

September 6 2016

Honorable Jeanette Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Clarence Jenkins Jr
945 Wire Rd.
Neeses, SC 29107
(803) 263-4514

Ref: Case# 2016-000598/SCWCC# 1303989

Ms. Kitchings:

I have received a second motion to strike from Attorney Helen Hiser of MG&C Law Firm regarding an amended initial brief and designation of matter. I have complied to the recent instructions from SC Court of Appeals. The many documents stated on this new motion to strike are Amazon.Com DEDC, LLC and American Zurich own documents therefore is verification of having knowledge and possession as such. I am providing the law regarding R67-611 which a self represented claimant did not have to file a pre-legal brief which is an error of Comm. Michael Campbell II and SC Worker's Compensation Commission to state otherwise. The suggested list of documents were presented to the court even though a violation of R67-611 was committed by Comm. Michael Campbell II. According Attorney J. Russell Goudelock on the May 21, 2015 Transcript p.110 line 18 stated "Nobody said we weren't aware" when referring to arguments made regarding documents on p.110 lines 14-17. Please see argument to Comm. Michael Campbell II regarding documents on May 21, 2015 Transcript p.109 lines 1-25.

I am also enclosing the letter from Nurse Kelly Wells, letter from Michele Doyle of Amazon HR, and letter from Attorney Goudelock.

Amazon.Com DEDC, LLC and American Zurich are deliberately and intentionally delaying this case when the facts of this case are substantial. SC Court of Appeals should not required additional instructions for Appellant and reject this new motion to strike. Based on the documents being submitted therefore is requesting that SC Court of Appeals contact SC Attorney General Office Insurance Fraud Division for fraudulent and distortion of claimant's records by Respondents which has been asked of SC Worker's Compensation but to no avail.


Clarence Jenkins Jr.

RECEIVED

SEP 08 2016

SC Court of Appeals

(3) A party shall plead in response to an amended form within the time remaining for response to the original form or within ten days after service of the amended form, whichever period may be longer, unless the Commission otherwise orders.

(4) Attorneys for the parties shall serve the opposing party according to R.67-211.

(5) If the claimant is not represented by an attorney, the Commission will serve the employer's representative or attorney.

C. An amended form must be timely filed and served. The Commissioner will determine at the hearing whether to allow a party to rely on new facts or defenses.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

67-611. Pre-hearing Brief.

A. A claimant who is representing himself or herself is not required to file a Form 58, Pre-hearing Brief.

(1) If the claimant elects to file a Form 58, mail the Form 58 to the Commissioner's office identified on the hearing notice.

(2) The Commissioner's office will send a copy of the Form 58 to the employer's attorney.

B. Each attorney representing a party at a hearing shall file and serve a Form 58 according to the following:

(1) File a Form 58 and proof of service at least ten days before the hearing with the Hearing Commissioner's office identified on the hearing notice. Complete the Form 58 and give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements including video recordings and/or audiotaped audio recordings have been taken from one or the witnesses including the claimant and indicate who has possession of same. A party is under a duty to promptly supplement a response with respect to any question directly addressed on the form and amend a response if the party obtains information upon the basis of which the party knows the response was incorrect when made, or the party knows the response thought correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.

(2) Serve the opposing party according to R.67-211.

C. The Form 58 shall remain in the Commission's file but shall not constitute evidence or become part of the record of the hearing.

D. If an attorney fails to file and serve a Form 58, the Commissioner may postpone the hearing according to R.67-613 or assess against an attorney by written order a fine of up to one hundred dollars.

HISTORY: Amended by State Register Volume 16, Issue No. 4, eff April 24, 1992; State Register Volume 21, Issue No. 4, eff April 25, 1997.

67-612. Admission of Expert's Report as Evidence.

A. This regulation does not apply to the Form 14A filed according to R. 67-1301, nor shall this regulation be construed to limit a party's right to call a witness (lay or expert) or present evidence (lay or expert) in the form of a deposition.

B. A written expert's report to be admitted as evidence at the hearing must be provided to the opposing party as follows:

(1) The moving party must provide the report to the opposing party at least fifteen days before the scheduled hearing.

(2) The non-moving party must provide to the moving party any report not provided by the moving party at least ten days before the scheduled hearing.

(3) Where both parties file hearing requests the first party to file shall be considered the moving party.

(4) The carrier shall be deemed the moving party in all hearings scheduled pursuant to a request under R. 67-1301.

1 claim that a injury is not as serious as -- as it has
2 been and that's why they have not submitted the
3 records. But the subpoenas -- they got the records.
4 And so by Amazon saying that --

5 MR. GOUDELICK: Your Honor, this has been ruled
6 on and --

7 MR. JENKINS: Right. Right. But let me -- let
8 me finish though.

9 MR. GOUDELICK: -- and determined over and over
10 again.

11 MR. JENKINS: Right. But let me finish though.

12 MR. GOUDELICK: I'm happy for him to go on and on
13 with the --

14 MR. JENKINS: No, I'm not happy either, I'm a
15 little under the weather; I'm sick. But I want to
16 make my argument. By Amazon saying they're not aware
17 of these documents --

18 MR. GOUDELICK: Nobody said we weren't aware.

19 MR. JENKINS: These subpoenas verify -- they
20 verify that Amazon got those records, therefore, I
21 should be allowed -- the reason I didn't follow the
22 proper procedure, I wanted to follow what I was told
23 by the Workers' Comp Commission staff. Amazon had
24 prior knowledge because there's no way possible that
25 if you issue subpoenas those medical providers are not

1 MR. JENKINS: Right, right, right, right, but the
2 point -- the whole thing about that though, but Amazon
3 be able to subpoena the records. Amazon, even though
4 they were not part of Amazon legal Brief, Amazon have
5 a public document where they issue subpoenas for all
6 those medical records including Richland Medical
7 Center, Dr. Muhammed, Norfield Medical Center, Dr.
8 Eden, but yet, Dr. Tomarchio, Dr. Gonzalez, but yet,
9 you know, I'm not able to present all their records
10 when Amazon is the one that issued subpoenas for the
11 records though.

12 THE COURT: And you could have if you had
13 properly listed stuff.

14 MR. JENKINS: Right. Right, but you -- I
15 understand, sir, but even though -- even though I may
16 have not properly listed them, they saw those things
17 --

18 THE COURT: And here -- be also aware of this, if
19 there were subpoenas that were issued the Commission
20 is aware of that. That's all a part of the record.
21 We have all of that information.

22 MR. JENKINS: Right. So then does the Commission
23 have to ask where are the records then? Why didn't
24 Amazon submit the records? You know why Amazon didn't
25 submit the records; because the records dispute their



Disability Care Management Professionals of Western Pennsylvania, Inc.
227 N. Main Street, Suite 2, Irwin, PA 15642

June 9, 2014

Mr. Clarence Jenkins
945 Wire Rd.
Neeses, SC 29107

Dear Mr. Jenkins

I just wanted to drop you a few lines to remind you of your appointment with Dr. Alhatou on Friday, June 20, 2014 at 9:30.

Please do not hesitate to call should you have any questions or if this appointment changes.

Sincerely,

Kelley Wells

Kelley Wells, RN, CCM
Case Manager
803-446-5579 m

cc:

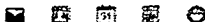
DCMP
Mary Kae Vacsulka
227 Main St.
Irwin, PA 15642

Kathy Cook, adjuster
Sedgwick CMS
PO Box 14480
Lexington, KY 40512

Dr. Stuckler 843-818-1181 home #
843-818-1145 fax #
843-1117-0924

Search Mail Search Web

Home Clare...



Compose

- Inbox (301)
- Drafts (40)
- Sent
- Spam (1174)
- Trash (12)
- Folders
- Recent

Sponsored



lynda.com
What Do You Want to Learn Today?

⏪ ⏩ Delete Move Spam More Collapse

Too Much is Too Much(7)

Me Dear Amazon: If I suffer any financial mishaps in any way the Feb 19

Doyle, Michelle Feb 19

To: Me, Smith, Irina, Kaiser, Alicia

Hi Clarence.

I wanted to let you know that the site has reviewed the restrictions on your RMI that we received and at this time we are not able to accommodate your restrictions. The doctor lists loud noise and bright lights to be an issue. As you know, the site is loud and bright. Since we are unable to accommodate your restrictions, please reach out to the LOA team to request an LOA starting with the first day of work missed on 1.20.14. The LOA team will also be able to put you in contact with the short-term disability team in regards to potential compensation for missed time.

Thanks
MD

Michelle Doyle | HR Business Partner | Amazon fulfillment-CAE1
m.doyle@amazon.com



**DID YOU KNOW:
If Your Car is
Over 3 Years
Old, Insurance
Companies
Hope You Don't
Know This
Easy Trick**

The Government is forcing drivers to purchase auto insurance. Drivers who use this trick are able to get their insurance for as low as \$9/week. Insurance companies hate the trick because if it got out, it would cost them millions. Don't overpay for your auto insurance, learn the trick.

Select Your Age:

-20	30	40	50	60	70
20	31	41	51	61	71
21	32	42	52	62	72
22	33	43	53	63	73
23	34	44	54	64	74

Calculate New Payment

POLICYGO

Reply, Reply All or Forward | More

- Me Amazon: Michele, thanks for responding. I am disappointed Feb 19
- Me On Wednesday, February 19, 2014 8:11 PM, Clarence Jr <up> Feb 21
- Me On Friday, February 21, 2014 7:39 PM, Clarence Jr <upscale> Feb 21
- Me On Friday, February 21, 2014 7:51 PM, Clarence Jr <upscale> Feb 22

Me
To: clarence491@live.com

Hide message history

On Saturday, February 22, 2014 7:43 PM, Clarence Jr <upscale81@yahoo.com> wrote:

On Friday, February 21, 2014 7:51 PM, Clarence Jr <upscale81@yahoo.com> wrote:

On Friday, February 21, 2014 7:39 PM, Clarence Jr <upscale81@yahoo.com> wrote:

Available on the
and Android
Text like a text

Home Mail News Sports Finance Weather Games Groups Answers Screen Flickr Mobile More
Search Mail Search Web Home Clare...

Compose

Inbox (29)

Drafts (46)

Sent

Spam (669)

Trash (26)

> Folders

> Recent

Sponsored



Ashford University
Ashford University Online

Search results Delete Move Spam More Collapse All

Information(3)

Cook, Kathy	Mr. Jenkins, please contact our attorney, Russell Goudelock.	Apr 24
Rusty Goudelock	To: 'Cook, Kathy', Me, 'Trina Smith', 'doylemic@amazon.com', 'keislera@amazon.com' CC: Fern Potter	Apr 24

Clarence,

I am happy to speak with you at any time. Please feel free to call me.

You will not be receiving any workers' compensation payments at this time. I do not have anything to do with your short-term disability, but I have previously offered to try to help you address that. And, I know that Ms. Keister has also offered to help you with that. My understanding is that short-term disability still may need some type of clarification from your doctor, but I am not certain of that. And, yes, an employee can be terminated while out of work on work restrictions and following a work-related injury. Amazon has a very favorable return-to-work and work continuation policy, but the law does not strictly protect or preserve anyone's job position during the pendency of a workers' compensation claim.

Please let me know if I can answer any further questions. Please understand that I represent Amazon and am not in a position to provide any formal legal counsel to you. You should consider consulting with legal counsel of your own.

INSURANCE DEFENSE

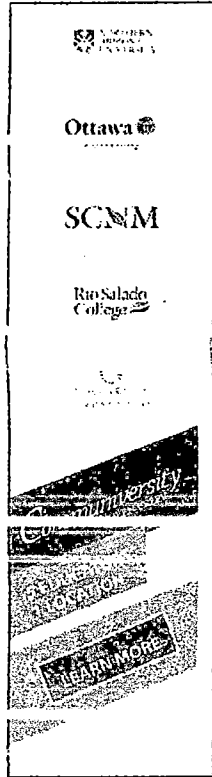
J. Russell Goudelock
Attorney
Main: 803-778-2300
Direct: 803-227-2222
Fax: 803-748-0576

1320 Main St.
10th Floor
Columbia, SC 29201
rgoudelock@mgoelaw.com

Please consider the statements before ending this email

> Show message history
Reply, Reply All or Forward | More

Available on iOS and Android
Text me a link



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKER'S COMPENSATION
COMMISSION APPELLATE PANEL

Case No. 2016-000598

Clarence B. Jenkins Jr,

Appellant,

v.

Amazon.Com DEDC, LLC
and American Zurich
Insurance,

Respondents.

PROOF OF SERVICE

I certify that I have served Documentations as a Direct Dispute to the Respondent's Second Motion To Strike Appellant's Initial Brief and Designation of Matter on Amazon.Com DEDC, LLC and American Zurich Insurance by depositing a copy of it in the United States Mail, postage prepaid, on September 6, 2016, addressed to their attorney of record, Attorney, J. Russell Goudeock and Attorney, Helen F. Hiser, P.O. Box 12519 Columbia, South Carolina 29211-2519.

September 6, 2016


s/ Clarence B. Jenkins Jr

Clarence B. Jenkins Jr,

945 Wire Rd.

Neeses, South Carolina 29107

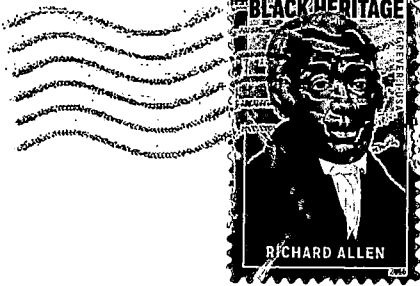
(803) 263-4514

Attorney for Appellant

Clarence Ford Jr
945 Wood Rd
Acesee, SC 29107

COLUMBIA SC 290

06 SEP 2016 PM 4 1



SC Court of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

SEP 08 2016

SC Court of Appeals

29211-162929

