

October 29, 2016

Jeanette Kitchings, Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29201

Clarence B. Jenkins Jr.
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Ref: Case No. 2016-000598

Dear Ms. Kitchings:

I am for review and reverse of the most recent Order granted to Respondents dated October 25, 2016 due to an overlooked of evidence with undue financial, mental and physical hardship to defend regarding case no. 2016-000598. I am also requesting a postponement for submitting a second amended initial brief and designation of matter until overlooked evidence is reviewed by S.C. Court of Appeals. The provided evidence by Respondents dated June 25, 2016 will show that a willful attempt to deceive the legal process: see below

Page 107 lines 1-7 clearly verifies Brain Leadership Council Document was presented to the S.C. Worker's Compensation Commission. Page 109 lines 1-11 clearly verify that medical records from all health care providers was presented to the S.C. Worker's Compensation Commission Hearing on May 21, 2015. Page 109 lines 18-25 clearly verify that Comm. Michael Campbell II of S.C. Worker's Compensation Commission assured that commission had all documents a dispute regarding the submission of records. Page 111 lines 1-7 clearly verifies that all medical records was presented to S.C. Worker's Compensation Commission at May 21, 2015 hearing and notification that all these documents need to enter into the record because of possible filing with S.C. Court of Appeals. Page 111 lines 21-25 clearly verifies that records of Dr. Stickler was presented to the S.C. Worker's Compensation Commission at May 21, 2015 hearing. Page 112 lines 1-19 clearly verifies that S.C. Worker's Compensation Commission have medical records, Atty. Rusty Goude-lock objecting to the records, Atty. Rusty Goude-lock acknowledge having the records, Comm. Michael Campbell II. allowing the records to be enter into the records. Page 112 lines 21-25 clearly verifies that Comm. Michael Campbell II. Accepting documents, marking for identification and entered into the record.

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Certificate of Service


I hereby certify that a true copy of the above documents was served upon the attorney of record, Attorney J. Russell Goudelock and Helen Hiser for the Respondents by regular first class mail by United States Post Office to address:

PO Box 12519 Columbia, SC 29211-2519

on (date) October 29, 2016

Clarence B. Gentry Jr
Signature

October 29, 2016
Date


Clarence B. Jenkins Jr

Enclosures:

May 21, 2015 Transcript Records pages 109-112

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

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 going to provide you all the records that they have on
2 that client, that patient if you subpoena those
3 records. So Amazon had prior knowledge, so I'd like
4 to submit these records to the Court. Even though you
5 have them but I still would like to submit them
6 because I'm afraid this is going to have to go to the
7 Court of Appeals, so I want all these things in there.

8 THE COURT: You've already -- let me explain
9 something to you.

10 MR. JENKINS: Yes, sir.

11 THE COURT: You understand that the next appeal
12 is to come --

13 MR. JENKINS: Right. I understand --

14 THE COURT: -- before the Commission?

15 MR. JENKINS: Yes, sir, I do understand. I was
16 told that, I'm sorry.

17 THE COURT: Mr. Godelock?

18 MR. JENKINS: I've got a headache. It's all
19 right though. Thank you though.

20 THE COURT: Thank you.

21 MR. JENKINS: While you doing that Commissioner
22 Carroll, I know you have Dr. Stickler's deposition so
23 you're going to read this, do I need to hand this for
24 the Court record as well, because I know you already
25 have it.

1 THE COURT: That's his deposition?

2 MR. JENKINS: Yes, sir.

3 THE COURT: No, I have his full deposition.

4 MR. JENKINS: Okay. Okay.

5 THE COURT: Mr. Goudelock?

6 MR. GOUDELOCK: Your Honor, for the sake of not
7 cluttering the record, I'm going to object to it. He
8 hasn't listed any of this stuff, there are pages and
9 pages of them. If you let them in that's fine, but --

10 MR. JENKINS: They're your documents.

11 MR. GOUDELOCK: I know. I've already told you we
12 subpoenaed them. We're aware of the records and we've
13 subpoenaed them. I'm not disagreeing with you. I'm
14 just trying --

15 THE COURT: And I'll let them in just because
16 they're part of the record, but Mr. Goudelock has --
17 like I say, I'm giving you a lot of latitude here.

18 MR. JENKINS: Yes, sir, and I appreciate it.

19 THE COURT REPORTER: Am I going to mark these?

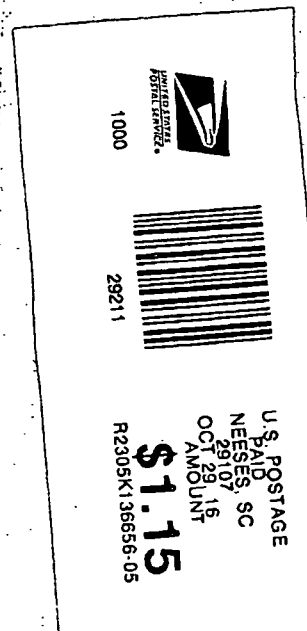
20 MR. GOUDELOCK: Mark them as a group.

21 (Claimant's Exhibit Number 5, subpoenas and
22 various documents, marked for identification and
23 entered into the record.)

24 MR. JENKINS: That -- that's it for me, Your
25 Honor. Thank you, sir.

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