

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION

MAR 31 2016
SC Court of Appeals

Appellant Case No. 2014-001718

Clarence Winfrey, Employee, Claimant Respondent,

v.

Archway Services Inc, Employer, and
American Fire & Casualty Insurance Company c/o
Liberty Mutual Group, Carrier, Appellants

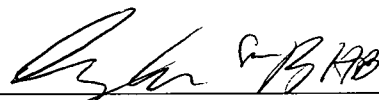
**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
APPELLANTS' PETITION FOR REHEARING ON
RESPONDENT'S MOTION FOR REHEARING TO
COMPEL MEDICAL CARE**

Appellants would respectfully show the following as a supplement to their March 30, 2016 Memorandum:

17. Appellants filed a Petition and Memorandum for Rehearing on March 30, 2016 related to the March 7 and March 18 Orders of this court. Following filing of that Petition and Memorandum, Appellants were provided with new evidence by Dr. Ikonomidis--Respondent's surgeon.
18. In the prior memorandum, Appellants pointed out and provided evidence of Respondent's attorney's attempts to bar Dr. Ikonomidis from completing a questionnaire which would resolve the contested issues related to this matter.

19. Nevertheless, despite these attempts, Dr. Ikonomidis--Respondent's surgeon--issued an email on March 30, 2016 clearly and explicitly stating that the surgery requested by Respondent (and painted as an "emergency" and "dire" by Respondent's attorney) can wait until May 2016. This email is attached as Exhibit A.
20. This report, directly from the treating surgeon, clearly and conclusively sets out that this matter is not one of great urgency or emergency as purported by Respondent's attorney and, rather, one that can be properly evaluated to determine whether or not it relates to the work-related accident or to Respondent's significant pre-existing heart disease.
21. Appellants again ask this Court to vacate the March 18, 2016 Order and send this issue to the Workers' Compensation Commission where it properly belongs for a determination of whether this care is within the ambit of the prior Decision and Order of the Commission.

McANGUS GOUDELOCK & COURIE, L.L.C.



Brett H. Bayne
Meridian 10th Floor
1320 Main Street
P.O. Box 12519
Columbia, South Carolina 29211-2519
(803) 779-2300

*Attorneys for Appellants, Archway Services Inc.,
American Fire & Casualty Insurance Company,
and Liberty Mutual Group*

Caroline Marcengill

To: Brett Bayne
Subject: RE: Questionnaire for Dr. Ikonomidis in Clarence Winfrey Matter

From: "Hyland, Betsy" <puthofey@musc.edu>
Date: March 30, 2016 at 3:22:48 PM CDT
To: Brett Bayne <brett.bayne@mgclaw.com>
Cc: "Ikonomidis, John S." <ikonomij@musc.edu>
Subject: RE: Questionnaire for Dr. Ikonomidis in Clarence Winfrey Matter

Mr. Bayne,

Dr. Ikonomidis said Mr. Clarence Winfrey's surgery could be postponed until May 2016.

Also, he asked if the rates he quoted you for his deposition were acceptable.

Betsy

Betsy P. Hyland
Administrative Assistant John S. Ikonomidis, MD
MUSC Cardiothoracic Surgery
843-876-4842 Office
843-876-4866 Fax
puthofey@musc.edu

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS COMPENSATION COMMISSION

Appellant Case No. 2014-001718

RECEIVED
MAR 31 2016
SC Court of Appeals

Clarence Winfrey Respondent,

v.

Archway Services Inc, Employer, and
American Fire & Casualty Insurance Company c/o
Liberty Mutual Group, Carrier..... Appelants,

PROOF OF SERVICE

I certify that I caused to be served on March 31, 2016, Appellant's Supplemental Memorandum in Support of Appellants' Petition for Rehearing on Respondent's Motion for Rehearing to Compel Medical Care in this action on counsel of record by mailing it to him, at his last known address, by depositing it in U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows: Preston F. McDaniel, Esquire, The McDaniel Law Firm, 1315 Elmwood Avenue, Columbia, South Carolina 29201.

McANGUS GOUDELOCK & COURIE, LLC



March 31, 2016

Brett H. Bayne
Post Office Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th Floor (29201)
Columbia, South Carolina 29211-2519
(803) 779-2300

Attorneys for Appellants

mgc

Reply To

BRETT H. BAYNE
Direct Dial: (803) 227-2281
brett.bayne@mgclaw.com

March 31, 2016

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

RECEIVED

MAR 31 2016

SC Court of Appeals

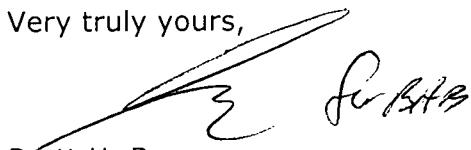
RE: Clarence Winfrey v. Archway Services
Appellant Case No.: 2014-001788
Carrier Claim No.: 22209963
MGC File No.: 2095.13137

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellants' Supplemental Memorandum in Support of Appellants' Petition for Rehearing on Respondent's Motion for Rehearing to Compel Medical Care. Please file the originals and return one (1) filed-stamped copy of the Appellants' Supplemental Memorandum in Support of Appellants' Petition for Rehearing on Respondent's Motion for Rehearing to Compel Medical Care to me via our courier.

With kind regards, I am,

Very truly yours,


Brett H. Bayne

BHB/cmm

cc: Preston F. McDaniel, Esquire (w/ enc.)