

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. GARRISON HILL, Circuit Court Judge

---

Case No. 2009-CP-23-2535  
Tracking No. 2011193908

---

Archie Eddie Jones..... Respondent

vs.

3M Corporation.....Employer/Appellant

- and -

Old Republic Insurance Company.....Carrier/Appellant

---

**NOTICE OF MOTION  
AND MOTION TO AMEND INITIAL BRIEF AND STAY FILING DATE**

---

3M Corporation, Employer, and its workers' compensation insurance carrier, Old Republic Insurance Company, hereinafter (Appellants), hereby respectfully request leave of This Honorable Court to amend initial brief to include the Statement of Issues on Appeal. The Statement of Issues on Appeal was inadvertently not included in Appellants' Initial Brief filed with the Court. It appears the Statement of Issues on Appeal was inadvertently omitted from Appellant's final draft. The Statement of Issues on Appeal, which the Appellants wish to incorporate, involves only the issues addressed in the Appeal and contained in the initial Brief of Appellants.

Appellants respectfully request to include the following issues their Statement of Issues on Appeal.

**"Statement of Issues on Appeal"**

1. Did the South Carolina Workers' Compensation Commission and the Circuit Court err

RECEIVED  
MAY 08 2012  
CIRCUIT COURT

in finding as a fact and concluding as a matter of law that Respondent suffered a physical traumatic brain injury?

2. Did the South Carolina Workers' Compensation Commission and Circuit Court err as a matter of law in finding and concluding that Respondent is entitled to medical treatment for prostatitis and erectile dysfunction?

3. Did the South Carolina Workers' Compensation Commission err as a matter of law and abuse its discretion in denying Appellants' request to compel Respondent to submit to a medical evaluation with regard to allegations of a physical brain injury?

4. Did the South Carolina Workers' Compensation Commission err in ordering Respondent to pay counsel attorneys' fees from the award prior to the approval of a Form 61?

5. Appellants' further request a stay of filing the Initial Brief and Record on Appeal until the Court has ruled on its request to amend initial brief.

Respectfully submitted,



VERNON F. DUNBAR  
Turner Padgett Graham & Laney, P.A.  
Post Office Box 1509 (29602)  
200 East Broad Street, Suite 250  
Greenville, SC 29601  
ATTORNEYS FOR APPELLANTS  
Telephone: 864-552-4600

May 7, 2012

Other Counsel of Record:  
Kathryn Williams, Esquire  
Post Office Box 10693  
Greenville, SC 29603  
ATTORNEYS FOR RESPONDENTS  
Telephone: 864-235-6254

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

D. GARRISON HILL, Circuit Court Judge

---

Case No. 2009-CP-23-2535  
Tracking No. 2011193908

---

Archie Eddie Jones..... Respondent

vs.

3M Corporation.....Employer/Appellant

- and -

Old Republic Insurance Company.....Carrier/Appellant

---

**Proof of Service**

---

I certify that I have served the Final Reply Brief by depositing a copy of the same in the United States Mail, postage prepaid, on May 7, 2012, to attorney of record for the Respondent:

Ms. Kathryn Williams  
Attorney at Law  
P. O. Box 10693  
Greenville, SC 29603

[SIGNATURE PAGE FOLLOWS]

SC Court of Appeals  
MAY 08 2012  
D. Garrison Hill

Turner, Padgett Graham & Laney, P.A.

A handwritten signature in black ink, appearing to read "Vernon F. Dunbar", written over a horizontal line.

VERNON F. DUNBAR, (SC Bar No. 7836)

Post Office Box 1509

Greenville, SC 29602

ATTORNEY FOR APPELLANTS

(864) 552-4601

Greenville, South Carolina  
May 7, 2012

# TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

4436  
CHARLESTON  
COLUMBIA  
FLORENCE  
GREENVILLE  
MYRTLE BEACH

**Vernon F. Dunbar**

REPLY TO:

E-Mail: [VDunbar@TurnerPadget.com](mailto:VDunbar@TurnerPadget.com)  
Writer's Direct Dial: (864) 552-4601  
Direct Fax: (864) 282-5942

May 7, 2012

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

Re: Archie Eddie Jones v. 3M Corporation  
Court No.: 2011193908  
Our File No.: 2431.397

Dear Ms. Kitchings:

Please find enclosed a notice of motion and motion in the above-referenced matter requesting leave to amend initial brief to include a "statement of issues on appeal." I have enclosed the required \$25.00 filing fee.

By copy of this letter to Kathryn Williams, attorney for Respondent, I am apprising her of my communication with the Court and the filing of this motion.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

  
Vernon F. Dunbar

VFD:pam  
Enclosures

cc: Kathryn Williams, Esquire (w/ Enclosures)

BUSINESS • LITIGATION • SOLUTIONS

200 East Broad Street • Suite 250 (29601) • PO Box 1509 • Greenville, SC 29602  
Phone (864) 552-4600 • Fax (864) 552-4620 • [turnerpadget.com](http://turnerpadget.com)

SC COURT OF APPEALS  
MAY 08 2012  
RECEIVED