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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION
Appellate Panel Order

WCC File No. 1306446

Jerry Sims, Employee Appellant

vs.

Edwin Pate Vinyl Siding, Employer,
and Uninsured Employers' Fund, Carrier, ... Respondents

RECORD ON APPEAL

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DECISION AND ORDER
OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO. 1306446

JERRY "MIKE" SIMS, CLAIMANT,

VERSUS

EDWIN PATE VINYL SIDING, EMPLOYER,
And
UNINSURED EMPLOYERS' FUND, CARRIER/DEFENDANTS

HEARING: Held in Florence, South Carolina
the 10th day of October, 2013

APPEARANCES: Claimant was represented by Stephen J. Wukela,
Esquire of The Wukela Law Firm, 403 Second
Loop Rd., Florence, SC 29504.

Defendant Employer was represented by Gerald
Malloy of the Malloy Law Firm, P.O. Box 1200,
Hartsville, SC 29551.

Defendant/Carrier was represented by Ellen H.
Goodwin of The South Carolina State Accident
Fund, P.O. Box 102100, Columbia, South Carolina
29221-5000.

PURPOSE OF HEARING: To determine the issues raised pursuant to Forms 50
and 51.

DECISION AND ORDER: Andrea C. Roche, Commissioner

FILED: June 19, 2014.

STATEMENT OF THE CASE

Claimant asserted he suffered a compensable injury by accident on 4/29/13, when he fractured his ankle in the course and scope of his employment. Defendants denied the claim, asserting that Employer did not regularly employ 4 or more employees and was, therefore, not subject to the Act.

STIPULATIONS

The parties stipulated at the hearing to the following issues:

1. The purpose of the hearing was to determine whether Employer is subject to the Act and what benefits, if any, Claimant is entitled to.
2. Notice of this hearing was timely and properly served upon all parties of interest.
3. Venue, set in Florence County, is proper as agreed by the parties.

APA SUBMISSIONS

Under the Administrative Procedures Act, the following documents were submitted into evidence by Claimant:

<u>NAME OF REPORT(S)/PHYSICIAN REPORT(S)</u>	<u>DATES</u>	<u>PAGE NUMBERS</u>
1. Carolina Pines Regional Medical Center	4/29/13 – 5/13/13	1-19
2. McvLeod Regional Medical Center	4/30/13	20-48
3. Florence Radiological Assocs.	4/30/13	49
4. Chesterfield General Hospital	6/06/13	50-55
5. Jason B. O'Dell, M.D.	6/26/13-7/05/13	56-68
6. Prescriptions	To be provided	69
7. Subpoena and Response	9/13/13	70-77

- | | |
|---------------------------------|---------|
| 8. Deposition of Edwin Pate | 9/18/13 |
| 9. Deposition of Delaine Borden | 9/18/13 |
| 10. Deposition of Ted Byerly | 9/18/13 |

Under the Administrative Procedures Act, the following documents were submitted into evidence by Defendant Employer: None

Under the Administrative Procedures Act, the following documents were submitted into evidence by Defendant Carrier: None

EVIDENCE OF THE CASE

Without objection, the Commission's file was made a part of the record. Claimant appeared and testified that he is 51 years old and has a 9th grade education. He has done construction work all his life. He was working for Edwin Pate Vinyl Siding on 4/29/13, the date of the accident, at Elon Baptist Church. He worked for Mr. Pate on and off for 16 years installing windows, vinyl siding and gutters. On the date of the accident, claimant, Delaine, Ted Byerly and Brent Gainey were working on the church. Claimant asserted that Mr. Pate hired 50-75 different people over the course of 2012. On average, there were four workers on a job in a given week. Claimant testified he was paid in cash and never received a W-2 or other tax form. He alleged he made \$14.00 per hour, 9-10 hours a day, most days a week.

Claimant testified he broke his left ankle when he fell from the scaffolding. On the first day of that project, claimant, Mr. Pate and Ted Byerly worked on the church. He stated that one of his doctors wants to do surgery, but he [claimant] does not have the money for it. He asserted his leg never stops burning from his toes up his femur. He asserted that he has five fractures in it and that his "ankle's broke four times." He has to

use crutches to get around "pretty much" all the time, cannot put any pressure on it and cannot stand for it to hit the floor. He admitted that he had walked from the car into a store at times. He always wraps his foot up in a bandage and splint.

Edwin Pate appeared and testified that he owns Edwin Pate Vinyl Siding. The job with Mount Elon Baptist Church started on a Thursday, with claimant, Mr. Pate, and Ted Byerly working. Brent Gainey and Delaine worked in Santee for Eddie Knox doing woodwork. On the day of the accident, Ted Byerly, claimant and Delaine Borden were working. Brent did not work on the church project, even though he was present. He never had four or more employees working on the Mount Elon church at any time. He is aware of the law regarding four or more employees and makes it a practice not to hire more than that. He has worked on weekends with claimant on rare occasions. He agreed that he paid claimant \$14.00 per hour but asserted that claimant worked 25-30 hours per week.

Shondra Pate testified on behalf of the uninsured Employer. She is married to Edwin Pate but does not work in the business but sees the employees when they return back to the house to drop off the trailer. She asserted that Mr. Pate never hired 4 or more employees at a time. Since the accident, she has seen the claimant 9/18/03 at his deposition, where he used his crutches. Later that same day, she saw claimant climb the steps to his house without his crutches. She also saw claimant on 9/23/13 at Dollar General and followed him home, where she saw him exit his car carrying a shopping bag without crutches or assistance. She knows that Mr. Pate's employees work 5-6 hours per day because Mr. Pate calls her and tells her when they stop work.

FINDINGS OF FACT

It is found by a preponderance of the substantial evidence as a fact:

1. The purpose of the hearing was to determine whether Employer is subject to the Act and what benefits, if any, Claimant is entitled to.
2. Notice of this hearing was timely and properly served upon all parties of interest.
3. Venue is proper set in Florence County, South Carolina.
4. Claimant is 50 years old and attended school to the 9th grade.
5. Claimant has a history of construction-type work.
6. Claimant has worked for Pate Vinyl Siding on and off for 16 years, installing windows, vinyl siding and gutters.
7. Claimant fractured his ankle while working on the Mount Elon Baptist Church job.
8. Claimant fractured his left ankle when he fell from a scaffold.
9. Claimant has not worked since the date of the accident.
10. Claimant has to use crutches to get around; however he has been seen not using them.
11. Claimant's foot was bandaged. He also wears a splint.
12. Edwin M. Pate owns Pate Vinyl Siding, which is not incorporated.
13. Mr. Pate did not regularly employ four or more employees and made it a practice not to do so. This is especially true, given that the amount of business he had due to the recession.
14. On the Mount Elon project, Edwin Pate regularly hired Ted Byerly, claimant and Delaine Borden.

15. Pate paid claimant \$14/hour, 25-30 hours per week. The business rarely operated on weekends.
16. Shondra Pate saw claimant after the accident on 9/18/13, walking into his house without crutches and on 9/23/13 at Dollar General and then at his house with no crutches and carrying a bag.
17. X-ray reports taken the day after the accident state that claimant had a “dislocation with the [of] the talus”, “posterior malleolar fracture”, and an “oblique fracture through the distal diaphysis of the fibula”, not “5 fractures in [his] leg and 4 fractures in [his] ankle” as claimant testified. (APAs, p. 40.)
18. X-rays taken on 6/06/13 indicate claimant had a “trimalleolar fracture of the left ankle.”
19. Claimant was not credible regarding the number hours worked per week or the extent of pain he has. His testimony regarding the need for using crutches and his pain level is not consistent with his admission that he walked into a store without crutches.
20. Since claimant’s testimony lacked credibility on pertinent issues, his testimony regarding the number of employees employed by the employer is unreliable.
21. The testimony of Mrs. Pate was credible as to seeing claimant walking without his crutches.

CONCLUSIONS OF LAW

Accordingly, as provided by the South Carolina Code Section 42-17-40, it is the determination and finding of this Commissioner:

1. I find and conclude that there is no basis in the medical records for claimant's assertion that he had 4 fractures in his ankle and 5 in his leg.
2. Under the Act, an employer must have regularly employed four or more employees with some constancy during the relevant time period. Hernandez-Zuniga v. Tickle, 374 S.C. 235, 647 S.E.2d 691 (S.C. App. 2007).
3. Working partners and sole proprietors are not included under the Act until the Act allows them the opportunity to elect coverage if they are actively involved in the business. The Law of Workers' Compensation Insurance in South Carolina, 6th Edition, pp. 23, 24. Although a sole proprietor can elect to be included under the Act, there is no evidence of an election or previous election in this case. S.C. Code Ann. § 42-1-130. As this Section provides for an affirmative election and there has not been one, Mr. Pate is not an employee.
4. I find the relevant time period to be 2013, since that is when the accident took place and because Mr. Pate testified that the business suffered due to the recession. This is especially true, given that this was the type of employment where workers regularly come and go. Harding v. Plumley, 329 S.C. 580, 495 S.E.2d 29 (S.C. App. 1998).
5. Based on the testimony of the remaining witnesses, I find that the Employer regularly employed the claimant, Delaine Borden and Ted Byerly during 2013. Although there was a fourth person working at the time of the accident, I find and

conclude that the claimant's evidence does not support a finding or conclusion that the Employer employed 4 or more people throughout the period with some constancy.

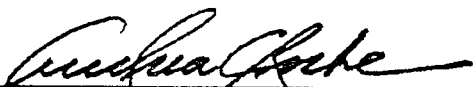
6. As the Claimant has not established that Mr. Pate regularly employed four or more employees, the Commission lacks jurisdiction.

ORDER

IT IS, THEREFORE, ORDERED: That the Findings of Fact and Conclusions of Law are incorporated herein, as if set forth verbatim, and that the Claimant is not entitled to benefits under the Act because he has not met his burden of proving Employer regularly employed four or more employees and, therefore, the Workers' Compensation Commission lacks jurisdiction.

AND IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION



Commissioner Andrea C. Roche

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid, in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

June 19, 2014

By: Barbara Cheeseboro, Administrative Assistant to Commissioner Roche

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. FILE NO. 1306446

JERRY SIMS, CLAIMANT/APELLANT,

VERSUS

EDWIN PATE VINYL SIDING/EMPLOYER/RESPONDENT,

and

UNINSURED EMPLOYERS' FUND, CARRIER/RESPONDENT.

APPELLATE PANEL DECISION AND ORDER

Appellate Panel Review held in Columbia, South
Carolina on January 13, 2015 per notices timely and
properly served on all parties of interest.

Appellate Panel Decision and Order filed:

July 28th, 2015

APPEARANCES:

Claimant was represented by Stephen J. Wukela,
Esquire of the Wukela Law Firm, P.O. Box 13057,
Florence, SC 29504-3057.

Defendants were represented by Ellen H. Goodwin
of The South Carolina State Accident Fund, P.O.
Box 102100, Columbia, South Carolina 29221-
5000.

STATEMENT OF THE CASE

Claimant asserted he suffered a compensable injury by accident on 4/29/13, when he fractured his ankle in the course and scope of his employment. Defendants denied the claim, asserting that Employer did not regularly employ 4 or more employees and was, therefore, not subject to the Act. The hearing Commissioner found that Employer did not regularly employ 4 or more employees and denied the claim. The hearing Commissioner issued the following Findings of Fact:

1. The purpose of the hearing was to determine whether Employer is subject to the Act and what benefits, if any, Claimant is entitled to.
2. Notice of this hearing was timely and properly served upon all parties of interest.
3. Venue is proper set in Florence County, South Carolina.
4. Claimant is 50 years old and attended school to the 9th grade.
5. Claimant has a history of construction-type work.
6. Claimant has worked for Pate Vinyl Siding on and off for 16 years, installing windows, vinyl siding and gutters.
7. Claimant fractured his ankle while working on the Mount Elon Baptist Church job.
8. Claimant broke his left ankle when he fell from a scaffold.
9. Claimant has not worked since the date of the accident.
10. Claimant has to use crutches to get around; however he has been seen not using them.
11. Claimant's foot was bandaged. He also wears a splint.

12. Edwin M. Pate owns Pate Vinyl Siding, which is not incorporated.
13. Mr. Pate did not regularly employ four or more employees and made it a practice not to do so. This is especially true, given that the amount of business he had feel due to the recession.
14. On the Mount Elon project, Edwin Pate regularly hired Ted Byerly, claimant and Delaine Borden.
15. Pate paid claimant \$14/hour, 25-30 hours per week. The business rarely operated on weekends.
16. Shondra Pate saw claimant after the accident on 9/18/13, walking into his house without crutches and on 9/23/13 at Dollar General and then at his house with no crutches and carrying a bag.
17. X-ray reports taken the day after the accident state that claimant had a “dislocation with the [of] the talus”, “posterior malleolar fracture”, and an “oblique fracture through the distal diaphysis of the fibula”, not “5 fractures in [his] leg and 4 fractures in [his] ankle” as claimant testified. (APAs, p. 40.)
18. X-rays taken on 6/06/13 indicate claimant had a “trimalleolar fracture of the left ankle.”
19. Claimant was not credible regarding the number hours worked per week or the extent of pain he has. His testimony regarding the need for using crutches and his pain level is not consistent with his admission that he walked into a store without crutches.
20. Since claimant’s testimony lacked credibility on pertinent issues, his testimony regarding the number of employees employed by the employer is unreliable.

21. The testimony of Mrs. Pate was credible as to seeing claimant walking without his crutches.

The hearing Commissioner further made Conclusions of Law as follows:

CONCLUSIONS OF LAW

Based on the evidence submitted in this case, the testimony given, the stipulations entered into, and the foregoing Findings of Fact, this Commissioner makes the following Conclusions of Law:

1. I find and conclude that there is no basis in the medical records for claimant's assertion that he had 4 fractures in his ankle and 5 in his leg.
2. Under the Act, an employer must have regularly employed four or more employees with some constancy during the relevant time period. Hernandez-Zuniga v. Tickle, 374 S.C. 235, 647 S.E.2d 691 (S.C. App. 2007).
3. Working partners and sole proprietors are not included under the Act until the Act allows them the opportunity to elect coverage if they are actively involved in the business. The Law of Workers' Compensation Insurance in South Carolina, 6th Edition, pp. 23, 24. Although a sole proprietor can elect to be included under the Act, there is no evidence of an election or previous election in this case. S.C. Code Ann. § 42-1-130. As this Section provides for an affirmative election and there has not been one, Mr. Pate is not an employee.
4. I find the relevant time period to be 2013, since that is when the accident took place and because Mr. Pate testified that the business suffered due to the recession. This is especially true, given that this was the type of employment

where workers regularly come and go. Harding v. Plumley, 329 S.C. 580, 495 S.E.2d 29 (S.C. App. 1998).

5. Based on the testimony of the remaining witnesses, I find that the Employer regularly employed the claimant, Delaine Borden and Ted Byerly during 2013. Although there was a fourth person working at the time of the accident, I find and conclude that the claimant's evidence does not support a finding or conclusion that the Employer employed 4 or more people throughout the period with some constancy.
6. As the Claimant has not established that Mr. Pate regularly employed four or more employees, the Commission lacks jurisdiction.

Appellant then filed a timely Form 30 Application for Review stating the following grounds for review:

1. The Single Commissioner erred as a matter of fact and conclusion of law in failing to find that the Employer was subject to the Act and that he regularly employed four or more employees.
2. The Single Commissioner erred as a matter of fact and conclusion of law in failing to find that the claimant suffered a compensable injury by accident and was entitled to temporary total disability and medical benefits pursuant to the Act.
3. The Single Commissioner erred as a matter of fact and conclusion of law in failing to find that the claimant was not credible based on "his testimony regarding the need for using crutches and his pain level is not consistent with his admission that he walked into a store without crutches.
4. The Single Commissioner erred as a matter of fact and conclusion of law in discounting the claimant's testimony regarding the number of employees based on the conclusion that he was not credible which was in turn based on his testimony regarding his need for crutches.
5. The Single Commissioner erred as a matter of fact and conclusion of law in failing to find that the testimony of the Employer's wife was credible.

6. The Single Commissioner erred as a matter of fact and conclusion of law in relying upon the testimony of the Employer with regard to the number of employees he regularly employed in spite of the fact that the Employer testified that he did not keep payroll records or pay taxes.

Oral arguments were delivered by the parties on 01/13/15. All proffered testimony has been taken. Such, together with all documentary evidence and legal briefs, has been delivered to the individual members of the Full Commission and has since been under study and consideration.

In an appellate review, the Appellate Panel shall, pursuant to S.C. Code Ann. § 42-17-50 (1976, as amended), review the Award, weigh the evidence as presented at the initial hearing and, if good grounds be shown therefor, make its own Findings of Fact and reach its own Conclusions of Law consistent with or inconsistent with those of the Hearing Commissioner. Stephen J. Wukela, Esquire, for the Claimant and Ellen H. Goodwin for the Defendants appeared at the scheduled hearing to present oral arguments on behalf of the parties. Having heard oral arguments on behalf of the parties, considered their briefs and viewed the record as a whole, the Appellate Panel hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

It is found by a preponderance of the substantial evidence as a fact:

1. The purpose of the hearing was to determine whether Employer is subject to the Act and what benefits, if any, Claimant is entitled to.
2. Notice of this hearing was timely and properly served upon all parties of interest.
3. Venue is proper set in Florence County, South Carolina.
4. Claimant is 50 years old and attended school to the 9th grade.
5. Claimant has a history of construction-type work.

6. Claimant has worked for Pate Vinyl Siding on and off for 16 years, installing windows, vinyl siding and gutters.
7. Claimant fractured his ankle while working on the Mount Elon Baptist Church job.
8. Claimant broke his left ankle when he fell from a scaffold.
9. Claimant has not worked since the date of the accident.
10. Claimant has to use crutches to get around; however he has been seen not using them.
11. Claimant's foot was bandaged. He also wears a splint.
12. Edwin M. Pate owns Pate Vinyl Siding, which is not incorporated.
13. Mr. Pate did not regularly employ four or more employees and made it a practice not to do so. This is especially true, given that the amount of business he had feel due to the recession.
14. On the Mount Elon project, Edwin Pate regularly hired Ted Byerly, claimant and Delaine Borden.
15. Pate paid claimant \$14/hour, 25-30 hours per week. The business rarely operated on weekends.
16. Shondra Pate saw claimant after the accident on 9/18/13, walking into his house without crutches and on 9/23/13 at Dollar General and then at his house with no crutches and carrying a bag.
17. X-ray reports taken the day after the accident state that claimant had a "dislocation with the [of] the talus", "posterior malleolar fracture", and an "

oblique fracture through the distal diaphysis of the fibula”, not “5 fractures in [his] leg and 4 fractures in [his] ankle” as claimant testified. (APAs, p. 40.)

18. X-rays taken on 6/06/13 indicate claimant had a “trimalleolar fracture of the left ankle.”
19. Claimant was not credible regarding the number hours worked per week or the extent of pain he has. His testimony regarding the need for using crutches and his pain level is not consistent with his admission that he walked into a store without crutches.
20. Since claimant’s testimony lacked credibility on pertinent issues, his testimony regarding the number of employees employed by the employer is unreliable.
21. The testimony of Mrs. Pate was credible as to seeing claimant walking without his crutches.
22. While Employer has not filed tax returns, claimant, by his own admission, has not filed tax returns either.
23. While Employer may have serially employed more than 4 employees in a given year, there is no evidence that he regularly employed 4 or more *at the same time during the relevant time period.*

CONCLUSIONS OF LAW

Accordingly, as provided by the South Carolina Code Section 42-17-50, it is the determination and finding of this Appellate Panel:

1. We agree and conclude that there is no basis in the medical records for claimant’s assertion that he had 4 fractures in his ankle and 5 in his leg.

2. Under the Act, an employer must have regularly employed four or more employees with some constancy during the relevant time period. Hernandez-Zuniga v. Tickle, 374 S.C. 235, 647 S.E.2d 691 (S.C. App. 2007).
3. Working partners and sole proprietors are not included under the Act until the Act allows them the opportunity to elect coverage if they are actively involved in the business. The Law of Workers' Compensation Insurance in South Carolina, 6th Edition, pp. 23, 24. Although a sole proprietor can elect to be included under the Act, there is no evidence of an election or previous election in this case. S.C. Code Ann. § 42-1-130. As this Section provides for an affirmative election and there has not been one, Mr. Pate is not an employee.
4. We find and conclude the relevant time period to be 2013, since that is when the accident took place and because Mr. Pate testified that the business suffered due to the recession. This is especially true, given that this was the type of employment where workers regularly come and go. Harding v. Plumley, 329 S.C. 580, 495 S.E.2d 29 (S.C. App. 1998). This finding was not appealed by the claimant and is the law of the case.
5. Based on the testimony of the remaining witnesses, we find and conclude that the Employer regularly employed the claimant, Delaine Borden and Ted Byerly during 2013. Although there was a fourth person working at the time of the accident, we find and conclude that the claimant's evidence does not support a finding or conclusion that the Employer employed 4 or more people throughout the period with some constancy.

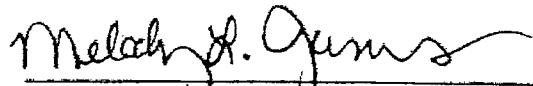
6. As the Claimant has not established that Mr. Pate regularly employed four or more employees, the Commission lacks jurisdiction.

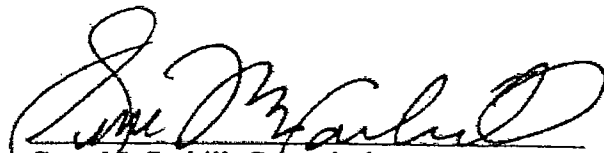
ORDER

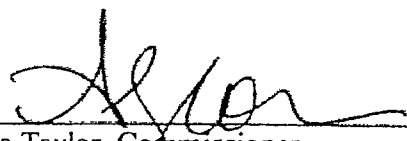
IT IS, THEREFORE, ORDERED: The Order of the hearing Commissioner is AFFIRMED.

AND IT IS SO ORDERED.

SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION


Melody L. James, Chair


Gene McCaskill, Commissioner


Aisha Taylor, Commissioner

CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date served a copy of this order in the above entitled action upon all parties to this case by sending an electronic copy hereof by electronic mail addressed to the attorneys for said parties; or if there is an unrepresented party(ies), by depositing a copy hereof, postage paid in the United States mail, first class, addressed to the unrepresented party(ies) and to the attorney(s) for the represented party(ies).

By Kim Falls on July 28, 2015

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1306446

JERRY SIMS,	)	
	)	
CLAIMANT,	)	HEARING
	)	BEFORE COMMISSIONER
	)	ANDREA C. ROCHE
v.	)	
	)	<u>TRANSCRIPT</u>
EDWIN PATE VINYL SIDING,	)	
	)	
EMPLOYER,	)	
	)	
UNINSURED,	)	
	)	
DEFENDANT.	)	
_____	)	

THE WORKERS' COMPENSATION HEARING, TAKEN BEFORE
CORA ELLIS BRUTON, A NOTARY PUBLIC IN AND FOR THE STATE OF
SOUTH CAROLINA, COMMENCING AT THE HOUR OF 10:25 A.M.,
THURSDAY, OCTOBER 10, 2013, SOUTHEASTERN INSTITUTE OF
MANUFACTURING AND BUSINESS INCUBATOR, 1951 PISGAH ROAD,
FLORENCE, SOUTH CAROLINA 29501.

CORA ELLIS BRUTON
COURT REPORTER
131 BROWNING COURT
LEXINGTON, SOUTH CAROLINA 29073
803-397-0189

APPEARANCES

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REPORTED BY

CORA ELLIS BRUTON
COURT REPORTER
131 BROWNING COURT
LEXINGTON, SOUTH CAROLINA 29073
803-397-0189

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EXHIBITS

(No Exhibits Proffered)

1 THE COURT: Today's date is October the 10th, 2013.

2 This is WCC File Number 1306446. This is the case of the
3 Claimant, Jerry Sims, represented by Attorney Steven J.
4 Wukela, versus The Employer, Edwin Pate Vinyl Siding,
5 represented by Attorney Gerald Malloy. There is no
6 Insurance Carrier on this claim and Ellen Goodwin is here
7 on behalf of the Uninsured Employers Fund.

8 We have a date of accident of April the 29th, 2013.
9 We're here to determine the issues as set forth in the
10 Forms 50 and 51.

11 I know there's an objection to jurisdiction, but are
12 there any objections to APAs or venue?

13 MR. WUKELA: No objection, Commissioner.

14 MS. GOODWIN: No, ma'am.

15 MR. MALLOY: I don't have any objections. I haven't
16 seen them but I don't have any objections.

17 THE COURT: All right. Without objection the
18 Commission's file becomes a part of the record with the
19 exception of self-serving declarations and unstipulated
20 medical reports.

21 Before going on the record we did have a pre-hearing
22 conference.

23 It is the position of the Claimant that he sustained
24 an injury by accident arising out of the course and scope
25 of his employment on April 29th, 2013, when he fell off

1 some scaffolding. It is the position of the Claimant that
2 he fractured his left ankle, that he would be entitled to
3 past causally related medical treatment, that he has not
4 reached maximum medical improvement, and is in need of
5 additional medical treatment. Furthermore, it's the
6 position of the Claimant that he would be entitled to
7 temporary total disability benefits from the date of
8 accident to the present and continuing. It is the position
9 of the Claimant that the Employer regularly employed four
10 or more employees and, therefore, would be subject to the
11 Act.

12 It is the position of the Claimant that his average
13 weekly wage would be \$980.00 with a resulting compensation
14 rate of \$653.36, based on working ten hours a day, seven
15 days a week at \$14.00 an hour.

16 It is the position of Edwin Pate Vinyl that they did
17 not regularly employ four or more employees, that they were
18 not subject to the Act. In the alternative it is the
19 position of Edwin Pate Vinyl, if I find that they were
20 subject to the act, that the Claimant did fall of the
21 scaffolding, but it would be their position that he would
22 not be entitled to temporary total disability benefits for
23 the amount of time that he's requesting and that the
24 Claimant is able to do more than he will represent today.

25 It is the position of the Uninsured Employers Fund

1 they enter a general denial. Furthermore, it's the
2 position of the Uninsured Employers Fund that the Employer
3 did not regularly employ four or more employees during the
4 relevant time period and, therefore, would not be subject
5 to the Act. Furthermore, it's the position of the
6 Uninsured Employers Fund that the average weekly wage would
7 be \$385.00 with a resulting compensation rate of \$256.67,
8 based on \$14.00 an hour, 25 to 30 hours a week, and I got
9 those numbers from doing 27 1/2 hours which would be the
10 average between 25 and 30.

11 All right. Is there anything any of you would like to
12 add?

13 MR. WUKELA: Nothing from the Claimant, Commissioner.

14 MS. GOODWIN: No, ma'am.

15 MR. MALLOY: Nothing for the Employer.

16 THE COURT: Mr. Wukela, I understand that the Claimant
17 is your first witness?

18 MR. WUKELA: Yes, Commissioner.

19 THE COURT: Mr. Sims, please raise your right hand.
20 Do you swear to tell the truth, the whole truth, and
21 nothing but the truth?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Please state your full name for the
24 record.

25 THE WITNESS: Jerry Michael Sims.

1 THE COURT: All right. Mr. Wukela, your witness.

2 MR. WUKELA: Thank you, Commissioner.

3 Jerry Michael Sims,

4 Having first been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. WUKELA:

7 Q Mr. Sims, how old are you?

8 A I'll be 51 this year.

9 Q How much education do you have?

10 A Ninth grade.

11 Q Okay. And what's your work experience? What
12 kind of work have you done in your life?

13 A Construction work all my life.

14 Q All right. We're here about an accident that
15 occurred on April the 29th, 2013. Who were you working for
16 on that day?

17 A Mr. Pate.

18 Q Okay. And it looks like he had an outfit by the
19 name of Edwin Pate Vinyl Siding?

20 A Yes, sir.

21 Q How long had you been working for that outfit?

22 A Off and on about 16 years.

23 Q Okay. And tell me what the job involved.

24 A We installed windows, vinyl siding, gutter.

25 Q All right. And who did you take your directions

1 from?

2 A Mr. Pate.

3 Q All right. And who else worked on that job with
4 you?

5 A The job I got hurt on?

6 Q Well, tell me first about the job you got hurt
7 on. Well, let me ask you this. The job you got hurt on,
8 where were you working?

9 A On the west side of the church.

10 Q Okay. There's been some testimony that it was
11 Elon Baptist Church?

12 A Yes, sir.

13 Q Here in Hartsville?

14 A It's going toward Bishopville.

15 Q Going toward Bishopville?

16 A Yes, sir.

17 Q All right. And y'all were installing vinyl
18 siding?

19 A Yes, sir.

20 Q How long had you been on that job?

21 A Couple of days.

22 Q All right. And who was working with you on that
23 job? Who were the other workers?

24 A Me, Delane, Ted Byerly, and Brent Gainey.

25 Q Okay. And tell me how the accident happened.

1 A We'd been running siding all day and we went on
2 up and we worked a while then the scaffold throwed me off
3 somehow and I hollered all the way down so I wouldn't hit
4 nobody else and I hit the ground and I told them move out
5 of the way. Everybody come running around me asking how
6 the way I felt, I said, "No, you don't move, I fell many
7 times. I can get back up off the ground and I can go back
8 to work," you know, I wasn't hurting so -- and I fell that
9 day and I stood up on my right foot and I couldn't move my
10 left foot and I said, "I'm done, gotta go."

11 Q All right.

12 A And I was hurt.

13 Q Let's go back and talk about the job a little
14 bit. You were there when we took Mr. Pate's deposition?

15 A Yes, sir.

16 Q And do you recall him testifying that, over the
17 course of 2012, he had employed some 50 to 75 different
18 people?

19 A Yes, sir.

20 Q Okay. Do you recall how many different people
21 worked on that job during the year 2012?

22 A That church?

23 Q No, worked for Edwin pate Vinyl Siding?

24 A I could name several people working for Mr. Pate.

25 Q Tell me some of the names.

1 A On and on. I mean, one fellow name Bruce. All
2 right? Name -- all these fellows that worked with us at
3 that -- one named Curt Dixon for one. All right? And, I
4 mean -- it's just -- I could sit down and just go on and on
5 over the years so many people, man it ain't funny. Just
6 anybody.

7 Q People came and went?

8 A Yes, sir, all the time.

9 Q Okay. And what -- on the average, how many
10 people did you have on the job in a given week?

11 A Four, five counting him most of the time.

12 Q And did -- how were you paid?

13 A In cash.

14 Q I'm sorry, you said in cash?

15 A Yes, sir.

16 Q Okay. Did you ever receive a W-2 or 1099 or any
17 other kind --

18 A No, sir.

19 Q -- of tax form?

20 A No, sir, I ain't.

21 Q Did you ever receive any kind of pay stub or
22 anything showing how much you made?

23 A No, sir.

24 Q Okay. How much did you make an hour?

25 A \$14.00.

1 Q I'm sorry. Say -- now, listen, this court
2 reporter down here is taking everything down that you --

3 A \$14.00.

4 Q Okay. And how many hours a week would you
5 average working?

6 A At least 35. That was on a rainy week.

7 Q Okay. And how many hours a day would you work?

8 A Probably nine, ten.

9 Q Okay. And did that vary or was that always the
10 same?

11 A If it weren't raining we usually worked the same.

12 Q Okay.

13 A Until we got to go out and gone.

14 Q Okay. And how many days a week would you work?

15 A Mostly every day unless -- weather permitting,
16 you know.

17 Q Let me ask you something. When y'all took a job,
18 did you work the job until it was done or did you only work
19 during week days?

20 A We worked the weekend or whatever until we
21 finished and then we started another one.

22 Q Okay. Were there occasions, though, when you
23 didn't have a job to work at all?

24 A Yes, in the wintertime.

25 Q Okay. Now, were there occasions when it was

1 raining and you couldn't work?

2 A Yes, sir, a lot of rainy days.

3 Q Okay. Were there occasions when you couldn't
4 work for other reasons? They had a job but you couldn't --

5 A Yes, when the material wouldn't come in and we
6 had to wait on it some days, you know.

7 Q Okay. All right. Were there any rules about, we
8 don't ever work past a certain hour; we always start at a
9 certain hour?

10 A No, sir.

11 Q How did you usually get to the jobsite?

12 A He'd come get us. We'd pay him gas.

13 Q Okay. And did he do that on the church job?

14 A Yes, he come got us.

15 Q How long before the church job had it been since
16 you had the last job?

17 A The -- we started it on that Friday and we
18 finished one up Thursday, before we started that one.

19 Q Okay. So there wasn't any lag on that job?

20 A No, sir.

21 Q Okay. But there -- were there occasions where
22 there were lags between the jobs?

23 A Them other two guys, they come up that day.
24 They'd finished one at Santee. We'd been down there all
25 week and all weekend before that and they finished a little

1 bit before they come up there and they come up that day,
2 that morning and started work with us.

3 Q Well, my question is were the jobs always back to
4 back to back or were there ever times in between jobs where
5 you didn't have work?

6 A Yes, sir, some days, you know, we'd sit home but
7 long as there was work we'd go, you know, get started on it
8 and weekends and everything --

9 Q All right.

10 A -- whenever he had it.

11 Q Now, let's go back to the accident a little bit.
12 How far did you fall?

13 A Probably 16 foot, from my feet to the ground.

14 Q All right. And the records seem to indicate that
15 they took you to the emergency room at Carolina Pines?

16 A The other two fellows did.

17 Q Who were the two fellows that took you?

18 A Delane and Brent and Ted and Eddie followed them.

19 Q Okay.

20 MR. WUKELA: Now, I'm looking at APA 1, page 1.

21 Q Under patient's employer on the admission record,
22 it indicates Pate's Construction and under responsible
23 party it indicates Pate's Construction. Do you know if
24 those fellows you worked for had any conversations with the
25 hospital?

1 A No, sir, I don't.

2 Q Do you know where the admission record folks got
3 that information?

4 A No, sir, they just come in there and told me I
5 needed to do a test and them boys wheeled me back there and
6 wheeled me back out --

7 Q Okay.

8 A -- when it was over.

9 Q All right. And it looks from the records like
10 you saw Carolina Pines and they performed an x-ray that
11 showed you had a fractured ankle?

12 A Yes, sir.

13 MR. WUKELA: I'm looking at APA 1, page 11,
14 Commissioner.

15 Q And did they ever perform any surgery on your
16 ankle?

17 A No, they didn't do nothing.

18 Q Okay. Did they ever refer you to see anybody to
19 have surgery?

20 A That guy come in there -- that doctor and he
21 called me stupid, and I told him, "Well, you don't need to
22 touch me then, so I went to -- I went to McLeod and seen
23 them after I left from there him and they referred me to
24 the doctor I'm going to now.

25 Q Okay. And the doctor you're going to now is Dr.

1 Odell?

2 A Yes, sir.

3 Q Okay. All right. What kind -- has Dr. Odell
4 performed surgery yet?

5 A No, sir, he wants to do it.

6 Q Well, why haven't you had it?

7 A He said he --

8 MR. MALLOY: Objection.

9 THE COURT: Sustained.

10 MR. WUKELA: Why -- well, I'll rephrase it, counsel.

11 Q Do you have the funds to have surgery?

12 A No, sir.

13 Q Do you have any health insurance?

14 A No, sir.

15 Q If you had those funds would you obtain that
16 surgery?

17 A Yes, sir, I'd had it that day.

18 Q All right. As we sit here today, are you having
19 any problems with your ankle?

20 A Yes, sir.

21 Q Tell me what the problems you're having.

22 A It don't never stop burning from my foot up my
23 main bone in my leg. It's got five fractures in it and my
24 ankle's broke four times and it's burning all the way from
25 my foot up my main bone all the way to my toes all the

1 time. And three days ago some white bump come on it and
2 I'm scared to death I'm getting gangrene in it. I gotta go
3 to my doctor -- I gotta call him, because if I can see him
4 I'm going back.

5 Q Have you done any work since the date of the
6 accident?

7 A No, sir, I ain't done nothing.

8 Q Why not?

9 A I ain't able.

10 Q Why is that?

11 A I have to use crutches to get around. I can't --
12 he told me don't put no pressure on it and I can't stand
13 for it to hit the floor. Some days I can stand it a few
14 minutes then again I can't let it hit the floor.

15 Q That's all the questions I have. Please answer
16 any questions these other lawyers have for you.

17 THE COURT: Mr. Malloy.

18 CROSS EXAMINATION

19 BY MR. MALLOY:

20 Q Mr. Sims, you -- you said you've been working for
21 Mr. Pate for how many years?

22 A At least 16 off and on. That ain't --

23 Q And during those 16 years have you worked for
24 other people?

25 A Yes, sir.

1 Q And who else have you worked for?

2 A I worked for Gary Byrd.

3 Q Okay. Who else?

4 A That's pretty much it.

5 Q Okay. And so the -- the jobs that you normally
6 do, they are -- they are construction type jobs?

7 A Yes.

8 Q Okay. And you normally work with other people on
9 construction sites, correct?

10 A Yes, sir.

11 Q Okay. And you normally work for -- for, say like
12 Eddie Knox. You do some work with Eddie Knox, correct?

13 A But I didn't work for him personally. I work
14 with this man.

15 Q Okay. And so -- and -- and so Eddie would then
16 have a house and you'd work on that house for a while and
17 then you'd move to the next job?

18 A Yes, sir. If we got pulled off we'd go back to
19 what we was working on.

20 Q Okay. And -- and basically you would end up not
21 working on days that it was raining --

22 A Yes, sir.

23 Q -- and not work on days when it was really cold?

24 A It would have to be ice and you couldn't stand
25 it, I mean.

1 Q Okay. We haven't had ice?

2 A Sir?

3 Q We haven't had ice, have we?

4 A Not this year that I know.

5 Q And so -- how many Sundays did you work in the
6 course of a year?

7 A A good many.

8 Q How many -- how many is a good many?

9 A I don't have no record. We worked a lot of them.

10 Q A lot? And so you don't file tax returns?

11 A No, sir.

12 Q Okay. And you haven't filed tax returns in 16
13 years?

14 A Not -- no. No, sir.

15 Q And you don't -- you've given two names of -
16 people -- let's see. You've given the names of someone
17 named Bruce and someone named Curt Dixon that -- that you
18 say they have worked for your -- for Mr. Pate, correct?

19 A Yes, sir.

20 Q Okay. They're not here today, are they?

21 A No, sir.

22 Q Okay. Do you know whether or not Mr. Pate's
23 business is incorporated?

24 A What do you mean by that?

25 Q I'm saying, do you know?

1 A Not really, I don't.

2 Q Sir, that's the way that you legally organize
3 businesses. You don't know whether he had a partnership or
4 LLC do you?

5 A I don't know that.

6 Q Okay.

7 A I figures that's personal.

8 Q So you went to the hospital and they -- the first
9 doctor you -- you -- you wouldn't let him -- him treat you?

10 A No, sir, he come in there and called me stupid so
11 I said, "You don't need to touch me then,"

12 Q So, who was that doctor; do you know?

13 A Dr. Haas.

14 Q Dr. Haas at --

15 A -- at Carolina Pines.

16 Q Okay. So you -- so you left Carolina Pines --

17 A Yes, sir,

18 Q -- on that day?

19 A Left right then.

20 Q Okay. Now, do -- do you -- do you have your
21 crutches all the time? Do what -- do you use your crutches
22 all the time?

23 A Pretty much.

24 Q Do you need your crutches to walk?

25 A Yes, sir.

1 Q Okay. And you so you -- who -- where did you get
2 your crutches from?

3 A From the hospital - Carolina --

4 Q So, from the hospital --

5 A I done wore out one set already this year.

6 Q Wore out one set, so you got --

7 A Well, I got another set, I give them them back
8 and they give me another set.

9 Q Okay. And -- and you have a drivers license?

10 A No, sir, I don't drive.

11 Q Okay. And so you got hurt on April 29th, 2013,
12 and you got crutches on that same day?

13 A Yes, sir.

14 Q You got crutches on the same day?

15 A I'm pretty sure they give them to me.

16 Q Okay. And since that day you've been using your
17 crutches the entire time?

18 A Pretty much.

19 Q Okay. Have there ever been any times that you --
20 that you've not used your crutches?

21 A Yes, sir, a few times I've walked in the store.

22 Q How many times have you walked in the store?

23 A Not many.

24 Q Okay.

25 A I'd be parked right there in front of it, like

1 from here to that wall.

2 Q Okay.

3 A But I wasn't driving.

4 Q But you're not driving?

5 A No, sir, I don't drive.

6 Q Have you driven since -- in between that 2013 -
7 March --

8 A No, sir.

9 Q The -- and you've known Mr. Pate for how long?

10 A At least 18 years.

11 Q Okay. Do you know his wife, Shondra?

12 A Yes, sir.

13 Q You know his children?

14 A Yes, sir.

15 Q All right. The week of -- the week of April the
16 29th, you all were on the job over at Elon?

17 A Yes, sir.

18 Q And the other boys had been on another job --

19 A At Santee Cooper.

20 Q -- at Santee Cooper? So how long had you been on
21 the job over at Elon?

22 A Two days.

23 Q You had been on the job for two days?

24 A Yes, sir, when it started.

25 Q When it started? And the other boys that you

1 Mentioned they were not on the job when it first --

2 A They was finishing one up at Santee.

3 Q They were on the job down at Santee?

4 A Yes, sir.

5 Q Okay. And --

6 A Brent come in around 9:00 that morning -- came in
7 there.

8 Q Came in that morning?

9 A Yes, sir, I can't remember exactly what time but
10 I know they worked a couple of hours before I got hurt.

11 Q And on the day before you got hurt, which was the
12 28th --

13 A 29th.

14 Q So you got hurt on the 20 -- you got hurt on the
15 29th?

16 A Yes, sir.

17 Q On the 28th, who was present on -- at Elon Church
18 besides you?

19 A That was on a Sunday and I don't think I worked
20 that day.

21 Q Okay.

22 A But we started that Friday, worked about six and
23 a half hours and then we worked that Monday and it come a
24 shower of rain and we didn't work for about a hour, went to
25 Lowe's and got a couple of drop cords and come back and

1 worked about four and a half hours and I got hurt.

2 Q So, the -- the -- on the day before you -- you
3 worked about an hour before you went to get the drop cords?

4 A We didn't start, we waited 'til the rain quit.
5 We went to Lowe's and got a couple of drop cords. Come
6 back and the rain was gone and we started.

7 Q How many days -- how many hours did you work
8 completely on that day?

9 A That day I got hurt, probably four and a half,
10 somewhere.

11 Q And the day before, how many day -- how many
12 hours did you work?

13 A Probably six and a half.

14 Q About six and a half? Okay. And on the -- let's
15 see, the 29th, what day of the week was that?

16 A April? It was a Monday. Yes, sir, on Monday.

17 Q So, do -- do you remember whether or not you
18 worked on that Friday?

19 A Yes, sir.

20 Q Where did you work Friday?

21 A Sir?

22 Q Where did you work then?

23 A On that church, same job which started that day.

24 Q And who were the people on -- on -- working on
25 the job on that day?

- 1 A That Friday?
- 2 Q Yes, sir.
- 3 A Me, Mr. Pate and Ted Byerly.
- 4 Q So, you, Mr. Pate and Ted --
- 5 A Ted Byerly.
- 6 Q And was that the first day on the job?
- 7 A Yes, sir, we just started.
- 8 Q Just started? How many hours did you work on
- 9 that day?
- 10 A At least six and a half, seven of them.
- 11 Q About six -- six and a half, seven --
- 12 A We usually worked -- some days we knock off
- 13 early, you know.
- 14 Q Okay. And did you knock off early that day?
- 15 A That's early to me; we usually work nine and a
- 16 half, ten hours.
- 17 Q Did you get paid on that Friday?
- 18 A Yes, sir.
- 19 Q When did you normally get paid? What day of the
- 20 week?
- 21 A Fridays.
- 22 Q On Fridays?
- 23 A Yes, sir.
- 24 Q Okay. And so on that day, you and Mr. Pate and
- 25 Mr. Byerly were working?

1 A Yes, sir.

2 Q Did you see Mr. Byerly get paid on that day?

3 A No, sir, I didn't see be around when somebody
4 else got paid, I walked away; wasn't none of my business.

5 Q Okay. And so -- so on Friday, it was you, Mr.
6 Pate and Mr. Byerly.

7 A Yes, sir.

8 Q And then that -- and then you came back on Monday
9 --

10 A Yes, sir.

11 Q -- and that -- that's when you got hurt.

12 A 2:30 that day.

13 Q Okay.

14 A I looked at the clock when I got in the bed --
15 when they loaded me up.

16 Q Okay.

17 MR. MALLOY: That's all I have.

18 THE COURT: All right. Ms. Goodwin.

19 CROSS EXAMINATION

20 BY MS. GOODWIN:

21 Q Mr. Sims, you --

22 MS. GOODWIN: And I don't know if you saw this or want
23 to take a look, Commissioner.

24 Q -- but I think you have your foot all bandaged up
25 today?

1 A Yes, ma'am.

2 Q Is that correct? Do you always have it bandaged
3 up?

4 A Yes, ma'am, I take I shower and -- a bath, I
5 can't take a shower. I have to sit on the edge of the tub
6 and wash and then I change my bandage every day -- every
7 night.

8 Q Why do you have to wear a bandage?

9 A Hey you got to have -- like a steel on the back
10 of it, one of them things you walk on, not a cast, a --

11 Q A splint?

12 A Splint, uh-huh. They make it at the hospital -
13 or doctor's office every time I go. They make it for the
14 back of my leg.

15 Q And do you wear that all the time?

16 A Yes, ma'am, everyday; lot of times, all night.

17 Q And the splint won't fit in a shoe?

18 A No, ma'am, I can't wear a shoe. They had to cut
19 my shoe off when that happened because my foot swoll so
20 big.

21 Q So from your testimony today, are you saying that
22 you worked nine or ten hours a day?

23 A Most of the time, we did.

24 Q And are you saying you worked -- most of the time
25 you worked seven days a week?

1 A If we had work, we did, weather permitting.

2 Q Did you usually have work to have you working --

3 A Yes, ma'am.

4 Q -- seven days a week?

5 A Most of the time, unless it was -- like you --

6 like I said, if it was icing outside, you can't work in

7 that weather, (inaudible), unless he didn't have no work,

8 and then we stayed home, we didn't have nothing to do.

9 Q The day of the accident there was a fellow there
10 named Brent Gainey; is that right?

11 A I don't really know his last name. Some say his
12 name was Gainey and some say his name was something else.

13 Q Well, we'll call him Brent then.

14 A Yes, ma'am.

15 Q And he had not been at the church any other day;
16 isn't that correct?

17 A The day -- he come back the same day, that Monday
18 is the only day he was there; him and Delane.

19 Q And do you know if Brent ever worked with --
20 well, never mind. So, of -- of the number of days that you
21 were on the job at the church, he was only there one of
22 those days?

23 A They come by there that Friday but they didn't
24 work because the boss said we were knocking off so, you
25 know, he told them they didn't need to work that day so we

1 finished up what we was doing and we knocked off.

2 MS. GOODWIN: I don't have any other questions.

3 THE COURT: All right. Mr. Wukela.

4 REDIRECT EXAMINATION

5 BY MR. WUKELA:

6 Q Had it rained that Friday?

7 A No, sir.

8 Q Okay.

9 MR. WUKELA: That's all the questions I have,
10 Commissioner. Thank you.

11 THE COURT: All right. Mr. Malloy.

12 MR. MALLOY: Nothing further.

13 THE COURT: All right. Any other witnesses for the
14 Claimant?

15 MR. WUKELA: No other witness for the Claimant,
16 Commissioner.

17 THE COURT: All right. Any witnesses for the
18 Employer?

19 MR. MALLOY: We'll call Mr. Pate.

20 THE COURT: Okay. All right. Mr. Pate, please raise
21 your right hand. Do you swear to tell the truth, the whole
22 truth and nothing but the truth?

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Please state your full name for the
25 record.

1 THE WITNESS: Edwin M. Pate.

2 THE COURT: All right. Mr. Malloy, your witness.

3 Edwin M. Pate,

4 Having first been duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MALLOY:

7 Q Mr. Pate, you are married to Shondra Pate?

8 A Yes, sir.

9 Q Your full name is what?

10 A Edwin M. Pate.

11 Q And what's the name of your business?

12 A Well, Ed Pate Vinyl Siding is the way I have my
13 license made out.

14 Q Okay. And are you -- are you incorporated?

15 A No, sir.

16 Q Okay. And you -- you've been married to Ms. Pate
17 for how long?

18 A Twenty-five years.

19 Q And you have how many children?

20 A Three.

21 Q Okay. Is one of them a highway patrolman?

22 A Highway patrolman. Other one's a city policeman
23 and my daughter's at USC this year.

24 Q Okay. And you and I know each other from
25 coaching baseball?

1 A Yes, sir.

2 Q Okay. You came to my office this past week?

3 A Yes, sir.

4 Q You know I have not had a chance to get
5 depositions and --

6 A Yes, sir.

7 Q -- attend to any of that in -- that -- that kind
8 of stuff, correct?

9 A I do.

10 Q And you wanted me to come to this hearing with
11 you?

12 A Yes, sir.

13 Q And Mr. Wukela provided a brief to us on
14 yesterday, correct?

15 A Right.

16 Q You -- you know Jerry Sims?

17 A Yes, sir.

18 Q And Jerry Sims has done some work for you in the
19 past?

20 A Yes, sir.

21 Q Okay. Tell us how long Mr. Sims has worked for
22 you?

23 A Off and on over the last -- I've known him about
24 15 years but he worked for Gary Byrd five or six years and
25 -- until he fell off of -- out a deer stand and broke his

1 hip and cheekbone and stuff.

2 Q Okay. Now, you know that he's alleged that he
3 got hurt on the job working with you?

4 A Yes.

5 Q Okay. And you were -- the job that you were
6 working on was at -- was at Elon Church?

7 A Mount Elon, yes, sir.

8 Q Mount Elon. And where is that located?

9 A Lydia.

10 Q Okay. Tell us about when you got that job and
11 how many folks were working with you?

12 A I had the job for a while and we started on a
13 Thursday with me -- me, Mike and Ted.

14 Q Give us last names if you can.

15 A Ted Byerly.

16 Q Okay.

17 A Mike Sims -- worked Thursday; worked half a day
18 Friday. Delaney was down in Santee and worked for Eddie
19 Knox doing some woodwork, him and Brent, and when they came
20 up Friday --

21 Q Who is Eddie Knox?

22 A He's a contractor with a -- I do work for
23 occasionally.

24 Q Okay. Eddie Knox built my house?

25 A Yeah.

1 Q And so the -- the -- on Monday whenever Mr. Sims
2 got hurt, who was working with you on that day?

3 A Ted Byerly, Mike Sims and Delaney Borden.

4 Q Okay. And so you had three different men?

5 A Yeah.

6 Q And did you pay them for -- for the time that
7 they worked on that day?

8 A Not that -- not that Monday.

9 Q Okay. Did you pay --

10 A I paid them Friday, you know.

11 Q And was anybody else working with y'all on that
12 day?

13 A No.

14 Q Okay. Do -- when you were working on that --
15 that job at any time did you have four or more employees?

16 A No.

17 Q Okay. You -- obviously, you don't give them
18 W-2s?

19 A No, I've handed Mike 1099's. That's been in
20 years past but I'm -- we haven't had a whole of work to do
21 since 2008. This was probably the best -- the only winter
22 that we've been able to work, you know, two or three days a
23 week.

24 Q Have you ever worked with Mr. Sims on a Sunday?

25 A Yes.

1 Q How many times you think in the last year that
2 you worked with Mr. Sims during -- on -- on a Sunday?

3 A Probably twice.

4 Q Okay. And during the time that you all were
5 working on -- on -- on a Sunday, how many hours a week
6 would you end up giving Mr. Sims to work?

7 A Usually, if we worked on Saturdays and Sundays
8 it's because they've had -- we've had one or two days of
9 rain that week and we were trying -- you know, not making a
10 whole lot of money and, you know, you've got to work
11 whenever you can and during the wintertime, you know, you
12 never know.

13 Q Okay. How much -- how much did you pay Mr. Sims
14 per hour?

15 A \$14.00 an hour.

16 Q And did all -- all of the people that would work
17 -- work with you, did they get paid the same thing when
18 they were getting paid?

19 A No, it's different pay scales. I mean, I paid
20 the helpers like \$8.00, the brakeman, you know, \$10.00 and
21 Delaney Borden \$13.00.

22 Q Okay. So he was making \$14.00 an hour?

23 A Yeah.

24 Q Okay. And how many hours would you say that he
25 -- that he worked?

1 A He would work 25 to 30 hours a week.

2 Q Okay. So, you're aware that -- that if you have
3 four or more employees that you have to have workers' comp
4 insurance?

5 A Yes.

6 Q Okay. Tell me how you handle that.

7 A Well, the only time I would hire the fourth one
8 would be on Hardy Boy Jobs and that was usually -- that has
9 always been for contractors and they took the workman comp
10 out.

11 Q Okay. And did -- did your employees know -- know
12 that?

13 A Yeah. Mike's heard me complain about it.

14 Q Did you try to see -- end up making sure that you
15 had more or less than -- less than four employees --

16 A Yeah.

17 Q -- on the job?

18 A Yeah.

19 Q Okay. Did you have four or less employees on -
20 on -- on this job?

21 A Yeah.

22 Q Have you seen Mr. Sims since he got hurt?

23 A I've seen him in a car and I seen a video of him.

24 Q Okay. And you -- you've seen him without the
25 crutches?

1 A Yes. On the video -

2 Q How many times --

3 MR. MALLOY: I object to hearsay as to -- I don't
4 think he can smuggle the video testimony through. Thank
5 you.

6 THE COURT: Sustained.

7 Q How many times have you -- have you seen him
8 personally?

9 A Yeah, in the car only in passing.

10 Q Okay. Has he -- was he driving or in the
11 passenger seat?

12 A I don't -- I -- I -- other than the video, I've
13 only seen --

14 Q Don't -- don't -- don't talk about the video.

15 A All right.

16 Q How many times have you physically seen him?

17 A Two.

18 Q Two times? Okay. Have you seen him walking with
19 his crutches or without his crutches since the
20 --

21 A I haven't seen out of the car --

22 Q Okay.

23 A -- other than pictures and stuff.

24 Q Okay. Have you tried to provide some assistance
25 to Mr. Sims since he got hurt?

1 A Yes, that Monday night, when they told him he was
2 going to have surgery the next day, I went out and borrowed
3 a couple thousand dollars and me and Ted Byerly followed
4 them all the way to McLeod's, and I went in there and
5 talked to Mike. I said, "Mike, I'm going in the business
6 office there and, if you want me to, and I'll try to pay
7 you a couple hundred dollars a week and make arrangements
8 to pay your hospital bill and get you admitted." He told
9 me no and after that the nurse come out and I asked the
10 nurse, after she went back there for a while, and I asked
11 the nurse, I said are y'all going to do anything to Mike
12 Sims and she said, "No."

13 Q All right. And have you tried to offer him
14 assistance since -- since then?

15 A No, I was told not to talk -- contact -- have any
16 contact with him.

17 Q Okay. All right.

18 MR. MALLOY: That's all the questions I have.

19 THE COURT: All right. Ms. Goodwin

20 MS. GOODWIN: I don't have any questions

21 THE COURT: Mr. Wukela.

22 MR. WUKELA: Thank you, Commissioner.

23 CROSS EXAMINATION

24 BY MR. WUKELA:

25 Q You understand that you have to have workers'

1 compensation insurance if you have four employees?

2 A Yeah.

3 Q And I think I understood your testimony that
4 whenever you hire a fourth employee, you'd get the comp
5 coverage?

6 A We -- our contractors usually take it out of my
7 check.

8 Q The day of this accident you had four men
9 working?

10 A No, there was a fourth man there but he brought
11 Delaney to work at 12:00 that day and asked me how long we
12 were going be there. I said probably about three hours.
13 He stayed around because he had helped us down at Santee.

14 Q Well, no, let me ask you. On the date of the
15 accident, Jerry Sims was working?

16 A Right.

17 Q Delane Borden was working?

18 A Right.

19 Q Ted Byerly was working?

20 A Right.

21 Q And Brent Winburn was working; was he not?

22 A I don't know what Brent's last name is but he
23 wasn't working.

24 Q So your testimony today is Brent Winburn or Brent
25 Gainey or whatever Brent's last name, was not working on

1 the date of the accident?

2 A No, he got -- he brought Delaney Borden -- they
3 were roommates, he brought him over there.

4 Q You didn't pay him any money?

5 A Yeah, I paid him for his gas.

6 Q Now, do you recall telling me in your deposition
7 that he was working there that day?

8 A He had -- had handed up some vinyl and stuff but,
9 I mean, he wasn't working for me. He had worked -- he
10 asked me about working on that church and I told him I
11 didn't know.

12 Q So he -- he handed up vinyl siding to the men
13 that were putting it on?

14 A Yeah.

15 Q And he paid you money. You paid --

16 A People were always coming up --

17 Q No, listen, you've got to answer my question.
18 Did you pay him money?

19 A I paid him gas, yeah.

20 Q And he did physical work?

21 A I don't know. I was on the scaffold. I -- he --
22 he was there.

23 Q Wait a second. I thought you just testified that
24 he handed up vinyl siding to the guys.

25 A Well, yeah, I mean, people walk up to us.

1 Vinyl's not heavy, you got to hand it to us when we're on
2 the scaffold, even if they're waiting around.

3 Q So your testimony is he was not working there
4 that day?

5 A No, he was not.

6 Q Now, you understand that Mr. Byerly and Mr.
7 Borden, they were working there that day?

8 A Yeah.

9 Q And do you recall their depositions?

10 A I remember Mr. Borden's, I wasn't there for
11 Ted's.

12 Q You remember Mr. Borden testifying that Mr.
13 Winburn worked there that day?

14 A He wanted to work and he was there and I -- I
15 didn't pay him to work. He was not hired until after Mike
16 fell.

17 Q He wanted to work, yes?

18 A Yes.

19 Q He was there?

20 A Yes.

21 Q He at least handed up vinyl siding to people who
22 were hanging it?

23 A Yeah.

24 Q And you paid him money?

25 A Yes.

1 Q That's the job of a helper, correct?

2 A No, what a helper would -- yes. Yes.

3 Q That is the job of a helper? All right. And Mr.
4 Sims had been working for you for 15 years?

5 A Yes.

6 Q And Mr. Borden, I think, testified about three
7 and a half that he'd been working?

8 A Off and on, yeah.

9 Q All right. Mr. Sims earned \$14.00 an hour?

10 A Right.

11 Q Mr. Borden, \$13.00 an hour? Mr. Byerly testified
12 that he had been working for you for three years; is that
13 correct?

14 A Approximately, I don't know how long.

15 Q All right. You paid him \$10.00 an hour? And Mr.
16 Byerly's job was to bend the aluminum or the vinyl where
17 you hang it?

18 A Right.

19 Q And Mr. Sims' and Borden's job was to hang the
20 vinyl?

21 A Right.

22 Q All right. And you also testified, if I remember
23 in your deposition, that you employed over the course of
24 that year, some 50 to 75 people?

25 A I'm -- that -- right. I mean that -- we hire

1 people, it's almost like going to pick somebody up on the
2 corner. Mike can tell you that many a time there's only me
3 and him working.

4 Q Well, let me ask you then; is it fair to say that
5 you have 50 to 75 different guys helping you in a year?

6 A Yeah, different -- and we always --

7 Q Is that true?

8 A Yeah.

9 Q Okay.

10 A And they -- they come and work two days and
11 leave, or a day.

12 Q And most of those 50 to 75 guys that come and go
13 during the course of the year do that helper job?

14 A Yeah.

15 Q Okay. Now, you don't have any records, though,
16 of how many people have worked for you over the last year
17 or over the last five years or any time; is that right?

18 A No.

19 Q Okay. But it is correct that you can identify by
20 first names people, including Bruce --

21 A Uh-huh.

22 Q Yes?

23 A Yes.

24 Q -- Corey, correct?

25 A Yeah.

1 Q Ricky, correct?

2 A I don't know -- I don't know Ricky. I don't know
3 which one -- who Ricky is.

4 Q Well, let me ask you. I asked you in your
5 deposition -

6 MR. WUKELA: And I'm looking at page 22 of the
7 deposition, Commissioner.

8 Q I asked you - "Now we were talking before, over
9 the year before the accident, you said that a number of
10 people could come and go working for you. Can you tell me
11 those names?", and you said you could name a number and you
12 named, "Bruce, Corey, Ricky and Wallace." You remember
13 that?

14 A Ricky Wallace, yeah.

15 Q All right. So it's Ricky Wallace?

16 A Yeah.

17 Q All right. In fact, you testified that there
18 were so many of them you couldn't really remember?

19 A Yeah, they come and go.

20 Q All right. Do you -- do you maintain any records
21 at all at any point?

22 A Just not -- write them down in a notebook.

23 Q Okay. And at some point, do you keep those
24 notebooks or do you destroy those notebooks?

25 A I have some of them, yeah.

1 Q Well, not wait a second. Do you remember me
2 sending you a subpoena for all your payroll records and all
3 your records?

4 A Well, I mean -- that's -- it's just -- it's --
5 books I keep in the truck that I write down.

6 Q But you didn't produce those to me?

7 A I mean, I could show you in no kind of order.

8 Q And, in fact, you told me in the deposition, that
9 you destroyed the records, didn't you?

10 A I don't know.

11 Q Well I asked you do you maintain your records and
12 you told me you kept them for about a week and --

13 A I -- I usually tear -- I tear out of them -- the
14 sheet after a week's gone by.

15 Q But that's not true, you do have those records?

16 A I don't have no record records. I'll just say --
17 sometimes I write down the hours on a notebook and it might
18 be at the back of the notebook.

19 Q So you have the hours written down in the
20 notebook?

21 A I -- if I -- if I had -- this --

22 Q That's a yes or no question.

23 A Yes, sometimes.

24 Q But you didn't produce those in response to
25 subpoena?

1 A I couldn't produce -- it was a -- when we was
2 subpoenaed, this stuff was -- I know I don't have those
3 records.

4 Q Would those records tell me some of the names of
5 the 50 to 75 people that worked as a helper for you over
6 the last year?

7 A No. No, because, I mean, all we got is first
8 names wrote down.

9 Q And you didn't pay any taxes on those records?

10 A I'm not responsible for taxes, (inaudible)
11 subcontract labor.

12 Q You don't pay any taxes?

13 A I paid (inaudible).

14 Q I mean have you, yourself paid any taxes? Have
15 you filed a tax return the last five years?

16 A I've been working on Mr. Martin's tax --

17 Q Well, now, wait a second; my question is have you
18 filed a tax return in the last five years?

19 A No, Mr. Martin's working on that.

20 Q You picked up these fellows and you dropped them
21 off?

22 A Yeah.

23 Q You told them what to do and how to do it?

24 A Yeah.

25 MR. WUKELA: Bear with me just a second, Commissioner.

1 Q Since the accident, have you continued doing
2 jobs?

3 A Yes.

4 Q And since the accident, you've continued to have
5 Mr. Border working for you?

6 A Now he hasn't in the last week or two.

7 Q Well let me ask you; in the week after the
8 accident, did he work for you?

9 A Yeah. Well, I mean -- yeah.

10 Q And Mr. Byerly?

11 A Yeah.

12 Q And you also had another helper?

13 A Yeah.

14 Q What was that gentleman's name?

15 A We hired Brent on that Wednesday.

16 Q All right. Anybody else?

17 A No, sir.

18 Q You didn't have anybody else working for you
19 since the accident?

20 A No.

21 Q You don't remember telling me in your deposition
22 that you hired a boy named Lawrence?

23 A Oh, yeah, Lawrence -- Lawrence Barefoot worked
24 with us but that was after Brent was gone. I don't even
25 know where he's at. I didn't know what Brent's last name

1 was until the deposition.

2 MR. WUKELA: Commissioner, I think those are all the
3 questions I have.

4 THE COURT: Mr. Malloy, any redirect?

5 MR. MALLOY: No, ma'am.

6 THE COURT: Any other witnesses for the Defendants?

7 MR. MALLOY: Ms. Pate.

8 THE COURT: Please raise your right hand. Do you
9 swear to tell the truth, the whole truth and nothing but
10 the truth?

11 THE WITNESS: I do.

12 THE COURT: Please state your full name for the
13 record.

14 THE WITNESS: Shondra Flowers Pate.

15 THE COURT: Okay. All right. Mr. Malloy.

16 Shondra Flowers Pate,
17 Having first been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MALLOY:

20 Q Ms. -- Ms. Pate, where do you live?

21 A Sir?

22 Q Where are you living?

23 A [REDACTED]

24 Q And that's in Darlington County?

25 A Yes, sir.

1 Q You married to Eddie Pate?

2 A Yes, sir.

3 Q And y'all been married for --

4 A Twenty-five years.

5 Q Okay. And you have three -- three children?

6 A Three wonderful children.

7 Q Okay. And are you employed?

8 A Yes, I am.

9 Q And where -- where are you employed?

10 A Honda of South Carolina for 16 years, going on 16
11 years.

12 Q Okay. And are you familiar with Mr. Pate's
13 business?

14 A Not really except, in the evenings when I see him
15 coming with the work boys dropping the trailer.

16 Q Okay. And so when -- when you see him coming in
17 you mean coming to --

18 A Coming to the house to drop the trailer and to
19 carry the guys on.

20 Q Okay. And is that an everyday occurrence?

21 A Pretty much, yeah.

22 Q Okay. And so you've heard the testimony here?

23 A Yes, sir.

24 Q And do you know whether or not Mr. Pate employs
25 more than four people at a time?

1 A No, sir, it's hard to get two or three to work
2 let alone four.

3 Q And do you have any personal knowledge of who was
4 working on this particular day on April 29th, 2013?

5 A I really don't because I have my own job, but I
6 know that Eddie called me on my way home from work and said
7 that Mike and fell and I had cut by the hospital and when I
8 got to the hospital there was Mike and Delaney and I think
9 maybe Ted there. I don't recall anybody else being there.

10 Q Now, you've -- do you know Mr. Sims?

11 A I do. I've known Mr. Sims for a number of years.
12 I know his children. I know his mother.

13 Q And have you seen Mr. Sims since the day of the
14 accident?

15 A I have.

16 Q And where did you see him?

17 A I saw Mr. Sims, I have it documented, on
18 September the 18th, 2013, which was the day of the
19 deposition. I saw Mike Jerry Sims. He came into the
20 lawyer's office on crutches with his foot wrapped and
21 around 1:40 p.m. on September the 18th, 2013, I saw Mike
22 Jerry Sims walking into his house and up his steps without
23 crutches. When I came by -- I saw him whenever I went by
24 his house. Actually, I was coming from up that way and
25 when I passed his house no one was home so I was going back

1 to my house and I passed him and his girlfriend or wife or
2 whichever, I don't know. I passed him so I turned around
3 out of curiosity and they stopped at their mailbox. What I
4 did was was I stopped, you know, I stayed behind so they
5 couldn't see me and I saw him and his wife or girlfriend
6 stop at their mailbox. They couldn't turn into their drive
7 so I was curious, me being a woman, so I proceeded just to
8 follow and they went down to the next road past his house,
9 took a right, went to a double wide trailer. I went on by
10 and turned around, sat in the car so whenever I -- I just
11 come on out and there's a road above his house that you can
12 sit on that has a huge bush. So I backed so I could see
13 when they turned to their drive. So I sat there and when
14 they turned into their drive I gave a few minutes, you
15 know, for people to get out of the car, and when I came
16 back by his wife or girlfriend had already gone into the
17 house. There was another man with them, I don't know his
18 name, dark headed, big belly, I don't know him, on his
19 porch. Mike -- Mike was still in his car so I went down,
20 gave a few seconds to give Mike time to get out which, when
21 I turned around and came back, Mike was out of the car,
22 without crutches, walking up the steps of his house. That
23 was on September the 18th, the day of the deposition. Now,
24 on September the 23rd, 2013, I was coming home from work
25 and I saw Mike Sims and his girlfriend or wife at the

1 Dollar General which is at the crossroads right before you
2 get to our house, so out of curiosity again, I waited.

3 Q Okay.

4 A So I gave them time to get home and proceeded to
5 go past their house and when I passed their house his wife
6 was already out of the car and Mike was already out of the
7 car, carrying a Dollar General bag in his hand, again with
8 no crutches, and no one was assisting him. Me, myself --
9 my husband has an amputated leg. He was on crutches for
10 two years. I never left him alone at any moment when he
11 was getting out of a car to go into the house. I always
12 parked the car where he was accessible to the doors going
13 into the house. Mike's car was parked where his wife was
14 accessible, or girlfriend, to go into the house. I also --
15 a friend of mine is the manager of Fox's Corner, above the
16 stop light, and Saturday before last -- I have two pictures
17 showing Mike Sims pumping gas without crutches.

18 MR. WUKELA: Object --

19 A I also have another one --

20 THE COURT: Hold on.

21 MR. WUKELA: Hold on, hold on. Object to the
22 pictures.

23 THE COURT: I sustain the objection.

24 Q Okay. She's not going to let you --

25 A Okay.

1 Q -- put those in because you've got to give the --
2 you got to give this stuff --

3 A Okay. I just had them but, I mean, it's --

4 Q -- in advance.

5 A -- visible proof.

6 Q And so -- so -- so whenever you saw him you were
7 on a public roadway --

8 A Public road, yes, yes, public road. Not private
9 property.

10 Q And -- and so your husband, Eddie Pate --

11 A Yes, sir.

12 Q Okay. -- has known Mr. Sims for a --

13 A Oh, a number years. I really don't know about
14 how many.

15 Q Okay. Do you -- are you familiar -- do you know
16 how many hours a week that they would end up working?

17 A Well, I go to work. I --

18 Q Do you know? Do you know?

19 A Do I know? I can give you an average.

20 Q Okay.

21 A I go to work, I leave my house at about 4:30,
22 quarter to 5:00 --

23 Q Do you know how many hours that Mr. Sims works?

24 A Does Mr. Sims work? On average I'd say they'd
25 work seven -- maybe six hours, five or six hours a day and

1 the reason -- I'll tell you the reason I know that is
2 because usually my husband calls me at work or either I
3 call him and he'll say, "I'm off work." During the
4 summertime when it's hot weather and you know the south,
5 it's extremely hot. You cannot work in that heat more than
6 five hours and Eddie's an amputee. He cannot stay on his
7 leg for a numb -- and he's almost 60 years old, so he can't
8 do it anymore.

9 Q So he -- he's an amputee from --

10 A Below the knee.

11 Q -- below the knee?

12 A Uh-huh.

13 Q All Right.

14 MR. MALLOY: That's all the questions I have,
15 Commissioner.

16 THE COURT: Okay. Ms. Goodwin.

17 CROSS EXAMINATION

18 BY MS. GOODWIN:

19 Q Mrs. Pate, does your husband work on Sundays much
20 at all?

21 A No, occasionally, but not a lot.

22 Q Okay. And I don't want you to tell me -- did you
23 take those pictures that we were talking about? I don't
24 want you to tell me about the pictures, I just want to know
25 if you took them?

1 A Did I take those pictures? No.

2 Q Right. Did you see him engaged in that activity?

3 A In the picture activity?

4 Q Yes.

5 A No.

6 Q Okay. That -- that's as far as I want to go with
7 that. I just wasn't clear on it.

8 MS. GOODWIN: That's all the questions I have.

9 THE COURT: All right. Mr. Wukela.

10 CROSS EXAMINATION

11 BY MR. WUKELA:

12 Q Ms. Pate, do you know what a fractured distal
13 fibula is?

14 A I'm not a doctor.

15 Q You -- you don't know what a fractured posterior
16 malleolus with anterior dislocation of the fibula is?

17 A Again, I'm not a doctor.

18 Q And you haven't seen the report of the x-ray
19 found at APA 1; page 11?

20 A No. There's no reason for me to see it.

21 MR. WUKELA: That's all the questions I have,
22 Commissioner.

23 THE COURT: All right. Mr. Malloy, any redirect?

24 MR. MALLOY: No.

25 THE COURT: Any other witnesses for the

1 Defendants/Employer?

2 MR. MALLOY: No.

3 THE COURT: Any witnesses for the Uninsured Employers
4 Fund?

5 MS. GOODWIN: No, ma'am.

6 THE COURT: All right. That concludes the hearing.

7 (The hearing concluded at 11:28 a.m.)
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25

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON) CERTIFICATE

BE IT KNOWN THAT I TOOK THE FOREGOING
 WORKERS' COMPENSATION HEARING;

THAT I WAS THEN AND THERE A NOTARY PUBLIC IN
 AND FOR THE STATE OF SOUTH CAROLINA-AT-LARGE;

THE FOREGOING TRANSCRIPT CONSISTING OF 54
 TYPEWRITTEN PAGES REPRESENTS A TRUE, ACCURATE AND
 COMPLETE TRANSCRIPTION OF THE TESTIMONY SO GIVEN AT
 THE TIME AND PLACE AFORESAID TO THE BEST OF MY SKILL
 AND ABILITY;

THAT I AM NOT RELATED TO NOR AN EMPLOYEE OF
 ANY OF THE PARTIES HERETO, NOR A RELATIVE OR EMPLOYEE
 OF ANY ATTORNEY OR COUNSEL EMPLOYED BY THE PARTIES
 HERETO, NOR INTERESTED IN THE OUTCOME OF THIS ACTION.

WITNESS MY HAND AND SEAL THIS 10TH DAY OF
 NOVEMBER, 2013.

CORA ELLIS BRUTON
 NOTARY PUBLIC FOR SOUTH CAROLINA
 MY COMMISSION EXPIRES JANUARY 18, 2015

STATE OF SOUTH CAROLINA
BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC No. 1306446

Jerry Sims,)
Claimant,)
v.)
Edwin Pate Vinyl Siding,)
Employer,)
and)
South Carolina Uninsured)
Employers Fund,)
Carrier/Defendants.)
-----)

COPY

FULL COMMISSION PANEL HEARING

Tuesday, January 13, 2015
9:04 a.m. - 9:25 a.m.

The full commission panel hearing was held before the South Carolina Workers' Compensation Commission, 1333 Main Street, 5th Floor, Columbia, South Carolina, on the 13th day of January, 2015 before Jill H. Vickers, Certified Court Reporter and Notary Public in and for the State of South Carolina.



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1 **COURT REPORTER:** Today is January 13th, 2015. This
2 is South Carolina Workers' Compensation Case
3 Number 1306446. This is the case of Jerry
4 Sims, Claimant, versus Edwin Pate Vinyl Siding,
5 Employer, and South Carolina Uninsured
6 Employers Fund is the Carrier. The Appellant
7 is the Claimant represented by Stephen J.
8 Wukela. The Respondent/Defendant, SCUEF, is
9 represented by Ellen Goodwin. The Defendant,
10 Edwin Pate Vinyl Siding is represented by
11 Gerald Malloy.

12 **MR. WUKELA:** Thank you all for your accommodations
13 with regard to arguments in this case. I know
14 it's been difficult, and I apologize for the
15 inconvenience I've created as a result. As you
16 all know, this is an uninsured employer case.
17 What is undisputed and what was found by the
18 single commissioner below is that the claimant
19 fell from a roof and fractured an ankle. The
20 employer is uninsured. It was also found by
21 the commissioner below that there were four
22 employees working on the scene that day, three
23 of which the commissioner found were regularly
24 employed. The case turned to the question of
25 whether the fourth employee, the helper, was



1 regularly employed by this employer. The
2 testimony on that issue from the employer was
3 that he regularly employed 50 to 75 people in
4 a year in that position, and I'm looking at
5 Page 6 of my Brief, which quotes the deposition
6 of Edwin Pate, Page 14, Line 25 through Page
7 15, Line 5. That's quoted at Page of my Brief,
8 and there, he testified -- I asked, "All right.
9 Do you maintenance any payroll records at all?"
10 The answer was, "From week to week. Believe
11 me, we're liable to have 50 to 75 different
12 guys helping in a year", and I say, "Okay, all
13 right". And then I went on to ask -- and it
14 goes onto Page 7 of my Brief, Your Honors, --
15 "Let me ask you, then, is it fair to say that
16 you have 50 to 75 different guys helping you in
17 a year?" "Yeah, it's different. We always
18 ..." -- and I asked, "Is that true", and he
19 answered, "Yes". And I said, "Okay", and then
20 I said, "And they come and work two days and
21 leave for a day, and most of those 50 to 75
22 guys that come and go during the course of that
23 do that helper job", and his answer was,
24 "Yes". That was the testimony of the employer
25 about that fourth person's job, the job of the



1 helper. There was no question there was a
2 fourth person doing that job that day. The
3 commission found that, and that hasn't been
4 appealed, and there is no question that the
5 employer testified that that job was regularly
6 performed in the course of a year by 50 to 75
7 different employees. Now, I would like to have
8 had some records about those employees and what
9 they did and how they were paid and how much
10 they were paid and how many hours they worked.
11 Unfortunately, there were no records, because
12 the employer destroys those records. I asked
13 him about that. Pages 7 and 8 of the Brief
14 quote that testimony, and I asked, "Okay. Now,
15 you don't have any records, though, of how many
16 people have worked for you over the last year
17 or over the last five years or any time? Is
18 that right?" And he answered, "No". And I
19 asked, "Do you maintain any payroll records at
20 all", and he again testified, "From week to
21 week, believe me, we're liable to have 50 to 75
22 guys helping us in a year ..." -- and I said,
23 "Okay" -- "... helping me a year. I need an
24 accountant to know." And I said, "You maintain
25 those records from week to week, but how long



1 do you keep them?" "For about a week". "For
2 about a week, and then you destroy them?"
3 "Well, I mean, it's actually time sheets, and
4 that's it". "You don't maintain those in any
5 way, and once that week's over and everybody is
6 paid, and it goes on, you go into the next
7 week, and you destroy the records and throw
8 them away?" And he answered, "Yes". The
9 employer testified that that fourth man job is
10 regularly employed by 50 to 75 different
11 employees, but there are absolutely no records
12 of that, because he destroys them, doesn't pay
13 taxes, doesn't pay withholding, and we have no
14 record of who he has paid or what he's paid,
15 and I have no way of hailing those folks to
16 court, because there's no record. The
17 commission found that the case was denied and
18 found that the claimant was not credible. I'm
19 looking at Page 6, Paragraphs 19 and 20 of the
20 Order, and the commissioner found, "The
21 claimant wasn't credible regarding the number
22 of hours he worked per week or the extent of
23 pain he has. His testimony regarding his need
24 for crutches and his pain level is not
25 consistent with his admission that he walked



1 into a store without crutches." I will submit,
2 commissioners, it's the finding of the
3 commission and the undisputed finding of
4 record, and the X-ray records are in the record
5 that revealed that the claimant has a fractured
6 ankle, that has fractures in a couple of places
7 that has not been repaired. The next finding
8 was, "Since the claimant's testimony lacks
9 credibility on pertinent issues, his testimony
10 regarding the number of employees employed by
11 the employer is unreliable". In essence, the
12 commission found that because -- the commission
13 found that the claimant was unreliable
14 partially because of his complaints of pain in
15 spite of the fact that he's got unrepaired
16 fractures in his ankle, that he's unreliable,
17 his testimony is not credible, and the claim is
18 not compensable. This, in spite of the fact
19 that it was admitted that there were four
20 people working that day, that three of them
21 were regularly employed, that the claimant
22 testified -- the employer testified. So, this
23 is aside what the claimant's testimony was.
24 The employer testified that 50 to 75 people
25 regularly did that helper job, and that there's



1 no record of it, because he destroys the
2 records. It's the claimant's contention that
3 that finding was narrowed.

4 **MS. GOODWIN:** May it please the commission. I want
5 to point out a small error on Page 2 of my
6 brief under "Argument", in the bold line, it
7 needs to say that "It did not regularly employ
8 four or more employees". That was -- "did not"
9 needs to be in there. First of all, I want to
10 point out that the commissioner's finding that
11 the relevant time period for how many employees
12 were employed was the year, 2013. The year,
13 not that project, not any one particular
14 project or more, a year, and that finding was
15 not appealed. So, we're stuck with that, how
16 many people the employer regularly employed for
17 the year. There wasn't a whole lot of
18 testimony regarding that issue other than the
19 testimony that the employer did not regularly
20 -- from the employer himself, that he did not
21 regularly employ four or more, and there really
22 wasn't anything to -- that disputed that. And
23 it's funny, because the claimant is trying to
24 bash the employer's credibility by saying he
25 didn't file tax returns or withholding. The



1 claimant hasn't filed tax returns. So, that,
2 to me, levels that issue right there. If
3 you're both not going to file tax returns, I
4 don't think you can point the finger. Lastly,
5 the commissioner didn't err in finding that the
6 claimant wasn't credible. The commissioner
7 found that the claimant wasn't credible on
8 numerous grounds. One which is the claimant
9 sat there and said, "Oh, I've got five
10 fractures in my ankle". No, he didn't. Again,
11 they cite to the X-ray reports, and we do, too.
12 He didn't have five fractures in his ankle. He
13 had a trimalleolar fracture, and I think we can
14 all say "tri" means three, but he was clearly
15 trying to make his condition to be worse than
16 it was. He also, said, "Oh, I can hardly put
17 any weight on it. I can't walk very much
18 without my crutches. In fact, I pretty much
19 have to use them all the time. And then we
20 have the employer testifying on the other hand
21 that they saw him climbing the steps to his
22 house and in the store without the crutches,
23 not to say that he doesn't have any pain. If
24 you have some fractures, you're going to have
25 pain, but it all added up to be a claimant who



1 wasn't credible. We've also got the testimony
2 of some co-workers into evidence, which were
3 submitted into evidence, and I'll cite to the
4 deposition of Bule Dulane Borden, also Ted
5 Byerly, and Mr. Borden said of the claimant,
6 referring to the claimant, "And that man right
7 there lied to you when he told you he made
8 \$900.00 a week. He's never made \$900.00 a
9 week, and I've worked with him for
10 three-and-a-half years." So, one of the other
11 witnesses testified that that claimant had lied
12 about something, and it was very clear from the
13 employer's testimony, as well, that the
14 claimant exaggerated how many hours they worked
15 a week. I mean, it wasn't just that Mr. Borden
16 had something against the claimant. He further
17 testified that, "If we get to work 40 hours, I
18 might bring home \$480, if we get to work all
19 week. On average, I bring home anywhere from
20 \$250 to \$325." So, it was very clear that the
21 claimant wasn't factual regarding how many
22 hours the crew worked a week, and it wasn't
23 just based on the testimony of the employer
24 alone that such a finding is clear from the
25 record. And there was nothing in the record,



1 absolutely nothing to impeach the credibility
2 of Mr. Byerly or Mr. Borden. Lastly, going
3 back to the issue of four or more employees, it
4 is not how many employees you employ in a year.
5 You can have a revolving door of employees.
6 It's how many you regularly employ. It's how
7 many are employed at any one time and not
8 serially and ---

9 **COMMISSIONER TAYLOR:** Ms. Goodwin, could it be that
10 -- could it not be that an employer regularly
11 employs four persons even if that fourth person
12 is somebody different every week? There's
13 still always four people employed.

14 **MS. GOODWIN:** Possibly, but there's not any evidence
15 regarding that. There was a finding that, on
16 this one job, there was a fourth person there
17 on that day. I believe the employer testified
18 that there hadn't been four or more, even on
19 that job, prior to that, but on that day, the
20 testimony developed, taking it altogether, that
21 there was a fourth person there that day.
22 However, that's not evidence that he regularly
23 employed four or more during the year of 2013.

24 **COMMISSIONER TAYLOR:** But at least 50 to 75 days of
25 that year, there were four or more?



1 **MS. GOODWIN:** No, I'm not sure that does -- the
2 helper position might have had 50 to 75 -- with
3 all due respect, the helper position might have
4 had 50 to 75 different people in it, but that
5 doesn't mean that there were always four or
6 more. The position is different from ---

7 **COMMISSIONER JAMES:** So, you're saying that the
8 revolving could have been three people, or that
9 there might have been occasionally a fourth
10 person?

11 **MS. GOODWIN:** It could have been. There's no
12 evidence that suggests that there was always a
13 fourth person there who was the serial
14 revolving person. That could have been a third
15 person. It could have been a second person.
16 The employer testified that his business had
17 decreased since, you know, the bad financial
18 times, and he also testified that he did not
19 employ four or more people regularly. The
20 claimant, and I do not believe, um, testified
21 that there were four or more on other jobs
22 prior to this. I believe that he -- his
23 testimony is pretty much limited to this, but
24 I'll just let the record speak for itself on
25 what that was, but it wasn't really that much



1 of an issue at the hearing. There wasn't a lot
2 made of what happened at other times of the
3 year, and I do believe that the employer
4 testified that there had not been four or more
5 prior to this day, on that specific project,
6 but taking altogether, and if you look where,
7 um, in my brief I have cited to the testimony
8 and the record that the commissioner was
9 correct in her findings and conclusions.

10 **MR. WUKELA:** Thank you, Commissioners. The
11 Conclusion of Law, Paragraph 5, Page 7 of the
12 Commission -- below was that, "Based on the
13 testimony of the remaining witnesses, I find
14 the employer regularly employed the claimant,
15 Dulane Borden and Ted Byarly", three, during
16 2013. "Although there was a fourth person
17 working at the time of the time of the
18 accident", the commissioner found, "I find
19 exclusively that the Claimant's evidence does
20 not support a finding or conclusion that the
21 employer employed four or more people
22 throughout the period with some consistency".
23 The employer testified, transcript Page 40,
24 Lines 12 through 14, "And most of those 50 to
25 75 guys that come and go during the course of



1 the year do that helper job, the fourth job",
2 and his answer is "Yes".

3 **COMMISSIONER MCCASKILL:** Mr. Wulela, but doesn't --
4 isn't the question proceeding that, "Well, let
5 me ask you then, is it fair to say that you
6 have 50 to 75 guys helping you in a year?" It
7 doesn't talk about the helper job, and I
8 understand what your argument is, that the
9 helper job is the fourth person, but I have
10 some question as to whether or not the helper
11 job is a fourth person always or that he just
12 employs 50 to 75 people during a year as
13 helpers.

14 **MR. WUKELA:** In other words, what your question,
15 commissioner is, whether that's inclusive of
16 the three people who are regularly employed.
17 If you look at the testimony in the Brief, Page
18 6, prior to that, I'm asking him about -- we're
19 talking about the year before the accident.
20 "You said there were a number of people that
21 come and go working for you. Can you tell me
22 those names?" Now, remember, we knew the names
23 of the three people who were regularly
24 employed. We didn't know the names of the
25 people who come and go. We didn't know them,



1 because we didn't have any records. And he
2 starts with names he could remember, and then
3 he goes and talks about that they're laborers
4 and that they are helpers and that they come
5 from week to week, and they were paid in cash.
6 And commissioner, you're quite right, and
7 that's part of the problem. If we had records
8 that showed us who this -- who did that fourth
9 person job over the course of the prior year,
10 how much they were paid, how many hours they
11 worked and when they'd come and go, that would
12 certainly help us name them.

13 **COMMISSIONER MCCASKILL:** No. If you had records, it
14 would just be -- the record itself would
15 establish as to whether or not that's a fourth
16 person ...

17 **MR. WUKELA:** Quite right, commissioner. We don't
18 have those, because the employer has destroyed
19 them, and commissioner, it's the employer's own
20 testimony that there -- we don't know what
21 weeks those 50 to 75 people worked, but there's
22 52 weeks in a year. I mean, if it was one
23 person a week throughout the course of the last
24 year, you've got a fourth person at least once
25 a week over the last year, but we're stuck with



1 this speculation, not by the fault of the
2 claimant, commissioner. We're stuck with this
3 speculation, because the employer has destroyed
4 his records, which I would argue is because he
5 doesn't pay taxes.

6 **COMMISSIONER JAMES:** Thank you, sir. Thank y'all
7 that concludes this hearing.

8 (Whereupon, the hearing concluded at 9:25 o'clock
9 a.m.)

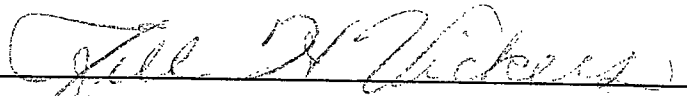


CERTIFICATE

This is to certify that the within hearing consisting of sixteen (16) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenotype with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on January 30, 2015.



Jill H. Wickers
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: July 5, 2016



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BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. NO. 1306446

Jerry Sims, Employee,

Claimant,

vs.

Edwin Pate Vinyl Siding, Employer,
and SC Uninsured Employers Fund, Carrier,

Defendants.

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Deposition of EDWIN PATE, taken by Doris Tompkins
Brown, Certified Verbatim Reporter and Notary Public
in and for the State of South Carolina, commencing at
10:27 A.M. on September 18, 2013 at the offices of
the Wukela Law Firm, 403 Second Loop Road, Florence,
South Carolina.

APPEARANCES

FOR THE PLAINTIFF:

Stephen J. Wukela
The Wukela Law Firm
Post Office Box 13057
Florence, South Carolina

(BY TELEPHONE)

FOR THE DEFENDANTS:

Lisa B. Glover
SC Uninsured Employers Fund
Post Office Box 210039
Columbia, South Carolina

Doris Tompkins Brown

COPY

Certified Verbatim Reporter
Post Office Box 853
Sumter, South Carolina 29151

COPY

(803) 499-2434

(Also Present: Shaunda Pate)

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* * * * *

Letter to Mr. Wukela dated

August 22, 2013 from Mr. Pate

Pl. Ex. 1

* * * * *

(COURT REPORTER'S NOTE: --- INDICATES INTERRUPTION,
INCOMPLETE PHRASE, TRAILING OFF, INCOMPLETE SENTENCE)

Direct examination of Edwin Pate by Stephen J. Wukela

Page 3

1 The deposition of Edwin Pate is being taken pursuant
2 to Notice and in accordance with the South Carolina Rules
3 of Civil Procedure and Amendments as adopted by the Supreme
4 Court which shall control the taking of said deposition and
5 its use thereof.

6 Counsel, with the specific consent of the witness,
7 waives the reading and signing of the deposition prior to
8 the time it is filed with the Court.

9 (Edwin Pate, having been duly sworn, testifies as follows:)

10 EXAMINATION BY MR. WUKELA:

11 Q. State your full name for the record.

12 A. Edwin M. Pate.

13 Q. All right. Now, Mr. Pate, we've talked for just a
14 second before we went on the record here. I want to
15 explain to you again exactly what I'm here doing
16 today. I'm a lawyer. My name is Stephen Wukela. I
17 represent Mr. Jerry Sims in a Workers' Compensation
18 claim I filed related to an accident that occurred on
19 April the 29th, 2013.

20 A. Right.

21 Q. On the telephone with us today is Ms. Lisa Glover who
22 is a lawyer who represents The South Carolina
23 Uninsured Employer's Fund. She is here because if the
24 Commission determines that this was a compensable
25 Workers' Compensation claim and you were uninsured,

1 the Fund may well end up paying the claim. And so,
2 she wants to make sure she protects the Fund's
3 interests.

4 A. Yes, sir.

5 Q. Also, of course, we have the court reporter who is
6 taking everything down and has just sworn you in to
7 tell the truth. This is a deposition. Have you ever
8 had your deposition taken before, Mr. Pate?

9 A. Yes.

10 Q. Okay. So you understand the rules. This is just like
11 we were in a courtroom.

12 A. Right.

13 Q. Except it's done here for convenience sake.

14 A. Right.

15 Q. All right. Tell me what kind of matters you were --
16 have you had your deposition taken more than once?

17 A. No.

18 Q. All right. Tell me what -- but it was taken before?

19 A. Yes. I lost my leg in a car accident twenty-five (25)
20 years ago.

21 Q. Oh, my goodness.

22 MRS. PATE: Twenty-eight (28)
23 years ago.

24 A. Twenty-eight (28) years ago.

25 Q. All right. Now, that makes a good point. Your wife

1 is here with you today. And that's perfectly fine.

2 And I don't mean to be rude, when I say ---

3 MRS. PATE: But don't say anything.

4 Q. But don't say anything. Yes, ma'am.

5 A. Well, the accident happened twenty-eight (28) years
6 ago, And my leg was amputated twenty-five (25) years
7 ago, almost two years later.

8 Q. I'm sorry to hear that. And your deposition was taken
9 in connection with that accident?

10 A. Right.

11 Q. And you had a lawyer representing you at that time?

12 A. Yes, I did.

13 Q. Okay. Was that matter here in Florence County or in
14 Darlington County?

15 A. Yeah. Well, we had it taken in Florence.

16 Q. In Florence County. Okay. All right. And who were
17 the lawyers that were involved in that, out of
18 curiosity; do you recall?

19 A. Mr. Cook and Smith. I can't -- I can't remember his
20 name. It's been so long ago.

21 Q. Okay. And I told her she can't talk. So, that's
22 fine. Now -- all right then. Now, I want to also ask
23 you, you don't have with you today a lawyer. Is there
24 a lawyer that represents you in this Workers'
25 Compensation claim?

1 A. I've -- I've had advice from a lawyer.

2 Q. Okay.

3 A. And other than that, no.

4 Q. All right. Well, the only reason -- the reason I ask
5 is, I don't -- if you have a lawyer that you want
6 present, I wanted to make sure we've accommodated
7 that.

8 A. I don't feel like I've done anything wrong. And I
9 don't think I -- I don't have the money to pay a
10 lawyer.

11 Q. Okay. Okay. Very well. I just -- you understand
12 that I'm more comfortable asking questions to folks
13 who are represented by a lawyer. If you say you don't
14 have one, I don't have the money to pay one, then so
15 be it. But -- all right. Very well. Now, let me
16 move forward with some questions about this matter.
17 I understand that you own and operate an outfit called
18 Edwin Pate Vinyl Siding; is that correct?

19 A. Yeah. Everybody just calls me Eddie Pate. I don't
20 advertise or anything like that.

21 Q. Eddie Pate is what you go by?

22 A. That's right.

23 Q. Okay. But that's your company?

24 A. Well, yeah.

25 Q. Okay. Now, is that company incorporated ---

1 A. No.

2 Q. -- or in any way -- it's just doing business -- Eddie
3 Pate doing business as ---

4 A. It's just finding jobs for me and two or three other
5 guys.

6 Q. I understand. You haven't ever organized or filed any
7 papers with the Secretary of State or anything like
8 that?

9 A. No.

10 Q. All right.

11 A. No.

12 Q. Now, how long have you been operating that outfit?

13 A. Twenty-five -- right at twenty-five (25) years.

14 Q. Okay. All right. And have you -- how old are you?

15 A. I am fifty-nine (59).

16 Q. Fifty-nine (59) years old. Where were you born?

17 A. Cambridgeshire County, London, England.

18 Q. In England?

19 A. Yes.

20 Q. Were you -- was your father -- your family with the
21 military?

22 A. Yeah. It was the Air Force.

23 Q. All right. And where did you grow up?

24 A. Basically, in Hartsville. We traveled some when I was
25 younger.

1 Q. Did you go to school in Hartsville?

2 A. Yes, sir.

3 Q. All right. And have you done any work in your life
4 other than vinyl siding type work?

5 A. Yeah. I used to do pipe-fitting. But I was unable to
6 do that due to the loss of my leg.

7 Q. I understand. I understand. And so, in the last --
8 what did you say, twenty (20), twenty-five (25) years?

9 A. Twenty-five years. Yes, sir.

10 Q. That your -- your sole occupation has been as a --
11 operating the Edwin Pate Vinyl Siding?

12 A. Well, I toted shingles and cleaned up when I didn't --
13 couldn't find no work.

14 Q. For other outfits?

15 A. For other outfits. Yes, sir.

16 Q. Okay. Other than that?

17 A. No.

18 Q. Okay. Now, your wife is here with us today. What
19 kind of work does she do?

20 A. She works for Honda of South Carolina.

21 Q. Works for Honda. Okay. Okay. Now, do you operate
22 under any kind of licensure from the State of South
23 Carolina or from any ---

24 A. Subcontractor's license.

25 Q. Subcontractor's license?

1 A. Yes.

2 Q. Do you have a License Number 7414?

3 A. Yeah.

4 Q. Listed under Edwin Pate Vinyl Siding?

5 A. Right.

6 Q. All right. Now, the address of Edwin Pate Vinyl
7 Siding is ~~116 West Old Gordon Road, Hartsville~~

8 A. Yes, sir. That's where I get my mail at.

9 Q. Okay. And is that your home address?

10 A. Yes.

11 Q. Okay. All right. Now, ---

12 MR. WUKELA: And Lisa, I sent you
13 by e-mail this morning a copy of a Subpoena
14 that I sent him and a response I received
15 from him. Do you have that, Lisa?

16 MS. GLOVER: I've got it.

17 MR. WUKELA: Ma'am?

18 MS. GLOVER: Yes, I have it.

19 MR. WUKELA: Okay. Excellent.

20 Q. All right. Now, Mr. Pate, by letter dated August the
21 14th, 2013, my office sent you and a copy to the
22 Uninsured Employer's Fund and to the Compliance
23 Division of the Workers' Compensation Commission, a
24 Subpoena. You have that?

25 A. (Witness shows document).

1 Q. Well, that's a Deposition Notice. Do you remember
2 receiving this Subpoena with a list of questions?

3 A. Yeah.

4 Q. Okay.

5 A. Let me get to it. Yeap.

6 Q. All right. You received that document?

7 A. I've gotten these documents from three different
8 lawyers.

9 Q. Okay. Other lawyers before me?

10 A. Yes.

11 Q. Okay. And in response, I take it you provided my
12 office with -- with what I have marked as Plaintiff's
13 Exhibit One.

14 MR. WUKELA: And Lisa, for your
15 benefit, that's a letter from Mr. Pate
16 to me dated August 22, 2013.

17 MS. GLOVER: Okay.

18 Q. Is that correct?

19 A. Yes.

20 Q. Okay. And you intended this Plaintiff's Exhibit One
21 to be a ---

22 A. Well, is Ted Byerly's name on there? Yeah. Okay. I
23 see it now.

24 Q. Okay?

25 A. Yeah.

1 Q. All right. And you provided this in response to my
2 letter to you?

3 A. Right.

4 Q. Excellent. Okay. Now, I'm going to go through this
5 for a second to make sure I understand your responses
6 to those questions. Okay. The first question in my
7 Subpoena to you was: Number One, "Give the name and
8 the address and telephone number of each individual
9 likely to be a witness or have possession, custody or
10 control of information related to the allegations of
11 the claim." And in your response -- you write to me
12 in response to your letter, Number One. Now, I take
13 it Number One was your responses to my question Number
14 One?

15 A. Right.

16 Q. All right. And Number One, you gave me a name Delaine
17 Borden?

18 A. Right.

19 Q. At [REDACTED]

20 A. (Shakes head affirmatively).

21 Q. All right. Who is Delaine Borden?

22 A. He's an employee.

23 Q. Okay.

24 A. Or a guy -- he is a subcontract laborer.

25 Q. Okay. He is someone who works with you on jobs and

1 you direct how to install vinyl siding?

2 A. Right.

3 Q. All right. The next name you gave me was Ted Byerly,

4 [REDACTED]

5 A. Right.

6 Q. Is Mr. Byerly also an employee?

7 A. Yes.

8 Q. Okay.

9 A. Well, a subcontractor just like Mike was.

10 Q. Okay. Well, let me ask you this way. Do you control
11 and tell Mr. Byerly and Mr. Borden what to do and how
12 to do it?

13 A. Yeap. And if they're not there, I try to hire
14 somebody else off -- whoever I need.

15 Q. I understand that. And I imagine in your business,
16 sometimes they show up and sometimes don't?

17 A. Yeah, and as Mike can tell you, sometimes there's just
18 one or two of us.

19 Q. I understand. The next name you have here is Brent
20 Win --

21 A. Winburn.

22 Q. -- Winburn?

23 A. Yeah. He had worked with us on a job for Eddie Knotts
24 the week before and was staying with Delaine Borden.

25 He brought him to that job and he stayed there. And

1 he asked me how long we would be there, and I said,
2 "About three hours." He stayed there and he helped.

3 Q. Okay.

4 A. But he was not actually hired; I went ahead and paid
5 him Twenty-five Dollars (\$25.00).

6 Q. He was at the job site as an employee the date of the
7 accident?

8 A. Not -- well -- yeah. He really wasn't an employee.
9 But he was handing stuff to us and everything.

10 Q. He worked and you paid him?

11 A. Yeah. I paid him. Yeah.

12 Q. Okay.

13 A. I mean, three hours.

14 Q. Now, were all three of these individuals, Mr. Borden,
15 Mr. Byerly, and Mr. Winburn, Windham (sic), on the job
16 site on April 29, 2013?

17 A. Right. Right.

18 Q. Okay. Were you also on the job site?

19 A. Yes, I was.

20 Q. Okay. And Mr. Sims was on the job site?

21 A. Right.

22 Q. Right. Anybody else that I've missed?

23 A. No one was around there then.

24 Q. Okay. And, by the way, where was the job site?

25 A. It was Mt. Elon Church.

1 Q. Mt. Elon Church. And where is that located?

2 A. In Lydia.

3 Q. In Lydia, South Carolina. Okay. And where is Lydia
4 with relation to Hartsville?

5 A. Between Bishopville and Hartsville.

6 Q. Yeah. Okay. All right. Now, in response Number Two,
7 you indicate, "No records available".

8 A. I didn't know where he was staying. Don't have --
9 didn't have a phone number.

10 Q. Okay. Let me ask you -- and that was -- your response
11 Number Two was in response to my question Number Two
12 which asks you to "Identify and produce a copy of all
13 documents, data compilations, photographs, plat
14 sketches, or other tangible things in your possession,
15 your custody or control," so forth "that relates to
16 the allegations of the claim including employees
17 files, employee history, payroll records, payroll
18 history, attendance records, medical files, Workers'
19 Compensation files, investigative documentation,
20 vocational reports, IME," so forth and so on. And
21 your response to that is "No"?

22 A. I don't have any.

23 Q. No such documents?

24 A. No.

25 Q. All right. Do you maintain any payroll records at

1 all?

2 A. From week to week. Believe me, we're liable to have
3 fifty (50) to seventy-five (75) different guys helping
4 us in a year.

5 Q. Okay. All right.

6 A. Or helping me in a year. I mean, it's just -- I need
7 -- I need an accountant to know.

8 Q. And you maintain -- you maintain those records week to
9 week, but then you -- you -- how long do you keep
10 them?

11 A. For about a week.

12 Q. For about a week, and then you destroy them?

13 A. Well, I mean, it's just -- it's actually their time
14 sheets.

15 Q. Okay.

16 A. And that's it.

17 Q. And you don't maintain those in any way? Once that
18 week's over and everybody's paid, ---

19 A. Yeah.

20 Q. -- you go on to the next week and destroy the records
21 from the last week, or throw them away or whatever?

22 A. (Witness shakes head affirmatively).

23 Q. Is that yes?

24 A. Yes.

25 Q. Of course.

- 1 A. I'm sorry.
- 2 Q. No. No. Don't misunderstand me. I'm not being rude.
- 3 A. You just want to get it on record. I understand.
- 4 Q. Yes, sir. Yes, sir. In normal conversation. we nod
- 5 our heads, and we say "uh-huh" and "uh-uh" and all
- 6 that stuff. That drives this lady crazy. So we -- a
- 7 lot of times, I'll ask you to say yes or no because we
- 8 need to make our record clear.
- 9 A. All right.
- 10 Q. All right. The folks that work for you, you pay cash?
- 11 A. Yes.
- 12 Q. Okay.
- 13 A. Most of them don't have an I.D.
- 14 Q. Okay.
- 15 A. Or anything else.
- 16 Q. Don't file any W-2 forms or 1099 forms?
- 17 A. They're responsible for their own taxes. And Mike has
- 18 been given a 1099 form before. Within the last five
- 19 years, we have had so little work.
- 20 Q. Well, let me ask you this. In the last five years,
- 21 have you filed any 1099 Forms at all?
- 22 A. No. I'm in the process of trying to work my taxes out
- 23 now.
- 24 Q. I understand. Don't misunderstand me; I ain't casting
- 25 dispersions, I just need questions answered. Have you

1 filed any W-2 or W-3 forms?

2 A. No.

3 Q. And I assume have not maintained any Workers'
4 Compensation coverage?

5 A. Yes. Through contractors.

6 Q. Okay. So there -- there have been -- well, let me ask
7 you this way. Have there been occasions in the past
8 when you've purchased a Workers' Compensation
9 Insurance Policy?

10 A. No. I have never had a Workers' Compensation policy.

11 Q. You never had one in the name of Edwin Pate Vinyl
12 Siding?

13 A. No.

14 Q. There have never been occasions where in order to work
15 on this job a general contractor or a higher level
16 subcontractor required you to provide them evidence of
17 Workers' Compensation coverage?

18 A. Yes. We lost contracts because of that. We also, as
19 I talked to Mike, about buying a ghost policy so we
20 could continue working. And -- and he didn't -- he
21 said he didn't have the money.

22 Q. Who is Mike?

23 A. Jerry Sims.

24 Q. Okay. He goes by Mike?

25 A. That's all I know. Jerry Sims is the only thing I've

1 ever seen on legal documents.

2 Q. Okay.

3 A. Mike is what everybody calls him.

4 Q. I'm with you. All right. But if I understand your
5 testimony correctly, there's never been an occasion in
6 the past where you had a Workers' Compensation policy
7 with any Workers' Compensation carrier?

8 A. No. But I've had it taken out my check.

9 Q. By -- by --

10 A. Contractors.

11 Q. -- higher level contractors?

12 A. Right.

13 Q. Okay. I understand what you're saying. All right.
14 Have you ever had an occasion to enter into any kind
15 of capitulation agreement with The South Carolina
16 Uninsured Employer's Fund or any agreement with the
17 State with regard to your not having Workers'
18 Compensation coverage?

19 A. No. No one's ever talked to me about it.

20 Q. Okay. Have you ever had a prior Workers' Compensation
21 claim?

22 A. No.

23 Q. Now, I understand that, over the course of a year,
24 people come and people go who work for you. Is that
25 a fair statement?

1 A. Yes.

2 Q. Okay. Can you tell me over the course of the twelve
3 months between April 29, 2012 and April 29, 2013, the
4 year before the accident, how many different people
5 worked for you that year?

6 A. Work was slow. Let's see. July 3rd to October 12th,
7 Mike didn't even work for me.

8 Q. July 3rd to October 12th of what year?

9 A. Of --

10 Q. Two Thousand and ---

11 A. -- 12.

12 Q. 2012. Okay.

13 A. All right. There was probably eight or ten guys.

14 Q. Okay. And you have with you a notebook that you're
15 looking at that has some writing in it. What is that?

16 A. These are just notes that I jot down when stuff ---

17 Q. All right. Well, tell me what those say, please.

18 A. That pertain to this. All right. If you've got a --
19 if you got a question and I need to look it up, I'll
20 be glad to.

21 Q. Well, that's some documentation that's ---

22 A. That's not -- that's just my notes.

23 Q. Okay. Well, I understand that. But they are notes
24 that you made with regard to ---

25 A. Well, they're notes from contractors we worked for

1 over the years.

2 Q. All right. Tell me those.

3 A. There's a note where Mike slipped on the steps back
4 during the winter and hurt his right ankle and knee
5 and didn't work a couple of days. And just things I
6 remember pertaining to this case.

7 Q. Okay. Tell them all to me.

8 A. What kind of notes have you got over there that I need
9 to read?

10 Q. Well, that's not the way this works.

11 A. Whoa, whoa whoa. If you can read my notes, why can't
12 I read yours?

13 Q. Because this is a deposition and I get to have in
14 discovery what documentation you have, Mr. Pate. I
15 don't mean to pigheaded about it, but that's the way
16 it works.

17 A. All right. Worked for Max Mullis, Ed Mixon, Bud
18 Mixon.

19 Q. I'm sorry. Say that again now.

20 A. Max Mullis, Ed Mixon, Bud Mixon, Phil Boatwright,
21 Stephen Boatwright, Donald Plyer, Robbie Rollins, Lee
22 Frederick, Lincoln Frederick, Ben Hall, Glenn Hall,
23 Perry Edwards, Barry Edwards, Phillip Dowling, Sloan
24 Mims, Bill Segars, Zane Rogers, Dee Brown, Sonny
25 Rogers, Frank Sessums.

1 Q. All right. Who are those folks?

2 A. All of my contractors.

3 Q. Okay. And those are people who have worked for you
4 during ---

5 A. I worked for them.

6 Q. Excuse me?

7 A. I have worked for them.

8 Q. Okay. These are other contractors who have outfits
9 that you've worked for?

10 A. Yeah.

11 Q. Okay.

12 A. Either done work in the past year or maybe two years,
13 or three years.

14 Q. I understand. Okay. On the occasions when they had
15 jobs and they needed some help and they called you up?

16 A. Right.

17 Q. Okay. And can you tell me ---

18 A. And they are also people that me and Mike worked for
19 by the hour when we couldn't find no work. We just
20 worked for them by the hour. They paid us by the
21 hour.

22 Q. Okay. Tell me what the rest of your notes there say.

23 A. It says, "Get the picture of Mike walking in the store
24 without crutches. Preacher Marvin discussed the ghost
25 policy with me and Mike".

1 Q. Okay.

2 A. You know, because we know that being subcontract
3 labor, we are responsible for our own insurance and
4 our own taxes. And also about Mike's tox screen that
5 he had run.

6 Q. Okay. Okay. All right. Now, we were talking before
7 about over the year before the accident, you said that
8 there were a number of people that come and go working
9 for you. Can you tell me those names?

10 A. First names I can probably remember.

11 Q. That would be fair.

12 A. Bruce, Corey -- I may not even be able to remember
13 them all -- Ricky, Wallace. There are so many of
14 them. These -- these guys ---

15 Q. They come and go?

16 A. They're laborers. They don't -- you know, you teach
17 them how to drive a nail or cut a piece of siding.

18 Q. Sure. Sure. Sure. Not particularly reliable?

19 A. Not very. No.

20 Q. Okay. And how much do you generally pay a laborer
21 like that?

22 A. Eight (\$8.00) Dollars an hour.

23 Q. Eight (\$8.00) Dollars an hour?

24 A. Right.

25 Q. Okay. How many days a week?

- 1 A. Well, it according to how -- it might be one day a
2 week or two days a week, whatever we have work.
- 3 Q. Okay. Do you know how much Mr. Sims' made?
- 4 A. He made Fourteen Dollars (\$14.00) an hour.
- 5 Q. Okay.
- 6 A. And he averaged probably twenty-five (25), thirty (30)
7 hours a week.
- 8 Q. Okay. How many hours a day?
- 9 A. Not over eight. My legs can't take hardly over eight.
- 10 Q. Okay. Now, how many days a week did you work?
- 11 A. Well, sometimes, we go six days -- we might go six
12 days and not work but three or four hours a day.
- 13 Q. Uh-huh. The -- the job y'all were doing on April
14 29th, 2013, was that the only place you were working
15 or were you doing other work during that same time
16 period?
- 17 A. On that date?
- 18 Q. Yes, sir.
- 19 A. That was the only job we were doing that day.
- 20 Q. All right.
- 21 A. But now we had a job that was unfinished down at
22 Santee.
- 23 Q. Okay. All right. So -- yeah, the job wasn't finished
24 at Santee. You had this Church job. Any other jobs,
25 say, during that month?

1 A. We done some gutter jobs. Say, the week after that
2 accident, we went to Santee on Wednesday and worked on
3 -- that's when I hired Brent Winburn because we needed
4 some help. We finished up that job Saturday. The
5 next week, we worked two days, eighteen (18) hours or
6 thereabouts. And worked the following week about
7 twenty-two (22) hours, twenty-four (24) hours.

8 Q. Okay. How do you get word of these jobs?

9 A. I've been around twenty-five (25) years doing this,
10 and people call.

11 Q. I'm with you. And when you're taking a crew to a
12 site, how do they get there, do they meet you at the
13 site; do you pick them up?

14 A. No. You have to pick them up. And you have to wait
15 for them to wake up, get dressed and everything else.

16 Q. Where do you -- where do you typically pick them up?

17 A. At home.

18 Q. At home. All right.

19 A. And I normally take them back home.

20 Q. Do you have a work van or work truck or something like
21 that?

22 A. I have a truck.

23 Q. Has equipment in it?

24 A. Yeah.

25 Q. Okay. Does it say anything on it? Does it say ---

1 A. No.

2 Q. Just a plain work truck?

3 A. Plain old wrecked up work truck, beat up.

4 Q. I understand. And let's give, for example, the
5 morning of April the 29th, did you go around and pick
6 everybody up?

7 A. No, not that morning. Because Brent, at that time,
8 drove, and he lived with Delaine.

9 Q. Okay.

10 A. And he -- when you sent me that letter, he wasn't
11 living with Delaine. I don't know where he was at.

12 Q. Okay.

13 A. But he drove Delaine to work.

14 Q. I understand. And you picked up Ted Byerly?

15 A. No. Yeah. Ted and Mike. Yeah.

16 Q. And when you say Mike, you're referring to Mr. Sims?

17 A. Right.

18 Q. Okay. So, you picked up Ted and Mike that morning and
19 Delaine and Brent rode together?

20 A. Right.

21 Q. Okay. And how did Delaine and Brent know where to go;
22 had you spoken with them?

23 A. On the phone.

24 Q. On the phone. And how long -- I think you may have
25 told me this. But how long had y'all been on that

1 Church site?

2 A. Me and Mike and Ted worked on it Thursday, half a day
3 Friday, and then it had rained Monday morning.

4 Q. Okay.

5 A. And we worked -- we worked three -- we were going to
6 work just to finish up this little wall here. And
7 then, you know, just to get back started on it.

8 Q. Okay.

9 A. And when Mike fell, I just had to get away.

10 Q. Tell me about -- tell me about Mike falling or Mr.
11 Sims falling.

12 A. I don't know how it happened. I had my back to him.
13 I was over there with Ted trying to type a fascia we
14 needed to be bent.

15 Q. What time of the day did it happen?

16 A. At approximately three o'clock.

17 Q. How long had y'all been on site?

18 A. Three hours and a half.

19 Q. Okay. Go ahead. I'm sorry. I didn't mean to
20 interrupt you.

21 A. And I heard a noise. And Mike was coming down the
22 wall, twelve (12), fourteen (14) feet, whatever it
23 was. He was up -- from the bottom of the scaffold.
24 I just had come off the scaffold when they raised it
25 up a couple of feet so they could J-channel out the

1 windows and still not reach the ---

2 Q. You're going to have to say that again for the court
3 reporter. What were you doing with regard to the
4 windows?

5 A. They had to raise the scaffold up so they could J-
6 channel it out.

7 Q. J-channel is the phrase you're using?

8 A. Yes. It's a type of vinyl.

9 Q. I understand. All right. So, y'all had been on the
10 scaffolding for awhile, you had to raise the
11 scaffolding to get to another area?

12 A. That's right. I had came off the scaffold from
13 working up there myself.

14 Q. Okay.

15 A. Was showing Ted how to bend metal.

16 Q. Okay.

17 A. Heard a noise -- well, I heard a noise behind me. And
18 Mike was coming down.

19 Q. Okay. Did anybody else see the accident?

20 A. I don't know that anybody actually saw it. I think
21 Delaine was facing that wall.

22 Q. Okay.

23 A. And Ted said when he looked up, he was falling.

24 Q. All right. What was the next thing that happened?

25 A. I went over there and Mike was holding himself up from

1 the wall. And he said, "I hurt my foot." And I said,
2 "Well, just calm down." I said, "Are you hurt
3 anywhere else?" I said, "Mike," -- I was checking his
4 tools. Because, you know, when I fell and you always
5 look for tools to be stabbed -- you know, they can
6 stick in you.

7 Q. Sure.

8 A. I said, "Let's pull your tool belt off." I got the
9 tool belt off. And we started to call 911, and he was
10 standing up. I said, "Mike, are you hurt anywhere
11 else?" And he said, "No." I said, "Well, let's just
12 pick him up and put him in the truck. We'll get him
13 to the hospital faster." So, we picked him up.

14 Q. Well, before you go there -- I want to ask about that.
15 But I want to go back to the scaffolding for a second.
16 Was there anything that indicated -- did the
17 scaffolding come down or was it -- anything that
18 indicated to you what caused it -- the fall?

19 A. They didn't set the scaffold up right.

20 Q. Okay.

21 A. Undoubtedly. It should've probably been sitting over
22 on that ladder jack farther.

23 Q. Okay.

24 A. And it just walked -- I guess, you know, it just
25 worked its way off.

1 Q. And when you say, "it worked its way off," --

2 A. They probably should've had twelve (12) inches across
3 it.

4 Q. Okay.

5 A. But, I mean, you know ---

6 Q. Okay. And listen. I understand. That kind of stuff
7 happens. But I'm just trying to figure out -- the way
8 you -- you -- did the scaffolding itself fall down?

9 A. Just the scaffold board.

10 Q. Just the scaffold board?

11 A. On that end.

12 Q. Okay.

13 A. On Mike's end.

14 Q. Okay. And it looked like that the scaffold board
15 wasn't set up right in some way which caused it to
16 fall, which caused him to fall? Is that ---

17 A. Undoubtedly.

18 Q. Okay. Very good. Now, the next thing you were
19 getting ready to talk about before I rudely cut you
20 off is you were going to tell me about taking him to
21 the emergency room, I gather?

22 A. Yeah.

23 Q. All right. Tell me.

24 A. We picked him up, set him in the front of Brent's
25 truck. Brent's truck is bigger than mine. And Brent

1 took him to the hospital, and I followed him.

2 Q. All right. What happens next?

3 A. Well, I asked Mike what he wanted me to do, go to the
4 Financial Aid Office, go ahead and -- "I don't know;
5 I don't know" is what he kept saying. And then they
6 said they weren't going to do anything that night. I
7 asked for a tox screen.

8 Q. Why was that?

9 A. Well, for one thing, he was on -- had someone else --
10 I'd had asked for it if it had been at a homeowner's
11 house because of, you know, being lawsuits.

12 Q. Okay.

13 A. And I had had to take Mike home two or three times;
14 I picked him up, and he was unable to -- incapacitated
15 to work.

16 Q. You said he was incapacitated to work that day?

17 A. No, not that day, I did not. I didn't know -- if he
18 was, I didn't know it.

19 Q. Okay.

20 A. I said I've had to take him home before.

21 Q. I understand. I understand. Okay. But there wasn't
22 any indication that he was incapacitated that day?

23 A. I couldn't tell. I mean, you know, ---

24 Q. Okay. And can you tell me what the tox screen
25 revealed?

1 A. No, sir. They told me it would take a Court Order to
2 get it.

3 Q. So, they did not perform one?

4 A. They said it would take a Court Order to get the
5 results.

6 Q. Okay. Okay.

7 A. I went down there to pay for it. And they said, "No,
8 it will take a Court Order to get the results."

9 Q. Okay. Do you -- I mean -- and I'm -- maybe I'm
10 confused a little bit. Do you know whether they
11 performed one?

12 A. They certainly told me they were going to perform it
13 when I was talking to them in the hallway and over the
14 phone.

15 Q. Okay. They told you they were going to. You don't
16 know whether they did, and you've not been able to get
17 the results?

18 A. I mean, I haven't been to Court to ask for a Court
19 Order to get it.

20 Q. I understand.

21 A. I mean, due to that -- I imagine because of that
22 privacy act they have now, they don't release those.

23 Q. Okay. All right. What happened next?

24 A. He went -- they sent him home. And we went to
25 McLeod's the next morning. And I told Mike ---

1 Q. (Coughing) Excuse me. I am sorry. Go ahead.

2 A. -- I said, "Mike," -- I said, "I'll go in the
3 Financial Office." I'd went the night before and
4 borrowed money to get him admitted. And I'll make
5 arrangements to pay monthly on the hospital bills and
6 try to pay you a couple of Hundred Dollars a week
7 until you get better where you can work.

8 Q. Okay.

9 A. He told me that wasn't -- that wasn't enough.

10 Q. Okay. In fact, on the Admission Record at Carolina
11 Pines, it indicates "Responsible Party, employer:
12 Pate's Construction."

13 A. I told him he was working for me when he fell.

14 Q. I understand. I understand. Okay. That was from
15 what you had told them in the emergency room ---

16 A. Right.

17 Q. -- so that they would admit him and take care of him?

18 A. Yeah. Well, and undoubtedly, I don't why they -- I
19 don't understand why they didn't.

20 Q. Well, believe me, I'm not sure I always understand
21 what they do either. Have you been receiving bills
22 from Carolina Pines?

23 A. No.

24 Q. No. Okay. Have you paid any bills from Carolina
25 Pines?

1 A. I went up there to pay for the tox screen and they
2 told me it would take a Court Order to ---

3 Q. Okay. So, the answer is no, you have not paid for any
4 medical bills?

5 A. No.

6 Q. Okay.

7 A. And after being -- after coming home Friday with a
8 letter from a lawyer saying you're going to sue me and
9 one of the employees told me they were going to get
10 Two Hundred Thousand Dollars (\$200,000), I said,
11 "Well, there ain't no way they're going to get it from
12 me, because I don't have it."

13 Q. Okay. Okay. One of the employees told you what now?

14 A. The lawyer came up there at three o'clock that
15 Tuesday.

16 Q. Tuesday?

17 A. One of the employees told me that.

18 Q. Not this lawyer?

19 A. No. It was Sink.

20 Q. Some prior lawyer?

21 A. And then there's Auman.

22 Q. Okay. Okay. I'm about third along the line in this
23 one, I think. Okay. Very well. Did you -- did you
24 send the crew home?

25 A. Yes.

1 Q. Okay. You paid the crew for their work?

2 A. That week. Yeah.

3 Q. Okay. And have y'all been working since then?

4 A. Yeah. Some.

5 Q. Okay. Same crew or ---

6 A. Same people, Brent Winburn worked with us awhile.

7 Then Brent's wife -- him and Delaine fell out,

8 fighting or something, and he quit. Nobody but me,

9 Ted and Delaine have been working.

10 Q. You and Ted and Delaine?

11 A. Yeah.

12 Q. Okay. Yeah. Okay.

13 A. But we did hire a boy one day named Lawrence.

14 Q. The name of Lawrence?

15 A. He worked two days.

16 Q. And -- and you've already told me, Mr. Pate, and I
17 frankly understand that you know a lot of these folks'

18 first names, but you don't have a whole lot of last

19 names or addresses to give me about the people who

20 have worked for you over the years ---

21 A. No. They show up at another one's house. It's like
22 hiring off the street.

23 Q. I understand. And you pay them cash, and they do what

24 they do. And you tell them how to do the job, and you

25 go one about your business?

1 A. That's basically about it.

2 Q. Okay. Okay.

3 A. Like, Mike walked up to me one day, wanted a job. Had
4 two kids.

5 Q. Okay.

6 A. I started him off at Seven Dollars (\$7.00) an hour.

7 Q. And these folks, when they come to you, Mr. Pate, I
8 imagine they don't have any particular skills. You
9 have to teach them how to -- how to hang siding and so
10 forth and so on?

11 A. Yes.

12 Q. Okay.

13 A. And it's just like all of them are told -- they're
14 responsible for their own insurance and their own
15 taxes.

16 Q. All right. Now, these are questions that I have to
17 ask, and I don't intend any offense. And I ain't
18 intending to try to get you in any trouble with the
19 IRS, but I'm obligated to ask whether you've filed Tax
20 Returns over the last five years or so.

21 A. I'm behind six years. When the economy fell, ---

22 Q. Okay.

23 A. -- I mean, I just haven't made nothing. But we're
24 going to make -- work on it to make payments.

25 Q. I -- again, I -- it is not my desire to pry into your

1 business nor to ---

2 A. Oh, they -- they --- I already have a tax levied
3 against me. So, ---

4 Q. Okay. But you haven't filed any Returns in the last
5 five years?

6 A. No. And we're working on those now.

7 Q. Okay. Have you or any of your employees had any
8 communications with Mr. Sims since the accident?

9 A. Delaine went over there for a couple of days. I
10 haven't had any. Other than sending him his last pay.
11 I sent that by my son. I was told -- I forgot that
12 letter to me. I called a lawyer, and he said, "Don't
13 have any contact with him." So, just ---

14 Q. Okay. I mean, that's good advice. And who is that
15 lawyer by the way?

16 A. Just a friend of mine. I mean, Gerald Malloy, he's a
17 friend of mine. I coached ball with him for years.
18 And Carl Saleeby is too. Paul Cannarella.

19 Q. Those are good lawyers. But what I'm trying to make
20 sure is ---

21 A. I've already talked to a lawyer if this goes any
22 farther. I'm going to have to make some arrangements
23 to pay them.

24 Q. I just wanted to make clear though that none of those
25 lawyers represent you right now?

Cross-examination of Edwin Pate by Lisa Glover

Page 37

1 A. No.

2 Q. And you'll tell me that if they -- that if some of
3 those lawyers do start representing you, please have
4 them communicate with me and Ms. Glover so we'll know
5 and so we can communicate with your lawyer if you do
6 end up hiring one; okay?

7 A. I mean, I don't know that I've done anything wrong.

8 Q. Well, don't misunderstand me. But ---

9 A. Other than trying to find them work so they could feed
10 their families.

11 Q. I understand. Well, the reason I say that is, we're
12 just going to assume that you don't have a lawyer
13 unless one communicates with us for you?

14 A. Yes, sir.

15 Q. Okay.

16 MR. WUKELA: Mr. Pate, I think those
17 are all the questions I have for you. And
18 if Ms. Glover has any for you, please answer
19 her questions.

20 DEPONENT: Yes, sir.

21 EXAMINATION BY MS. GLOVER:

22 Q. Mr. Pate?

23 A. Yes, ma'am.

24 Q. My name is Lisa Glover and I work for the South
25 Carolina Uninsured Employers Fund. And I just have a

1 few questions. Have you ever had Workers'
2 Compensation Insurance?

3 A. No, ma'am.

4 Q. Now, have you paid any of Mr. Sims' medical bills?

5 A. No, I made an offer to help, and he told me "No".

6 Q. To your knowledge, has Mr. Sims returned to work?

7 A. Not for me.

8 Q. Do you know if he's working anywhere else?

9 A. I've got a picture of him walking without crutches,
10 and I've heard rumors.

11 Q. Okay. Who do you -- what have you heard about him
12 working?

13 A. I heard he was helping Gary Byrd do some work and
14 helping Charles Northcutt.

15 Q. And what kind of businesses do those gentlemen have?

16 A. Mike worked with Gary Byrd probably four or five years
17 doing vinyl. I don't know what he was doing for them.
18 These are just things I've heard, ma'am. I know he
19 was working on his car one day. And I've got a
20 witness to that.

21 Q. Okay. Now, when did Mr. Sims start working for you?

22 A. It's -- he probably started fourteen (14) years ago or
23 so.

24 Q. Has he worked for you on and off over the last
25 fourteen (14) years?

1 A. Yes, ma'am.

2 Q. And this last time that he worked for you, when did he
3 start?

4 A. Probably about three years ago.

5 Q. About two years ago?

6 A. About three.

7 Q. Three. I'm sorry.

8 A. He had fell out of a deer stand and broke his hip and
9 claimed he hadn't worked in a long time.

10 Q. Okay. And I believe that you testified earlier that
11 you work -- you all work probably about six days a
12 week for eight hours a day?

13 A. No, ma'am. We -- we -- we -- very seldom can we hit
14 work -- I can't get everybody to work six days, eight
15 hours a day.

16 Q. Okay. Well, how long -- tell me how -- how are you
17 working?

18 A. Well, we -- yeah, you know, between the weather and
19 jobs, sometimes, we will work four or five hours a day
20 in the weather. And we have to work six days to get
21 any time in. If you work five hours a day, six days,
22 you don't get but thirty (30) hours.

23 Q. All right.

24 A. Now, I mean, there's probably been a week or two in
25 the past we may have worked forty (40) or fifty (50)

1 hours. I think the biggest week we've had in the last
2 year has been fifty-four (54) hours.

3 Q. Okay.

4 A. And most of the time, it's eighteen (18) to twenty-
5 four (24).

6 Q. That's eighteen (18) to twenty-four (24) hours per
7 week?

8 A. Yes, ma'am. On the average.

9 Q. Okay. And he was still -- he was earning Thirteen
10 Dollars (\$13.00) an hour?

11 A. Fourteen (\$14.00) at the time he had the accident.

12 Q. When did it go up to Fourteen (\$14.00)? Did he start
13 out at Thirteen (\$13.00), and then you raised him,
14 gave him a Dollar (\$1.00) raise?

15 A. He -- he -- he was -- I can't remember how the raises
16 went or anything.

17 Q. Okay.

18 A. I'd be guessing if I tried to tell you.

19 Q. Okay. But on the day that he had the fall, the people
20 that were working were Delaine Borden, Ted Byerly, Mr.
21 Sims and yourself?

22 A. Yes. Actually were hired with me. There was another
23 fellow there. He was -- he handed up stuff. And I
24 paid him.

25 Q. That was Brent Winburn?

1 A. Yes.

2 Q. Okay.

3 A. I think Twenty-five Dollars (\$25.00).

4 Q. Okay.

5 MS. GLOVER: Those are all the questions
6 that I have.

7 MR. WUKELA: That's it.

8 DEPONENT: Thank you.

9 MR. WUKELA: Thank you, Mr. Pate.

10 (THERE BEING NO FURTHER QUESTIONS, THE DEPOSITION WAS
11 CONCLUDED AT 11:08 A.M.

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) CERTIFICATE

I, Doris Tompkins Brown, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, certify that I did have Edwin Pate appear before me commencing at 11:12 A.M. on September 18, 2013, at the offices of The Wukela Law Firm, 403 Second Loop Road, Florence, South Carolina; that the witness was duly sworn and cautioned to tell the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I hereby certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 2nd day of October, 2013.

Doris Tompkins Brown, CVR
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 5-02-2015

August 22, 2013

Mr. Stephen J. Wukela, Esquire
Post Office Box 13057
Florence, SC 29504-3057

Re: Edwin Pate Vinyl Siding
WCC File No. 1306446

Dear Mr. Wukela:

In response to your letter dated August 14, 2013, I answer as follows:

1. Delaine Borden, [REDACTED]
Ted Byerly, [REDACTED] and
Brent Winburn, no address available.
2. No records available.
3. None.

Sincerely,



Edwin Pate
Edwin Pate Vinyl Siding



BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. NO. 1306446

Jerry Sims, Employee,

Claimant,

vs.

Edwin Pate Vinyl Siding, Employer,
and SC Uninsured Employers Fund, Carrier,

Defendants.

Deposition of BUEIL DELAINE BORDEN, taken by Doris
Tompkins Brown, Certified Verbatim Reporter and Notary
Public in and for the State of South Carolina, commencing
at 11:12 A.M. on September 18, 2013 at the offices of
the Wukela Law Firm, 403 Second Loop Road, Florence,
South Carolina.

APPEARANCES

FOR THE PLAINTIFF:

Stephen J. Wukela
The Wukela Law Firm
Post Office Box 13057
Florence, South Carolina

(BY TELEPHONE)

FOR THE DEFENDANTS:

Lisa B. Glover
SC Uninsured Employers Fund
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Doris Tompkins Brown

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* * * * *

(No exhibits introduced into deposition)

* * * * *

(COURT REPORTER'S NOTE: --- INDICATES INTERRUPTION,
INCOMPLETE PHRASE, TRAILING OFF, INCOMPLETE SENTENCE)

1 The deposition of Bueil Delaine Borden is being taken
2 pursuant to Notice and in accordance with the South
3 Carolina Rules of Civil Procedure and Amendments as adopted
4 by the Supreme Court which shall control the taking of said
5 deposition and its use thereof.

6 Counsel, with the specific consent of the witness,
7 waives the reading and signing of the deposition prior to
8 the time it is filed with the Court.

9 (Bueil Delaine Borden, having been duly sworn, testifies as
10 follows:)

11 EXAMINATION BY MR. WUKELA:

12 Q. State your full name for the record.

13 A. Bueil Delaine Borden.

14 Q. Bill?

15 A. Bueil, B-u-e-i-l.

16 Q. B-u-e-i-l.

17 A. Yes, sir.

18 Q. Spell Delaine.

19 A. D-e-l-a-i-n-e.

20 Q. And spell Borden.

21 A. B-o-r-d-e-n.

22 Q. All right. Where were you born, Mr. Borden?

23 A. Decatur, Alabama.

24 Q. And you live in Hartsville?

25 A. Yeah. I live in Pine Ridge. Yes, sir. Hartsville.

1 Q. How long have you been living there?

2 A. On and off about fifteen (15) years.

3 Q. How long have you been in South Carolina?

4 A. About fifteen (15) years.

5 Q. All right. What brought you to South Carolina?

6 A. My sister.

7 Q. All right. She's from ---

8 A. It ain't nothing to do with this case. I mean, yes,
9 I'm originally from Alabama.

10 Q. Well, I appreciate that.

11 A. Yes, sir.

12 Q. How much education do you have?

13 A. Tenth grade.

14 Q. All right. Where did you go to school?

15 A. In Alabama.

16 Q. And who do you live with?

17 A. I live by myself.

18 Q. All right. Are you married?

19 A. No, sir.

20 Q. Any children?

21 A. No, sir.

22 Q. Okay. When you finished school, what kind of work did
23 you do?

24 A. I built houses. I've built them all my life.

25 Q. All right. And have you done any other kind of work

1 in your life?

2 A. No, sir.

3 Q. All right. And you have -- have you done that kind of
4 work in Hartsville since you've been in South
5 Carolina?

6 A. Yes, sir. It's all I've ever done.

7 Q. All right. And who have you worked for?

8 A. I work for myself.

9 Q. All right. And you -- just by yourself?

10 A. Pretty much.

11 Q. You build houses by yourself?

12 A. Oh, yeah. Pretty much. I started out with my dad.

13 Q. Okay. All right.

14 A. I just do the remodeling stuff now. As far as framing
15 houses, I don't frame them. I do vinyl siding and
16 gutters and do remodeling on my own.

17 Q. Have you ever worked for Edwin Pate Vinyl Siding?

18 A. Yes, sir.

19 Q. Okay.

20 A. Sure have.

21 Q. How long you been working for them?

22 A. Probably three, three and a half years. Somewhere in
23 there.

24 Q. And did you know how to do vinyl siding before you
25 went to work with them?

1 A. Yes, sir.

2 Q. Okay. And is that what you do for them, hang vinyl
3 siding?

4 A. Yes, sir.

5 Q. All right. And were you at -- I can't remember --
6 what was the name of the church on April 29, 2013
7 y'all were working on?

8 A. Yes, sir. I was there.

9 Q. What was the name of that church?

10 A. Mt. Elon in Lydia.

11 Q. Mt. Elon?

12 A. Yeap.

13 Q. All right.

14 A. It was three people there. Ain't being nosy, but that
15 was it. Mt. Elon.

16 Q. Sir?

17 A. I was saying, Mt. Elon.

18 Q. All right. I'm going to try to remember that. And
19 how long had y'all been on that site?

20 A. That was my first day.

21 Q. All right. And you were hanging siding?

22 A. We was getting ready to hang siding.

23 Q. All right. Tell me the other fellows that were there.

24 A. Ted Byerly.

25 Q. Okay.

1 A. Brent Gainey.

2 Q. Okay.

3 A. That's it.

4 MR. PATE: I thought his last name was
5 Winburn ---

6 MR. WUKELA: Wait, wait. I'm sorry. (To
7 Mr. Pate) You've got the same rule. All right.

8 A. No. It was Gainey.

9 Q. All right. And well, Mr. Pate is in the room as he's
10 entitled to be.

11 A. Yes, sir.

12 Q. And he understands that because of the way we do this,
13 he's not allowed to speak.

14 A. No. I'm glad he's there. I ain't going to lie.

15 Q. He's entitled to be and he should be, But I think what
16 he may have been referring to is you mentioned a
17 fellow by the name of Brent Gainey. He had testified
18 earlier there was a fellow by the name of Brent
19 Winburn.

20 A. No. It's Gainey.

21 Q. Okay. But there was only one Brent there?

22 A. Yes, sir.

23 Q. Okay. Regardless of what his last name was, there was
24 you, Brent, Ted ---

25 A. And Mike Sims.

- 1 Q. -- Mr. Sims, and Mr. Pate?
- 2 A. That's it.
- 3 Q. Okay. I'm with you. Y'all are all hanging siding?
- 4 A. Ain't none of us started, but we was getting ready to
- 5 start.
- 6 Q. Getting ready to start?
- 7 A. Yes, sir.
- 8 Q. And how long had you been there?
- 9 A. We'd been there probably an hour and a half, two
- 10 hours.
- 11 Q. Okay. And if I understood Mr. Pate's testimony
- 12 earlier, he brought Mr. Byerly, and you brought -- and
- 13 he brought Mr. Pate. I'm sorry. He brought Mr. Sims.
- 14 A. Yes, sir.
- 15 Q. And you brought Mr. ---
- 16 A. Gainey.
- 17 Q. Or Brent?
- 18 A. Yes, sir.
- 19 Q. Okay. I'm with you. Whatever his last name is. You
- 20 brought Mr. Gainey?
- 21 A. Yes, sir. At the time, he was living with me; that's
- 22 how I got back and forth to work.
- 23 Q. I understand it. All right.
- 24 A. Which, he had just started with us. I mean, Eddie did
- 25 come pick me up. He still comes to pick me up now.

1 Q. Okay.

2 A. Because Brent don't work with us no more. But Brent
3 just had started with us.

4 Q. Okay. And you still work for Mr. Pate?

5 A. Yes, sir.

6 Q. All right. Y'all doing a job right now?

7 A. No, sir. We just finished up a job.

8 Q. Just finished up a job?

9 A. A little small job. That wasn't for him though.

10 Q. Okay.

11 A. It was for another man.

12 Q. Okay. All right. Now, can you tell me about the
13 accident?

14 A. It was just a freak accident.

15 Q. Did you see it?

16 A. I was on the walk-board.

17 Q. Were you?

18 A. I sure was.

19 Q. All right. And tell -- and if I understand the
20 testimony correctly, that board came down?

21 A. Yeap. It sure did.

22 Q. Okay. And did you fall too?

23 A. Nope.

24 Q. How did you stop from falling?

25 A. I caught myself.

1 Q. Okay. All right. But there was just something about
2 the way that scaffolding was set up -- just one of
3 those freak things that that board came out?

4 A. It was a freak accident.

5 Q. Okay. And did you ---

6 A. I'm going to tell you something -- you can stop me if
7 you want to. That man right there done all he could
8 do. (Witness indicates Mr. Pate).

9 Q. And you're referring to Mr. Pate?

10 A. Well, I'm referring to you. He tried to do right with
11 that man.

12 Q. I understand. I understand.

13 A. But that man's woman -- because they told them that
14 they could sue that church and get Two Hundred
15 Thousand Dollars (\$200,000) was what all this was
16 about. And when that man sat there and tried to sign
17 papers in that hospital showing that he was
18 responsible for all his hospital bills and offered to
19 take care of that man, that ain't right.

20 Q. I understand.

21 A. The man worked for him for fifteen (15) years, on and
22 off. That man has helped that man right there in more
23 than one way. Every time his daughter and them got in
24 trouble and went to jail, that man right there was who
25 went and got them out of jail. And in the winter time

1 when they wasn't getting the work, that man right
2 there was the one that took care of us, even if he had
3 to go borrow money. And that man right there lied to
4 you when he told you he made Nine Hundred Dollars
5 (\$900) a week. He's never made Nine Hundred Dollars
6 (\$900) a week. And I've worked with him for three and
7 a half years.

8 Q. Okay.

9 A. I make the same money he was making.

10 Q. Tell me how much you make.

11 A. Huh?

12 Q. How much do you make?

13 A. I make Thirteen Dollars (\$13.00) an hour.

14 Q. Okay. And how much do you average a week?

15 A. Huh -- if we're lucky -- I mean, if we get to work
16 forty (40) hours, I might bring home Four Eighty
17 (\$480) if we get to work all week.

18 Q. Tell me on an average.

19 A. On average, I bring home about anywhere from Two Fifty
20 (\$250) to Three Twenty-five (\$325) a week.

21 Q. Okay. Now, do you get paid cash?

22 A. Yes, sir.

23 Q. Okay. You don't get a W-2 or 1099, anything like
24 that?

25 A. No, sir.

1 Q. Okay. And were you one of the fellows who helped take
2 Mr. Sims to ---

3 A. Yes, sir.

4 Q. -- to the emergency room?

5 A. I was the one that helped get him in the truck.

6 Q. Okay. All right.

7 A. Sure was. I was the one that went up there and stayed
8 with him for three days when he was hurt, ---

9 Q. Okay.

10 A. -- when he first got hurt.

11 Q. Okay. Have you had any conversations with anybody
12 else about this accident?

13 A. No, sir. That man right there changed ever since the
14 day he got with that woman right yonder, and everybody
15 in Hartsville will tell you that.

16 Q. Well.

17 A. I don't know what she done to him. But she flip-
18 flopped him.

19 Q. Well, I -- I understand your testimony. But -- from
20 your perspective, Mr. Pate has hired on a lot people
21 who need jobs, has taught them how to do vinyl siding,
22 ---

23 A. Yes, sir.

24 Q. -- has paid them, has given them ---

25 A. That man has done nothing wrong. That man give us

1 work when we didn't have no work.

2 Q. Okay.

3 A. That man tried to take care of us. That man worked
4 for him for all them years, and he knowed he didn't
5 have any insurance.

6 Q. Okay. All right.

7 MR. WUKELA: Mr. Borden, those are all
8 the questions I have for you.

9 DEPONENT: All right.

10 MR. WUKELA: I appreciate your time. Now,
11 Ms. Glover, who's on the phone here, may have
12 some questions for you. Please answer her
13 questions.

14 DEPONENT: I'll answer them.

15 MR. WUKELA: Ms. Glover?

16 MS. GLOVER: I don't have any questions.

17 MR. WUKELA: (To the deponent) Thank you
18 for your time. I'm sorry you had to wait.

19 DEPONENT: That's fine. I'm sorry y'all had
20 to go through with it.

21 (THERE BEING NO FURTHER QUESTIONS, THE DEPOSITION WAS
22 CONCLUDED AT 11:25 A.M.).

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) CERTIFICATE

I, Doris Tompkins Brown, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, certify that I did have Bueil Delaine Borden appear before me commencing at 11:12 A.M. on September 18, 2013, at the offices of The Wukela Law Firm, 403 Second Loop Road, Florence, South Carolina; that the witness was duly sworn and cautioned to tell the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I hereby certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 2nd day of October, 2013.

Doris Tompkins Brown, CVR
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 5-02-2015

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
W.C.C. NO. 1306446

Jerry Sims, Employee,

Claimant,

vs.

Edwin Pate Vinyl Siding, Employer,
and SC Uninsured Employers Fund, Carrier,

Defendants.

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Deposition of WILLIAM THEODORE BYERLY, taken by Doris
Tompkins Brown, Certified Verbatim Reporter and Notary
Public in and for the State of South Carolina, commencing
at 11:53 A.M. on September 18, 2013 at the offices of
the Wukela Law Firm, 403 Second Loop Road, Florence,
South Carolina.

APPEARANCES

FOR THE PLAINTIFF:

Stephen J. Wukela
The Wukela Law Firm
Post Office Box 13057
Florence, South Carolina

(BY TELEPHONE)

FOR THE DEFENDANTS:

Lisa B. Glover
SC Uninsured Employers Fund
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Doris Tompkins Brown

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(No exhibits introduced into deposition)

* * * * *

(COURT REPORTER'S NOTE: --- INDICATES INTERRUPTION,
INCOMPLETE PHRASE, TRAILING OFF, INCOMPLETE SENTENCE)

1 The deposition of William Theodore Byerly is being
2 taken pursuant to Notice and in accordance with the South
3 Carolina Rules of Civil Procedure and Amendments as adopted
4 by the Supreme Court which shall control the taking of said
5 deposition and its use thereof.

6 Counsel, with the specific consent of the witness,
7 waives the reading and signing of the deposition prior to
8 the time it is filed with the Court.

9 (William Theodore Byerly, having been duly sworn, testifies
10 as follows:)

11 EXAMINATION BY MR. WUKELA:

12 Q. State your full name for the record.

13 A. William Theodore Byerly.

14 Q. William Theodore Byerly?

15 A. Yes, sir.

16 Q. Okay. Mr. Byerly, I -- I explained to you before we
17 went on the record, my name is Stephen Wukela. I
18 represent Mr. Sims in a Workers' Compensation claim.
19 You've been listed as a witness in that claim. So, I
20 just have a few questions for you. There's a lawyer
21 on the phone by the name of Ms. Lisa Glover who is
22 participating. She represents the South Carolina
23 Uninsured Employers Fund.

24 A. Okay.

25 Q. And the court reporter is here. She's just sworn you

1 in, and she's taking down everything we say.

2 A. Okay.

3 Q. She's going to prepare a packet of the testimony
4 today, answers and questions. And you have a right to
5 read and sign that. Okay. Now, the reason -- you
6 can't change anything in it, but you have the right to
7 read it and make sure she took it down correctly.

8 A. Okay.

9 Q. Frankly, most people waive it because they usually do
10 take it down correctly. But you have that right. You
11 don't have to answer right now. But when we finish
12 this deposition, you're going to need to tell her
13 whether you want to read and sign.

14 A. Okay.

15 Q. All right. Have you ever had your deposition taken
16 before?

17 A. No, sir.

18 Q. All right. This is just like a courtroom except, out
19 of convenience, we're not in a courtroom and there's
20 no Commissioner here. We're just taking your
21 testimony under oath to make it a little bit more
22 convenient this way.

23 A. Okay.

24 Q. All right. How old are you?

25 A. I'm thirty-four (34) years old.

1 Q. Where were you born?

2 A. Hartsville.

3 Q. Have you lived in Hartsville your whole life?

4 A. Well, I stayed in Colorado for about nine months, ten
5 months.

6 Q. Go to school over there?

7 A. No. I just moved there just for a little while to get
8 away from here.

9 Q. Did you go to school in Hartsville?

10 A. Yeah.

11 Q. Okay. Did you graduate from high school in
12 Hartsville?

13 A. No. I dropped out in the eleventh grade.

14 Q. Okay. And after you dropped out, what kind of work
15 did you do?

16 A. I -- odd and ends, done a little bit of construction.
17 Then I worked at a frame shop for probably mainly ten
18 years. Most of the time, I worked in a frame shop
19 framing pictures.

20 Q. Okay. All right. In April of 2013, you were working
21 for Edwin Pate Vinyl Siding?

22 A. Yeap.

23 Q. How long had you been working for him?

24 A. I'd probably just gotten back to work with him. I
25 worked with him for probably three years off and on.

1 But, like, last October, he terminated me because I
2 laid out. So -- and then I came back to work and we
3 were working; I'm not sure what date it was when I
4 went back to work.

5 Q. Fair enough. In testimony -- we've already deposed
6 today Mr. Pate and Mr. Borden. And if I remember the
7 testimony correctly, I believe that they indicated
8 that the day of the accident working there were Mr.
9 Sims, you, Delaine Borden, Edwin Pate and a fellow by
10 the name of Brent, who Mr. Pate said his last name was
11 Winburn but who Mr. Borden said his last name was
12 Gainey.

13 A. I believe it was Gainey.

14 Q. Okay.

15 A. It's Gainey.

16 Q. Okay. Anyway, there was one Brent there?

17 A. Yeah.

18 Q. All right. And were the other fellows that I just
19 listed off all there?

20 A. Yeah. Yes, sir.

21 Q. Okay. All right. Was there anybody else that I
22 didn't list?

23 A. That's it.

24 Q. Okay. And also, if I remember the testimony correctly
25 today, Mr. Pate brought to the work site you and Mr.

1 Sims?

2 A. Yes.

3 Q. He picked you up ---

4 A. He always picked me and Mike up.

5 Q. Okay. And y'all referred -- I think his given name is
6 Jerry, but y'all referred to him as Mike?

7 A. Yeah. That's Mike.

8 Q. All right. And that Mr. Borden brought Brent?

9 A. No. Brent brought Borden.

10 Q. Either way, they came together?

11 A. Yeah.

12 Q. All right. And y'all -- how long had you been on --
13 working on that day when the accident happened?

14 A. We hadn't been working long, I don't think. I'm not
15 sure.

16 Q. Okay.

17 A. Probably around 10:00 or 11:00.

18 MR. BYERLY: (To Mr. Sims) When
19 was the accident?

20 Q. No. He ain't being rude. He can't answer.

21 A. I'm not sure.

22 Q. Okay.

23 A. I'm not positive.

24 Q. Fair enough. That's a fair answer. Also, the
25 testimony today has been that you and the other

1 employees of Pate Vinyl Siding were paid cash and
2 didn't get W-2's or 1099 or anything like that?

3 A. Uh-huh.

4 Q. That's yes? She's got to take that down.

5 A. Okay. Yes. Yes.

6 Q. And how much did you make an hour?

7 A. I think he had dropped me back down to Nine Dollars
8 (\$9) then. But I was making Ten (\$10). But I think
9 he -- because like -- usually when he fires somebody,
10 he drops their pay.

11 Q. Okay. What are you making now?

12 A. Ten Dollars (\$10.00) an hour.

13 Q. Okay. And how many hours a week do you work?

14 A. Twenty (20) to thirty (30), if that. It depends on
15 the weather.

16 Q. How many hours a day?

17 A. About -- a day?

18 Q. Yes, sir.

19 A. Between six and eight. It depends on the job, I
20 guess.

21 Q. How much a week do you earn on average?

22 A. Probably between Two Hundred (\$200); if I'm lucky,
23 Three Hundred (\$300). But that's on a good week.

24 Q. Okay. All right. Now -- and you're still working for
25 these folks?

1 A. Yes, sir.

2 Q. And basically, that same crew is still together?

3 A. Me, Delaine and Eddie.

4 Q. Okay. You, Delaine and Eddie. Okay. Mr. Sims is not
5 working; he's been hurt. And Brent is not with y'all
6 anymore?

7 A. I'm not sure where Brent works at. No, he doesn't
8 work with us.

9 Q. Okay. All right. Now, tell me about the accident.
10 Did you see it?

11 A. I -- I saw him fall. I work the metal brake. So I
12 was working the brake.

13 Q. What is the metal brake?

14 A. It's the little thing that bends the metal to go
15 around the side of ---

16 Q. Oh, I see. That makes sense.

17 A. I'm usually -- I'm always looking down. And then I
18 heard a bang or something. I guess it was -- and I
19 looked up and I -- it was just slow motion. It was
20 Mike going to the ground. And then I went and helped
21 him up.

22 Q. Do you know what caused him to fall?

23 A. I'm not sure. I think the -- the walk-board must have
24 slipped off the thing, but I'm not positive. That had
25 to be what happened though.

1 Q. Walk-board is a -- when you build the metal
2 scaffolding, then you put across it ---

3 A. Yeah.

4 Q. -- these boards that you stand on?

5 A. Yes, sir.

6 Q. And those boards are not affixed in any way?

7 A. They're sitting on ladder-jacks.

8 Q. Sitting on ladder-jacks. Okay. Okay. What happened
9 after the accident?

10 A. We got Mike up off the ground and carried him to the
11 hospital.

12 Q. And you were one of the guys that went to the hospital
13 with him?

14 A. Yeah.

15 Q. Okay. And what -- what did he complain -- was he
16 complaining of pain anywhere?

17 A. His foot.

18 Q. I want to say it was his left foot. Was it his left
19 foot he was complaining of pain in; do you remember?

20 A. I'm not positive. I know it was one of them.

21 Q. Okay.

22 A. Yeah. I think it was the left foot, because I
23 remember seeing him on the ground with it.

24 Q. All right. Did you have any conversation with anybody
25 else about this accident or this claim or anything

1 like that?

2 A. No, sir.

3 Q. Have you ever had a Workers' Compensation claim?

4 A. No, sir.

5 Q. You worked the braker?

6 A. The brake.

7 Q. The metal brake?

8 A. Yes, sir.

9 Q. And then the other guys get up on the scaffolding?

10 A. They -- they're the applicators.

11 Q. Applicators?

12 A. Yeah.

13 Q. All right. Good enough.

14 A. Usually, I hand the stuff up to them. And I stay on
15 the ground most of the time.

16 MR. WUKELA: I think that's all the
17 questions I have for you. Please answer any
18 questions that counsel has.

19 MS. GLOVER: I don't have any questions.

20 MR. WUKELA: You're free to go. Thanks for
21 your time.

22 DEPONENT: All right. Thank you.

23 (THERE BEING NO FURTHER QUESTIONS, THE DEPOSITION WAS
24 CONCLUDED AT 12:00 NOON).

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER) CERTIFICATE

I, Doris Tompkins Brown, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, certify that I did have William Theodore Byerly appear before me commencing at 11:53 A.M. on September 18, 2013, at the offices of The Wukela Law Firm, 403 Second Loop Road, Florence, South Carolina; that the witness was duly sworn and cautioned to tell the truth; that the foregoing pages constitute a true and accurate transcript of the testimony given at that time and place.

I hereby certify that I am not of counsel or kin to any of the parties to this cause of action, nor am I interested in any manner in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 2nd day of October, 2013.

Doris Tompkins Brown, CVR
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission expires: 5-02-2015



Claimant's Name: Jerry Sims Employer's Name: Edwin Pate Vinyl Siding
Address: [REDACTED] Address: 516 W. Old Camden Rd.
City: [REDACTED] State: SC Zip: [REDACTED] City: Hartsville State: SC Zip: 29550
Home Phone: () - Work Phone: () - Carrier: SC Uninsured Employers Fund
Preparer's Name: Stephen J. Wukela Preparer's Phone #: (843) 669-5634

A claim for workers' compensation benefits is made based on the following grounds:

☒ Injury ☐ Illness ☐ Repetitive Trauma

1. Compensation Rate: \$653.33 2. AWW: \$980.00 Date of Injury: April 29, 2013
3. Type of injury and body part(s): Left ankle
4. Facts in controversy: See Attached.
5. Legal issues involved: See Attached.
6. Unusual aspects: None
7. Witnesses (designate if expert):*
8. Exhibits: See Attached.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance):
See Attached.
10. Name, address, and specialty, if any, of the treating physician: Carolina Pines Regional Medical Center, Hartsville, SC; McLeod Regional Medical Center, Florence, SC; Chesterfield General Hospital, Cheraw, SC; Pee Dee Orthopaedic Assoc., Dr. Jason B. O'Dell, Florence, SC
11. Impairment rating(s); body part(s); physician and date of opinion:
12. I am amending my Form 50/51 in the following manner:

I verify the contents of this form are accurate and true to the best of my knowledge.

Signature: [Signature] 9/24/13 Email: Stephen@wukelalaw.com

Date of hearing: October 10, 2013 Time needed for hearing: 30 min.

On behalf of ☒ Claimant ☐ Employer

File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports.

* Commissioners reserve the right to admit expert witnesses at hearings.

This is an Uninsured Employers' case before the Commission on the Claimant's Form 50.

On April 29, 2013, while hanging vinyl siding working for Edwin Pate Vinyl Siding, Claimant fell 10-16 feet from a scaffolding when the board he was standing on slipped from under him, he fell to the ground causing injury to his left ankle and left foot.

The fall was witnessed by coworkers who transported him to Carolina Pines Emergency Room where he described the fall and complained of left ankle pain. Radiographs revealed a fractured distal fibula and probable fractured posterior malleolus with anterior dislocation of the tibia in relation to the talus. He ultimately saw orthopaedic, Jason B. O'Dell, MD on June 26, 2013. Dr. O'Dell noted the ankle fracture and discussed reconstruction and external fixator versus left ankle fusion. He also noted that given the Claimant's lack of treatment his ankle had healed in an improper position and that he wanted to have a CT scan performed and would consider sending him to Charleston to see a surgeon there. However, Mr. Sims does not have any funds for treatment.

As to whether the Employer is subject to the Act, Claimant's counsel Subpoenaed Defendant in which he produced an answer indicating that Delaine Borden, Ted Byerly, Brent Windham were witnesses to the accident. At the deposition the Employer confirmed that those individuals in addition to Mr. Sims were working on that work site on the date of the accident. Employer also testified that he pays his employees cash, does not withhold any income tax or Social Security, and does not provide W-2's or 1099s. In fact, he does not keep any documentation whatsoever except for weekly pay records which he destroys at the end of the week. He testified that over the last year, he has employed 50-75 different employees and that his employees come and go, they are unskilled and he teaches them to hang vinyl siding and directs their activities. Indeed, he commonly picks up the employees and takes them to the work site. The testimony of Delaine Borden and Ted Byerly confirmed the Employers testimony.

It is the Claimant's contention that the Defendant is subject to the Workers' Compensation Act in that he regularly employed 4 or more employees. Moreover, the Claimant suffered a compensable ankle fracture and seeks weekly Temporary Total Benefits from April 29, 2013 to date and continuing as well as medical care to date and continuing as directed by Dr. O'Dell at Pee Dee Orthopaedic Associates.

APA #	PHYSICIAN/ OTHER	GROUP/AGENCY	DATE OF REPORT	PAGES
APA#1		Carolina Pines Regional Medical Center	04/29/13 05/03/13	000001- 000019
APA#2		McLeod Regional Medical Center	04/30/13	000020- 000048
APA#3		Florence Radiological Assoc.	04/30/13	000049
APA#4		Chesterfield General Hospital	06/06/13	000050- 000055
APA#5	Jason B. O'Dell, MD	Pee Dee Orthopaedic Assoc.	06/26/13-07/05/13	000056- 000068
APA#6		Prescriptions	To be provided upon receipt	000069
APA#7		Subpoena and Response	09/13/13	000070- 000077
APA#8		Deposition of Edwin Pate Vinyl Siding	09/18/13	
APA#9		Deposition of Delaine Borden	09/18/13	
APA#10		Deposition of Ted Byerly	09/18/13	

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1306446

Jerry Sims,)
)
Claimant,)
)
vs.)
)
Edwin Pate Vinyl Siding, Employer,)
)
Uninsured Employers' Fund, Carrier,)
)
Defendants.)
)

**NOTICE OF WITNESSES AND
WRITTEN REPORTS/PHYSICIAN OR
OTHER EVIDENCE TO BE INTRODUCED
DIRECT EVIDENCE ON BEHALF OF
CLAIMANT**

TO: SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION AND LISA C. GLOVER, ESQUIRE, ATTORNEY FOR DEFENDANTS:

YOU ARE HEREBY NOTIFIED THAT THE CLAIMANT, Jerry Sims, pursuant to the provisions of Rule 67-30 of the South Carolina Workers' Compensation Commission and Chapter 23, Article 1, Section 1-23-330(1), Code of Laws of South Carolina, 1976, As Amended, herewith submits the following reports/physician or other evidence as direct evidence on behalf of the Claimant to-wit:

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APA#10		Deposition of Ted Byerly	09/18/13	

YOU ARE FURTHER HEREBY NOTIFIED that you have the right of cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the depositions of any of the physicians whose reports are submitted, for the purposes of cross-examination, or otherwise promptly submit opposing medical records into evidence.

YOU ARE FURTHER NOTIFIED that these records, or photocopies of the same, are being forwarded to the South Carolina Workers' Compensation Commission for insertion in their file and inclusion into evidence on behalf of the Claimant.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the Claimant:

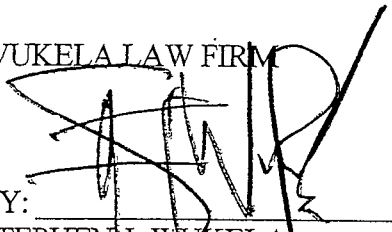
Jerry Sims

Edwin Pate

Delaine Borden

Ted Byerly

WUKELA LAW FIRM

BY: 

STEPHEN J. WUKELA

Attorney for Claimant

PO Box 13057

Florence SC 29504

843-669-5634

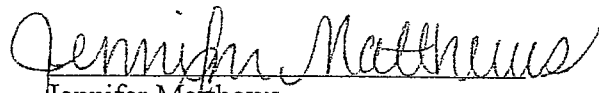
September 24th, 2013

CERTIFICATE OF SERVICE

The undersigned, Jennifer Matthews, of the Wukela Law Firm, hereby certifies that on the 24th day of September, 2013, she did place in an envelope, with first class postage prepaid, a copy of the **Notice of Witnesses**, in the matter of Jerry Sims v. Edwin Pate Vinyl Siding, Case No. 1306446, and deposited the same in the United States Mail. Said envelope being addressed to the following person(s):

Honorable Andrea C. Roche
Commissioner
South Carolina Workers' Compensation
PO Box 1715
Columbia SC 29202-1715

Lisa C. Glover
Attorney at Law
Uninsured Employers' Fund
PO Box 210039
Columbia, SC 29221


Jennifer Matthews

APA #	PHYSICIAN/ OTHER	GROUP/AGENCY	DATE OF REPORT	PAGES
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APA#10		Deposition of Ted Byerly	09/18/13	



1304 West Bo Bo Newsom Hwy
Hartsville, SC 29550
Telephone: 843-339-2100

ADMISSION RECORD

ACCOUNT NO. 9083467 MEDICAL RECORDS NO. 0000017404

PATIENT	ADMIT DATE / TIME	ROOM NO.	PT	FC	AGE	DATE OF BIRTH	SEX	RA	MS	LOCATION	PROGRAM
	04/29/2013 14:24		E	P	050		M	1	S	ERD	
GUAR	PATIENT NAME & ADDRESS		SS NUMBER		PATIENT EMPLOYER				EMPLOYER PHONE NO.		
	SIMS, JERRY				PATES CONSTRUCTION						
GUAR	RESPONSIBLE PARTY & ADDRESS		SS NUMBER		RESPONSIBLE PARTY EMPLOYER				EMPLOYER PHONE		
	SIMS, JERRY				PATES CONSTRUCTION						
EMERGENCY CONTACT NAME		EMERGENCY CONTACT PHONE		EMERGENCY CONTACT RELATIONSHIP TO PATIENT							
SIMS, WILLIE FAY				MOTHER							
COMMENTS						MSP	MED. KEY	PRIVACY	ADMIT. BY		
ER NO						☐ Y ☒ N	☐ Y ☒ N		MIC		
INSURANCE	1	PAYER	PLAN	POLICY NUMBER							
	INSURANCE CO. NAME & ADDRESS			INSURED'S NAME							
				GROUP NUMBER				GROUP NAME			
				AUTHORIZATION							
INSURANCE	2	PAYER	PLAN	POLICY NUMBER							
	INSURANCE CO. NAME & ADDRESS			INSURED'S NAME							
				GROUP NUMBER				GROUP NAME			
				AUTHORIZATION							
INSURANCE	3	PAYER	PLAN	POLICY NUMBER							
	INSURANCE CO. NAME & ADDRESS			INSURED'S NAME							
				GROUP NUMBER				GROUP NAME			
				AUTHORIZATION							
MISC	DR. ATTENDING / ADMITTING					DR. FAMILY / PRIMARY CARE					
	BOWEN, SHANE ALLAN					*NOT FOUND*					
MISC	DIAGNOSIS / SIGNS & SYMPTOMS					ACCIDENT		ACCIDENT DATE			
	LEG INJURY					OTHER		04/29/2013 4:24			
PRINCIPAL DIAGNOSIS (The condition established after study to be chiefly responsible for occasioning the admission of the patient to the HOSPITAL for care).						DISCHARGE CODE		DISCHARGE DATE/TIME			
						NORMAL DISCHARGE		04/29/2013 17:37			

Diagnosis Codes (Primary)

(2) (3) (4) (5) (6) (7) (8) (9)

COMPLICATIONS

COMORBIDITY(IES)

PRINCIPAL PROCEDURE

Procedure Codes/Dates

(1) CPT:99284:04/29/2013 (2):
(4): (5):

(3):
(6):

AD001A



9083467



0000017404

Patient: SIMS, JERRY

MRN: 8330000017404 Encounter: 9083467

Page 1 of 1

0000017

eAbstract Summary
CPRM-Hartsville 833

Medical Record # 0000017404 Encounter # 9083467 Name SIMS, JERRY

Admission Date	04/29/2013	Encounter Type	Emergency
Discharge Date	04/29/2013	Race	OTHER
Birthdate	10/28/1962	Primary Payor	P-Private Pay
		Sex	Male
Admission Type	Emergency	LOS	1
Admission Source	Physician Referral	Admission Service	Emergency Medicine
Discharge Disposition	Home	Discharge Service	Emergency Medicine

Admit MD	2096	BOWEN, SHANE
Discharge MD	2096	BOWEN, SHANE
ER Physician ML	2157	GRANT, ERIC

RVDX	8244	FX BIMALLEOLAR-CLOSED
Princ Diag	8244	FX BIMALLEOLAR-CLOSED
Other Diag	E8811	FALL FROM SCAFFOLDING
Other Diag	E8498	ACCIDENT IN PLACE NEC

Princ Proc	9354	APPLICATION OF SPLINT	4/29/2013	2096	BOWEN, SHANE
CPT Proc	99284 25	EMERGENCY DEPT VISIT	4/29/2013	2096	BOWEN, SHANE
Charge Code	73630 LT	X-RAY EXAM OF FOOT	4/29/2013		
Charge Code	73590 LT	X-RAY EXAM OF LOWER LEG	4/29/2013		
Charge Code	73610 LT	X-RAY EXAM OF ANKLE	4/29/2013		
Charge Code	99001	Specimen handling pt-lab	4/29/2013		
Charge Code	99284	EMERGENCY DEPT VISIT	4/29/2013		
Charge Code	96374	THER/PROPH/DIAG INJ, IV PUSH	4/29/2013		
Charge Code	96375	TX/PRO/DX INJ NEW DRUG ADDON	4/29/2013		
Charge Code	96376	TX/PRO/DX INJ NEW DRUG ADON	4/29/2013		
Charge Code	J1170	HYDROMORPHONE INJECTION	4/29/2013		
Charge Code	J1170	HYDROMORPHONE INJECTION	4/29/2013		
Charge Code	J2405	Ondansetron hcl injection	4/29/2013		
Charge Code	29540	STRAPPING OF ANKLE AND/OR FT	4/29/2013		

Coded	05/01/2013	CBlackwell
Coded Update	05/03/2013	JGainey I
Bill Submitted	05/01/2013	CBlackwell
Abstracted	05/01/2013	CBlackwell
Abstract Status:	Complete	

Report:PAB120
04/30/2013 21:38:45
Requested By: WEBUSER

Physician Chart
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid: 833
Page:1

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY
DOB: [REDACTED]
Req By: BOWEN, SHANE ALLAN
Med. Rec: 17404 Pat. Type: E
Type: MED:EDPN Dict.: 04/29/2013 14:24 EDPN9083467
Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24
Gender: MALE
Discharge: 04/29/2013 17:37
Location:
Transcribed: 04/29/2013 17:37

Physician Documentation

Carolina Pines Regional Medical Center

Name: Jerry Sims

Age: 50 years

Sex: Male

DOB: [REDACTED]

MRN: 0000017404

Arrival Date: 04/29/2013

Time: 14:24

Account#: 9083467

Bed: 11

Private MD:

ED Physician: Bowen, Shane

HPI:

04/29

16:20 This 50 years old Caucasian Male presents to ER via Wheelchair with eg complaints of Leg Injury.

16:20 The patient presents with decreased range of motion, a deformity, eg pain, that is acute, swelling, tenderness. The complaints affect the lateral aspect of left calf, left lateral ankle and anterior aspect of left ankle. Context: The problem was sustained at work, resulted from Fall from 10-16 foot height off of a scaffolding. Denies any other associated injury, the patient is not able to bear weight, the patient is not able to ambulate. Onset: The symptoms/episode began/occurred acutely, today. Modifying factors: The symptoms are alleviated by nothing. the symptoms are aggravated by movement, weight bearing. Associated signs and symptoms: Pertinent positives: swelling, tingling, Pertinent negatives calf tenderness, fever, nausea, numbness, rash, vomiting, warmth, weakness. Treatment prior to arrival includes: no previous treatment. Severity of symptoms: At their worst the symptoms were severe, in the emergency department the symptoms are unchanged. The patient has not experienced similar symptoms in the past. The patient has not recently seen a physician.

Report:PAB120
04/30/2013 21:38:45
Requested By: WEBUSER

Physician Chart
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid:833
Page:2

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY

DOB: [REDACTED]

Req By: BOWEN, SHANE ALLAN

Med. Rec: 17404

Pat. Type: E

Type: MED:EDPN Dict.: 04/29/2013 14:24 EDPN9083467

Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24

Gender: MALE

Discharge: 04/29/2013 17:37

Location:

Transcribed: 04/29/2013 17:37

Historical:

- Allergies: Codeine;
- Home Meds:
 1. Lortab Oral for
 2. Naproxen Sodium Oral for
- Immunization history: Last tetanus immunization: unknown
Pneumococcal vaccine status is unknown. Flu vaccine is not up to date.
- Family history: Not pertinent.
- Social history:: Smoking status: Patient uses tobacco products, smokes one pack cigarettes per day. Patient uses alcohol on a daily basis. No barriers to communication noted. The patient speaks fluent English. Patient/guardian denies using street drugs, The patient lives alone, The patient works Construction.

Disposition:

16:32 Electronically authenticated by: Eric Grant, PA.

eg

20:36 Attestation: For this patient encounter, I reviewed the NP/PA documentation, treatment plan, and medical decision making; and I had face-to-face time with this patient. Shane Bowen MD After interviewing the patient, I agree with HPI as documented. My personal exam reveals findings consistent with those documented. All diagnostic studies were reviewed and discussed. I confirm diagnosis as documented by the NP/PA. The care plan articulated in the discharge instructions are consistent with our discussion of the patient's case. The patient requires specialty care. We will contact the appropriate consultant for definitive care.
Electronically authenticated by: Shane Bowen.

sab

Disposition Summary:

04/29/13 16:31 Discharged to Home/Self Care. MSE completed.. Impression:
Dislocation of Ankle, Bimalleolar Ankle Fracture.
- Condition is Stable.
- Discharge Instructions: Ankle Dislocation, Ankle Fracture,

Report:PAB120
04/30/2013 21:38:45
Requested By: WEBUSER

Physician Chart
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid: 833
Page:3

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY

DOB: [REDACTED]

Req By: BOWEN, SHANE ALLAN

Med. Rec: 17404

Pat. Type: E

Type: MED:EDPN Dict.: 04/29/2013 14:24 EDPN9083467

Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24

Gender: MALE

Discharge: 04/29/2013 17:37

Location:

Transcribed: 04/29/2013 17:37

- Bimalleolar Fracture, Ankle, Adult, Displaced, ORIF.
- Prescriptions for Percocet 10- 650 mg Oral Tablet - take 1 tablet by ORAL route every 6 hours As needed; 20 tablet.
 - Medication Reconciliation Form form.
 - Follow up: Terence Hassler; When: Come to the preoperative waiting area tomorrow morning at 0800 AM for surgery; Reason: Recheck today's complaints, Continuity of care.
 - Problem is new.
 - Symptoms are unchanged.

ROS:

16:23 Constitutional: Negative for fever, chills, and weight loss, Eyes: eg Negative for injury, pain, redness, and discharge, ENT: Negative for injury, pain, and discharge, Neck: Negative for injury, pain, and swelling, Cardiovascular: Negative for chest pain, palpitations, and edema, Respiratory: Negative for shortness of breath, cough, wheezing, and pleuritic chest pain, Abdomen/GI: Negative for abdominal pain, nausea, vomiting, diarrhea, and constipation, Abdomen is soft, nontender, obese. No organomegaly Back: Negative for injury and pain, Skin: Negative for injury, rash, and discoloration. All other systems are reviewed and negative. MS/extremity: Positive for injury or acute deformity, decreased range of motion, deformity, pain, swelling, tenderness, tingling. Neuro: Positive for tingling, Negative for numbness.

Exam:

16:24 Constitutional: This is a well developed, well nourished patient eg who is awake, alert, and in no acute distress.
Head/Face: Normocephalic, atraumatic.
Eyes: Pupils equal round and reactive to light, extra-ocular motions intact. Lids and lashes normal. Conjunctiva and sclera are non-icteric and not injected. Cornea within normal limits.

Report:PAB120
04/30/2013 21:38:45
Requested By: WEBUSER

Physician Chart
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid:833
Page:4

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY

DOB: 10/28/1952

Req By: BOWEN, SHANE ALLAN

Med. Rec: 17404

Pat. Type: E

Type: MED:EDPN Dict.: 04/29/2013 14:24 EDPN9083467

Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24

Gender: MALE

Discharge: 04/29/2013 17:37

Location:

Transcribed: 04/29/2013 17:37

Periorbital areas with no swelling, redness, or edema.

ENT: Nares patent. No nasal discharge, no septal abnormalities noted. Tympanic membranes are normal and external auditory canals are clear. Oropharynx with no redness, swelling, or masses, exudates, or evidence of obstruction, uvula midline. Mucous membranes moist.

Cardiovascular: Regular rate and rhythm with a normal S1 and S2. No gallops, murmurs, or rubs. Normal PMI; no JVD. No pulse deficits.

Respiratory: Lungs have equal breath sounds bilaterally, clear to auscultation and percussion. No rales, rhonchi or wheezes noted. No increased work of breathing, no retractions or nasal flaring.

Abdomen/GI: Soft, non-tender, with normal bowel sounds. No distension or tympany. No guarding or rebound. No evidence of tenderness throughout.

Back: No spinal tenderness. No costovertebral tenderness. Full range of motion.

16:24 Skin: Warm, dry with normal turgor. Normal color with no rashes, eg no lesions, and no evidence of cellulitis.

16:24 Musculoskeletal/extremity: Extremities: grossly normal except: noted in the left lateral ankle and anterior aspect of left ankle: decreased ROM, deformity, pain, swelling, tenderness, ROM: limited active range of motion, limited passive range of motion, Circulation is intact in all extremities. Tingling of extremity. Compartment Syndrome exam of affected extremity: no numbness, no sensation deficit, no palor, no weak pulses, severe pain, with passive ROM, tingling, Joints: All joints are normal except the left ankle displays deformity, dislocation, limited range of motion, painful range of motion, swelling, tenderness, Weight bearing: is unable to bear weight, Tendon exam: specific tendon testing normal through active and passive range of motion

16:24 Neuro: Orientation: is normal, Mentation: is normal, Cranial nerves: grossly normal, Motor: is normal, Sensation: numbness, is not appreciated, tingling, that is mild, Deep tendon reflexes are normal.

Report:PAB120
04/30/2013 21:38:45
Requested By: WEBUSER

Physician Chart
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid:833
Page:5

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY
DOB: [REDACTED]
Req By: BOWEN, SHANE ALLAN
Med. Rec: 17404 Pat. Type: E
Type: MED:EDPN Dict.: 04/29/2013 14:24 EDPN9083467
Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24
Gender: MALE
Discharge: 04/29/2013 17:37
Location:
Transcribed: 04/29/2013 17:37

Vital Signs:

14:45 BP 142 / 101; Pulse 102; Resp 18; Temp 98.5; Pulse Ox 99% ; Pain 10/10; ec
17:29 BP 124 / 74; Pulse 88; Resp 18; Temp 98.2; Pain 0/10; ec

Procedures:

16:27 Splinting: Splint applied to left ankle using Orthoglass splint, eg
applied by tech. Examined by me, post splint application:
neurovascular intact, Patient tolerated well.

MDM:

15:12 Patient medically screened. eg
16:27 Data reviewed: vital signs, nurses notes, radiologic studies, plain eg
films. Counseling: I had a detailed discussion with the patient
and/or guardian regarding: the historical points, exam findings,
and any diagnostic results supporting the discharge/admit
diagnosis, radiology results, the need for outpatient follow up, a
orthopedic surgeon, to return to the emergency department if
symptoms worsen or persist or if there are any questions or
concerns that arise at home. Physician consultation: Terence
Hassler MD was called at 16:15, was contacted at 16:15, regarding
consult, patient's condition, Advises to splint in posterior OCL
and have patient NPO after midnight and come to pre-op area
tomorrow at 0800 AM where orders for surgery will be awaiting the
patient, and will see patient in OR.

15:14 Order name: Ankle Min 3v ec
15:14 Interpretation: Abnormal: per radiologist: ankle fx with eg
dislocation.
15:14 Order name: Foot Min 3v ec
15:14 Interpretation: Normal: per radiologist: negative. eg
15:53 Order name: TIBIA , FIBULA MIN 2V EDMS
15:53 Interpretation: Abnormal: per radiologist: fx distal fibula and eg
tibia.

Report:PAB120
04/30/2013 21:38:45
Requested By: WEBUSER

Physician Chart
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid: 833
Page: 6

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY

DOB: 04/22/1952

Req By: BOWEN, SHANE ALLAN

Med. Rec: 17404

Pat. Type: E

Type: MED:EDPN Dict.: 04/29/2013 14:24 EDPN9083467

Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24

Gender: MALE

Discharge: 04/29/2013 17:37

Location:

Transcribed: 04/29/2013 17:37

16:34 Order name: Splint: Posterior OCL splint with bulky padding; eg
Complete Time: 17:27

Dispensed Medications:

15:15 Drug: Dilaudid 1 mg; Route: IVP; Site: right antecubital;	tw
15:17 Follow up: IV Status: Completed infusion	sm3
15:55 Follow up: Response: No adverse reaction; Pain is decreased	sm3
16:23 Drug: Dilaudid 1 mg; Route: IVP; Site: right antecubital;	sm3
16:25 Follow up: IV Status: Completed infusion	sm3
17:00 Follow up: Response: No adverse reaction; Nausea is decreased	sm3
16:25 Drug: Zofran 4 mg; Route: IVP; Site: right antecubital;	sm3
16:27 Follow up: IV Status: Completed infusion	sm3
17:00 Follow up: Response: No adverse reaction; Nausea is decreased	sm3

Signatures:

Dispatcher MedHost	EDMS
Bowen, Tiffany	tb1
Campbell, Edie, RN	RN ec
Melton, Sandy, RN	RN sm3
Sutton, Dora	ds
Windham, Tracy, RN	RN tw
Bowen, Shane, MD	MD sab
Grant, Eric, PA	PA eg

Report:PAB120
04/30/2013 21:38:31
Requested By: WEBUSER

Disposition Summary
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Cold:833
Page:1

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY
DOB: ~~02/28/1962~~
Req By: BOWEN, SHANE ALLAN
Med. Rec: 17404 Pat. Type: E
Type: MED:EDDS Dict.: 04/29/2013 14:24 EDDS9083467
Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24
Gender: MALE
Discharge: 04/29/2013 17:37
Location:
Transcribed: 04/29/2013 17:37

Discharge Summary

Carolina Pines Regional Medical Center

Name:Jerry Sims

Emergency Department

Age:50 years

Sex:Male

DOB:10/28/1962

MRN:0000017404

Arrival:04/29/2013

14:24

Account#:9083467

Departure Date04/29/2013

Departure Time17:37

Private MD:

Outcome: Discharge

Location: Home/Self Care. MSE completed.

Condition: Stable

Chief Complaint: Leg Injury

Diagnosis: Dislocation of Ankle, Bimalleolar Ankle Fracture

Prescriptions: Percocet 10-650 mg Oral Tablet - take 1 tablet by

ORAL route every 6 hours As needed; 20 tablet

Follow up: Hassler, Terence, MD

Custom Notes:

Attending Physician: Bowen, Shane, MD

Private MD:

Mid Level Provider: Grant, Eric, PA

Followup Physician: Hassler, Terence, MD

Orders: Ankle Min 3v, Foot Min 3v, TIBIA , FIBULA MIN 2V, Dilaudid,

Dilaudid, Zofran, Splint: Posterior OCL splint with bulky padding

Discharge Instruction: Discharge Summary Sheet, Ankle Dislocation,

Ankle Fracture, Bimalleolar Fracture, Ankle, Adult, Displaced,

ORIF, Medication Reconciliation Form

Report:PAB120
04/30/2013 21:38:31
Requested By: WEBUSER

Disposition Summary
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid: 833
Page:2

Report Status: F

Pat Nbr: 9083467 SIMS, JERRY

DOB: 04/29/1962

Req By: BOWEN, SHANE ALLAN

Med. Rec: 17404

Pat. Type: E

Type: MED:EDDS Dict.: 04/29/2013 14:24 EDDS9083467

Physician: BOWEN, SHANE ALLAN

Admit: 04/29/2013 14:24

Gender: MALE

Discharge: 04/29/2013 17:37

Location:

Transcribed: 04/29/2013 17:37

Report:PAB120
04/29/2013 20:56:01
Requested By: WEBUSER

Radiology Results
CAROLINA PINES REG MED CENTER
1304 W. BOBO NEWSOM HWY
HARTSVILLE SC 29550

Coid: 833
Page:1

RADIOLOGY TEST INFORMATION

Type/source: RAD TIBIA & FIBULA MIN 2V Order #: 136100271 Account: 9083467
Medical Record Number: 0000017404 DOB: 03/18/82 Gender: MALE
Status:F 16:53 Order Date: 04/29/2013 Patient Name: SIMS, JERRY
Result Date/Time: 04/29/2013 Order Time: 15:53 Admit Date: 04/29/2013

PHYSICIANS Dictating: CONNOR, GREGORY S.

Signature: CONNOR, GREGORY S.

RESULT TEXT

LEG INJURY

LEG INJURY

Procedure Acknowledge Date: 04/29/2013 16:05:00

VIEWS OF THE LEFT LOWER LEG 04/29/2013

INDICATION: Trauma.

FINDINGS: The proximal tibia/fibula are intact. There is a spiral fracture of the distal fibula with approximately 1.4 cm of displacement of the fracture fragments. The distal tibia is dislocated anteriorly in relation to the talus, best seen on the ankle series.

IMPRESSION: FRACTURED DISTAL FIBULA. PROBABLE FRACTURED POSTERIOR MALLEOLUS WITH ANTERIOR DISLOCATION OF THE TIBIA IN RELATION TO THE TALUS.

DD: 04/29/2013 00:00

Dictated By: CONNOR, GREGORY S

DT: 04/29/2013 16:37 PB

Signed By: CONNOR, GREGORY S

CONNOR GREGORY S

Dictated By

CONNOR GREGORY S

Reviewed & Signed

Carolina Pines Regional Medical Center1304 W. Bobo Newsom Hwy.
Hartsville, SC 29550
843-339-4600**Discharge Instructions for:****Sims, Jerry****Arrival Date:****Monday, April 29, 2013**

Thank you for choosing **Carolina Pines Regional Medical Center** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Bowen, Shane, MD

Grant, Eric, PA

Diagnosis: Dislocation of Ankle; Bimalleolar Ankle Fracture

DISCHARGE INSTRUCTIONS	FORMS
Ankle Dislocation Ankle Fracture Bimalleolar Fracture, Ankle, Adult, Displaced, ORIF	Medication Reconciliation Form
FOLLOW UP INSTRUCTIONS	PRESCRIPTIONS
Hassler, Terence (Surgery - Ortho) When: Come to the preoperative waiting area tomorrow morning at 0800 AM for surgery; Reason: Recheck today's complaints, Continuity of care	Percocet
SPECIAL NOTES	
None	

I hereby acknowledge that I have received and understand the above instructions and prescriptions (if any).

Jerry M. Sims

Jerry Sims

Eric Grant

ED Physician or Nurse

MRN # 0000017404

X-RAYS and LAB TESTS:

If you had x-rays today they were read by the emergency physician. Your x-rays will also be read by a radiologist within 24 hours. If you had a culture done it will take 24 to 72 hours to get the results. If there is a change in the x-ray diagnosis or a positive culture, we will contact you. Please verify your current phone number prior to discharge at the check out desk.

MEDICATIONS:

If you received a prescription for medication(s) today, it is important that when you fill this you let the pharmacist know all the other medications that you are on and any allergies you might have. It is also important that you notify your follow-up physician of all your medications including the prescriptions you may receive today.



Chart Copy

PHYSICIAN ORDERS

ALLERGIES:

HT:

WT:

CODE STATUS

Admit to:

☐ INPATIENT

☐ OUTPATIENT

☐ 23 HOUR OBSERVATION

DATE

TIME

ORDERS

5/3/13 1430 pt. to be admitted to outpt.
surgery on 5/7/13 for (L) Ankle
OTIF (Bimalleolar Fx.) N-Code 27814
Per Dr. Hasser / Kim Gairay (PN)



PHYSICIAN ORDERS

PATIENT IDENTIFICATION

Jerry Sims
DOB 10/28/62

000018

Proof of pills in system
for drug test on 4/29/13

▶ YOUR INFORMATION

Patient Name Jerry Sims
Account Number 9083272
Date of Service April 27, 2013
Service Type Emergency Room Services
Insurance Name
Name of Insured
Policy Number
Amount Due From You \$462.26

▶ YOUR ACCOUNT SUMMARY

Amount due from you is \$462.26 as of 04/30/2013 for
Emergency Room Services performed on April 27, 2013.

Total Charges \$1,284.06
Discounts/Adjustments Given -\$821.80
Insurance Payments Received \$0.00
Amount You Paid \$0.00

Amount Due From You \$462.26

▶ YOUR PAYMENT OPTIONS

☐ Online at www.cprmc.com
(available 24/7)

☐ By phone - 843-339-4140

☒ By credit card - complete section below and return

☒ By check - return section below with check

▶ YOUR SUMMARY OF CHARGES

The charges listed below do not reflect the discount that
you and your insurance company received.

Radiology 488.72
Emergency Room 795.34
TOTAL CHARGES \$1,284.06

▶ A MESSAGE FOR YOU...

DATE OF SERVICE

3269-HMASTMT-1678749-1412719134-P; 7348595-1-96; 33254631-1; 1



The amount shown on this statement is outstanding at this time. Your prompt
payment will be greatly appreciated.

CAROLINA PINES
REGIONAL MEDICAL CENTER

1304 W. Bobo Newsom Hwy
Hartsville, SC 29550



Patient Financial Services:
843-339-4140

☐ Check box if address below is incorrect or changed and indicate change(s) on back



JERRY SIMS

1304 W. BOBO NEWSOM HWY
HARTSVILLE, SC 29550-0231



FOR CREDIT CARD PAYMENT, PLEASE FILL OUT BELOW...

☐ MASTERCARD ☐ DISCOVER ☒ VISA ☐ VISA ☐ AMEX	
CARD NUMBER	EXP.
SIGNATURE	
SECURITY CODE	
PATIENT NAME	STATEMENT DATE
Jerry Sims	04/30/2013
ACCOUNT NUMBER	DATE DUE
9083272	UPON RECEIPT
AMOUNT DUE	AMOUNT PAYING
\$462.26	\$

REMIT THIS PAYMENT STUB TO:

6540496 (PC2)

CAROLINA PINES REGIONAL MEDICAL CTR
PO BOX 281367
Atlanta, GA 30384-1367



00000908327200000046226JERRYSIMS

00001580

NOTICE

05/15/13

Account Information

Account #	9083467
Patient Name:	JERRY SIMS
Date of Service:	04/29/13
Balance:	\$1,314.94

Thank you for selecting Carolina Pines Regional Medical Center for your healthcare needs.

Our records indicate that you had no insurance coverage for this service date and the balance listed above is your responsibility. Please send payment in full or you may contact an account representative to make a suitable payment arrangement.

Send your check, money order or credit card payment to the address listed below or you may pay your bill online at www.cprmc.com.

We look forward to assisting you with your financial needs and concern.

Thank you,

Carolina Pines Regional Medical Center

 Questions?

Telephone: 855-843-0550.

Servicio en español, por favor llame: 1-866-301-0426.

833

----- PLEASE DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT OR MAKE PAYMENT BY CREDIT CARD. -----



Carolina Pines Regional Medical Center
1304 West Bobo Newsom Hwy
Hartsville, SC 29550

☐ VISA	Card Number	Signature Code	Total Paid
☐ MC			
☐ DISC	Select card you wish to use for payment	Signature	Expiration Date
☐ AMEX			

Statement Date	Pay This Amount
05/15/13	\$1,314.94

SHOW AMOUNT PAID HERE
\$ _____

Account #: 9083467

JONB/9083467/69 317047545072 496/0000461/0003



Jerry Sims

1603 W. Waterford Rd
Hartsville, SC 29550-0200

☒ **Mail all Correspondence to:**
Carolina Pines Regional Medical Center
PO Box 281367
Atlanta, GA 30384-1367

000015
181

00000908346700000131494 JERRY SIMS

▶ YOUR INFORMATION

Patient Name Jerry Sims
Account Number 9083467
Date of Service April 29, 2013
Service Type Emergency Room Services
Insurance Name
Name of Insured
Policy Number
Amount Due From You \$1,314.94

▶ YOUR ACCOUNT SUMMARY

Amount due from you is \$1,314.94 as of 05/05/2013 for
Emergency Room Services performed on April 29, 2013.

Total Charges \$3,652.60
Discounts/Adjustments Given -\$2,337.66
Insurance Payments Received \$0.00
Amount You Paid \$0.00

Amount Due From You \$1,314.94

▶ YOUR PAYMENT OPTIONS

☐ Online at www.cprmc.com
(available 24/7)

☐ By phone - 843-339-4140

☒ By credit card - complete section below and return

☒ By check - return section below with check

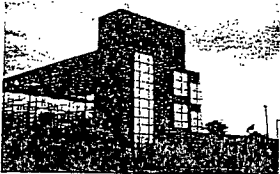
▶ YOUR SUMMARY OF CHARGES

The charges listed below do not reflect the discount that
you and your insurance company received.

Pharmacy	74.68
Radiology	1,485.29
Pharmacy	181.90
Supplies	98.47
Lab	64.57
Emergency Room	1,747.69
TOTAL CHARGES	\$3,652.60

▶ A MESSAGE FOR YOU...

3269-HMASTMT-1683080-1414971106-P; 7363532-1-155; 33267014-1; 1



The amount shown on this statement is outstanding at this time. Your prompt
payment will be greatly appreciated.

CAROLINA PINES
REGIONAL MEDICAL CENTER

1304 W. Bobo Newsom Hwy
Hartsville, SC 29550



Patient Financial Services:
843-339-4140

☐ Check box if address below is incorrect or changed and indicate change(s) on back.

JERRY SIMS

1304 W. BOBO NEWSOM RD
HARTSVILLE, SC 29550-0230



FOR CREDIT CARD PAYMENT, PLEASE FILL OUT BELOW...

☐ MASTERCARD ☐ DISCOVER ☒ VISA ☐ VISA ☐ AMEX	
CARD NUMBER	EXP.
SIGNATURE	
SECURITY CODE	
PATIENT NAME	STATEMENT DATE
Jerry Sims	05/05/2013
ACCOUNT NUMBER	DATE DUE
9083467	UPON RECEIPT
AMOUNT DUE	AMOUNT PAYING
\$1,314.94	\$

REMIT THIS PAYMENT STUB TO:

6540495 (PC2)

CAROLINA PINES REGIONAL MEDICAL CTR
PO BOX 281367
Atlanta, GA 30384-1367



00000908346700000131494JERRYSIMS

00001102

LOW COUNTRY PHYSICIANS GROUP
P.O. BOX 741280
ATLANTA, GA 30384-1280

PAY ONLINE AT www.PaymentsMD.com		
CHECK CARD USING FOR PAYMENT: ☐ VISA ☐ MasterCard ☐ DISCOVER		
CARD NUMBER	AMOUNT	
SIGNATURE	3 digit VIN#	EXP DATE
STATEMENT DATE	ACCOUNT NO	PAY THIS AMOUNT
5/08/13	LCP9083467	1,367.00



*****AUTO**5-DIGIT 29550

JERRY SIMS

603 MIDDLEBURY

HARTSVILLE, SC 29550-0000



Please send payment to:

LOW COUNTRY PHYSICIANS GROUP
P.O. BOX 741280
ATLANTA, GA 30384-1280

LCP9083467

☐ Check box if address or insurance information is incorrect and indicate change(s) on reverse side.

SHOW AMOUNT PAID HERE \$

PATIENT NAME: JERRY SIMS FACILITY NAME: CAROLINA PINES REGIONAL MEDICAL CENTER

DATE	PROVIDER	DESCRIPTION OF SERVICE	CHARGES	PAYMENT/ADJUSTMENTS	PATIENT BALANCE
04/29/13	BOWEN	EMERGENCY DEPT VISIT - DR	1,082.00		1,082.00
04/29/13	BOWEN	APPLICATION OF SHORT LEG	285.00		285.00

This is your Emergency Room Physician's bill which is separate from your hospital bill. We do not have valid insurance on file. If you have insurance, please call us or visit our website to update our files.

YOUR PAYMENT IS NOW DUE.

ACCOUNT NUMBER NUMERO DE CUENTA	CURRENT BALANCE	DELINQUENT		PLEASE PAY THIS AMOUNT	1,367.00
		30 DAYS	60 DAYS & OVER		
LCP9083467	1,367.00	0.00	0.00		

*** 1st Attempt ***

MESSAGES

CORRECCIÓN EN LA INFORMACIÓN DEL SEGURO: Por favor de proveernos copia de la tarjeta de seguro médico. Indique si el seguro Médico es primario o secundario.

OFFICE HOURS: 8AM - 8PM MON - THUR, and 8AM - 6PM FRI

Toll Free: 866-477-2450

Para preguntas, por favor llame al: 866-853-3802

Pay Online, Electronic Statements, Download Medical Records, and On-line Account Information all available now with PaymentsMD Patient Portal.
Go to <https://portal.paymentsmd.com/apollomd>

Get your medical history today with Patient Health Services Report At www.paymentsmd.com.

000017

183

806

Account Information

FINAL NOTICE

08/02/13

Account # 9089214
Patient Name: JERRY SIMS
Date of Service: 07/02/13

Balance: \$187.30

We are writing to inform you that your balance is past due and a payment in full has not been received or a suitable payment arrangement established.

This is a request for immediate payment in full on or before ten days from the date of this letter.

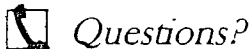
Pay your account in full by check, money order or credit card payment using this form and enclosed envelope. If we receive no response from you this account will be referred to a national collection agency.

If you have already sent your payment please disregard this letter.

You may also pay your bill online at www.cprmc.com.

Thank you.

Carolina Pines Regional Medical Center



Telephone: 855-843-0550.

Servicio en español, por favor llame: 1-866-301-0426.

833

----- PLEASE DETACH AND RETURN BOTTOM PORTION WITH YOUR PAYMENT OR MAKE PAYMENT BY CREDIT CARD. -----



Carolina Pines Regional Medical Center
1304 West Bobo Newsom Hwy
Hartsville, SC 29550

- ☐ VISA
☐ MC
☐ DISC
☐ AMEX

Card Number	Signature Code	Total Paid
Select card you wish to use for payment	Signature	Expiration Date

Statement Date 08/02/13
Pay This Amount \$187.30

SHOW AMOUNT PAID HERE
\$ _____

Account #: 9089214

JONB/9089214/73 317052282140 9682/0006767/0026



Jerry Sims

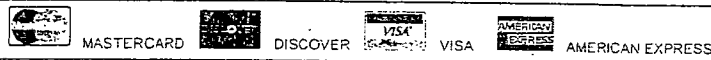
333 McCord Dr
Hartsville SC 29550-0233

✉ Mail all Correspondence to:
Carolina Pines Regional Medical Center
PO Box 281367
Atlanta, GA 30384-1367

00000908921400000018730JERRY SIMS

00001884

Chesterfield General Hospital
711 Chesterfield Highway
Cheraw, SC 29520-0151



Save Time And Postage. Pay Your Bill Online at
www.chesterfieldgeneral.com.
It's Fast, Easy And Secure.

653499C (PC1)

Please review the name and address listed below
as well as the patient name. If any of the
information is incorrect, please call the number
listed below.

101

JERRY SIMS

1503 WOODBERRY RD
PARTSVILLE, SC 29350-0239



Make Checks Payable To:

Chesterfield General Hospital
PO Box 198172
Atlanta, GA 30384-8172



Statement Date	Account Number	Patient Name	Due Date	Pay This Amount	Show Amount Paid
07/31/13	7050361	JERRY SIMS	08/14/13	\$1,691.11	

Dear MR. SIMS:

Your account remains unpaid and has been referred to me for a collection decision.

Unless payment in full is received by the due date, your account will be placed with a collection agency and your account will become classified as a "bad debt" with this facility as well as subject to negative credit reporting with the credit reporting agencies.

To avoid this from happening, you must pay your balance in full by the due date. Please use our online bill pay for quicker credit for your payments.

If you have already paid this balance, please accept our sincere appreciation.

Respectfully,

Business Office Manager

Save Time And Postage. Pay Your Bill Online at www.chesterfieldgeneral.com. It's Fast, Easy And Secure.

TOTAL CHARGES	INSURANCE PAYMENTS TO DATE	PATIENT PAYMENTS TO DATE	ADJUSTMENTS TO DATE	ACCOUNT BALANCE	PAY THIS AMOUNT
\$2,415.87			\$-724.76	\$1,691.11	\$1,691.11

If you have any questions please call: 888-877-5298

Chesterfield General Hospital
711 Chesterfield Highway
Cheraw, SC 29520-0151

Statement Date: 07/31/13
Description of Service: Emergency Room Services
Patient: JERRY SIMS
Account Number: 7050361
Date(s) of Service: 06/06/13 - 06/06/13

Please see reverse side for important information.

12-CHSLTR

12-CHSLTR-30725-972501223-P; 4628615-2-1198; 33525502-1; 1

000019¹⁸⁵



* 0 H 0 0 0 5 *

McLeod Health

The Choice for Medical Excellence

Do not write in this box.
Place sticker here

Admission/Outpatient Conditions

Consent for Admission or Outpatient Treatment: I hereby give my consent for the admission or Outpatient Treatment considered necessary to McLeod Regional Medical Center (McLeod) for the patient whose name appears below under the care of the attending physician, his associates, partners, assistants or designees. I consent to the hospital care, which may encompass necessary laboratory, diagnostic or medical treatment and procedures; prescribed medication information, if available; or recordings and/or filmings for internal purposes, which my physician, his associates, partners, assistants or designees may deem necessary or advisable during my stay. Physicians, members of the house staff and employees of the hospital will perform this care.

Teaching programs: I understand this facility may enter into agreements with medical, nursing and allied health programs. Various health profession students may participate in my care. I agree to participate, but have the right to limit my participation at any time.

Assignment of Insurance Benefits and Third Party Claims: I/we hereby authorize payment directly to McLeod of hospital benefits otherwise payable to me, including major medical insurance benefits, PIP benefits, sick benefits or injury benefits due because of any insurance policy and the proceeds of all claims resulting from the liability of the third party payable by any person, employer or insurance company to or for the patient, unless we pay the account in full upon discharge. I also authorize payment of surgical or medical, including major medical benefits, directly to attending physicians, but not to exceed charges for these services. I also authorize payment of hospital and medical benefits otherwise payable to me for professional services performed by the Medical Anesthesia Consultants, LLC, and/or Florence Radiological Associates, PA, and/or Pee Dee Pathology, PA, and/or any other physician on the active staff of McLeod. I understand that I am financially responsible to the hospital and physicians for charges, whether or not covered by this assignment. Should the account be referred to an attorney for collection, the undersigned shall pay reasonable attorney's fees and collection expense. All delinquent accounts may bear interest at the legal rate. I further agree that in the event hospital benefits exceed charges of McLeod for its services in connection with this hospitalization, that any such excess amount be first applied to the payment of any other indebtedness due by me for my own hospitalization or any for which I am responsible to the hospital on account of other admissions, and the balance, if any remains, paid to me. I further authorize refund of overpaid insurance benefits in accordance with my policy conditions where my coverages are subject to the coordination of benefits clause. I further agree that the hospital is authorized to act in my behalf in the endorsement of benefit checks made payable to me and/or the hospital. If I am a participant/beneficiary of an employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1001 et seq., I designate McLeod as my authorized representative and grant to McLeod the authority to act on my behalf in pursuing and appealing a benefit determination under the plan. Such authority shall include the right to request and receive a copy of the plan description and/or summary plan description.

Medicare-Medicaid Patient's Certification: Payment Request: I assign payment for the unpaid charges for certain in-house physician services furnished by specialists, and physicians for whom the hospital is authorized to bill. I understand that I am responsible for any health insurance deductibles and coinsurance. I certify that the information given by me in applying for payment under Title XVIII and XIX of the Social Security act is correct. I request that payment of authorized benefits be made on my behalf.

Payment Guarantee: I/we hereby jointly and severally agree to pay all charges for service received by the patient named below during this "episode of care."

☐ **Personal Property:** Upon request the hospital will hold on deposit any money or valuables and is not responsible for personal property retained in the patient's room or with the patient.

Also, I/we understand that a personal physician is to be selected, by or on behalf of the patient within 24 hours if hospitalization or further treatment is required, or immediately if complications arise.

Also, I/we have read the above authorization and understand the same and certify that no guarantee or assurance has been made as to the results that may be obtained.

☐ Initial this box if you received information regarding the Hospital Patient Safety Act and a copy of the Patient Rights and Responsibilities.

JERRY MICHAEL SIMS

04/30/2013

Patient's (Guarantor's) Signature
SIMS, JERRY

Date

123968521

Witness

04/30/2013

Patient's Name

Account Number

Admission Date

Acknowledgement of the Notice of Privacy Practices

☐ NPP on file.

I hereby acknowledge that I received a paper copy of the McLeod Health Notice of Privacy Practices which sets forth the way in which my protected health information may be used or disclosed by McLeod Health and outlines my rights with respect to such information. I also acknowledge that I have been allowed to ask questions. If I am not the patient, I represent that I am authorized by law to act for and on the patients behalf.

04/30/2013

Signature of Patient or Authorized Agent

Date

Seq. # MH2155 Rev. 4/03; 11/03; 10/04; 01/06; 10/07; 5/08; 6/08; 8/08; 10/09

LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
 McLeod Emergency Department
 555 East Cheves Street, PO Box 100551
 Florence, SC 29501-0551
 843-777-2000

Patient Name: JERRY SIMS
 Reg Date/Time: 4/30/13 9:07
 Account #: 123968521
 MRN: 000001109325

AGE: 50 yr
 SEX: M
 Priority: 4 - Non Urgent

DOB: [REDACTED]
 ED #: 236935

ED Medical Chart

Demograph	Address: 4603 MIDDENDORF RD HARTSVILLE, SC 29550	Phone # (843)335-6062 SS#: 251198245
Triage	Priority: 4 - Non Urgent Chief Complaint: Ankle Injury Stated Complaint: states had xray at carolina pines with broken l ankle "needs surgery" Arrival Date: 04/30/13 09:00 WC: N Triage Date: 04/30/13 09:00 PCP: *NONE,PCP To Room: 04/30/13 09:08 Mode of Arrival: *Privately Owned Vehicle Language:English	
Bed	EP59 In : 04/30 09:08 Out: 04/30 09:11	04/30 09:08 BBR 04/30 09:11 SW
	ER81 In : 04/30 09:11 Out: 04/30 11:53	04/30 09:11 SW 04/30 11:54 SW
	escorted to pov via wheelchair by this m , seated in pov without incident.	
Providers	DIANNE DONALDSON FNP Start: 04/30 09:04 End: 04/30 09:04 DMD SUSAN WELLS RN Start: 04/30 09:11 End: 04/30 09:11 SW	

NURSING ASSESSMENT

04/30 09:15

DG: Primary Triage Assessment

04/30 09:17 SB

History Source: patient. *note: Patient to ED via wheelchair. Patient states that he injured his left foot and ankle yesterday. Pt was seen at carolina pines and was told to have surgery this AM. Pt here for further evaluation. Patient able to move toes without difficulty. Swelling noted.*

Pain Presence: complains of pain:.

Pain Severity Scale 1-10: now: now: 10 Pain Scale Type Verbal Scale.

Pain Quality: aching throbbing.

Pain Duration: onset: onset: 1 day(s) ago.

Timing: continuous.

Influential Factors: AGGRAVATING FACTOR(s): None ALLEVIATING FACTORS(s): None.

Chronic Condition(s) . *note: see triage history*

Learning/Communication Barriers: Physical Limitations.

Abuse/Neglect/Exploitation Observations: Observed Signs and Symptoms of abuse/neglect : no..

Latex Allergy Screen: reaction to use or handling of latex products such as rubber products : no.

Latex Allergy Band Applied? : no..

Triage Fall Assessment: Fall within last 3 months? : no. Appropriate armband applied? : no. Was falls prevention education provided to patient/family? : no..

Stroke Screening: Patient Over 18 years of age.

Sepsis/Infection Screening: Temp greater than 100.4 : no. Temp less than 96.8 : no. Resp Rate greater than 20 : no. HR: greater than 90bpm : YES/POS..

Pneumonia Screening: Fever : no. Cough : no. Chills : no. Shortness of breath/Tachypnea : no. SpO2 less than 94% : no..

Cough Screening: Persistent cough of at least 2 - 3 weeks. Continue evaluation if positive. : no.

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AGE: 50 yr
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 Priority: 4 - Non Urgent

DOB: [REDACTED]
 ED #: 236935

ED Medical Chart

Significant weight loss, more than 10 lbs : no. Compromised status (alcoholism, transplant, chemotherapy) : no. Sputum production/Hemoptysis : no. Foreign born : no..
 Suicide Screening: Pt expresses feelings of Helpless : no. Hopeless : no. Plan for Suicide : no.
 Initiate Suicide Precautions? : no..

Assess Notes RN	04/30 11:31	patient advised radiology is in process of sending cd of xrays	04/30 11:31 SW
	04/30 10:51	monitors pulse ox and bp placed on patient	04/30 10:51 SW

Treatments	4/30 9:14	**Arrival IN / Decision-making, general time requirements -	04/30 09:15 SB
		*Triage Level 4	
	4/30 9:15	**Low Acuity Patient - *Introduced self/ chief c/o assessed/	04/30 09:15 SB
		denies other c/o/ bed in low position and call light given.	
	4/30 9:15	**Patient Education - Call Light given to patient, Side Rails up	04/30 09:15 SB
		x 2, Bed in low position, oriented to room/restroom	
	4/30 9:15	Comfort Rounds: - Family member/ visitor at bedside.	04/30 09:15 SB
	4/30 9:25	**Patient Education - Purpose/Use Medication discussed with	04/30 09:25 SB
		patient/Pt. verbalizes understanding.	
	4/30 9:27	Comfort Rounds: - Hourly Rounds:	04/30 09:28 SW
		left leg elevated on chair with pillow , ice applied to affected	
		ankle	
	4/30 9:33	**Nurse /General Procedures - Xray - simple	04/30 09:33 SB
		to x-ray via wheelchair	
	4/30 10:00	Comfort Rounds: - Hourly Rounds:	04/30 10:12 SW
		returned to room , leg elevated again	
	4/30 11:32	Comfort Rounds: - Hourly Rounds:	04/30 11:33 SW
		patient reports improvement with pain decreasing ,	
	4/30 11:53	**Low Acuity Patient - Discharge instructions given and	04/30 11:53 SW
		patient verbalizes understanding without questions.	

Medications	4/30 9:25	Med:Dilaudid- 2 mg IM IM	04/30 09:25 SB
		Inf Amt(ml): Line #: 0	
		Site: arm - right	
		education complete and allergies reviewed.	
	4/30 10:48	Med:Phenergan 25 mg IM IM	04/30 10:49 SW
		Inf Amt(ml): Line #: 0	
		Site: gluteus maximus - right	
		x2identifiers allergies education reviewed	
	4/30 10:49	Med:DEMEROL 100MG IM IM	04/30 10:49 SW
		Inf Amt(ml): Line #: 0	
		Site: gluteus maximus - right	
		x2identifiers allergies education reviewed	

VS-Routine	Time	B/P	Pulse	Resp	SaO2	Temp	
	04/30 9:20	146/85	104	18	97	98.00 F	04/30 9:27 SW
		**Sitting	**Monitor		**Room Air	*Oral	
	04/30 10:50	154/98		20	97	F	04/30 10:50 SW
		*Lying			**Room Air		

LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
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Patient Name: JERRY SIMS
 Reg Date/Time: 4/30/13 9:07
 Account #: 123968521
 MRN: 000001109325

AGE: 50 yr
 SEX: M
 Priority: 4 - Non Urgent

DOB: 3/18/1962
 ED #: 236935

ED Medical Chart

	04/30 11:31	134/73 **Sitting	88 **Monitor	18	94 **Room Air	F	04/30 11:32 SW
VS-Pain	04/30 11:31	Pain: 5					04/30 11:31 SW
	04/30 10:50	Pain: 10					04/30 10:50 SW
	04/30 09:20	Pain: 7					04/30 09:20 SW
VS-HT/WT	04/30 9:20	HT: 73.0 in. Stated		WT: 206.0 lbs			04/30 09:27 SW

PHYSICIAN ASSESSMENT

ECFORM Lower Extremity

04/30 09:26 DMD

PATIENT INFORMATION:

Time of Physician's visit: 9:20 AM
 MD Name: DONALDSON, DIANNE
 Patient Name: SIMS, JERRY
 Chief Complaint: Ankle Injury
 Patient's Primary Care Physician is: *NONE, PCP
 Medical Record Number: 000001109325
 Date Of Birth: [REDACTED]
 Patient is a 50 year old Male.

HISTORY OF PRESENT ILLNESS:

History: 50 yo male was working for Pate Construction states he was on job site at a Church just out of Hartsville, SC when the scaffold he was on collapsed causing him to fall 16 feet landing on left LE and left side. States he was not able to get up due to ankle no moving and deformed. Taken to Carolina Pines hospital where apparently he was diagnosed with fracture of ankle bones (by description and casting I suspect trimalleolar fx) and was told to show up for surgery in the morning. Patient and his wife state they went to check in at Carolina Pines surgery dept this morning and no one was present, went to registration and no one present waited for an hour and then decided to come to McLeod ED. State he did drug screen at Carolina Pines yesterday for workman's compensation however learned that his employer does not have worker's compensation. Also c/o left shoulder and hip pain. No LOC, no neck pain, c/o having headache, no change in vision/N/V/Cp/dyspnea.

Historian: Information was gathered from: patient.

Onset: The injury occurred 1 day prior to arrival. The injury occurred at work.

Context: The incident was witnessed.

Pre-hospital: The treatments provided prior to arrival included: placement of a splint to immobilize the injured area.

Mechanism of Injury: The patient sustained injury due to a fall. The patient complains of recurrent chronic pain and lower extremity swelling, see HPI.

Quality: The patient describes the pain as aching. The pain is present at rest and with movement.

Severity: The symptoms are severe. The patient reports pain that was a 10/10 at its onset. The intensity of the pain was rated a 10/10 at its worst. The pain is now a 10/10.

Documentation of Injuries: 1. The patient has a fracture to the left ankle. 2. The patient has a fracture to the left hip, shoulder.

Associated Signs and Symptoms: The patient has soreness, swelling and inability to bear weight. The patient is calm. Loss of consciousness: there was no loss of consciousness reported.

Modifying Factors: The patient has had a recent injury.

Past Medical History: The patient denies any significant past medical history.

Past Surgical History: left hip ORIF.

Social History: The patient admits to smoking. The patient lives with their spouse or partner.

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 843-777-2000

Patient Name: JERRY SIMS
 Reg Date/Time: 4/30/13 9:07
 Account #: 123968521
 MRN: 000001109325

AGE: 50 yr
 SEX: M
 Priority: 4 - Non Urgent

DOB: 1/28/49
 ED #: 236935

ED Medical Chart

Allergies: No known drug allergies.

Medications: See nurse's notes.

Nursing Assessment Reviewed: I have reviewed the nursing assessment and I agree with the findings that have been documented at this time.

REVIEW OF SYSTEMS:

Constitution: The patient is negative for fever and chills.

Ear, Nose, and Throat: The patient is negative for nasal discharge.

Eyes: The patient is negative for vision changes.

Respiratory: The patient is positive for cough. The patient is negative for dyspnea and wheezing.

Cardiovascular: The patient is negative for chest pain, palpitations and syncope.

Gastrointestinal: The patient is negative for constipation, nausea, vomiting and abdominal pain.

Genitourinary: The patient is negative for dysuria and bloody urine.

Neurologic: The patient is positive for headache. The patient is negative for weakness, paresthesias and dizziness.

Hematology: The patient is negative for bleeding.

PHYSICAL EXAM:

Constitutional: Normal Findings: The patient exhibits no acute distress.

Eyes: Normal Findings: Pupils are equal, round, reactive to light and accommodation and extraocular movements are intact. The sclera are normal.

Head, Ears, Nose and Throat: Normal Findings: head inspection normal and pharynx normal.

Neck: Normal Findings: supple neck, no adenopathy, no thyromegaly and no bruits heard with auscultation.

Respiratory: Normal Findings: bilateral breath sounds are normal, clear and equal.

Cardiac: Normal Findings: regular heart rate and rhythm and no murmurs, rubs or gallop. Capillary refill: 2 seconds.

Abdominal: Normal Findings: soft and non-tender abdomen.

Musculoskeletal: Normal Findings: Ribs: stable. Clavicles: stable. Pelvis: stable. Hips: stable. Right Upper Extremity: stable, normal strength and full range of motion. Right Lower Extremity: stable, normal strength and full range of motion. Left Upper Extremity: stable, normal strength and full range of motion. Left Lower Extremity: stable. Abnormal Findings: Left Upper Extremity: tender and anterior shoulder pain with signs of RTC strain. Left Lower Extremity: tender and posterolateral hip pain. +left toe sensation and movements; casting intact left LE; 2+cap refill.

Neurology: The patient is alert and oriented to person, place, time and circumstance. Normal Findings: normal sensation.

Psychiatric: Normal Findings: normal behavior.

MEDICAL DECISION MAKING AND TREATMENT COURSE:

Differential Diagnosis: painvascular occlusion, myofascial strain, contusion, sprain and fracture.

First Revisit: Time: 1001 Pain level: The patient says the pain is 10/10. The symptoms are the same. patient averages 1/4-1/2 pint liquor- high liver met; will give toradol.

Clinical Impression: Called Carolina Pines to retrieve records./ According to Carolina Pines patient was to present at outpatient surgery registration at 8:00 this morning and have surgery by Dr. Hassler. Unfortunately patient here. According to Carolina Pines records Dr. Hassler did not come in to eval patient in such no face to face interaction. Patient will be dispo to Ortho here for unassign. Records show fx of distal tib, anterior tib dislocation, fx 3rd MT- posterior OCL placed at Caolinas..

LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
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 843-777-2000

Patient Name: JERRY SIMS
 Reg Date/Time: 4/30/13 9:07
 Account #: 123968521
 MRN: 000001109325

AGE: 50 yr
 SEX: M
 Priority: 4 - Non Urgent

DOB: 07/28/1962
 ED #: 236935

ED Medical Chart

Orders Discharge Patient 04/30 10:57 DMD

Protocol

Ordered: 04/30 10:57 By DDONALDSON

Phenergan 25 mg IM 04/30 10:38 DMD

DONALDS

Ordered: 04/30 10:37 By DDONALDSON

Completed: 04/30 10:48 By SWELLS

x2identifiers allergies education reviewed

DEMEROL 100MG IM 04/30 10:36 DMD

DONALDS

Ordered: 04/30 10:36 By DDONALDSON

Completed: 04/30 10:49 By SWELLS

x2identifiers allergies education reviewed

Dilaudid 2 mg IM 04/30 9:19 DMD

DONALDS

Ordered: 04/30 9:18 By DDONALDSON

Completed: 04/30 9:25 By SBROWN

education complete and allergies reviewed.

SHOULDER-LT/2 VIEW MINIMUM 04/30 9:19 DMD

DONALDS

Ordered: 04/30 9:18 By DDONALDSON

Noted: 04/30 10:29 By USystem

Completed: 04/30 10:29 By USystem

Reviewed: 04/30 10:30AM By DDONALDSON

Rad_isolation Standard

04/30 09:18 DMD

Rad_reason_for_order_ext TRAUMA

04/30 09:18 DMD

HIP/UNI-LT/2 VIEW MINIMUM 04/30 9:19 DMD

DONALDS

Ordered: 04/30 9:18 By DDONALDSON

Noted: 04/30 10:11 By USystem

Completed: 04/30 10:11 By USystem

Reviewed: 04/30 10:30AM By DDONALDSON

Rad_isolation Standard

04/30 09:18 DMD

Rad_reason_for_order_ext TRAUMA

04/30 09:18 DMD

LQOX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
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Patient Name: JERRY SIMS
 Reg Date/Time: 4/30/13 9:07
 Account #: 123968521
 MRN: 000001109325

AGE: 50 yr
 SEX: M
 Priority: 4 - Non Urgent

DOB: 07/28/1963
 ED #: 236935

ED Medical Chart

ANKLE-LT /3 VIEW MINIMUM

04/30 9:19 DMD

DONALDS

Ordered: 04/30 9:18 By DDONALDSON
 Noted: 04/30 10:24 By USystem
 Completed: 04/30 10:24 By USystem
 Reviewed: 04/30 10:31AM By DDONALDSON

Rad_isolation Standard

04/30 09:18 DMD

Rad_reason_for_order_ext TRAUMA

04/30 09:18 DMD

Rad_other_reason_for_order_30_char_max fx trimalleolar at Carolinas-no films

04/30 09:18 DMD

Results

HIP/UNI-LT/2 VIEW MINIMUM

Completed: 4/30/13 10:11

ORDER DR: DIANNE M. DONALDSON N.P.

ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.

TRANSCRIBED D/T: Apr 30 2013 10:04AM

PROCEDURE: HIP/UNI-LT/2 VIEW MINIMUM / ORD #: 90002 Accession#:
5534619 CPT: 73510

ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM

INDICATIONS/COMMENTS: TRAUMA

RESULT: Two views of the left hip demonstrate no apparent fracture or malalignment. Articular cartilage is well-preserved. The pelvis is intact.

CONCLUSION: Negative left hip.

\E\

READING DR: GREGOR G. CLEVELAND M.D.

READING DATE: Apr 30 2013 10:08AM

Final Result

ELECTRONICALLY SIGNED BY:

GREGOR G. CLEVELAND M.D.

On: Apr 30 2013 10:04AM

ORDER DR: DIANNE M. DONALDSON N.P.

ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.

TRANSCRIBED D/T: Apr 30 2013 10:04AM

PROCEDURE: HIP/UNI-LT/2 VIEW MINIMUM / ORD #: 90002 Accession#:
5534619 CPT: 73510

ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM

INDICATIONS/COMMENTS: TRAUMA

RESULT: Two views of the left hip demonstrate no apparent fracture or malalignment. Articular cartilage is well-preserved. The pelvis is intact.

LQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
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843-777-2000

Patient Name: JERRY SIMS
Reg Date/Time: 4/30/13 9:07
Account #: 123968521
MRN: 000001109325

AGE: 50 yr
SEX: M
Priority: 4 - Non Urgent

DOB: [REDACTED]
ED #: 236935

ED Medical Chart

CONCLUSION: Negative left hip.

\E\

READING DR: GREGOR G. CLEVELAND M.D.
READING DATE: Apr 30 2013 10:08AM

Final Result
ELECTRONICALLY SIGNED BY:
GREGOR G. CLEVELAND M.D.
On: Apr 30 2013 10:04AM

ANKLE-LT /3 VIEW MINIMUM

Completed: 4/30/13 10:24

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
TRANSCRIBED D/T: Apr 30 2013 10:16AM
PROCEDURE: ANKLE-LT /3 VIEW MINIMUM / ORD #: 90001 Accession#:
5534618 CPT: 73610
ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM
INDICATIONS/COMMENTS: TRAUMafx trimalleolar at Carolinas-no films

Left ankle

INDICATION: History of trimalleolar fracture. Patient transferred from outside hospital.

RESULT: 3 views left ankle submitted. There is dislocation with the talus and foot displaced posteriorly in relation to the tibia. Posterior malleolar fracture. There is oblique fracture through the distal diaphysis of the fibula with the fracture fragment being displaced posteriorly x 1 cm. Ankle mortise is slightly widened. Small bony fragment at the anterior aspect of the tibia likely an avulsion fracture. Degenerative change in the midfoot. Calcaneal spur at the insertion of plantar

CONCLUSION: Fracture the dislocation and of the left ankle as above.

\E\

READING DR: ALAN G. SECHTIN M.D.
READING DATE: Apr 30 2013 10:24AM

Final Result
ELECTRONICALLY SIGNED BY:

LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
McLeod Emergency Department
555 East Cheves Street, PO Box 100551
Florence, SC 29501-0551
843-777-2000

Patient Name: JERRY SIMS
Reg Date/Time: 4/30/13 9:07
Account #: 123968521
MRN: 000001109325

AGE: 50 yr
SEX: M
Priority: 4 - Non Urgent

DOB: [REDACTED]
ED #: 236935

ED Medical Chart

ALAN G. SECHTIN M.D.
On: Apr 30 2013 10:16AM

=====

SHOULDER-LT/2 VIEW MINIMUM

Completed: 4/30/13 10:29

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
TRANSCRIBED D/T: Apr 30 2013 10:21AM
PROCEDURE: SHOULDER-LT/2 VIEW MINIMUM / ORD #: 90003 Accession#:
5534620 CPT: 73030
ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM
INDICATIONS/COMMENTS: TRAUMA

RESULT: AP internally and externally rotated views as well as lateral scapular view of the left shoulder were obtained. No fracture, subluxation, or separation at the left shoulder is seen. The AC joint and glenohumeral joint, and sternoclavicular are unremarkable.

CONCLUSION: No acute findings.

\E\

READING DR: MARVIN M. SMITH M.D.
READING DATE: Apr 30 2013 10:28AM

Final Result
ELECTRONICALLY SIGNED BY:
MARVIN M. SMITH M.D.
On: Apr 30 2013 10:21AM

=====

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
TRANSCRIBED D/T: Apr 30 2013 10:21AM
PROCEDURE: SHOULDER-LT/2 VIEW MINIMUM / ORD #: 90003 Accession#:
5534620 CPT: 73030
ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM
INDICATIONS/COMMENTS: TRAUMA

RESULT: AP internally and externally rotated views as well as lateral scapular view of the left shoulder were obtained. No fracture, subluxation, or separation at the left shoulder is seen. The AC joint and glenohumeral joint, and sternoclavicular are unremarkable.

CONCLUSION: No acute findings.

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Patient Name: JERRY SIMS
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 Account #: 123968521
 MRN: 000001109325

AGE: 50 yr
 SEX: M
 Priority: 4 - Non Urgent

DOB: [REDACTED]
 ED #: 236935

ED Medical Chart

\E\

READING DR: MARVIN M. SMITH M.D.
 READING DATE: Apr 30 2013 10:28AM

Final Result
 ELECTRONICALLY SIGNED BY:
 MARVIN M. SMITH M.D.
 On: Apr 30 2013 10:21AM

Diagnosis	ANKLE PAIN	719.47	04/30 10:57 DMD
	Fx, FIBULA & TIBIA, CLOSED	823.82	04/30 10:57 DMD
Disposition	Time: 4/30/13 10:53	By: DDONALDSON	
	Depart Time: 4/30/13 11:53 Type : **Discharge Condition: *Stable Chart Complete: 4/30/2013 10:57 BY: DMDONALDSON Discussed patient with Ortho PA, Brian who reviewed films. Recommend keeping existing splint and follow up out patient within 1-3 days with Pee Dee Orthopedics.		
Referral			
	CHOKSHI, RAKESH MD(PEE DEE ORTHOPEDIC ASSOC)		04/30 10:57 DMD
Instructions	*Additional Instructions		04/30 10:57 DMD
	Follow up instructions: Call Pee Dee Orthopedics for follow up appointment in 1-2 days. Take Pain medication you previously received as directed. Keep ankle elevated. No fracture of Left shoulder nor hip. Follow up instructions: Call Pee Dee Orthopedics for follow up appointment in 1-2 days. Take Pain medication you previously received as directed. Keep ankle elevated. No fracture of Left shoulder nor hip. Follow up instructions: Call Pee Dee Orthopedics for follow up appointment in 1-2 days. Take Pain medication you previously received as directed. Keep ankle elevated. No fracture of Left shoulder nor hip. Follow up instructions: Call Pee Dee Orthopedics for follow up appointment in 1-2 days. Take Pain medication you previously received as directed. Keep ankle elevated. No fracture of Left shoulder nor hip. Arthralgia (Pain in a Joint) Tibial & Fibular Fracture (Adult)		04/30 10:57 DMD 04/30 10:57 DMD
Charges-Nursing			
	Level 2(Brief) 26-55 points w/ Modifier (Charge) Auto Generated Acuity	QTY @ 1	04/30 11:54 SW

LQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 E D Medical Record 4/30/2013 1 ER0001
McLeod Emergency Department
555 East Cheves Street, PO Box 100551
Florence, SC 29501-0551
843-777-2000

Patient Name: JERRY SIMS
Reg Date/Time: 4/30/13 9:07
Account #: 123968521
MRN: 000001109325

AGE: 50 yr
SEX: M
Priority: 4 - Non Urgent

DOB: 07/24/1962
ED #: 236935

ED Medical Chart

DEMEROL 100MG IM	QTY @ 1	04/30 10:49 SW
Auto Generaged Charges		
Phenergan 25 mg IM	QTY @ 1	04/30 10:48 SW
Auto Generaged Charges		
Dilaudid 2 mg IM	QTY @ 1	04/30 09:25 SB
Auto Generaged Charges		
Acuity Level	Level 2(Brief) 26-55 points w/ Modifier	
Charges-Physician		
99284 LEV 4 ED (Charge)	QTY @ 1	04/30 10:53 DMD
Auto Generated Care Level		
DEMEROL 100MG IM	QTY @ 1	04/30 10:49 SW
Auto Generaged Charges		
Phenergan 25 mg IM	QTY @ 1	04/30 10:48 SW
Auto Generaged Charges		
Dilaudid 2 mg IM	QTY @ 1	04/30 09:25 SB
Auto Generaged Charges		
Level of Care	99284 LEV 4 ED	

Signature**Electronically Signed By:****Initials**

BEVERLY RHODES RN
SUSAN WELLS RN
SAMANTHA BROWN RN
DIANNE DONALDSON FNP

BBR
SW
SB
DMD

- LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Plans of Care (Soarian) 5/25/2013 1 PC0008

Plan Of Care Report

Generated from 04/02/2013 00:00 to 05/14/2013 23:59

Pt Name:	SIMS, JERRY	MRN:	1109325
Pt ID:	100764089	Acct No:	123968521
DOB:	04/30/1951	Age/Sex:	50Y/M
Adm Date:	04/30/2013 09:07	Atn Dr:	Donaldson, Dianne NP
Dsch Date:	05/25/2013 23:59		
Entity:	McLeod Regional Medical Center		
Dx:			

No Plans Charted for Visit

Problem Name	Rank	Date Assigned	Date Closed	Assigned By	Closed By	Status
Problem Details	Value	Problem Details	Value	Problem Details	Value	
Knowledge Deficit Related To		04/30/2013 09:08		HSF_WFMS		Active
Treatment Plan						
Comment:		Certainty:		Status:		

No Expected Outcomes Charted For Visit

Pt Name: SIMS, JERRY

MRN: 1109325

Plan Of Care Report

Entity: McLeod Regional Medical Center

Page 1 of 2

ORE_0146_DSCH.RPT; Version 1.00

Adm Date: 04/30/2013 09:07

Generated By:

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Generated On: 29-May-13 01:12

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Report Content Represents Data Available for the specified Visit as of the Generated On Date/Time

LQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Plans of Care (Soarian) 5/25/2013 1 PC0008

Plan Of Care Report

Generated from 04/02/2013 00:00 to 05/14/2013 23:59

Pt Name:	SIMS, JERRY	MRN:	1109325
Pt ID:	100764089	Acct No:	123968521
DOB:	[REDACTED]	Age/Sex:	50Y/M
Adm Date:	04/30/2013 09:07	Attn Dr:	Donaldson, Dianne NP
Dsch Date:	05/25/2013 23:59		
Entity:	McLeod Regional Medical Center		
Dx:			

Problem Name	Changed DTime	Changed By	Field Name	Old Value	New Value
Outcome Name	Changed DTime	Changed By	Field Name	Old Value	New Value

No Records Found

Pt Name: SIMS, JERRY

MRN: 1109325

Plan Of Care Report

Entity: McLeod Regional Medical Center

Page 2 of 2

ORE_0146_DSCH.RPT; Version 1.00

Adm Date: 04/30/2013 09:07

Generated By:

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Report Content Represents Data Available for the specified Visit as of the Generated On Date/Time

LQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Plans of Care (Soarian) 4/30/2013 1 PC0008

Plan Of Care Report

Generated from 04/02/2013 00:00 to END

Pt Name:	SIMS, JERRY	MRN:	1109325
Pt ID:	100764089	Acct No:	123968521
DOB:	04/30/1962	Age/Sex:	50Y/M
Adm Date:	04/30/2013 09:07	Atn Dr:	Donaldson, Dianne NP
Dsch Date:	04/30/2013 11:35		
Entity:	McLeod Regional Medical Center		
Dx:			

No Plans Charted for Visit

Problem Name	Rank	Date Assigned	Date Closed	Assigned By	Closed By	Status
Problem Details	Value	Problem Details	Value	Problem Details	Value	
Knowledge Deficit Related To		04/30/2013 09:08		HSF_WFMS		Active
Treatment Plan						
Comment:		Certainty:		Status:		

No Expected Outcomes Charted For Visit

Pt Name: SIMS, JERRY	MRN: 1109325	Plan Of Care Report
Entity: McLeod Regional Medical Center	Page 1 of 2	ORE_0146_DSCH.RPT; Version 1.00
Adm Date: 04/30/2013 09:07		Generated By:
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Report Content Represents Data Available for the specified Visit as of the Generated On Date/Time

LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Plans of Care (Soarian) 4/30/2013 1 PC0008

Plan Of Care Report

Generated from 04/02/2013 00:00 to END

Pt Name:	SIMS, JERRY	MRN:	1109325
Pt ID:	100764089	Acct No:	123968521
DOB:	04/28/1952	Age/Sex:	50Y/M
Adm Date:	04/30/2013 09:07	Attn Dr:	Donaldson, Dianne NP
Dsch Date:	04/30/2013 11:35		
Entity:	McLeod Regional Medical Center		
Dx:			

Problem Name	Changed DTime	Changed By	Field Name	Old Value	New Value
Outcome Name	Changed DTime	Changed By	Field Name	Old Value	New Value

No Records Found

Pt Name: SIMS, JERRY
Entity: McLeod Regional Medical Center
Adm Date: 04/30/2013 09:07

MRN: 1109325
Page 2 of 2

Plan Of Care Report
ORE_0146_DSCH.RPT; Version 1.00

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Generated By:
Generated On: 03-May-13 15:46

Report Content Represents Data Available for the specified Visit as of the Generated On Date/Time

000034²⁰⁰



McLeod Emergency Department
555 East Cheves Street, PO Box 100551
Florence, SC 29501-0551
843-777-2000

Patient Name: JERRY SIMS
Reg Date/Time: 4/30/13 9:07
Account #: 123968521
MRN: 000001109325

AGE: 50 yr
SEX: M

DOB: 02/28/1962
ED #: 236935

Discharge Instructions

Signature Sheet

Signature Sheet For: JERRY SIMS

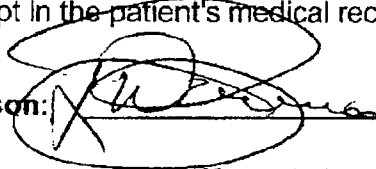
Discharge Date: 4/30/2013 10:53:55AM

Discharge Instructions Given:

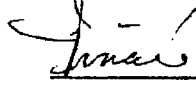
- Tibial & Fibular Fracture (Adult)
- Arthralgia (Pain in a Joint)
- *Additional Instructions
- *Additional Instructions
- *Additional Instructions
- *Additional Instructions

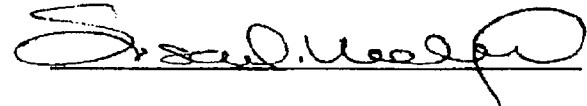
My signature below indicates the patient or a responsible party has received and understands the medication reconciliation form, verbal and printed discharge instructions which include a list of tests and procedures ordered while a patient at the McLeod Emergency Department. The patient or responsible party acknowledges receipt of these instructions and will arrange follow up care as indicated.

This signed original will be kept in the patient's medical record.

Patient or Responsible Person: 

Phone number where we can contact you if needed: _____

Relationship: 

Physician/RN: 

Date/Time: 04/30/13

1135

Thank you for using the Emergency Department.

McLeod Health
The Choice for Medical Excellence

123968521
SIMS, JERRY
04/30/13

01-10-93-25

DOB: [REDACTED]
ER, PHY UNASSIGNED

Emergency Department Initial Screening

Page 1 of 1

Provider's Signature: _____

Date: _____ Time: _____

Nurse's Signature

Date: _____ Time: _____

(Indicates signing off orders)

PPD-526 CE

Created: 6/12

Revised: 7/12, 8/12

0000362

*Sign
Return
to 16*

McLeod Health

The Choice for Medical Excellence.

Reprinted to: CT By: _____
MRI By: _____
SPE By: _____
Film Reviewed By: _____

AUTHORIZATION FOR THE USE OR DISCLOSURE OF RADIOLOGICAL IMAGES/REPORTS

Patient Name: **SIMS, JERRY**
Address: _____

Date of last exam: Apr 30 2013 9:55AM
Date of Birth: 07-30-02
SS #: 12-345678
MRI#: 1109325 CID#: 1109325

I authorize McLeod Regional Medical Center to use or disclose my radiological images/reports to TUBE CD TO 19-MNS for delivery to:

**PEE DEE ORTHOPEDIC
CHEVES ST
FLORENCE, SC, 29501**

Media Preference: 123968521 01-10-93-25

SIMS, JERRY
04/30/13



DOB: 07-30-02 50 M
ER, PHY UNASSIGNED

I understand that the following x-ray films: Folder Vol No Procedures
MAIN **1 of 1** **ALL PROC 4**
are originals and the property of McLeod Regional Medical Center. I am responsible for the care and return of the x-ray films to McLeod Regional Medical Center.

Purpose(s): ☐ Legal Investigation ☐ Insurance ☐ Disability Determination ☐ Continuing Patient Care
☐ Other OR: ☐ I request my information be released to me to exercise my right to access and obtain a copy of my Radiological Images/Reports.

- A.) I understand that Radiological Images/Reports may include records disclosed by health care providers and facilities that previously provided treatment to me.
- B.) I understand that Radiological Images/Reports may include information and records protected under Federal Law (such as alcohol and drug abuse treatment) and/or State Law (such as mental health, AIDS or HIV).
- C.) I understand I may revoke this Authorization at any time however the revocation will not apply to Radiological Images/Reports that has already been used or disclosed pursuant to this authorization. Contact the Privacy Officer through the Corporate Compliance Office to initiate the revocation process.
- D.) I understand that McLeod Health will not condition my treatment, payment, enrollment in a health plan or eligibility for benefits (if applicable) on whether I provide authorization for the requested use or disclosure.
- E.) I understand that the information used or disclosed pursuant to this Authorization may be subject to re-disclosure by the recipient and may no longer be protected under federal privacy standards.
- F.) I understand that this Authorization will expire in 90 days after it is signed unless another date is specified here

I have read and understand this Authorization. I certify that I am the Patient listed above or a person authorized to permit release of records on the Patient's behalf. I hereby release the Provider (as named above) from any liability or damages arising in connection or related to with the use and/or disclosure of my Radiological Images/Reports pursuant to this Authorization.

JERRY SIMS
Print Patient Name

Patient Signature

Date

Authorized Representative

Relationship to Patient

Telephone Number

Photo I.D. Required: () Driver's License No.:
() Other Photo I.D. No.:

PROVIDER USE ONLY: Received on 04/30/2013 Disclosure on _____ Copy to Patient on _____
Disclosure by: _____ Authority: Receptionist/Clerical

00003203

LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Rad rpts 4/30/2013 SHOULDE 1 RA0001

RADIOLOGY REPORT

MCLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: SIMS, JERRY
PT ACCOUNT#: 000123968521
ACCESSION#: 5534620

DISCHARGE DATE:
MR/RAD#: 1109325
CID#: 1109325

DOB: [REDACTED] AGE: 50Y

PHONE: [REDACTED]

ADDRESS: [REDACTED]

SEX: M RACE: W
PT CLASS: E FIN CLASS: S
PT TYPE: E PT NS/ROOM: TRIG-T02-01
DATE OF SERVICE: Apr 30 2013

9:28AM

ORDER DR: DIANNE M. DONALDSON N.P.

ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.

COPY TO:

DIAGNOSIS:

ANKLE INJURY

ORDER DR: DIANNE M. DONALDSON N.P.

ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.

TRANSCRIBED D/T: Apr 30 2013 10:21AM

PROCEDURE: SHOULDER-LT/2 VIEW MINIMUM / ORD #: 90003 Accession#: 5534620 CPT: 73030

ORDERED FOR: Apr 30 2013 9:20AM

COMPLETED: Apr 30 2013 9:55AM

INDICATIONS/COMMENTS: TRAUMA

RESULT: AP internally and externally rotated views as well as lateral scapular view of the left shoulder were obtained. No fracture, subluxation, or separation at the left shoulder is seen. The AC joint and glenohumeral joint, and sternoclavicular are unremarkable.

CONCLUSION: No acute findings.

READING DR: MARVIN M. SMITH M.D.

READING DATE: Apr 30 2013 10:21AM

Final Result
ELECTRONICALLY SIGNED BY:
MARVIN M. SMITH M.D.
On: Apr 30 2013 10:21AM

Printed: April 30, 2013 (10:29AM)

Page 1

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L00X SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Rad rpts 4/30/2013 SHOULDE 1 RA0001

RADIOLOGY REPORT
McLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: SIMS, JERRY
PT ACCOUNT#: 000123968521
ACCESSION#: 5534620

DISCHARGE DATE:
MR/RAD#: 1109325
CID#: 1109325

Printed: April 30, 2013 (10:29AM)

Page 2

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LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Rad rpts 4/30/2013 ANKLE-L 1 RA0001

RADIOLOGY REPORT
MCLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: SIMS, JERRY
PT ACCOUNT#: 000123968521
ACCESSION#: 5534618

DISCHARGE DATE:
MR/RAD#: 1109325
CID#: 1109325

DOB: [REDACTED] AGE: 50Y
PHONE: [REDACTED]
ADDRESS: [REDACTED]

SEX: M RACE: W
PT CLASS: E FIN CLASS: S
PT TYPE: E PT NS/ROOM: TRIG-T02-01
DATE OF SERVICE: Apr 30 2013

9:28AM

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
COPY TO:
DIAGNOSIS:

ANKLE INJURY

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
TRANSCRIBED D/T: Apr 30 2013 10:09AM
PROCEDURE: ANKLE-LT /3 VIEW MINIMUM / ORD #: 90001 Accession#: 5534618 CPT: 73610
ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM
INDICATIONS/COMMENTS: TRAUMafx trimalleolar at Carolinas-no films

Left ankle

INDICATION: History of trimalleolar fracture. Patient transferred from outside hospital.

RESULT: 3 views left ankle submitted. There is dislocation with the talus and foot displaced posteriorly in relation to the tibia. Posterior malleolar fracture. There is oblique fracture through the distal diaphysis of the fibula with the fracture fragment being displaced posteriorly x 1 cm. Ankle mortise is slightly widened. Small bony fragment at the anterior aspect of the tibia likely an avulsion fracture. Degenerative change in the midfoot. Calcaneal spur at the insertion of plantar

CONCLUSION: Fracture the dislocation and of the left ankle as above.

Printed: April 30, 2013 (10:24AM)

Page 1

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LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Rad rpts 4/30/2013 ANKLE-L 1 RA0001 -

RADIOLOGY REPORT
MCLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: SIMS, JERRY DISCHARGE DATE:
PT ACCOUNT#: 000123968521 MR/RAD#: 1109325
ACCESSION#: 5534618 CID#: 1109325

READING DR: ALAN G. SECHTIN M.D.
READING DATE: Apr 30 2013 10:09AM

Final Result
ELECTRONICALLY SIGNED BY:
ALAN G. SECHTIN M.D.
On: Apr 30 2013 10:16AM

Printed: April 30, 2013 (10:24AM)

Page 2

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LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Rad rpts 4/30/2013 HIP/UNI 1 RA0001

RADIOLOGY REPORT
MCLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: SIMS, JERRY
PT ACCOUNT#: 000123968521
ACCESSION#: 5534619

DISCHARGE DATE:
MR/RAD#: 1109325
CID#: 1109325

DOB: [REDACTED] AGE: 50Y
PHONE: [REDACTED]
ADDRESS: [REDACTED]

SEX: M RACE: W
PT CLASS: E FIN CLASS: S
PT TYPE: E PT NS/ROOM: TRIG-T02-01
DATE OF SERVICE: Apr 30 2013

9:28AM

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
COPY TO:
DIAGNOSIS:

ANKLE INJURY

ORDER DR: DIANNE M. DONALDSON N.P.
ATTEND DR: ER PHYSICIAN UNASSIGNED M.D.
TRANSCRIBED D/T: Apr 30 2013 10:04AM
PROCEDURE: HIP/UNI-LT/2 VIEW MINIMUM / ORD #: 90002 Accession#: 5534619 CPT: 73510
ORDERED FOR: Apr 30 2013 9:20AM COMPLETED: Apr 30 2013 9:55AM
INDICATIONS/COMMENTS: TRAUMA

RESULT: Two views of the left hip demonstrate no apparent fracture or malalignment. Articular cartilage is well-preserved. The pelvis is intact.

CONCLUSION: Negative left hip.

READING DR: GREGOR G. CLEVELAND M.D.
READING DATE: Apr 30 2013 10:04AM

Final Result
ELECTRONICALLY SIGNED BY:
GREGOR G. CLEVELAND M.D.
On: Apr 30 2013 10:04AM

Printed: April 30, 2013 (10:09AM)

Page 1

FLORENCE RADIOLOGICAL ASSOCIATES
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LOQX SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 Rad rpts 4/30/2013 HIP/UNI 1 RA0001

RADIOLOGY REPORT
McLEOD REGIONAL MEDICAL CENTER
555 E. CHEVES STREET FLORENCE, SC 29506-2617
PHONE (843) 777-2087

PATIENT NAME: SIMS, JERRY

DISCHARGE DATE:

PT ACCOUNT#: 000123968521

MR/RAD#: 1109325

ACCESSION#: 5534619

CID#: 1109325

Printed: April 30, 2013 (10:09AM)

Page 2

FLORENCE RADIOLOGICAL ASSOCIATES

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STATEMENT OF MEDICAL SERVICES

CBO MPMC EMERGENCY
PO BOX 601743
CHARLOTTE NC 28260-1743

If Any Questions, Please Contact: MPMC EMERGENCY 843-777-2955 OR 1-866-443-6025

JERRY SIMS

ACCOUNT: 1109325

05/06/13

>>> PATIENT: JERRY SIMS 1109325

PERFORMED BY: DIANNE M. DONALDSON FNP

04/30/13 EMER VISIT MODERATE

CHARGE	PAYMENTS	ADJUSTMENTS	INSURANCE BALANCE	YOUR BALANCE
--------	----------	-------------	----------------------	-----------------

160.00

BALANCE: JERRY SIMS

160.00

\$160.00

THANK YOU FOR SELECTING MCLEOD HEALTH - THE CHOICE FOR
MEDICAL EXCELLENCE.

THE BALANCE DUE IS YOUR RESPONSIBILITY.

THIS STATEMENT IS FOR THE PROFESSIONAL PORTION OF YOUR SERVICES
ONLY.

BALANCE SUMMARY	RESPONSIBLE PARTY	POLICY #	TOTAL
906	GUARANTOR RESPONSIBILITY		\$ 160.00

PAGE 1 OF 2

Please detach and return with your payment

G90

CBO MPMC EMERGENCY
555 E CHEVES ST
FLORENCE SC 29506-2617

ADDRESS SERVICE REQUESTED

Check box and enter any address or
insurance corrections on back

For Office Use Only HC: 9060	Account Number: 1109325	Amount Due: \$160.00	
	Guarantor Name: JERRY SIMS		
	☐  ☐  ☐  ☐ 		
	Card Number:	CVV Code:	Exp. Date:
	Cardholder Name:		Amount Paid:
Signature:			

Make Check Payable To MPMC CBO

00007467
JERRY SIMS

01



CBO MPMC EMERGENCY
PO BOX 601743
CHARLOTTE NC 28260-1743

00004410

[illegible]

00004311

L00X SIMS, JERRY Enc #123968521 4/30/2013 - 4/30/2013 XMED ADJUD UB04 - INV 5/7/2013 1 AJUB04X

1 MCLEOD REGIONAL MEDICAL		2		3 PAT. 123968521		4 TYPE OF BILL 131	
555 E CHEVES ST		P O BOX 100567		5 MED. 000001109325		6	
FLORENCE SC 295062617		FLORENCE SC 295020567		5 FED. TAX NO. 570370242		7	
8437772955				8 STATEMENT COVERS PERIOD FROM 043013 THROUGH 043013			
9 PATIENT NAME		10 PATIENT ADDRESS		11		12	
SIMS, JERRY		[REDACTED]		13 SC		14 29550	
15 BIRTHDATE	16 SEX	17 DATE	18 ADMISSION	19 12 HR	20 14 TYPE	21 15 SRC	22 16 DHR
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31 OCCURRENCE DATE	32	33 OCCURRENCE DATE	34	35 OCCURRENCE DATE	36	37 OCCURRENCE DATE	38
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G090 SIGINV #312200340 5/2/2013 Enc# 123968521 SIGNATURE CMS - 1500 5/2/2013 1 1504SIG

S98

SIMS, JERRY

4603 MIDDENDORF RD

HARTSVILLE SC 29550

1500

HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE 08/05

PICA		CASE ID: 00123968521		PICA	
1. MEDICARE (Medicare #)		MEDICAID (Medicaid #)		TRICARE (Sponsor's SSN)	
CHAMPVA (Member ID#)		GROUP HEALTH PLAN (SSN or ID)		FECA (FECA #)	
OTHER (ID)		1a. INSURED'S I.D. NUMBER		(For Program in Item 1)	
2. PATIENT'S NAME (Last Name, First Name, Middle Initial)		3. PATIENT'S BIRTH DATE		4. INSURED'S NAME (Last Name, First Name, Middle Initial)	
SIMS, JERRY		MM DD YY		SIMS, JERRY	
5. PATIENT'S ADDRESS (No., Street)		6. PATIENT RELATIONSHIP TO INSURED		7. INSURED'S ADDRESS (No., Street)	
4603 MIDDENDORF RD		Self ☒ Spouse ☐ Child ☐ Other ☐			
CITY		8. PATIENT STATUS		CITY	
HARTSVILLE		Single ☒ Married ☐ Other ☐		HARTSVILLE	
STATE		Employed ☐ Full-Time ☐ Student ☐ Part-Time ☐		STATE	
SC				SC	
ZIP CODE		10. IS PATIENT'S CONDITION RELATED TO:		ZIP CODE	
29550		a. EMPLOYMENT? (Current or Previous)		11. INSURED'S POLICY GROUP OR FECA NUMBER	
TELEPHONE (Include Area Code)		☐ YES ☒ NO		999999	
(703) 335-3062		b. AUTO ACCIDENT?		a. INSURED'S DATE OF BIRTH	
		☐ YES ☒ NO		MM DD YY	
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)		c. OTHER ACCIDENT?		10: 28 62	
		☐ YES ☒ NO		SEX	
a. OTHER INSURED'S POLICY OR GROUP NUMBER		10d. RESERVED FOR LOCAL USE		M ☒ F ☐	
b. OTHER INSURED'S DATE OF BIRTH				b. EMPLOYER'S NAME OR SCHOOL NAME	
MM DD YY				PATES CONSTRUCTION	
c. EMPLOYER'S NAME OR SCHOOL NAME				c. INSURANCE PLAN NAME OR PROGRAM NAME	
				SIMS, JERRY	
d. INSURANCE PLAN NAME OR PROGRAM NAME				d. IS THERE ANOTHER HEALTH BENEFIT PLAN?	
				☐ YES ☒ NO	
				If yes, return to and complete item 9 a-d.	
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below.		13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below.			
SIGNED PATIENT SIGNATURE ON FILE		SIGNED SIGNATURE ON FILE			
DATE 05 02 13					
14. DATE OF CURRENT: MM DD YY		15. IF PATIENT HAS HAD SAME OR SIMILAR ILLNESS GIVE FIRST DATE MM DD YY		16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION	
MM DD YY		MM DD YY		FROM MM DD YY TO MM DD YY	
17. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE		17b. NPI		18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES	
				FROM MM DD YY TO MM DD YY	
19. RESERVED FOR LOCAL USE				20. OUTSIDE LAB? \$ CHARGES	
				☐ YES ☒ NO	
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY. (Relate Items 1, 2, 3 or 4 to Item 24E by Line)				22. MEDICAID RESUBMISSION CODE	
1. 823.82		3. E888.1		ORIGINAL REF. NO.	
2. 719.47		4. E849.3		23. PRIOR AUTHORIZATION NUMBER	
24. A. DATE(S) OF SERVICE From MM DD YY To MM DD YY		B. PLACE OF SERVICE		C. EMG	
D. PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) CPT/HCPCS MODIFIER		E. DIAGNOSIS POINTER		F. \$ CHARGES	
G. DAYS OR UNITS		H. EPSDT Family Plan		I. ID. QUAL.	
J. RENDERING PROVIDER ID. #					
1. 04 30 13		23		99283	
2. 12 34		160.00		1	
3. 1720259427					
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McLeod Regional Medical Center

PO BOX 100567
FLORENCE SC 29501-0567

JERRY SIMS

Account No: 123968521

Date Of Service: 04/30/13

Account Bal: \$ 2067.00

Ins.: Self Pay/Facility

05/01/13

DEAR JERRY SIMS

THANK YOU FOR CHOOSING MCLEOD REGIONAL MEDICAL CENTER FOR YOUR HEALTH CARE NEEDS.

OUR BUSINESS OFFICE DOES NOT HAVE THE INFORMATION NEEDED TO FILE AN INSURANCE CLAIM FOR SERVICES YOU RECEIVED AT THE MEDICAL CENTER. IF YOU HAVE HEALTH INSURANCE, BUT DID NOT HAVE THE INFORMATION AVAILABLE DURING YOUR STAY, PLEASE SEND US THE INFORMATION WE NEED ON THE FORM BELOW WITHIN 10 BUSINESS DAYS.

IF WE DO NOT HEAR FROM YOU WITHIN THE NEXT 10 BUSINESS DAYS, IT WILL BE OUR UNDERSTANDING THAT YOU WILL BE RESPONSIBLE FOR PAYING THE FULL BALANCE OF THIS BILL. PLEASE MAKE ANY CHECKS PAYABLE TO MRMC AND INCLUDE YOUR ACCOUNT NUMBER TO ENSURE PROPER CREDIT. FOR YOUR CONVENIENCE, WE NOW ACCEPT VISA, MASTERCARD, AND AMERICAN EXPRESS. PLEASE COMPLETE AND SIGN THE FORM BELOW IF YOU WISH TO PAY BY CREDIT CARD.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE ACCOUNTS INFORMATION CENTER BETWEEN THE HOURS OF 8:30 A.M. AND 4:30 P.M. MONDAY THROUGH FRIDAY AT (843) 777-2955. WHEN CALLING FROM OUTSIDE THE FLORENCE AREA, YOU MAY DIAL 1-800-768-4556, EXTENSION 2955.

POLICY 1

POLICY 2

INSURED'S NAME
INSURANCE COMPANY
INSURER'S ID#
INSURANCE ADDRESS
INSURANCE ADDRESS
EFFECTIVE DATE
GROUP NAME
GROUP NUMBER

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please detach and return with your payment

123968521

MCLEOD REGIONAL MEDICAL CENTER
PO BOX 100567
FLORENCE SC 29501-0567

ADDRESS SERVICE REQUESTED

☐ Check box if your address or insurance information has changed. Please make changes on back.

For Hospital Use Only	Account Number: 123968521
	Patient Name: JERRY SIMS
	☐ VISA ☐ MASTERCARD ☐ AMERICAN EXPRESS
	Card Number: _____ CVV2 No.: _____ Exp. Date: _____
Signature: _____	
Amount Paid: _____	

Make Check Payable To: MCLEOD REGIONAL MEDICAL CENTER
* The CVV2 Number is the last 3 digits on the back of your credit card, by your signature

00054921 001 0.53

JERRY SIMS

OUR OFFICE IS LOCATED AT
ARTSVILLE SC 29501-0567

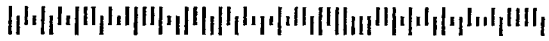
MCLEOD REGIONAL MEDICAL CENTER
C/O BUSINESS SERVICES
P.O. BOX 100567
FLORENCE S.C 29501-0567

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FLORENCE RADIOLOGICAL ASSOCIATES, PA
P O BOX 51330
MYRTLE BEACH, SC 295790023

☐ Please check box if below address is incorrect or insurance information has changed, and indicate changes(s) on back of statement.

PAST DUE DATE 05/23/2013		STATEMENT DATE 5/2/2013
CLIENT ID 184	ACCOUNT NUMBER 177336	PAY THIS AMOUNT \$124.00
IF PAYING WITH CREDIT CARD, PLEASE FILL OUT BELOW		
☐ 	☐ VISA	EXPIRATION DATE
CARD NUMBER		
SIGNATURE		SHOW AMOUNT PAID HERE
PATIENT NAME JERRY SIMS		\$



**N000651b

JERRY SIMS

1000 PACE BLVD
MYRTLE BEACH, SC 29550



FLORENCE RADIOLOGICAL ASSOCIATES, PA
P O BOX 51330
MYRTLE BEACH, SC 295790023

For billing questions call: (800)841-4236

STATEMENT 1

CLIENT ID	ACCOUNT NUMBER	STATEMENT DATE	PATIENT NAME
184	177336	5/2/2013	JERRY SIMS

VISIT NUMBER	DATE	LOC.	PROCEDURE	DESCRIPTION OF SERVICES	CHARGE	PAYMENT	ADJUSTMENT	BALANCE
123968521	4/30/2013	1	73610	RADEX ANKLE COMPL MINIMUM 3	\$37.00			
	4/30/2013		73510	RADEX HIP UNI COMPL MINIMUM 2	\$47.00			
123968521	4/30/2013	1	73030	RADEX SHO COMPL MINIMUM 2 VIEWS	\$40.00			

PRACTICE NAME: FLORENCE RADIOLOGICAL ASSOCIATES, PA
LOCATION OF SERVICE: 1 - MCLEOD REGIONAL MEDICAL CENTER

You are responsible for payment in full within 20 days. Please verify your insurance information to the right of this message. Complete the back of this form and return it to our office if there are any discrepancies.

Estos son cargos por servicios proporcionados a usted. Si tiene alguna pregunta con respecto a esta declaracion, por favor llame a nuestra oficina al (800)841-4236

Insurance(s):

These are charges for services provided to you. If you have any questions with respect to this statement, please call our office at (800)841-4236

Online Payments, Chat, and Updates - Fast, Free, and Secure at www.msnullc.net

BALANCE DUE
\$ 124.00

Total Balance: \$124.00

000049
215

Chesterfield General Hospital

711 Chesterfield HWY
Cheraw, SC 29520
(843) 537-7881

FACILITY NUMBER: 146

ADVANCE DIRECTIVE: N

MRSA ISOLATION:
VRE:

PATIENT	ACCT#: 7050361	ADM DATE: 06/06/13	TIME: 16:13	ROOM#: ER02A
	MED. REC. #: 000185144	DCH DATE: 06/06/13	TIME: 23:58	SVRC. CODE: EOP
	NAME: SIMS JERRY	PT. TYPE: E	FC: Y	
	EMERGENCY NAME: BOWERS DEBORAH	PHONE #: (843) 335-6062	RELATION: OTHER RELATIONSHIP	
	DCH STATUS: 01	ETHNICITY: NOT HISP OR LAT	PREFERRED LANGUAGE: ENGLISH	
	PREV. SERVICE DATE:	ADM. TYPE: 1	ADM. SOURCE: 1	
	ACC. DATE: 05/06/13	TIME: 16	ACC. SITE: SC	
	ADMITTING DIAGNOSIS: 9597	FOOT INJURY		
PATIENT DEMOGRAPHIC	STREET: [REDACTED]	CITY/ST: [REDACTED] SC	ZIP: [REDACTED]	
	COUNTY: DARLINGTON	PHONE: [REDACTED]	RELIGION: BAPTIST	
	SS #: [REDACTED]	BIRTHDATE: [REDACTED]	AGE: 50	
	RACE: W	SEX: M	MARITAL STATUS: W	
	SPOUSE'S NAME:	FATHER'S NAME:		
PATIENT EMPLOYER	EMPLOYER:			
	STREET:	CITY/ST:	ZIP:	
	EMP. ID #: 0	EMP. OCCUPATION: UNEMPLOYED		
GUARANTOR	NAME: SIMS JERRY	RELATIONSHIP: SELF		
	STREET: [REDACTED]	CITY/ST: [REDACTED] SC	ZIP: [REDACTED]	
	SS #: [REDACTED]	DOB: [REDACTED]		
GUARANTOR EMPLOYER	EMPLOYER:			
	STREET:	CITY/ST:	ZIP:	
	EMP. OCCUPATION: UNEMPLOYED			
INSURANCE #1	PAYOR: SELF PAY	800 2	INS. PH #: (999) 999-9999	
	LEAVE BLANK			
	<ENTER>	XX 999999999	POLICY #: [REDACTED]	
	GROUP:		AUTH. #:	
	HOLDER: SIMS JERRY	REL: SELF	DOB: [REDACTED]	
INSURANCE #2	PAYOR:	0 0	INS. PH #:	
			POLICY #:	
	GROUP:		AUTH. #:	
	HOLDER:	REL:	DOB:	
PHYSICIAN	ER / ADMIT PHYS: MOOREHEAD ROBERT B JR	SURGEON: HOLDREDGE TIMOTHY		
	ATTENDING PHYS: MOOREHEAD ROBERT B JR	REFERRING PHYS: NO PCP MD		
	FAMILY PHYS: NO PCP MD	ADMITTED BY: HLK		

COMMENTS:

PSDNS RAN PP PT IS INELIGIBLE FOR MCD INSURANCE PT HAS NO BD NEVER BEEN HERE BEFORE. PT VERIFIED DEMOGRPAHIC INFO & SIGNED CONSENT PT IS WAITING IN LOBBY. MORE NOTES TO FOLLOW WHEN PT SEES THE DOCTOR



>>>> 7050361

EOP

06/06/13 16:13

** 1467050361 FACE146

ADMISSIONS

06/06/13 000185144 SIMS JERRY

0000506

REPRINT

Chesterfield General Hospital
PO Box 151, Cheraw, SC 29520
843-537-7881

REPRINT

Patient: SIMS, JERRY DOB: [REDACTED] Patient #: 7050361 MRN: 185144 Date In: 6/6/2013

CHIEF COMPLAINT/HISTORY OF PRESENT ILLNESS: TSH 06/06/2013 23:13

SIMS, JERRY is a 50 year old M that presented to the Emergency Department at 16:13 by AMBULATORY. The patient was triaged at 17:10 with the following vital signs: T: 97.9 PO, P: 108 regular, R: 16 unlabored, BP: 117/076, SPO2: 98 Amt:RA, Pain: 10 foot. The patient's primary care physician is *NO, PCP M.

Chief Complaint -- FOOT INJURY (MOD-SEVERE)

Exam Time: 19:10.

History obtained from: patient.

History limited by: N/A.

Onset of symptoms was 5 week(s) ago. Symptoms came on suddenly.

Symptoms are present now.

Injury occurred at work.

Patient suffered extremity injury as a result of fall.

Symptoms located in the right foot.

Symptoms are severe.

Associated signs and symptoms: negative excessive bleeding, negative motor weakness, negative numbness, negative tingling, negative nausea, negative head trauma, negative laceration, negative neck pain.

REVIEW OF SYSTEMS: TSH 06/06/2013 23:14

Constitutional: negative generalized weakness.

Neurological: negative numbness, negative tingling.

Gastrointestinal: negative nausea.

Musculoskeletal: negative neck pain.

PAST MEDICAL AND SURGICAL HISTORY: TSH 06/06/2013 23:17

Past Medical History: positive FX HIP, positive HERNIA REPAIR, positive SMOKER.

Past Medical and Surgical histories reviewed.

FAMILY AND SOCIAL HISTORIES, ALLERGIES AND MEDS: TSH 06/06/2013 23:17

Allergies: CODEINE

Medications: PERCOCET 10/650 PRN PAIN

Social history is negative for alcohol and tobacco use.

Positive smoker. Provider spent 3-5 minutes advising patient on dangers of tobacco, with specifics on manners to quit use, and follow-up contacts for additional counseling. Social History: Admits to heavy use of alcohol.

000051

REPRINT

REPRINT

REPRINT

- Chesterfield General Hospital
PO Box 151, Cheraw, SC 29520
843-537-7881

REPRINT

Patient: SIMS, JERRY [REDACTED] Patient #: 7050361 MRN: 185144 Date In: 6/6/2013

PHYSICAL EXAMINATION: TSH 06/06/2013 23:17

General: Nursing documentation reviewed. Vital signs noted. Patient appears well nourished. Pulse Oximetry results noted. No evidence trauma. Patient in no acute distress.

Respiratory: Respirations unlabored with symmetric chest expansion. Lung sounds equal and clear bilaterally.

Cardiovascular: Regular rate and rhythm. S1, S2 audible without significant murmur.

Abdomen: No visible external evidence trauma. Bowel sounds positive. Soft, non-tender to palpation without guarding.

Musculoskeletal/Extremity: Right Lower Extremity: Neurovascular: N/V exam intact.

DIAGNOSTIC TEST RESULTS: TSH 06/06/2013 23:20

Radiology:

X-Ray: Interpretation by Emergency Department Physician. Left Ankle -- Acute trimalleolar fracture of the left ankle.

CONSULTATION & CRITICAL THINKING: TSH 06/06/2013 23:18

Time of consult: 23:18. Case discussed with Dr. . Time of consult: 23:18. Case discussed with Dr. WEINSTEIN/CLARK - . OUTPT F/U

CLINICAL IMPRESSION: TSH 06/06/2013 23:19

1. Acute fracture of: LT TRIMALEOULAR

DISPOSITION: TSH 06/06/2013 23:20

Disposition: Patient discharged to home.

Condition: Stable.

Certified Med Emerg: Patient's condition was non-emergent. Disposition date/time: 06/06/2013 23:20.

Discussed care with patient. Explained findings, diagnosis, and need for follow-up care.

INSTRUCTIONS: TSH 06/06/2013 23:20

Patient has received printed discharge instructions. Discharge plans discussed with patient who verbalizes understanding and willingness to comply. Prescription(s) written for:

Acetaminophen/Oxycodone 325 mg/5 mg: 1(one) - 2(two) by mouth every 4 (four) - 6 (six) hours as needed for pain ; Quantity: 20 (twenty) ; Refills: 0(zero).

Patient agrees to follow up with CLARK, BARRY. Patient agrees to return to Emergency Department immediately if symptoms worsen or fail to improve. Instructed to obtain follow up care in one day.

CALL PD ORTHOPEDICS TOMORROW TO ARRANGE FOLLOW UP

PHYSICIAN ORDERS

(1) CT ANKLE RESULTS FROM MCLEOD [TSH] ordered at 6/6/2013 19:25

(1) IM Demerol 50 mg [TSH] ordered at 6/6/2013 20:11

(1) IM Phenergan 25 mg [TSH] ordered at 6/6/2013 20:12

Physician Documentation (Pro-MED Clinical Systems, L.L.C.)

Printed on: 08/15/2013 13:18

- Originally printed on 06/06/2013 23:29 -

Page 2 of 3

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REPRINT

REPRINT

REPRINT

Chesterfield General Hospital
PO Box 151, Cheraw, SC 29520
843-537-7881

REPRINT

Patient: SIMS, JERRY [REDACTED] Patient #: 7050361 MRN: 185144 Date In: 6/6/2013

- (1) Ankle 3V [TSH] sent at 6/6/2013 20:17
- (1) PO Percocet 5/325 [TSH] ordered at 6/6/2013 23:26

TIMOTHY HOLDREDGE All text in this document clearly marked by TSH has been authored and legally signed by use of electronic device. 06/06/2013 23:29

000053

 EPRINT

REPRINT9

- Chesterfield General Hospital
- 711 Chesterfield Highway
- Cheraw, SC 29520
- 843 537 7881
-

IMAGING REPORT

NAME: SIMS JERRY

MRN: 185144 ROOM: ER02 DOB: 06/26/1962
ACCOUNT#: 7050361 BED: A AGE: 50 Y
PATIENT TYPE: EOP ORDER DATE/TIME: 06/06/2013 09:45PM SEX: M

ORDER #: 100 ACCESSION #: 70503610000100 EXAM DESCRIPTION: LE-ANKLE 3V+ ADM DIAGNOSIS: ANKLE FX 1 MT AGO

Dictated by: DAVIS, CLARENCE MD
Ordering Physician: HOLDREDGE, TIMOTHY
Attending Physician: MOOREHEAD, ROBERT B
Primary Care Physician: NO, PCP

FINAL REPORT

LEFT ANKLE, 06/06/2013

CLINICAL DATA:
Ankle fracture one month ago.

AP, lateral, and oblique views of the left ankle demonstrate a trimalleolar fracture of the left ankle. The medial malleolar component appears to be satisfactory in position and aligned. The distal fibular fracture component is angulated approximately 25 degrees apex anteriorly. The posterior distal tibial component is noted and the posterior fracture fragment in the dome of the talus or dislocated posteriorly. There is considerable overlying soft tissue swelling.

IMPRESSION:
Trimalleolar fracture dislocation of the left ankle, as described.

- This job has been electronically signed by: Clarence S Davis MD
on 06/07/2013 at 9:56:00 AM (EST) Verification:
6552769720130607095600

- Print CC:

- Fax CC:

-
D Date / Time: 06/07/2013 08:47 AM ET
T Date / Time: 06/07/2013 08:54 AM ET
R Date / Time:
S Job #: CGH65527697
D Job #: 28270

- Page 1 of 2

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-
IMAGING REPORT

NAME: SIMS JERRY

MRN: 185144 ORDER DATE/TIME: 06/06/2013 09:45PM DOB: 0/28/1962
ACCOUNT#: 7050361

ORDER #:	ACCESSION #:	EXAM DESCRIPTION:	ADM DIAGNOSIS:
100	70503610000100	LE-ANKLE 3V+	ANKLE FX 1 MT AGO

MT: 945834

D: CD

-
Page 2 of 2

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**Pee Dee
Orthopaedic
Associates, PA**

Anthony W. Alexander, M.D., Rakesh P. Chokshi, M.D., Barry L. Clark, D.O.,
Patrick K. Denton, M.D., W.S. (Bill) Edwards, Jr., M.D., Robert E. Elvington, Jr., M.D.,
Dorsey N. Ervin, M.D., Jason B. O'Dell, M.D., Chadley M. Runyan, M.D.,
Nigel A.R. Watt, M.D., Matthew D. Welch, M.D.

901 E. CHEVES ST., SUITE 100 - FLORENCE, SC 29505-2769
(843) 662-5233 - FAX (843) 678-9003 - WWW.PDOA.COM

Initial Examination

PATIENT ID: 345156

PATIENT: Jerry Sims

DOB: 02/16/62

Employer:

Date of Service: 06/26/13

Age: 50 years old

Occupation: Unemployed

Referring Physician: .None, , ;

Other Physicians:

Date of injury/onset:

Date:
04/29/2013

Type:
Injury

Chief Complaint: Left ankle injury

HPI:

Jerry Sims is a 50 year old, right hand dominant white male who presents for initial visit. Patient fell off a scaffold at work and sustained an injury to the left ankle. Denies antecedent pain. He has been evaluated at the Chesterfield ER and Carolina Pines ER. No further complaints.

Allergies: codeine sulfate: urticaria (hives)

Current Meds: aspirin, buffered (Dosage: 325 mg tablet SIG: Oral Oral), ibuprofen (Dosage: 200 mg tablet SIG: Oral Oral)

Past Med Hx: Depression

Surgical History: Herniorrhaphy; Jaw

Family History: Arthritis; High Cholesterol; Parents: Father-Deceased; Parents: Mother-Living

Social History: Alcohol use: None; Drug Use: In the past; Employment: Unemployed; Marital Status: Widowed; Tobacco: Cigarettes <1 PPD

REVIEW OF SYSTEMS:

General, neuro, psychiatric, respiratory, cardiovascular, GI, GU, blood and lymph, EENT, musculoskeletal, skin and endocrine systems are normal except what is noted: **Musculoskeletal: Joint swelling/stiffness; Musculoskeletal: Muscle weakness; Neurological: Chronic headaches; Psychiatric: Depression**

PHYSICAL EXAM:

Vitals: HEIGHT: 6'1" WEIGHT: 190 lbs 0 oz BMI: 25.1

Appearance: No acute distress

Psychiatric: Mood and affect were appropriate.

Head: Normocephalic, atraumatic.

Skin: Clean, dry, no lesions, no rashes.

Neuro: Alert and oriented x 3.

FOCUSED EXAM:

Left ankle- Positive equinus deformity. Motor sensory grossly intact. Palpable dorsalis pedis pulse. Leg compartment soft. Skin is intact. Tarsometatarsal joints nontender. Negative metatarsal squeeze test.

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222

X-ray: Left ankle- Displaced trimalleolar fracture. Mortise is subluxed. Callus formation present.

ASSESSMENT:

Diagnosis: -Left ankle fracture dislocation.

PLAN:

PRESCRIPTION: Norco (hydrocodone-acetaminophen) (Dosage: 5-325 mg tablet SIG: Take 1 tablet Oral every eight hours as needed for pain Dispense: 30 Method: eRx)

Short-leg splint. Referral to Dr. O'dell. Follow up with me as needed. Patient understands the above and has no further questions.

A handwritten signature in black ink, appearing to read "CH. Huiet", is written over a rectangular area with a dotted grid pattern.

Christopher Dean Huiet, PAc Dictating for Chadley M. Runyan, MD

This document was electronically signed on 06/26/13
blm

CHART #: 345154

DATE: 6-20-13

PATIENT NAME: Jerry Sims

DR. Runyan

CHIEF COMPLAINT: ~~ankle injury~~

DATE OF INJURY/ONSET: 4-29-13

SYMPTOMS: pain, warm, painful ROM, burning,
painful WB, swelling, bruising,PREVIOUS INJURY: ~~ankle~~

HOW DID INJURY OCCUR?

fell off a scaphold at work

Coles have a lawyer but ~~LOP~~ yet

PAST TREATMENT FOR SAME PROBLEM:

Mclwain x-rays - pain meds, crutches
spint, Chesterfield x-rays spint - pain meds
takes spint off and on carolina pines - told him
newborn out his welcome

X-RAY ORDER:

~~ankle~~ WBNondr. seen in
past 3 weeksOTC - aspirin
naproxen

Diagnostic Studies

MRI CT Bone Scan EMG/NCV

Left Right Bilateral

Knee Hip Foot Ankle

Shoulder Elbow Wrist

Lumbar Cervical Thoracic

Work Status Injections/Aspiration Ultrasound

Knee Ankle

RTW Shoulder Trigger Point: _____

Sedentary Elbow Wrist Hand

Restrictions: Intraarticular hip Trochanter

Bilateral/left/right

Therapy

PT OT PDOA-OT

Diagnosis:

Ⓟ Ankle Fr / Dislocation

LOC:

F/U:

no/s
O'Dell Tuesday

Quinine

Medications:

Flexor Patches

Vimovo

Celebrex

Voltaren Gel

Motrin

Flexeril

Zanaflex

Neurontin

Brown's Cream #1

Brown's Cream #5

Pepcid/Zantac OTC

Norco 5

Norco 7.5

Norco 10

Ultracet

Phenergan

Keflex

Bactrim

Percocet

Notes:

posterior US split

000059

Review of Systems

Name Jerry M. Giam Chart # 345156

Blood and Lymph- ☐ Anemia ☐ Blood Clotting Problems ☐ HIV Positive ☐ Swollen Glands

☐ Hepatitis A ☐ B ☐ C

Cardiac- ☐ Varicose Veins ☐ Angina ☐ High Blood Pressure ☐ High Cholesterol

☐ Peripheral Vascular Disease ☐ Other Heart Problems _____

EENT- ☐ Glaucoma ☐ Hearing Loss ☐ Sinus Problem ☐ Other _____

Endocrine- ☐ Diabetes ☐ Thyroid ☐ Pituitary Problems ☐ Other _____

Gastrointestinal- ☐ Cramps/Pain ☐ Difficulty Swallowing ☐ Indigestion ☐ Nausea/Vomiting

☐ Other _____

General- ☐ Chills ☐ Fatigue, Tiredness ☐ Fever ☐ Generalized Pain

Genitourinary- ☐ Difficulty Urinating ☐ Hesitancy/Urgency ☐ Painful Urination ☐ Other _____

Musculoskeletal- ☐ Joint Swelling/Stiffness ☐ Leg Cramps ☐ Muscle Aches ☐ Muscle Weakness

Neurological- ☒ Chronic Headaches ☐ Dizziness ☐ Tremor ☐ Other _____

Psychiatric- ☐ Anxiety ☒ Depression ☐ Panic Attacks ☐ Other _____

Respiratory- ☐ Chronic Cough ☐ Shortness of Breath ☐ Wheezing ☐ COPD ☐ Asthma ☐ Other NONE

Skin- ☐ Non-Healing Sores ☐ Persistent Itch ☐ Rashes ☐ Other NONE

Social History

Alcohol Use - ☐ Frequently ☐ Occasionally ☐ Seldom ☒ None

Social Drug Use- ☐ Now ☒ In the Past ☐ Never

Employment Status- ☐ Full-Time ☐ Part-Time ☐ Disabled ☐ Retired ☐ Unemployed ☐ Student NONE

Marital Status- ☐ Married ☐ Single ☐ Divorced ☒ Widowed

Tobacco Use- ☒ Cigarettes <1 PPD ☐ Cigarettes >1 PPD ☐ Smokeless Tobacco

☒ Previous Smoker ☐ Never Smoked ☐ Other Tobacco

Family History

☒ Arthritis ☐ Cancer ☐ Diabetes ☐ Heart Disease ☒ High Cholesterol ☐ HIV/Aids
☐ Hypertension ☐ Kidney Disease ☐ Nervous Disorders ☐ Obesity ☒ Stroke ☐ Suicide
Parents- ☐ Father Living ☒ Father Deceased ☒ Mother Living ☐ Mother Deceased

Current Medical Problem

What part of the body are we treating today? Left Ankle

When did this problem begin? 4/29/09 If injury, date of injury 1/1

Were you injured on the job? Yes Were you injured in an auto accident? _____

State Auto Accident Occurred in _____ If accident what happened _____

Were X-rays taken? Yes If yes, where were they taken? _____

Do you have an Attorney Yes If yes, Name of Attorney CHIP ABORN

Patient Signature

Jerry M. Sims

Date

6/27/2013

PEE DEE ORTHOPAEDIC ASSOCIATES

Registration Form

39

Patient Name Jermy M. Sim Account Number 345150

Address [REDACTED] City/State MO Zip 63043

Home Phone [REDACTED] Cell [REDACTED] Work Phone

DOB [REDACTED] SS# [REDACTED] Email Sex M ☒ F ☐

Student Yes ☐ No ☒ School

Employed Yes ☐ No ☒ Full time ☐ Part time ☐

Occupation Employer

Married ☐ Single ☐ Divorced ☐ Widow(er) ☒

Referring Doctor Family Doctor NONE

Pharmacy CVS Location Harstville

Emergency Contact Phone

Relationship to Patient

Primary Insurance Company NONE

Policy Holder Name Policy Holder DOB

Policy # Group #

Relationship to Patient Self ☐ Spouse ☐ Child ☐ Other ☐

Secondary Insurance Company

Policy Holder Name Policy Holder DOB

Policy # Group #

Relationship to Patient Self ☐ Spouse ☐ Child ☐ Other ☐

000062²²⁸

Authorizations-By signing this box I authorize Pee Dee Orthopaedic Associates to:

- Be paid directly by my insurance carrier. I am responsible for any insurance payments made directly to me and also for any services or charges not covered by my insurance carrier.
- Authorize Pee Dee Orthopaedic Associates to release medical information to my or the patient's insurance carrier and its designees.

Patient Signature Garry M. Sime Date 6/27/2013

- Acknowledge that I have received a copy of Pee Dee Orthopaedic Associates Notice of Privacy Practices.

Names of individuals to whom Pee Dee Orthopaedics is authorized to release medical information on my behalf:

Name Garry M. Sime Relationship _____

Name _____ Relationship _____

Patient Signature Garry M. Sime Date 6/27/2013

Patient
Signature Garry M. Sime Date 6/27/2013



**Pee Dee
Orthopaedic
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901 E. CHEVES ST., SUITE 100 • FLORENCE, SC 29506-2769
(843) 667-5233 • FAX (843) 678-9003 • WWW.PDOA.COM

Initial Examination

PATIENT ID: 345156

PATIENT: Jerry Sims

DOB: [REDACTED]

Employer:

Date of Service: 07/05/13

Age: 50 years old

Occupation: Unemployed

Referring Physician: .None, , ;

Other Physicians:

Date of injury/onset:

Date:
04/29/2013

Type:
Injury

Chief Complaint: left ankle injury

HPI: Jerry Sims is a 50 years old, right hand dominant white male with a history of left ankle fracture after falling from a 20-foot platform doing construction work landing onto his left foot on April 29, 2013. He did visit the local emergency room in Hartsville, South Carolina and a splint placed. He is a smoker. Subsequently, he was seen by Christopher D. Huiet, P.A., on June 26, wherein x-rays were obtained and treated with a Norco boot. He has been referred to us today for further definitive management.

Allergies: codeine sulfate: urticaria (hives)

Current Meds: , aspirin, buffered (Dosage: 325 mg tablet SIG: Oral Oral), ibuprofen (Dosage: 200 mg tablet SIG: Oral Oral), Norco (hydrocodone-acetaminophen) (Dosage: 5-325 mg tablet SIG: Take 1 tablet Oral every eight hours as needed for pain Dispense: 30)

Past Med Hx: Depression

Surgical History: Herniorrhaphy; Jaw

Family History: Arthritis; High Cholesterol; Parents: Father-Deceased; Parents: Mother-Living

Social History: Alcohol use: None; Drug Use: In the past; Employment: Unemployed; Marital Status: Widowed; Tobacco: Cigarettes <1 PPD

REVIEW OF SYSTEMS:

General, neuro, psychiatric, respiratory, cardiovascular, GI, GU, blood and lymph, EENT, musculoskeletal, skin and endocrine systems are normal except what is noted: **Musculoskeletal: Joint swelling/stiffness; Musculoskeletal: Muscle weakness; Neurological: Chronic headaches; Psychiatric: Depression**

PHYSICAL EXAM:

Vitals: HEIGHT: 6'1" WEIGHT: 190 lbs 0 oz BMI: 25.1

Appearance: No acute distress

Psychiatric: Mood and affect were appropriate.

Head: Normocephalic, atraumatic.

Skin: Clean, dry, no lesions, no rashes.

Neuro: Alert and oriented x 3.

FOCUSED EXAM:

00006430

X-ray: Films from 06-26--13 were reviewed showing a healed mal united posterior subluxed trimalleolar ankle fracture, relative high fibula posterior fracture

June 6, 2013 outside films were taken

ASSESSMENT:

Diagnosis: -Left Mal union Trimalleolar Fracture

PLAN:

PRESCRIPTION: Percocet (oxycodone-acetaminophen) (Dosage: 5-325 mg tablet SIG: Take 1 tablet Oral twice a day as needed for pain Dispense: 40 Method: eRx)

We discussed reconstruction and external fixator versus left ankle fusion. There dire importance of smoking cessation was discussed with the patient prior to surgical intervention to facilitate healing. Patient expresses understanding. The patient is uncertain of surgical intervention due to his wife's illness and being transferred to Charleston, South Carolina

I discussed with the patient, there are no guarantees given his injury is this far out and has now healed in an improper position. In the meantime, I would order a CT scan of his left ankle prior to surgery. At this point, I am going to consider referral to Charleston, South Carolina should this become necessary pending his availability due to his wife's illness.



Jason B. O'Dell, MD

This document was electronically signed on 07/05/13
Dictated but not read.jrw

345156



Pee Dee
Orthopaedic
Associates, PA

Anthony W. Alexander, M.D., Rakesh P. Chokshi, M.D., Barry L. Clark, D.O.,
Patrick K. Denton, M.D., W.S. (Bill) Edwards, Jr., M.D., Robert E. Elvington, Jr., M.D.,
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901 E. CHEVES ST., SUITE 100 - FLORENCE, SC 29505-2769
(843) 662-5233 - FAX (843) 678-9003 - WWW.PDOA.COM

07/05/13

Mr. Jones will require extensive
corrective surgery and a CT scan of
the left ankle. These costs
will need to be protected to allow
this plan to move forward. Please
provide a letter of protection from
my costs on this matter.

Jason B. O'Dell, MD

This document was electronically signed on 07/05/13

000066

232

Patient Ledger - Detailed

Patient ID: 345156
 Birthdate: [REDACTED]
 Phone 1: (843) 335-6062 Home
 Phone 2:

Jerry M Sims

Total Charges: \$565.00
 Total Payments: \$0.00
 Total Adjustments: \$176.30
 Insurance Balance: \$0.00
 Patient Balance: \$388.70

Visit DOS	Visit DOE	Company	Doctor	Facility	Ticket Number							Balance	
Procedure DOS	DOE	Code	Modifiers	Description	Check #	Units	Charge	Payment	Adjustment	Insurance	Patient		
06/26/2013	07/02/2013	Pee Dee Orthopaedic Associates PA	Hulet, Christopher D	Pee Dee Ortho	PD335176								
06/26/2013-06/26/2013	06/28/2013	99202		Office Visit New Pt Level 2		1.00	\$163.00			\$0.00	\$92.00		
	06/28/2013		Sims, Jerry	SELF PAY FEE SCHEDULE				\$0.00	(\$71.00)				
06/26/2013-06/26/2013	06/28/2013	73610	LT	Radiologic exam, ankle; complete		1.00	\$141.00			\$0.00	\$35.70		
	06/28/2013		Sims, Jerry	SELF PAY FEE SCHEDULE				\$0.00	(\$105.30)				
06/26/2013-06/26/2013	06/28/2013	A4570		Splint		1.00	\$30.00			\$0.00	\$30.00		
				Visit Total/Balance Due			\$334.00	\$0.00	(\$176.30)	\$0.00	\$157.70		
07/05/2013	07/10/2013	Pee Dee Orthopaedic Associates PA	Odell, Jason B	Pee Dee Ortho	PD337040								
07/05/2013-07/05/2013	07/10/2013	99242		Office consult level 2		1.00	\$231.00			\$0.00	\$231.00		
				Visit Total/Balance Due			\$231.00	\$0.00	\$0.00	\$0.00	\$231.00		
				Selected Visit Totals			\$565.00	\$0.00	(\$176.30)	\$0.00	\$388.70		

Patient Bill Processing
Pee Dee Orthopaedic and Spine Center
P.O. Box 1180
Sharpsburg, GA 30277

RETURN SERVICE REQUESTED

REFERENCE ID	STATEMENT DATE
0002	7/31/2013
ACCOUNT NO.	PAY THIS AMOUNT
345156	\$157.70
PAYMENT CODE	
14BKF-NZOC-3	
SHOW AMOUNT PAID	\$

PLEASE MAIL CHECKS PAYABLE TO:

0431000392 PRESORT 392 1 AT 0.384 P1C2



JERRY M. SIMS



PEE DEE ORTHOPAEDIC AND SPINE CTR.
P.O. BOX 1180
SHARPSBURG, GA 30277



Or pay online at: www.mpspayonline.com/PeeDee



STATEMENT OF ACCOUNT

Guarantor: SIMS, JERRY M.

Guar. Acct Nbr: 345156

DOS	Nbr	Description	Charges	Credits	Balance
Patient(s): JERRY SIMS		Seen At: PEE DEE ORTHO	Provider: HUIET, CHRISTOPHER D		
6/26/2013	PD335176	OFFICE VISIT NEW PT LEVEL 2	163.00	71.00	
6/26/2013	PD335176	RADIOLOGIC EXAM, ANKLE; COMPLETE, MINIMUM OF 3 VIEWS	141.00	105.30	
6/26/2013	PD335176	SPLINT	30.00	-	
Sub Totals:			334.00	176.30	157.70
Grand Total:			334.00	176.30	157.70

BALANCE DUE: \$157.70

Please Remit Payment Within 30 Days.

For Insurance Questions, please email: insuranceteam@mpsonlineservices.com; or visit: www.mpspayonline.com.

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For questions, please call 866-270-8965 or email payments@mpspayonline.com.

TO BE PROVIDED UPON RECEIPT

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WUKELA LAW FIRM

Steve Wukela, Jr.
Benjamin D. Moore
Christi B. McDaniel
Stephen J. Wukela
Patrick J. McLaughlin
Pheobe A. Clark
Michael T. Miller

403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057

(843) 669-5634
FAX (843) 669-5150

Frank C. Swaggard

September 13, 2013

Lisa C. Glover
Attorney at Law
SC Uninsured Employers Fund
PO Box 210039
Columbia, SC 29221

Re: Jerry Sims v. Edwin Pate Vinyl Siding
WCC File # 1306446

Dear Lisa:

Enclosed please find the Subpoena duces tecum for Delaine Borden and Ted Byerly, regarding the above-referenced matter, which we are serving on you. The depositions are scheduled for **Wednesday, September 18, 2013 at 11:00 AM and 12:00 PM** at my office located at The Wukela Law Firm, 403 Second Loop Rd., Florence, SC 29505.

With kind regards, I am

Yours truly,

WUKELA LAW FIRM

STEPHEN J. WUKELA

SJW/bjm

Enclosures

cc: Compliance Division
1333 Main St., Suite 500
Columbia, SC 29201

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Claimant's Name: Jerry Sims SSN: [REDACTED] Employer's Name: Edwin Pate Vinyl Siding
Address: [REDACTED] Address: 516 W. Old Camden Rd.
City: [REDACTED] State: SC Zip: [REDACTED] City: Hartsville State: SC Zip: 29550
Home Phone: () - Work Phone: () - Insurance Carrier: SC Uninsured Employers Fund
Preparer's Name: Stephen J. Wukela Law Firm: Wukela Law Firm Preparer's Phone #: (843) 669-5634

SUBPOENA

To: Delaine Borden

- ☐ **YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: _____ **ROOM:** _____
DATE AND TIME: _____

- ☒ **YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: Wukela Law Firm, 403 Second Loop Rd., Florence, SC 29505 **DATE AND TIME:** September 18, 2013 at 11 AM

- ☐ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

LIST OF DOCUMENTS: _____

PLACE: Wukela Law Firm, 403 2nd Loop Road, Florence, SC 29505 **DATE AND TIME:** _____

- ☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES: _____ **DATE AND TIME:** _____

THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.

[Signature] Attorney for Claimant
ISSUING OFFICER'S SIGNATURE AND TITLE

(843) 669-5634
PHONE NUMBER

9/13/13
DATE

Serve this form according to R.67-212B. Refer to R.67-212 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5765.

CERTIFICATE OF SERVICE

The undersigned, Jennifer Matthews, of the Wukela Law Firm, hereby certifies that on the 13th day of September, 2013, she did place in an envelope with first class postage prepaid a copy of the Subpoena duces tecum, regarding Jerry Sims vs. Edwin Pate Vinyl Siding, Case No. 1306446, and deposited the same in the United States Mail. Said envelope being addressed to the following person(s):

Lisa C. Glover, Attorney at Law
SC Uninsured Employers Fund
PO Box 210039
Columbia, SC 29221

Compliance Division
1333 Main St., Suite 500
Columbia, SC 29201


Jennifer Matthews

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1306446

Jerry Sims, Employee,

Claimant,

vs

Edwin Pate Vinyl Siding, Employer,
and SC Uninsured Employers Fund, Carrier,

Defendants.

NOTICE OF TAKING DEPOSITION

TO: LISA C. GLOVER, ATTORNEY FOR DEFENDANTS:

PLEASE TAKE NOTICE that the Claimant will take the depositions of the following persons at the time and place set forth hereinafter upon oral examination before the herein described Notary Public, or before any other Notary Public or officer authorized by law to take depositions, at which time you are notified to appear and take such part in the aforementioned as you may be advised and as shall be fit and proper.

WITNESSES: Delaine Borden, [REDACTED]
DATE: Wednesday, September 18, 2013
TIME: 11:00 AM
PLACE: Wukela Law Firm, 403 Second Loop Rd., Florence, SC 29505

COURT REPORTER: LAURA LITTLE

WITNESSES: Ted Byerly, [REDACTED]
DATE: Wednesday, September 18, 2013
TIME: 12:00 PM
PLACE: Wukela Law Firm, 403 Second Loop Rd., Florence, SC 29505

COURT REPORTER: LAURA LITTLE

The oral examination will continue from day to day until completed. This deposition is being taken for the purpose of discovery, for use at trial, and for all other purposes as are permitted under the rule of this Court and all applicable statutes and laws.

WUKELA LAW FIRM

BY: [Signature]
STEPHEN J. WUKELA
Attorney for Claimant
PO Box 13057
Florence SC 29504
843-669-5634

September 18, 2013

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CERTIFICATE OF SERVICE

The undersigned, Jennifer Matthews, of the Wukela Law Firm, hereby certifies that on the 4th day of September, 2013, she did place in an envelope with first class postage prepaid, certified, return receipt, restricted delivery a copy of the Notice of Taking Deposition, regarding Jerry Sims v. Edwin Pate Vinyl Siding, Case No. 1306446, and deposited the same in the United States Mail. Said envelope being addressed to the following person(s):

Lisa C. Glover, Attorney at Law
SC Uninsured Employers Fund
PO Box 210039
Columbia, SC 29221

Compliance Division
1333 Main St., Suite 500
Columbia, SC 29201

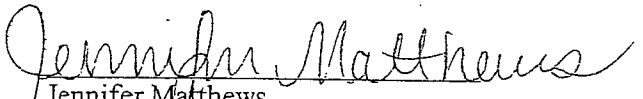
Delaine Borden

2200 Weaver Drive
Florence, SC 29502

Ted Byerly

1132 W. Billy Parrow Hwy.
Florence, SC 29502

Florence, South Carolina


Jennifer Matthews

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Claimant's Name: Jerry Sims SSN: 251-94245 Employer's Name: Edwin Pate Vinyl Siding
Address: 516 W. Old Camden Rd. Address: 516 W. Old Camden Rd.
City: Hartsville State: SC Zip: 29550 City: Hartsville State: SC Zip: 29550
Home Phone: () - Work Phone: () - Insurance Carrier: SC Uninsured Employers Fund
Preparer's Name: Stephen J. Wukela Law Firm: Wukela Law Firm Preparer's Phone #: (843) 669 - 5634

SUBPOENA

To: Ted Byerly

☐ **YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: _____ **ROOM:** _____
DATE AND TIME: _____

☒ **YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: Wukela Law Firm, 403 2nd Loop **DATE AND TIME:** September 18, 2013
Road, Florence, SC 29505 at 12:00 PM

☐ **YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

LIST OF DOCUMENTS: _____

PLACE: _____ **DATE AND TIME:** _____

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES: _____ **DATE AND TIME:** _____

THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.

[Signature] Attorney for Claimant
ISSUING OFFICER'S SIGNATURE AND TITLE

(843) 669 - 5634
PHONE NUMBER

9/13/13
DATE

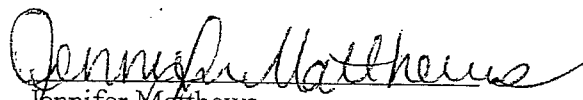
Serve this form according to R.67-212B. Refer to R.67-212 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5765.

CERTIFICATE OF SERVICE

The undersigned, Jennifer Matthews, of the Wukela Law Firm, hereby certifies that on the 13th day of September, 2013, she did place in an envelope with first class postage prepaid a copy of the **Subpoena duces tecum**, regarding Jerry Sims vs. Edwin Pate Vinyl Siding, Case No. 1306446, and deposited the same in the United States Mail. Said envelope being addressed to the following person(s):

Lisa C. Glover, Attorney at Law
SC Uninsured Employers Fund
PO Box 210039
Columbia, SC 29221

Compliance Division
1333 Main St., Suite 500
Columbia, SC 29201


Jennifer Matthews

16/11/13
August 22, 2013

Mr. Stephen J. Wukela, Esquire
Post Office Box 13057
Florence, SC 29504-3057

Re: Edwin Pate Vinyl Siding
WCC File No. 1306446

Dear Mr. Wukela:

In response to your letter dated August 14, 2013, I answer as follows:

1. Delaine Borden, [REDACTED]
Ted Byerly, [REDACTED] and
Brent Winburn, no address available.
2. No records available.
3. None.

Sincerely,



Edwin Pate
Edwin Pate Vinyl Siding

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APA No. 8 - Deposition of Edwin Pate (see R. pp. 91-133)

APA No. 9 - Deposition of Bueil Borden (see R. pp. 134-147)

APA No. 10 - Deposition of William Byerly (see R. pp. 148-159)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

DEC 04 2015

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION **SC Court of Appeals**

WCC File No. 1306446

Jerry Sims, Employee Appellant/Claimant,

vs.

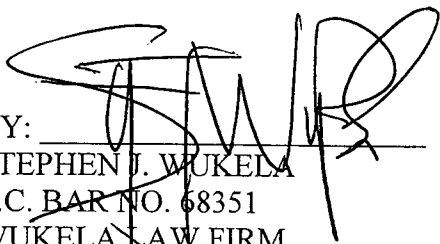
Edwin Pate Vinyl Siding, Employer,
and Uninsured Employers' Fund, Carrier, ... Respondents/Defendants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

WUKELA LAW FIRM

Dated: 11/12, 2015

BY: 
STEPHEN J. WUKELA
S.C. BAR NO. 68351
WUKELA LAW FIRM
ATTORNEY FOR APPELLANT
PO BOX 13057
FLORENCE SC 29504
843-669-5634