

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

RECEIVED

MAY 25 2016

SC Court of Appeals

WCC Case No.: 1316470
Appellate Case No.: 2016-000617

Elias ReynaRespondent,

v.

Fenerly Inc. d/b/a Tony's Place of Sumter, Employer, and
Foremost Signature Insurance Co. c/o
Farmers Business Insurance, Carrier Appellants.

APPELLANTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellants Fenerly Inc. d/b/a Tony's Place of Sumter, Employer, and Foremost
Signature Insurance Co. c/o Farmers Business Insurance, Carrier propose the following to
be included in the Record on Appeal:

- 1. Transcript of the Hearing before the South Carolina Workers' Compensation Commission (Single Commissioner), December 18, 2014**
p. 25, line 11-p. 27, line 18
p. 29, lines 18-23
p. 44, lines 6-13
- 2. Transcript of the Hearing before the South Carolina Workers' Compensation Commission (Appellate Panel), September 22, 2015**
p. 5, line 15-p. 12, line 12
p. 17, lines 4-5;
p. 20, lines 9-10;
p. 22, line 14-p. 23, line 9

3. **Transcript of the Deposition of Claimant Elias Reyna, November 20, 2014¹**
 - p. 32, lines 20-21
 - p. 33, lines 12-14
 - p. 37, line 24-p. 38, line 1

4. **Transcript of the Deposition of Panagiotis Peidis, November 20, 2014²**
 - p. 6, line 17-p. 7, line 18
 - p. 8, lines 9-25
 - p. 8, line 11-p. 9, line 21
 - p. 9, lines 3-8
 - p. 20, lines 12-23
 - p. 20, line 25-p. 21, line 11
 - p. 22, lines 2-7
 - p. 26, line 15-p. 27, line 25
 - p. 31, lines 18-19

5. **Transcript of the Deposition of Byron Kinney, December 3, 2014³**
 - p. 5, lines 16-24
 - p. 6, lines 3-19
 - p. 9, line 18-p. 13, line 12

6. **Pleadings and Forms**
 - Form 50 – November 20, 2013
 - Amended Form 50 – December 11, 2013
 - Employer/Carrier Notification and Form 19– January 30, 2014
 - Form 51 – September 25, 2014
 - Form 30 – July 2, 2015

7. **Motions and Supporting Memoranda**
 - Employer/Carrier Motion to Bifurcate – December 5, 2014
 - Employer/Carrier Post-Hearing Motion – January 19, 2015
 - Employer/Carrier Initial Appellate Brief – August 14, 2015
 - Employer/Carrier Motion to Alter or Amend Judgment, January 22, 2016

8. **Orders**
 - Order Permitting Evidence – February 13, 2015
 - Decision and Order of the Single Commissioner, June 15, 2015
 - Decision and Order of the Appellate Panel, January 12, 2016
 - Appellate Panel Denial Order – February 22, 2016

¹ Submitted into evidence at Single Commissioner Hearing of December 18, 2014.

² Submitted into evidence at Single Commissioner Hearing of December 18, 2014.

³ Submitted into evidence at Single Commissioner Hearing of December 18, 2014, and as Claimant's APA Exhibit No. 5.

9. **Other Materials**

Foremost Workers Compensation and Employers Liability Insurance Policy,
April 14, 2013

Claimant's APA Exhibit No. 1, including:

- Articles of Incorporation - Limited Liability Company-Domestic – Tony's Place of Sumter LLC, April 4, 2012
- SC Secretary of State, Certificate of Existence, Tony's Place of Sumter, LLC, April 18, 2012
- Business Purchase Agreement, Tony's Place of Sumter, LLC, April 24, 2012, also Exhibit No. 2 to Deposition of Claimant (Elias Reyna), November 20, 2014

Pursuant to Rule 209(c), SCACR, counsel for Appellants Fenerly Inc. d/b/a Tony's Place of Sumter, Employer, and Foremost Signature Insurance Co. c/o Farmers Business Insurance, Carrier certifies that this Designation contains no matter that is irrelevant to this appeal.

May 25, 2016

By: 

William R. Harbison, S.C. Bar 15041
Laura W. Jordan, S.C. Bar 100374
GALLIVAN, WHITE & BOYD, P.A.
Post Office Box 7368
Columbia, South Carolina 29202
Tel: 803.779.1833
Fax: 803.779.1767

Brett H. Bayne
MCANGUS GOUDELOCK & COURIE, LLC
Post Office Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th floor (29201)
Columbia, South Carolina (29211)
Tel: 803.779.2300
Fax: 803.748.0526

ATTORNEYS FOR APPELLANTS

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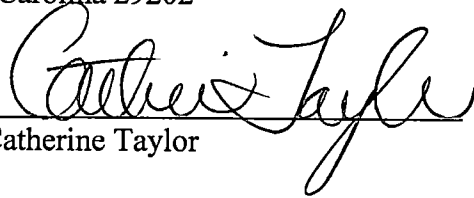
Fenerly Inc. d/b/a Tony's Place of Sumter, Employer, and
Foremost Signature Insurance Co. c/o
Farmers Business Insurance, Carrier Appellants.

PROOF OF SERVICE

I, Catherine Taylor, the undersigned employee of Gallivan, White & Boyd, P.A., attorneys for the Appellants, do hereby certify that I have served a copy of the foregoing **Appellants' Initial Brief and Designation of Matter**, in connection with the above-referenced case by mailing a copy of the same on May 25, 2016, by United States Mail, postage prepaid, to the following addresses:

Mark R. Calhoun, Esquire
Calhoun Law Firm
714 East Main Street
Lexington, South Carolina 29072

South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202


Catherine Taylor

Columbia, South Carolina
May 25, 2016

WILLIAM R. HARBISON
Direct Dial: 803.724.1709
wharbison@gwblawfirm.com



1201 Main Street, Suite 1200 (29201)
Post Office Box 7368
Columbia, SC 29202-7368
803.779.1833 - TEL
803.779.1767 - FAX
www.gwblawfirm.com

Gallivan, White & Boyd, P.A.
— ATTORNEYS AT LAW —

May 25, 2016

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SC Court of Appeals

VIA HAND DELIVERY

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Elias Reyna v. Fenerly Inc. d/b/a Tony's Place of Sumter and Foremost Signature
Insurance Company c/o Farmers Business Insurance*
Appellate Case No.: 2016-000617
GWB File No.: 4350-3

Dear Ms. Kitchings:

Enclosed please find the original and one copy each of Appellants' Initial Brief, Appellants' Designation Of Matter To Be Included In The Record On Appeal and Proof of Service regarding the above-referenced matter. Please file the originals and return clocked copies to me via our office courier. Thank you for your assistance with this matter, and please contact me if you have any questions.

With kind regards, I am

Yours very truly,

GALLIVAN, WHITE & BOYD, P.A.

William R. Harbison
Direct Dial: (803) 724-1709
Email: wharbison@GWBlawfirm.com

WRH/cat
Enclosures
cc: Mark Reagan Calhoun, Esquire (w/encls.)