

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable Casey L. Manning

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Case No: 2015-CP-40-07178

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**RECEIVED**

JAN 27 2017

**SC Court of Appeals**

Clarence B. Jenkins, Jr., Appellant,.....Appellant,

v.

South Carolina Workers' Compensation Commission,.....Respondent.

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**RETURN IN OPPOSITION TO  
APPELLANT'S MOTION TO DECALRE A VIOLATION OF RULE 4.1 AND RULE 8.4  
BY LEGAL COUNSEL FOR RESPONDENTS**

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Pursuant to Rule 240(e), SCACR, Respondent the South Carolina Worker's Compensation Commission opposes Appellant's "A Motion to Declare a Violation of Rule 4.1 and Rule 8.4 by Legal Counsel for Respondents" ("Motion")<sup>1</sup>. Appellant's allegations of fraud, misrepresentation, and dishonesty against counsel for Respondents are entirely baseless and Appellant should be cautioned about raising such claims that have no support or foundation in law or in fact.

Appellant argues that Respondent's counsel "willfully and deliberately sought to deceived [sic] this COURT by... submitting written false statements." Appellant's Motion, p. 1. His apparent basis for this charge is that Respondent's counsel stated in their Initial Brief that "Appellant did not submit pertinent medical and supportive documentation to Richland County

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<sup>1</sup> Appellant *pro se* filed a an identically titled Motion making similar allegations against attorneys for Defendants/Respondents in his collateral appeal, Appellate Case No. 2016-000598, *Clarence Jenkins v. Amazon.com*.

Court of Common Pleas.” Id. Respondents did not argue any such thing. Instead, Respondent argued that “the Court of Common Pleas is not the proper jurisdiction for Appellant to seek redress of his grievances regarding the handling of his workers’ compensation claim.” The only mention made in the Respondent’s Initial Brief in regards to “pertinent medical documentation” was the quote taken from the Appellant’s complaint to the Richland County Court of Common Pleas asserting a cause of action against the Commission for making “an egregious error at [the] May 21, 2015 hearing by not allowing Appellant to submit pertinent medical documentations...”

Respondent argued in its brief “[a]s the issue before the Circuit Court was the Respondent’s Motion to Dismiss, the only matters on the Record were the pleadings, the Respondent’s Motion to Dismiss, and the transcript of the Hearing.” Initial Brief of Respondent, p. 11. The Court of Appeals denied Respondent’s Motion to Strike certain records from the Record on Appeal on the grounds that those records had been presented to the Court of Common Pleas. Order, December 22<sup>nd</sup>, 2016. However, this court’s finding that the records were presented to the Court of Common Pleas does not render Respondent’s above-quoted statement false. Respondent only argued that the records it objected to had not been made exhibits and admitted into evidence by the Court of Common Pleas. Respondent never argued that the records had not been *presented* to the Court of Common Pleas. Respondent’s arguments regarding records to be included in the Record on Appeal according to the language of Rule 210(c) were argumentative in nature, legitimately advocated issues in dispute, and did not amount to false statements or misrepresentation. All of Appellant’s accusations concerning Respondent’s counsel are entirely without basis, merit, or support, and should be denied.

## CONCLUSION

For the reasons stated herein, this Court should deny Appellant's Motion and caution him about making further baseless accusations against opposing counsel. It is Respondent's position that the parties can zealously advocate their legal arguments without resorting to personal attacks on the integrity of the opposing party.



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P.O. Box 1715  
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*Attorney for Respondent South Carolina Workers'  
Compensation Commission*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Casey L. Manning, Circuit Court Judge

JAN 27 2017

SC Court of Appeals

Case No. 2016-001382

Clarence B. Jenkins, Jr.,.....Appellant,

v.


South Carolina Workers' Compensation Commission,.....Respondent.

PROOF OF SERVICE

I, the undersigned counsel for Respondents, hereby certify that I have served a copy of the RETURN IN OPPOSITION TO APPELLANT'S "MOTION TO DECLARE A VIOLATION OF RULE 4.1 AND RULE 8.4 BY LEGAL COUNSEL FOR RESPONDENT" by causing a copy of the same to be deposited in the United States mail, first class postage, prepaid, address to the *pro se* Appellant on this the 27<sup>th</sup> day of January, 2017:

Clarence B. Jenkins, Jr.  
945 Wire Road  
Neeses, SC 29107

1/27/, 2017

  
\_\_\_\_\_  
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*Attorneys for Respondent  
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*Workers' Compensation Commission*

January 27<sup>th</sup>, 2017

South Carolina Court of Appeals  
The Hon. Jenny Abbott Kitchings, Clerk of Court  
1220 Senate St.  
P.O. Box 11629  
Columbia, SC 29211

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JAN 27 2017

SC Court of Appeals

Re: Clarence B. Jenkins, Jr., Appellant v. S.C. Workers' Compensation Commission,  
Respondent.  
Appellate Case No.: 2016-001382

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of Respondent the South Carolina Workers' Compensation Commission's Return in Opposition to Appellant's "Motion to Declare a Violation of Rule 4.1 and Rule 8. 4 By Legal Counsel for Respondent" under Rule 240(e), which I would appreciate your filing with the court.

By copy of this letter to the last known address for Mr. Clarence B. Jenkins, Jr., Claimant *pro se*, I am hereby serving him with a copy of our Motion. Please see the attached Certificate of Service.

If there is anything further the court requires from the Respondent at this time, please do not hesitate to ask.

With warmest regards,

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Keith Roberts".

J. Keith Roberts, Esquire  
S.C. Workers' Compensation Commission

Enclosure

Cc: Mr. Clarence B. Jenkins, Jr.  
945 Wire Rd.  
Neeses, SC 29107