 5, 2014, C.A. # 2014-CP-32-399;
48. Appellant's Notice to the Court, dated May 12, 2014, C.A. # 2014-CP-32-399;
49. Letter from Judge Russo to A. Guice, dated May 20, 2014, C.A. # 2014-CP-32-399;
50. Respondents' Memorandum in Support of Respondent's [sic] Position on Appeal, dated May 20, 2014, C.A. # 2014-CP-32-399;
51. Appellant's Memorandum in Support of Appellant's Position on Appeal, dated May 22, 2014, C.A. # 2014-CP-32-399;
52. Notice of Motion or Status Conference Scheduling, dated May 30, 2014, C.A. # 2014-CP-32-399;
53. Appellant's Notice to the Court, dated June 2, 2014, C.A. # 2014-CP-32-399;
54. Order, filed June 5, 2014, Ct. App. No. 2013-002491;
55. Memorandum of Comments and Exceptions Regarding Proposed Order on Appeal, dated June 27, 2014, C.A. # 2014-CP-32-399;
56. Notice of Petition for Writ of Certiorari, dated July 5, 2014, Sup. Ct. No. 2014-001450;
57. Respondents' Return in Opposition to Petitioner's Petition for Writ of Certiorari, dated July 17, 2014, Sup. Ct. No. 2014-001450;

58. Order, filed July 30, 2014, C.A. # 2014-CP-32-399;
59. Appellant's Motion for New Trial, dated Aug. 4, 2014, C.A. # 2014-CP-32-399;
60. Defendants' Reply to Appellant's Motion for a New Trial, filed Aug. 15, 2014, C.A. # 2014-CP-32-399;
61. Appellant's Verified Notice to the Court, dated Aug. 21, 2014, C.A. # 2014-CP-32-399;
62. Appellant's Answer to Reply to Motion for New Trial, dated Aug. 25, 2014, C.A. # 2014-CP-32-399;
63. Order, filed Aug. 27, 2014, Sup. Ct. No. 2014-001450;
64. Memorandum in Response to Appellant's Verified Notice to the Court and Motion for New Trial, dated Sept. 8, 2014, C.A. # 2014-CP-32-399;
65. Reply to Respondent's [sic] Memorandum in Response to Appellant's Verified Notice to the Court and Motion for New Trial, dated Sept. 18, 2014, C.A. # 2014-CP-32-399;
66. Order Granting Appellant/Claimant's Motion for New Trial and Order for Recusal, dated Sept. 25, 2014 and filed Sept. 29, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
67. Appellant's Reply to Defendants' Motion to Alter/Amend Circuit Court Order dated September 25, 2014, dated Oct. 19, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
68. Appellant's Notice of Demand, dated Oct. 8, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
69. Respondents' Rule 59(e) Motion to Alter/Amend Circuit Court Order dated September 25, 2014, dated Oct. 16, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
70. Motion for Sanctions, dated Oct. 19, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
71. Administrative Order, filed Oct. 23, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
72. Administrative Order Designating cases as Complex Litigation, filed Oct. 24, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
73. Administrative Order to Obtain File From the South Carolina Workers Compensation Commission and Directing that the Files not be Destroyed Until Final Resolution of the Appeal, filed Oct 24, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
74. Administrative Order to Continue the Hearing Scheduled for November 10, filed Oct. 24, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
75. Administrative Order filed Oct. 24, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
76. Letter from Judge Keesley to Judge Gibbons, dated Oct. 24, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
77. Letter from Judge Gibbons to Judge Keesley, dated Oct. 29, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
78. Appellant's Motion in Objection to Administrative Order, dated Oct. 31, 2014, C.A. #

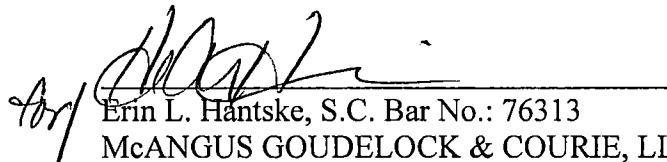
- 2013-CP-32-1272 & # 2014-CP-32-399;
79. Letter from A. Guice to Judge Keesley, dated Nov. 25, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 80. Motion for Judgment on Pleadings, dated Dec. 3, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 81. Appellant's Emergency Petition for Writ of Mandamus, dated Dec. 8, 2014, Sup. Ct. No. 2014-002625;
 82. Letter from Judge Keesley to A. Guice, dated Dec. 11, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 83. Administrative Order Regarding Rule 63, SCRCP, filed Dec. 11, 2014, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 84. Appellant's Motion for Sanctions and Memorandum, filed Dec. 31, 2014, Sup. Ct. No. 2014-002625;
 85. Emails from A. Guice to Judge Keesley, and from Judge Keesley to A. Guice, dated Jan. 12, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 86. Emails from A. Guice to Judge Keesley, and from Judge Keesley to A. Guice, dated Jan. 13, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 87. Order filed Jan. 14, 2015, Sup. Ct. No. 2014-002625;
 88. Appellant's Petition for Rehearing, dated Jan. 21, 2015, Sup. Ct. No. 2014-002625;
 89. Letter from E. Hantske to Hon. D. Shearouse, dated Jan. 28, 2015, Sup. Ct. No. 2014-002625;
 90. Email from A. Guice to E. Hantske, dated Feb. 2, 2015, Sup. Ct. No. 2014-002625;
 91. Appellant's Motion for Judgment on the Pleadings, dated Feb. 15, 2015, Sup. Ct. No. 2014-002625;
 92. Order, filed Feb. 25, 2015, Sup. Ct. No. 2014-002625 (denying Motion for Judgment on the Pleadings);
 93. Order, filed Feb. 25, 2015, Sup. Ct. No. 2014-002625 (cautioning Appellant);
 94. Supplemental Administrative Order Regarding Rule 63, SCRCP, and Determination 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, filed March 5, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 95. Memorandum in Response to the Supplemental Administrative Order Regarding Rule 63, SCRCP, and Determination to hold a *de novo* Hearing on the Pending Rule 59 Motion of the Employer/Carrier, and Setting the Date for Hearing the Rule 40 Motion and All Pending Motions, dated March 7, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 96. Notice of Cancellation of Hearing, dated March 7, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 97. Motion for Relief from Administrative Orders, dated March 7, 2015, C.A. # 2013-CP-32-

- 1272 & # 2014-CP-32-399;
98. Motion to Stay, dated March 7, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 99. Verified Motion to Disqualify, dated March 7, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 100. Respondent's [sic] Reply to Appellant's Pre-Trial Motions and Submissions, dated March 20, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399;
 101. Transcript of March 27, 2015 Hearing before Judge Keesley; and
 102. Circuit Court Order, filed July 17, 2015, C.A. # 2013-CP-32-1272 & # 2014-CP-32-399.

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

January 21, 2016

McANGUS GOUDELOCK & COURIE LLC


Erin L. Hantske, S.C. Bar No.: 76313
McANGUS GOUDELOCK & COURIE, LLC
Post Office Box 650007
735 Johnnie Dodds Blvd, Suite 200 (29464)
Mt. Pleasant, South Carolina 29465
(843) 576-2900
Attorney for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

RECEIVED

Honorable William P. Keesley, Circuit Court Judge JAN 25 2016

SC Court of Appeals

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

Alexander Guice, Appellant,

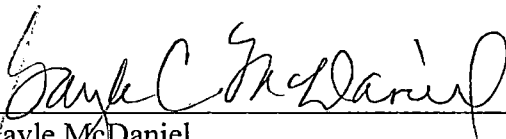
v.

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

PROOF OF SERVICE

I certify that I have served the **Initial Brief of Respondents** and Respondents' **Designation of Matter to be Included in the Record on Appeal** on Alexander Guice, pro se, by depositing a copy of it in the United States Mail, postage prepaid, on January 21, 2016, addressed as follows:

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



Gayle McDaniel
Legal Assistant to Erin L. Hantske
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200 (29464)
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondents



Reply To

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

January 21, 2016

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JAN 25 2016

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:

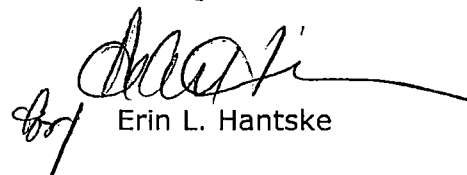
Enclosed for filing please find the following documents:

1. original and one copy of the Initial Brief of Respondents;
2. original and one copy of Respondents' Designation of Matter to be Included in the Record on Appeal; and
3. original and one copy of Respondents' Proof of Service concerning items one and two.

Please file these documents and return the clocked-in copies in the enclosed, self-addressed stamped envelope.

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*

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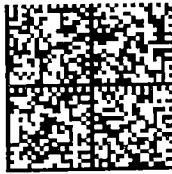
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The Honorable Jenny Abbott Kitchings
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