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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

MAR 27 2017

SC Court of Appeals

W.C.C. File No.: 1303989

Clarence B. Jenkins, Employee,Appellant,

v.

Amazon.Com DEDC, LLC, Employer, and
American Zurich Ins. Co., Carrier, Respondents.

**MOTION FOR CORRECTION OF
THE RECORD ON APPEAL**

Pursuant to Rules 210 and 240, SCAC, Respondents Amazon.Com DEDC, LLC and Zurich Ins. Co. move this Court to order Appellant Clarence B. Jenkins to correct the Record on Appeal. Respondents received a copy of the Record on Appeal from Appellant on March 22, 2017, and note that a number of items they designated have not been included. Those items include the items listed below that are not struck through and include item Nos. 1-6, 8-11, 13-15, 19-20, 22, 24-26, and 30-31.¹

1. Form 50, dated June 24, 2013;
2. Form 51, dated July 18, 2013;
3. Consent Order, served August 13, 2013;
4. Form 50 dated November 23, 2013;
5. Form 51, dated January 9, 2014;
6. Single Commissioner Decision and Order, filed May 27, 2014;
- ~~7. Commission Decision, filed Nov. 18, 2014;~~

¹ For reference, Respondents attach a copy of their filed Designation of Matter hereto as Exh. A.

8. Form 50, dated Oct. 6, 2014;
9. Form 50, dated Oct. 13, 2014;
10. 2nd Amended Form 51, dated Oct. 17, 2014;
11. 3rd Amended Form 51, dated Oct. 23, 2014;
- ~~12. Form 50, dated February 25, 2015;~~
13. 2014 APAs pp. 45-48;
14. Form 51, dated April 2, 2015;
15. Notice of Hearing, dated March 19, 2015;
- ~~16. Respondents' Form 58 Pre-Hearing Brief, dated May 11, 2015;~~
- ~~17. Notice of Witnesses and Written Medical Reports to be Introduced as Direct Evidence on Behalf of Defendant, dated May 11, 2015;~~
- ~~18. Transcript of May 21, 2015 Hearing before Commissioner Campbell;~~
19. Defendants' Hearing Exh. No. 3, pages from Claimant's Twitter account;
20. Defendants' Hearing Exh. No. 4, pages from Claimant's Facebook account;
- ~~21. Single Commissioner Decision & Order, Aug. 14, 2015;~~
22. Form 30, dated Aug. 25, 2015, w/o attachments;
- ~~23. Respondents Motion to Exclude Appellant's Exhibits to the Form 30, filed Sept. 24, 2015;~~
24. Plaintiff's Motion to Include Appellant's Exhibits to the Form 30, dated Sept. 28, 2015;
25. Defendants' Reply to Claimant's Motion to Include Appellant's Exhibits to the Form 30, filed Oct. 12, 2015;
26. Claimant's Motion to Include Appellant's Additional Medical Records, filed Oct. 20, 2015 w/o attachments;
- ~~27. Respondent's Brief to the Full Commission, dated November 11, 2015;~~
- ~~28. Transcript of December 14, 2015 Hearing before the Appellate Panel;~~
- ~~29. Appellate Panel Decision and order of the South Carolina Workers' Compensation Commission, filed Feb. 26, 2016;~~
30. 2015 APAs, pp. 1-15, 22-53, 91-92;
31. Transcript of deposition of Dr. David Stickler; and
- ~~32. South Carolina Workers' Compensation Commission Regulatory Procedures Advisory, Jan. 25, 2012.~~

Pursuant to Rule 210(a), SCACR, the appellant is responsible for preparing and serving the Record on Appeal. Pursuant to Rule 210(c), SCACR, the Record on Appeal "shall include

all matter designated to be included by any party under Rule 209.” In addition, the Record on Appeal shall be arranged in the order designated in Rule 210(c) and “shall be numbered consecutively beginning with the index.” If the Record on Appeal is not numbered consecutively, it is not possible for the parties to refer in their Final Briefs to items in the Record by their consecutively numbered page numbers. The Record on Appeal served by Appellant is not consecutively numbered.

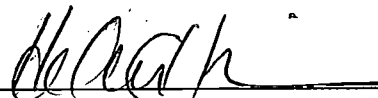
CONCLUSION

For the reasons stated herein, Respondents move this Court to order Appellant to correct the Record on Appeal by including the items identified above that they designated but which have not been included in the Record. If Appellant does not have in his possession and needs copies of any of the items Respondents have designated, they will be glad to provide them upon request. In addition, Respondents ask that Appellant be ordered to comply with the other requirements set forth in Rule 210, including numbering the Record on Appeal.

Respectfully submitted,

March 23, 2017

McANGUS GOUDELOCK & COURIE LLC



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*Attorneys for Respondents Amazon.Com DEDC, LLC
and American Zurich Ins. Co.*

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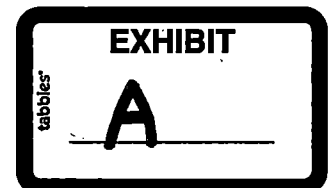
v.

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**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents propose the following be included in the Record on Appeal:

1. Form 50, dated June 24, 2013;
2. Form 51, dated July 18, 2013;
3. Consent Order, served August 13, 2013;
4. Form 50 dated November 23, 2013;
5. Form 51, dated January 9, 2014;
6. Single Commissioner Decision and Order, filed May 27, 2014;
7. Commission Decision, filed Nov. 18, 2014;
8. Form 50, dated Oct. 6, 2014;
9. Form 50, dated Oct. 13, 2014;
10. 2nd Amended Form 51, dated Oct. 17, 2014;
11. 3rd Amended Form 51, dated Oct. 23, 2014;
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27. Respondent's Brief to the Full Commission, dated November 11, 2015;
28. Transcript of December 14, 2015 Hearing before the Appellate Panel;
29. Appellate Panel Decision and order of the South Carolina Workers' Compensation Commission, filed Feb. 26, 2016;
30. 2015 APAs, pp. 1-15, 22-53, 91-92;
31. Transcript of deposition of Dr. David Stickler; and
32. South Carolina Workers' Compensation Commission Regulatory Procedures Advisory, Jan. 25, 2012.

I certify that this designation contains no matter that is irrelevant to this appeal.

December 2, 2016

McANGUS GOUDELCK & COURIE LLC



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(843) 576-2900

*Attorneys for Respondents Amazon.Com DEDC, LLC
and American Zurich Ins. Co.*

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Clarence B. Jenkins, Employee,Appellant,

v.

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Zurich Ins. Co., Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 2nd day of December 2016, I served the **Initial Brief of Respondents** and Respondents' **Designation of Matter** on Clarence B. Jenkins, *pro se*, by depositing a copy of them in the United States Mail, postage prepaid, addressed as follows:

Clarence B. Jenkins
945 Wire Road
Neeses, South Carolina 29107


Kathy Aldrich

Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondents Amazon.Com DEDC,
LLC and Zurich Ins. Co.*

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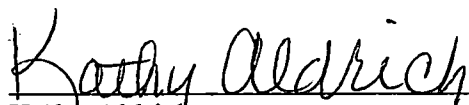
v.

Amazon.Com DEDC, LLC, Employer, and
Zurich Ins. Co., Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 23rd day of March 2017, I served the Respondents' **Motion for Correction of the Record on Appeal** on Clarence B. Jenkins, *pro se*, by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

Clarence B. Jenkins
945 Wire Road
Neeses, South Carolina 29107



Kathy Aldrich
Legal Assistant to Helen F. Hiser
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*Attorneys for Respondents Amazon.Com DEDC,
LLC and Zurich Ins. Co*



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

March 23, 2017

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Clarence B. Jenkins v. Amazon.com and Insurance Company of the State
of Pennsylvania c/o Sedgwick Claims Management Services, Inc.
Date of Accident: February 10, 2013
WCC File No.: 1303989
Our File No.: 20194.13164
Claim No.: 30130262998
Appeal No.: 2016-000598

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion for Correction of the Record on Appeal, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the self-addressed, stamped envelope.

Also enclosed is our firm's check in the amount of \$25 for filing the motion.

If you have any questions, please do not hesitate to contact me.

Yours truly,

McAngus Goudelock & Courie, LLC


Helen F. Hiser

Enclosures

cc: Clarence B. Jenkins, *pro se*

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SC Court of Appeals



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DEFENSE

POST OFFICE BOX 12519
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20194.13164/HFH/kea
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

