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SC Court of Appeals

APPELLATE PANEL
DECISION AND ORDER
OF THE

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WCC FILE NO. 1512237

ALBERT DYE,

vs.

CAROLINA PRIDE FOODS, INC.,

AND

SENTRY CASUALTY COMPANY,

EMPLOYEE,
CLAIMANT/RESPONDENT,

EMPLOYER,

CARRIER,
DEFENDANTS/APPELLANTS.

Appellate Panel Review held in Columbia, South Carolina
on September 19, 2016, upon notices timely and properly served
upon all parties of interest.

Appellate Panel Decision and Order filed

December 20, 2016

REMANDED

APPEARANCES:

Claimant represented by David R. Price, Jr., Esquire,
of David R. Price, P.A., Greenville, South Carolina.

Defendants represented by Benjamin M. Refrow,
Esquire, of Willson Jones Carter & Baxley, P.A.,
Greenville, South Carolina.

STATEMENT OF THE CASE & PROCEDURAL HISTORY

Claimant alleges a July 30, 2015, injury to his left shoulder, left arm, neck, left hand and forehead, per his September 25, 2015, Form 50. By way of an October 28, 2015, Form 51, Defendants denied the compensability of this claim. Claimant filed a December 15, 2015, Form 50 requesting a hearing. Defendants answered this with a January 14, 2016, Form 51 again denying the compensability of this claim.

On October 28, 2015, a Notice of Hearing was issued setting a hearing on the above pleadings for December 17, 2015. On December 15, 2015, Claimant withdrew his Request for Hearing that was set for December 17, 2015, and subsequently filed another Request for Hearing on the same date. On January 20, 2016, a Notice of Hearing was issued setting a hearing on the above pleadings for March 9, 2016. At the hearing, Claimant sought an order finding his accident compensable and ordering Defendants to provide benefits per the Act. At the hearing, Defendants argued that Claimant's alleged accident was not compensable because it was unwitnessed and because the overwhelming evidence in the record did not support a finding of a compensable injury. In addition, Defendants argued that, due to Claimant's untruthfulness on his job application and post-employment questionnaire, he had severed the employment relationship and was no longer employed on the date of his accident.

Pursuant to this hearing, the Hearing Commissioner issued a June 27, 2016, Decision & Order containing the following findings of fact, conclusions of law and order/award:

FINDINGS OF FACT

Based on the evidence in this case, I find that:

- 1. The Claimant alleges injury by accident arising out of and within the course and scope of his employment on July 30, 2015. He alleges injuries to his neck, left shoulder, left*

arm, left hand, right shoulder, right arm, right hand, bilateral legs, and forehead.

2. *Defendants deny the claim.*
3. *Defendants assert that the Claimant has committed fraud in the application.*
4. *Defendants also seek a finding as to credibility.*
5. *The undisputed facts in this case are that the Claimant was working for the Employer and had for about two (2) weeks at the time of this incident.*
6. *There was a ladder in the Claimant's assigned work area. That ladder was not where it was supposed to be.*
7. *There is an email in the record from Jamie Sanders, who testified at the hearing, to George Gingrich, which reads in part referring to the ladder, "someone propped it up against the wall in the wash room (unsecured). We've got way too much activity with jacks, molds, racks and people in this room for this to be in there unsecured."*
8. *There was testimony for the Claimant that the ladder fell on him. That testimony is unrefuted.*
9. *There was testimony that the accident was witnessed, but the witness did not testify. I left the record open for the deposition of the witness should either side wish to take it. His deposition was not taken. I cannot opine as to why.*
10. *The Employer initially treated this claim as compensable. Subsequently, the Defendants have opted to deny the claim, which they have every right to do pending an order of the Commission which will determine compensability.*
11. *The Claimant initially received medical care and treatment with Self Medical Group—Family Healthcare West Greenwood. Dr. John Ergle was the attending physician.*
12. *Dr. Ergle was treating the Claimant for a shoulder injury and was assessing*

cervical radiculopathy. He opined that the Claimant would need a neurosurgical referral for further evaluation. That has not occurred given the current status of the claim.

13. *Dr. Ergle opined that the injury was work related.*

14. *Dr. Ergle ordered an MRI taken on September 1, 2015, which disclosed multiple areas of disc herniation with moderate to severe neural foraminal narrowing and one area of spinal stenosis, as well as possible bone contusions at the vertebral bodies of C5 and C7. I find that the possible bone contusions more likely than not resulted from the impact of the ladder.*

15. *The Defendants allege fraud in the application. This is an affirmative defense. The Defendants have not met their burden for such a defense.*

16. *The Defendants also provided the Claimant's criminal history and an ISO claims search over the Claimant's counsel's objection. Both of these go to the Claimant's credibility. I have reviewed them both. This case is not about the Claimant's character. It is about whether the Claimant was injured in a work-related accident on July 30, 2015. An objective review of the facts from that day juxtaposed against the criminal and claims history of the Claimant simply is not persuasive enough to tilt the scales against the Claimant, given the set of facts that exist in this case.*

17. *When the evidence is viewed as a whole, I must conclude based on a totality of the evidence and by a preponderance of the evidence that the Claimant suffered a compensable work-related accident on July 30, 2015.*

18. *The Claimant has suffered compensable injuries to his right shoulder, left shoulder, left arm, left hand and neck (cervical spine).*

19. *The Claimant is entitled to continued treatment from Dr. John Ergle, who is to be the authorized treating physician.*

20. *The Claimant is entitled to causally related treatment Dr. Ergle provides or directs, to include usual and customary testing and imaging.*

21. *The Claimant is entitled, per Dr. Ergle's directive, to an evaluation of his cervical spine with a neurosurgeon of Dr. Ergle's choosing.*

22. *The Claimant is also entitled to any causally related treatment that neurosurgeon determines is appropriate.*

23. *I have reviewed the records and bills from the emergency department visits on September 1, 2015 and November 24, 2015 and find them to be causally related to this claim. The Claimant is entitled to payment or reimbursement—provided he can demonstrate that they have been paid—from the Defendants up to the maximum allowed under the S.C. Workers' Compensation fee schedule.*

24. *The Claimant's Average Weekly Wage ("AWW") is \$368.15 and his Compensation Rate is \$245.45.*

25. *As to temporary total, the Claimant is entitled to Temporary Total Disability ("TTD") benefits for all periods that the Claimant is written out of work, and for any periods that the Claimant did not receive benefits at the Compensation Rate of \$245.45 from August 24, 2015, to December 4, 2015.*

26. *The Claimant has not reached maximum medical improvement.*

27. *The Defendants are responsible for all past and future causally related medical care until the Claimant reaches MMI, with future care thereafter to be determined by the Commission.*

27. *All other issues are held in abeyance.*

CONCLUSIONS OF LAW

1. Pursuant to S.C. Code Ann § 42-1-130 (1976), the Claimant was a covered Employee and pursuant to the S.C. Code Ann § 42-1-140 (1976), the Employer Carolina Pride Foods, Inc., was a covered Employer under the Workers' Compensation Act.

2. The Defendants have not met their burden of proving fraud in the application barring the Claimant from receiving workers' compensation benefits according to the factors set forth in Cooper v. McDevitt & Street Co., 260 S.C. 463, 196 S.E.2d 833 (1973).

3. Pursuant to S.C. Code Ann. § 42-1-160 (1976), the Claimant sustained a compensable injury to his right shoulder, left shoulder, left arm, left hand and cervical spine (neck) by accident arising out of and during the course of his employment with the Defendant Employer on July 30, 2015.

4. Pursuant to S.C. Code Ann. § 42-15-60 (1976), the Defendants shall pay for all causally related medical treatment the Claimant has received, including transportation expenses pursuant to 67 S.C. Code Ann. Regs. 1601, until the Claimant has reached MMI, with any further medical care to be determined at a later date by the Commission.

5. Pursuant to S.C. Code Ann. § 42-9-10 (1976), the Claimant's Average Weekly Wage is \$368.15 with a corresponding Compensation Rate of \$245.45.

6. Pursuant to S.C. Code Ann., §42-9-10 (1976) and §42-9-30 (1976) the Defendants shall pay unto the Claimant TTD benefits at the compensation rate of \$245.45 for all periods the Claimant was taken out of work and did not receive wages at a compensation rate of \$245.45 from August 24 to December 4, 2015, continuing until further order of the Commission.

ORDER

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Claimant suffered a compensable injury to his right shoulder, left shoulder, left arm, left hand and cervical

spine (neck) during the course and scope of his employment with the Defendant Employer on July 30, 2015;

IT IS FURTHER ORDERED that Defendants shall pay unto the Claimant TTD benefits at the compensation rate of \$245.45 for all periods the Claimant was taken out of work and did not receive wages at a compensation rate of \$245.45 from August 24 to December 4, 2015, continuing until further order of the Commission; and,

IT IS FURTHER ORDERED that the Defendants shall pay for the past causally related medical treatment for the right shoulder, left shoulder, left arm, left hand and neck (cervical spine), and they shall further provide additional causally related medical care until the Claimant has reached MMI.

IT IS FURTHER ORDERED that the Claimant is entitled to continued treatment with Dr. John Ergle who is to be the authorized treating physician and he is entitled to causally related treatment Dr. Ergle provides or directs to include usual and customary testing and imaging; and,

IT IS FURTHER ORDERED that the Claimant is entitled, per Dr. Ergle's directive, to an neurosurgical evaluation of his cervical spine with a neurosurgeon of Dr. Ergle's choosing; and,

IT IS FURTHER ORDERED that the Claimant is entitled to any causally related treatment that a neurosurgeon determines is appropriate.

IT IS SO ORDERED.

SUMMARY OF ISSUES

Defendants argue that the Hearing Commissioner erred by finding that there was testimony that Claimant's alleged accident was witnessed and erred by not placing weight on the fact that although Claimant's attorney had the opportunity to depose the alleged witness, he

failed to do so.

An Incident Investigation Report, completed by James Sanders, the kitchen superintendent for Defendant, was submitted into evidence by Claimant's attorney. (A.P.A. Submission #5, 33-37) In addition, Claimant's attorney called James Sanders as a witness in order to authenticate this report. (Hr. Tr. pg. 36-63) Specifically, during direct questioning, emphasis was placed on the "witness statement" portion of this Report which stated, "Ladder was stored against wall improperly, falling, striking Albert's shoulder." (A.P.A. Submission #5, 35) Mr. Sanders clarified in his testimony that the witness statement was his handwriting and completed by him after speaking to a co-employee, Lewis Mendoza. (Hr. Tr. pg., 28, lines 12-14) Mr. Sanders further testified that the witness told him that he did not actually see the ladder striking Claimant:

Q: And he told you that he saw the ladder fall and hit Mr. Dye?

A: He told me that he saw it fall, yes.

Q: Did he tell you that it hit Mr. Dye?

A: He said that he couldn't quite tell if it had hit him or not.

Hr. Tr. pgs. 28, line 25; 29, lines 1-5.

The record was left open for the deposition of the alleged witness to be taken; however, a reading of the hearing transcript shows that this concession was made for Claimant's benefit due to Claimant's attorney's objections to questions being asked to Mr. Sanders on the basis of hearsay. (Hr. Tr. pg. 25, lines 1-25; 26, lines 1-25; 27, lines 1-7)

Rather than scheduling the witness' deposition after the hearing, Claimant's attorney notified the Hearing Commissioner and defense counsel, via a March 21, 2016, email correspondence, that he did not wish to take this deposition; therefore, the only testimony in the record concerning whether this alleged accident was witnessed by anyone other than Claimant is

the above-quoted testimony of Mr. Sanders that his completion of the Incident Investigation Report was not based on Mr. Mendoza's statement to him that he actually saw the ladder fall and strike Claimant, but rather was based on Mr. Mendoza's statement that he did not actually see the ladder strike him.

Mr. Sanders' testimony regarding whether or not Mendoza stated he witnessed the alleged accident was allowed into evidence over Claimant's attorney's objection to hearsay.

Defendants further argue that the Hearing Commissioner erred by finding Claimant's alleged unwitnessed accident compensable based solely on the testimony of a claimant with little to no credibility, motivation to fabricate his alleged accident and also erred by requiring Defendants to refute this testimony with other testimony.

In his Decision & Order, the Hearing Commissioner relied on only Claimant's testimony that a ladder fell on him, "There was testimony for the Claimant that the ladder fell on him. That testimony is unrefuted." (Finding of Fact #8) The Hearing Commissioner further refused to take into account Claimant's credibility, "This case is not about the Claimant's character. It is about whether the Claimant was injured in a work -related accident on July 30, 2015." (Finding of Fact #16)

Claimant's inconsistencies between his hearing testimony, deposition testimony, and the medical evidence were numerous and glaring. Claimant lied when he was hired by Defendant regarding prior workers' compensation claims and surgeries. Specifically, on his post-employment medical questionnaire, he was asked, "Have you ever been injured on the job?" (A.P.A. Submission #12, 184) To this question, Claimant answered affirmatively, but when further asked, "If so, what part of your body was injured?" (Id.) To this second question, Claimant only answered, "I got my finger cut." (Id.) On this same questionnaire, Claimant was

asked, "Did you receive Worker's Compensation?" To this, he answered, "No." (Id.) Claimant was further asked on this questionnaire if he had "ever had surgery?" To this question, he admitted that he had, but only reported a carpal tunnel release surgery to his left wrist in 2010. (Id.)

Claimant actually treated for a gunshot wound to his abdomen in 2012. (A.P.A. submission #9, 66-71) For this, he spent seven days in the hospital and underwent a tube being inserted into his lung for a pneumothorax. (Id. at 69-70) Medical records from Elbert Memorial Hospital show that he treated there for a workers' compensation claim for which he missed time from work in 2010. (Id. at 79)

Claimant was HIV positive at the time of his application with Defendant for employment at its meat processing facility. On said post-employment health questionnaire, he was asked, "Have you suffered from any other pre-existing disease, condition, or impairment that is permanent in nature?" (A.P.A. submission #12, 184) Claimant refused to disclose this important information. (Id.; Hr. Tr. pg. 72, lines 16-22)

Claimant was deposed by defense counsel prior to the hearing. During his deposition, Claimant was asked about prior motor vehicle accidents, but admitted to only an October 2014 motor vehicle accident that involved a back injury and which resulted in his pleading guilty to reckless driving. (Hr. Tr. pg. 99, lines 6-22) This was the only motor vehicle accident admitted by Claimant during his deposition testimony. (Hr. Tr. pg. 100, lines 3-11) However, submitted into evidence by Defendants was an ISO index report showing that Claimant was involved in an October 17, 2011, motor vehicle crash in which he sustained bodily injury to his "neck/left shoulder." (A.P.A. Submission #18, 210) In addition, this ISO index report shows that Claimant was involved in a motor vehicle accident in 1996 in which he sustained bodily injury, as well as

a prior workers' compensation claim in 2010 while working for Pilgrim's Pride Corporation whereby he was injured while "pushing and pulling a vat of chicken." (Id. at 211, 212)

Medical records show that Claimant presented to Elbert Memorial Hospital on July 25, 2013, because of injuries sustained in a motor vehicle accident just prior to arrival. (A.P.A. Submission #10, 116) While there, Claimant was complaining of right shoulder pain. (Id. at 111, 117) Claimant treated again at Elbert Memorial Hospital on January 14, 2015, complaining of pain on the medial side of his right wrist with a small hematoma due to falling and landing on both hands while working for Pilgrim's Pride. (Id. at 145)

Medical evidence submitted showed that Claimant had treated on numerous occasions for shoulder pain. On May 5, 2010, Claimant treated at Elbert Memorial Hospital and received radiographic studies to his right shoulder. (A.P.A. Submission #10, 74) He treated again at this provider on September 14, 2010, complaining of a right hand injury with swelling and numbness radiating to his upper arm/shoulder area. (Id. at 78) On December 17, 2010, he underwent an MRI to his right shoulder due to right shoulder pain which revealed moderate supraspinatus tendinopathy with a partial thickness undersurface tear of the distal tendon, glenohumeral arthritis with expected tearing of the superior labrum. (A.P.A. Submission #10, 84)

On November 15, 2011, Claimant treated again at this hospital and was diagnosed with neck pain and neck stiffness. (Id. at 88) He was noted to have left-sided neck pain with some left upper trapezius pain. (Id.) His pain was an 8 on a 10-point scale. (Id. at 89) He received a cortisone shot on this date. (Id.) He underwent radiographic imaging of his right shoulder on December 17, 2010. (Id. at 156) On April 26, 2011, Claimant presented again to this provider for right shoulder rotator cuff injury. It was noted, "Since then he seen an orthopedist workman's comp M.D. and told that there was nothing wrong with the shoulder." (Id. at 163) On October

18, 2011, Claimant presented to this provider because he had been in a motor vehicle accident the prior day. (Id. at 173) He was noted to have painful extension of his neck in his trapezius and had the insertion of the cervical muscles in the occipital ridge on his left. He received treatment here again for the same symptoms on October 25, 2011. (Id. at 176) He treated again with this provider with neck pain on December 5, 2011, and it was noted, "working at pilgrim's pride-lifts 50-60 pounds-some pain right and left upper trapezius with lifting." (Id. at 179)

On May 5, 2010, Claimant treated at the Medical Center of Elberton for bilateral shoulder and arm pain. (A.P.A. Submission #11, 148) He received additional treatment for his right shoulder on December 14, 2010. (Id. at 151)

Claimant's story regarding the mechanism of the accident changed several times during his testimony and is not consistent with the medical records, particularly with regard to where on his neck he was struck by the ladder. Originally, Claimant testified that the ladder struck his neck on the back of the right side of his neck, answering a question from his attorney regarding where on his neck he was struck: "More so in the middle right side." (Hr. Tr. pg. 41, line 1) He further testified that he felt immediate and sharp pain in his *right* shoulder, accompanied by a "burning sensation." (Hr. Tr. pg. 41, lines 14-18) When asked by defense counsel on cross-examination regarding this, Claimant extensively reiterated that he was hit on the lower right side of the back of his neck:

Q: I want you to point to it again because you did it for your attorney, but we didn't describe it for the record. Show me where the ladder hit you.

A: You need to be behind me so you can see it.

Q: I can do that.

A: It hit me right here.

THE COURT: The base of your neck?

THE WITNESS: yes, sir, the base of my neck.

Q: So you're pointing to an area at the base of your neck?

A: Right. Approximately right in there. I'm just on you exactly where the pain is.

Q: You have a tattoo on the right side of your neck. Would you say it's about an inch behind the tattoo?

A: I'm not looking at it. I point to exactly where the pain is, sir.

Hr. Tr. pg. 81, lines 1-17.

Claimant testified at the hearing that he felt immediate pain in his right shoulder after being struck on the right side of his neck; however, neither of his attorney's Forms 50 alleged the right shoulder as an injured body part. It was not until his attorney's pre-hearing brief, filed on March 9, 2016, that the right shoulder or right arm, among other things, were ever alleged as injured body parts.

The medical records do not correlate with Claimant's testimony concerning where he was struck by the ladder and which body parts were immediately symptomatic. On August 14, 2015, his first treatment date, he received an x-ray to the left shoulder, but not the right shoulder. (A.P.A. Submission #1, 1) On August 27, 2015, Claimant treated at Family Healthcare West Greenwood and was diagnosed with paresthesia of his left arm. (A.P.A. Submission #2, 10) There is no mention of his right shoulder right arm on this date. He was placed on work restrictions that included one-handed duty only with the use of the left arm, but there was no restrictions made on his ability to use his right arm. (Id. at 12) The treatment Claimant received in September 2015 from Athens Regional Medical Center mention only left arm complaints. (A.P.A. Submission #4, 19) On February 9, 2016, he treated again with this provider and it was noted, "He denies any upper extremity symptoms. He denies any back pain." (Id. at 26)

Claimant had only been working for Defendant for approximately two weeks at the time of his alleged accident having been hired on July 13, 2015. (Hr. Tr. pg. 65, lines 1-8) Claimant

admitted that he was “disappointed” that he had not been moved to a different job for Defendant, a move to which he felt entitled. (Hr. Tr. pg. 86, line 19)

STANDARD OF REVIEW

In an Appellate Review, the Appellate Panel shall, pursuant to S.C. Code Ann. §42-17-50, review the award, weigh the evidence as presented at the hearing and, if good grounds be shown therefore, make its findings of facts and reach its own conclusions of law consistent or inconsistent with those of the Hearing Commissioner. *See Green v. Raybestos-Manhattan, Inc.*, 250 S.C. 58, 156 S.E.2d 318 (1967); *see also Lowe v. An-Can Transport Services, Inc.*, 283 S.C. 534, 324 S.E.2d 87 (Ct. App. 1984).

FULL COMMISSION APPELLATE PANEL DECISION

After a thorough review of the evidence, including the hearing testimony, medical evidence, exhibits, other documentary evidence submitted by the respective parties pursuant to the Administrative Procedures Act, the Commission File in this matter, and arguments of counsel, WE, THE APPELLATE PANEL, REVERSE THE SINGLE COMMISSIONER’S JUNE 27, 2016, DECISION & ORDER AND SUBSTITUTE THE FOLLOWINGS FINDINGS:

1. Claimant alleged a July 30, 2015, work injury to his left shoulder, left arm, neck, left hand and forehead;
2. Claimant testified at the hearing that he felt immediate pain in his right shoulder after being struck on the right side of his neck; however, neither of his attorney’s Forms 50 ever alleged the right shoulder as an injured body part. It was not until his attorney’s pre-hearing brief that the right shoulder or right arm are ever alleged as injured body parts;
3. Claimant had only been working for Defendant for approximately two weeks at the time of his alleged accident having been hired on July 13, 2015; (Hr. Tr. pg. 65, lines 1-8)

4. Claimant admitted that he was “disappointed” that he had not been moved to a different job for Defendant, a move to which he felt entitled; (Hr. Tr. pg. 86, line 19)

5. The medical records submitted into evidence do not correlate with Claimant’s testimony concerning where he was struck by the ladder and which body parts were immediately symptomatic;

6. Claimant’s attorney called James Sanders, the employer’s superintendent, as a witness in order to authenticate the Incident Investigation Report he completed. (Hr. Tr. pg. 36-63) Sanders was questioned regarding the portion of this Report which stated, “Ladder was stored against wall improperly, falling, striking Albert’s shoulder.” (A.P.A. Submission #5, 35) Mr. Sanders clarified in his testimony that the witness statement was his handwriting and completed by him after speaking to a co-employee, Lewis Mendoza. (Hr. Tr. pg., 28, lines 12-14) Mr. Sanders further testified that this co-employee told him that he did not actually see the ladder striking Claimant;

7. The record was left open for the deposition Mendoza to be taken; however, rather than scheduling his deposition after the hearing, Claimant’s attorney notified the Hearing Commissioner and defense counsel, via a March 21, 2016, email correspondence, that he did not wish to take this deposition; therefore, the only testimony in the record concerning whether this alleged accident was witnessed by anyone other than Claimant is the above-quoted testimony of Mr. Sanders;

8. With the only testimony in the record suggesting that no person saw the alleged accident other than Claimant, this Appellate Panel finds that this claim involved an unwitnessed accident;

9. Claimant was deposed by defense counsel prior to the hearing. During his

deposition, Claimant was asked about prior motor vehicle accidents, but admitted to only an October 2014 motor vehicle accident that involved a back injury and which resulted in his pleading guilty to reckless driving. (Hr. Tr. pg. 99, lines 6-22; pg. 100, lines 3-11) However, submitted into evidence by Defendants was an ISO index report showing that Claimant was involved in an October 17, 2011, motor vehicle crash in which he sustained bodily injury to his "neck/left shoulder;" (A.P.A. Submission #18, 210)

10. Due to Claimant's myriad untruths and inconsistencies, this Appellate Panel questions Claimant's veracity;

11. If the ladder struck Claimant, as he testified, this Appellate Panel finds this likely resulted in, at worst, a minor incident that likely could not have caused Claimant's complaints made at the Hearing;

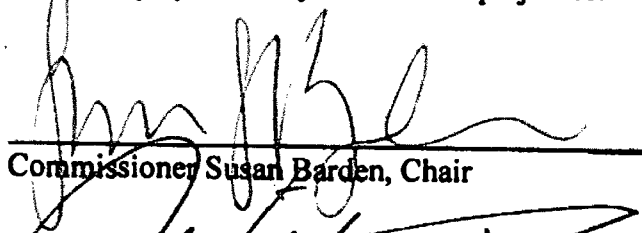
12. Claimant failed to prove a compensable injury by accident.

ORDER/AWARD

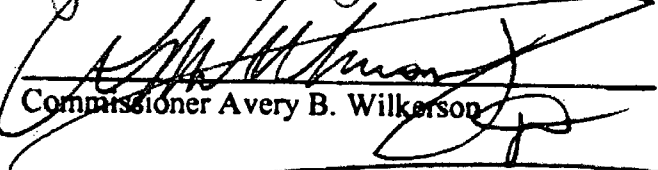
IT IS HEREBY ORDERED that this claim is hereby reversed and the above Findings of Fact shall be substituted in place of the Hearing Commissioner's prior Decision & Order;

IT IS HEREBY FURTHER ORDERED that Claimant's claim for benefits under Title 42 of the S.C. Act for his alleged July 30, 2015, work injury is hereby denied with prejudice.

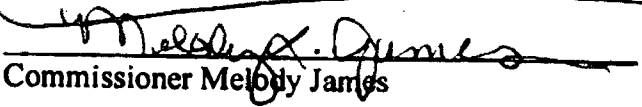
IT IS SO ORDERED.



Commissioner Susan Barden, Chair



Commissioner Avery B. Wilkerson



Commissioner Melody James

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 Eugenia Hollmon on December 20, 2016