

State of South Carolina)
) In the Circuit Court
 County of Richland)
)
)
 Theodore Polansky,)
)
) 2015-CP-40-07380
)
 versus) May 20, 2016
)
 SC Attorney General,) Columbia, South Carolina
)
)
) Defendant.
)

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SC Court of Appeals

TRANSCRIPT OF RECORD

B E F O R E:

The Honorable Casey Manning

A P P E A R A N C E S:

Preston McDaniel, Esquire
 Attorney for the Plaintiff

Temus Miles, Jr., Esquire
 Attorney for the Defendant

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THIS TRANSCRIPT WAS PREPARED FOR TEMUS MILES, JR., ESQ.

I N D E X

Hearing 4
Certificate 7

E X H I B I T S

FOR THE PLAINTIFF:

(WHEREUPON, no exhibits were introduced during
this proceeding.)

FOR THE DEFENDANT:

(WHEREUPON, no exhibits were introduced during
this proceeding.)

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P R O C E E D I N G S

1
2 THE COURT: This is an appeal. It's Polansky versus
3 the Attorney General's Office.

4 Come on up, gentlemen, Mr. Miles and Mr. McDaniel. Am
5 I right so far?

6 MR. MCDANIEL: Yes, sir.

7 MR. MILES: Yes, sir.

8 THE COURT: All right. And a moment ago, as I walked
9 in, I talked to Mr. Miles and Mr. McDaniel. This case has
10 a long, tortured history. How long is it? Is it 12 years
11 old?

12 MR. MCDANIEL: 1999.

13 MR. MILES: Seventeen years total.

14 THE COURT: All right. Actually, I had a full hearing
15 with you and I was waiting to get a file from the Worker's
16 Comp Commission.

17 MR. MILES: Correct.

18 THE COURT: But I don't necessarily need to look
19 through that entire file. I think both of you, gentlemen,
20 have briefed it and provided a memorandum. All I need from
21 y'all now is a proposed order and I'll sign one or the
22 other. It's going to be appealed either way, I do believe
23 -- and it should be -- and I'll let it rest with that.

24 Mr. McDaniel, I know you always like to talk, so what
25 do you want to add?

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1 MR. MCDANIEL: Oh, no, no, no, no. I was just going
2 to say it's only been in litigation -- it's the second case
3 and it's only been in litigation since 2012. The only
4 issue is the lifetime benefits for the brain damage.

5 THE COURT: Yes.

6 MR. MCDANIEL: And we ---

7 THE COURT: And he's going to say you're entitled to
8 them and he's going to say no.

9 MR. MCDANIEL: That's correct. And we've narrowed it
10 down to three issues.

11 THE COURT: Okay. That's good enough. How long do
12 y'all need? Are y'all ready now or do you want ten days?

13 MR. MCDANIEL: Actually, I was hoping you were going
14 to rule today, so I was going to -- I've already got a
15 proposed order.

16 THE COURT: Do you have a proposed order?

17 MR. MILES: No, sir. I'll take ten days, if you would
18 be so kind.

19 THE COURT: Let's give you five days.

20 MR. MILES: That will work.

21 THE COURT: So I'll shorten it a little bit. You're
22 ready, give him a copy of yours. And send your copy to Mr.
23 McDaniel. And within the next ten days, as soon as I get
24 both of them, I'm going to sign one or the other on the
25 very day.

1 MR. MCDANIEL: I sincerely appreciate it, Your Honor,
2 because, you know, we've been trying to get an expedited
3 hearing since November.

4 THE COURT: Are you going to talk me out of it?

5 MR. MCDANIEL: No, Your Honor.

6 THE COURT: Okay. Anything else?

7 MR. MILES: Your Honor, there's actually two different
8 appeals. There's our appeal and then his cross appeal.
9 Would you like separate orders on those?

10 THE COURT: That's up to you, gentlemen. You can
11 combine them in one or you can do separate orders.

12 MR. MILES: I think it would be best if we did
13 separate orders, Your Honor.

14 MR. MCDANIEL: Yes, Your Honor, I do. And if you
15 would, I would appreciate it if you would make a ruling on
16 their primary appeal and then I will not have any problem
17 with you holding in abeyance my -- the decision on mine for
18 approximately 30 days.

19 THE COURT: All right. That's the way we'll proceed.

20 MR. MCDANIEL: Thank you, Your Honor.

21 THE COURT: Thank you, both.

22 MR. MILES: Thank you, Your Honor.

23 (WHEREUPON, the hearing in the above-
24 entitled matter was concluded.)

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