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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

SC Court of Appeals

William P. Keesley, Successor Circuit Court Judge

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

Appellate Case No. 2015-001821

APPEAL FROM THE WORKERS' COMPENSATION COMMISSION

WCC Case No. 0506205

Alexander Guice, Employee, Appellant,

v.

US Foodservice, Inc., Employer, and
Ace American Insurance Company, c/o
Gallagher Bassett Services, Inc., Respondents.

**MOTION FOR CORRECTION AND/OR CLARIFICATION OF
RESPONDENTS' DESIGNATION OF MATTER**

Pursuant to Rule 209 SCACR, Appellant moves this Court to order that Respondents Designation of Matter to be included in the Record on Appeal ("Designation") be corrected or clarified as described below. In particular, a number of Respondents' designations do not comply with Rule 209(b) because they either do not sufficiently identify the materials Respondent intends to designate for the Record or are

not relevant to the instant appeal. Specifically, Rule 209(b) SCACR, provides that: "The Designation **must clearly identify** what the party desires to have included in the Record on Appeal... A party **shall not include any matter in his Designation which is not relevant to the appeal**" (emphasis added). *Id.* In support of this motion, Appellant would allege as follows:

ARGUMENT

1. Appellant contends several designations proposed by the Respondents' to be included in the Record on Appeal are not clearly identified or are not relevant or material to the instant appeal.

Appellant contends that several designations proposed by Respondents' to be included in the Record on Appeal is not clearly identified or "is not relevant to the appeal", to include the following designations¹:

- No. 1 – "Employee Status Notice, dated Nov. 4, 2005" – this entry is not proper as the only "Employee Status Notice" Appellant is aware of is dated Nov. 2, 2005 – Respondent needs to clarify whether they are referring to the "Employee Status Notice" dated Nov. 2, 2005;
- No. 4 – "Appellant's Form 30, dated Nov. 1, 2012, W.C.C. No. 0506205" – this document is not relevant to the instant appeal because Respondents raise no issues regarding this document in their Initial Brief;
- No. 10 – "Letter from A. Guice to E. Hantske, dated January 17, 2013, transmitting a List of Exhibits & Exhibit 1 (36 pages)" – Redundant designation – The 36 pages which were the contents of the Commission's Case File No. 0506205 are designated in "Item No. 74" of Appellant's Amended Designation;
- No. 12 – "Appellant's Motion for Telephonic Hearing, dated Feb. 3, 2013, W.C.C. No. 0506205" – This document is not relevant to the instant appeal because Respondents raise no issues regarding this document in their Initial Brief;
- No. 14 – "Appellant's Form 30, dated Feb. 28, 2013, W.C.C. No. 0506205" – This document is not relevant to the instant appeal because Respondents raise no issues regarding this document in their Initial Brief;
- No. 21 – "Summons; Complaint; and Supplement, dated April 8, 2013, C.A. # 2013-CP-

¹ The numerical references herein are to entries as numbered in Respondents' Designation.

- 32-1272" – This document is not relevant to the instant appeal pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 23 – "Defendants' Motion to Dismiss, dated May 1, 2013, C.A. # 2013-CP-32-1272" – This document is not relevant to the instant appeal pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 26 – "Transcript of June 3, 2013 Hearing before Judge Russo" – This document is not relevant pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 27 – "Order Granting Defendants' Motion to Dismiss, filed June 13, 2013, C.A. # 2013-CP-32-1272" – This document is not relevant to the instant appeal pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 29 – "Appellant's Notice of Appeal, dated Aug. 19, 2013, Ct. App. No. 2013-001804" – This document is not relevant to the instant appeal as the Appellant appealed the July 17, 2013 final order of the Commission with the Circuit Court and Respondents raise no issue with this filing in their initial brief;
- No. 30 – "Transcript of September 3, 2013 Hearing before Judge Russo" – This document is not relevant to the instant appeal pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 31 – "Form 4 Order, filed Sept. 6, 2013, C.A. # 2013-CP-32-1272" – Redundant designation – this document is designated as "item No. 17" in Appellant's Amended Designation;
- No. 32 – "Appellant's Notice of Appeal, dated Nov. 13, 2013, Ct. App. No. 2013-002491" – This document is not relevant to the instant appeal pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 33 – "Order, filed Dec. 6, 2013, Ct. App. No. 2013-001804" – This document is not relevant as Appellant appealed the July 17, 2013 final order from the Commission with the Circuit Court and Respondents raise no issue with this filing in their initial brief;
- No. 41 – "Respondents' Motion to Dismiss Appeal, dated Feb. 28, 2014, Ct. App. No. 2013-002491" – This document is not relevant pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491;

- No. 42 – “Motion to Disqualify, dated March 15, 2014, C.A. # 2014-CP-32-399” – This document is not relevant to the instant appeal and Respondents raise no issue with this filing in their initial brief;
- No. 43 – “Form 4 Order continuing hearing scheduled for 4/3/14, filed April 3, 2014, C.A. # 2014-CP-32-399” – This document is not relevant to the instant appeal and Respondents raise no issue with this filing in their initial brief;
- No. 44 – “Order denying Appellant’s Motion to Disqualify, filed Apr. 4, 2014, C.A. # 2014-CP-32-399” – This document is not relevant to the instant appeal and Respondents raise no issue with this filing in their initial brief;
- No. 45 – “Letter from A. Guice to Judge Russo, dated April 10, 2014, C.A. # 2014-CP-32-399” – This document is not relevant to the instant appeal and Respondents raise no issue with this filing in their initial brief;
- No. 49 – “Letter from Judge Russo to A. Guice, dated May 20, 2014, C.A. # 2014-CP-32-399” – This document is not relevant to the instant appeal and Respondents raise no issue with this filing in their initial brief;
- No. 54 – “Order, filed June 5, 2014, Ct. App. No. 2013-002491” – This document is not relevant pursuant to the April 24, 2014 Remand Order from the Court of Appeals, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 55 – “Memorandum of Comments and Exceptions Regarding Proposed Order on Appeal, dated June 27, 2014, C.A. # 2014-CP-32-399” – This document is not relevant to the instant appeal pursuant to the September 25, 2014 Circuit Court Order in re: C.A. # 2014-CP-32-399 and Respondents raise no issue with this filing in their initial brief;
- No. 56 – “Notice of Petition for Writ of Certiorari, dated July 5, 2014, Sup. Ct. No. 2014-001450” – This document is not relevant pursuant to Aug. 27, 2014 Sup. Ct. Order, Case No. 2014-001450 and the Apr. 24, 2014 Ct. App. Remand Order, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 57 – “Respondents’ Return in Opposition to Petitioner’s Petition for Writ of Certiorari, dated July 17, 2014, Sup. Ct. No. 2014-001450” – This document is not relevant pursuant to Aug. 27, 2014 Sup. Ct. Order, Case No. 2014-001450 and the Apr. 24, 2014 Ct. App. Remand Order, Case No. 2013-002491 and Respondents raise no issue with this filing in their initial brief;
- No. 81 – “Appellant’s Emergency Petition for Writ of Mandamus, dated Dec. 8, 2014, Sup. Ct. No. 2014-002625” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue

with this filing in their initial brief;

No. 84 – “Appellant’s Motion for Sanctions and Memorandum, filed Dec. 31, 2014, Sup. Ct. No. 2014-002625” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue with this filing in their initial brief;

No. 88 – “Appellant’s Petition for Rehearing, dated Jan. 21, 2015, Sup. Ct. No. 2014-002625” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue with this filing in their initial brief;

No. 89 – “Letter from E. Hantske to Hon. D. Shearouse, dated Jan. 28, 2015, Sup. Ct. No. 2014-002625” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue with this filing in their initial brief;

No. 91 – “Appellant’s Motion for Judgment on the Pleadings, dated Feb. 15, 2015, Sup. Ct. No. 2014-002625” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue with this filing in their initial brief;

No. 92 – “Order, filed Feb. 25, 2015, Sup. Ct. No. 2014-002625 (denying Motion for Judgment on the Pleadings)” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue with this filing in their initial brief; and

No. 93 – “Order, filed Feb. 25, 2015, Sup. Ct. No. 2014-002625 (cautioning Appellant)” – This document is not relevant pursuant to the Sup. Ct. No. 2014-002625 Order dated Jan. 14, 2015 and Respondents raise no issue with this filing in their initial brief.

Appellant contends that Respondents Designation inundates the Record on Appeal with volumes of documents which are not relevant to the instant appeal, where Respondents do not specifically cite any of the aforementioned challenged documents in their Initial Brief to advance any legal theory or argument for consideration by this Court. Respondents Initial Brief, p. 17-38, previously filed.

Appellant contends he should not be required to provide eight copies of the Record on Appeal to the Court and three copies of the Record on Appeal to

Respondents containing irrelevant documents not cited by either party in any arguments within their respective initial briefs wherein the cost to reproduce and transmit the same shall cost Appellant hundreds, if not thousands of dollars in addition to the challenged documents in Respondents' Designation violating Rule 209(b), SCACR. *Id.*


CONCLUSION

For the foregoing reasons stated herein, Appellant request that this Court order that Respondents' Designation be corrected as outlined above. In addition, Appellant request that the deadline for filing his Initial Reply Brief be suspended until this Court rules on this Motion and Respondents' Designation of Matter has been corrected and/or clarified.

VERIFICATION

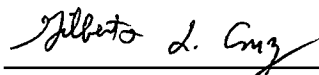
I, **Alexander Guice**, the named and undersigned self-represented Appellant in this matter, do hereby swear, under penalty of perjury, that I prepared, read and reviewed the information contained herein and believe it to be true and correct to the best of my knowledge and ability.

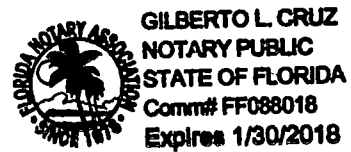
Respectfully submitted,

By: 
Alexander Guice
Post Office Box 13281
Tampa, FL 33681
(813) 562-0547
alguice@hotmail.com
Appellant, Pro Se

July 3, 2016

Sworn to before me this
3 day of July, 2016


Notary Public of Florida
My commission expires 1/30/2018



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Successor Circuit Court Judge

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PROOF OF SERVICE

I hereby certify that the Respondents, through Counsel, were provided a true copy of a cover letter to the Clerk; a 'Notice to the Court'; a 'Motion for Correction and/or Clarification of Respondents' Designation of Matter' and a proof of service, by depositing the same in the US Postal Service, via Priority Mail, and addressed to: **Erin L. Hantske, Esq., P.O. Box 650007 Mt. Pleasant, SC 29465** on this 3rd day of July, 2016.



Alexander Guice
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Appellant, Pro Se

July 3, 2016

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SC Court of Appeals

Via Priority Mail

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

Re: Alexander Guice v. US Foodservice, Inc., et al
Appellate Case No. 2015-001821

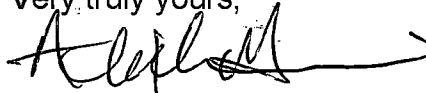
Dear Ms. Kitchings:

Please find enclosed with this cover letter an original and seven (7) copies of a 'Notice to the Court'; a 'Motion for Correction and/or Clarification of Respondents' Designation of Matter' and a proof of service in regards to the above-entitled action. Please also find enclosed a \$25.00 Money Order for the motion filing fee. Please forward to the appropriate personnel for processing, and please return clocked copies of the same to the undersigned in the pre-paid self-addressed envelope enclosed for your convenience.

By copy of this correspondence, Erin L. Hantske, Esq., the Respondents' Counsel of record, has been provided a copy of the same via priority mail with enclosures.

Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Alexander Guice
Appellant, *pro se*

Enclosures: As stated

cc: Erin L. Hantske, Esquire
Hon. Alan Wilson, Attorney General

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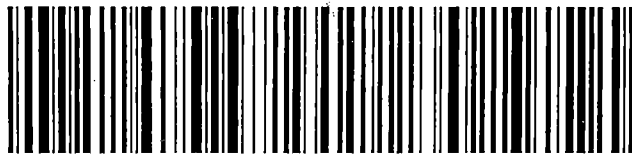
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