

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM APPELLATE PANEL OF THE S.C. WORKER'S COMPENSATION
COMMISSION

T. Scott Beck, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner

WCC File No. 1303465

Appellate Case No. 2016-000790

RECEIVED

MAR 30 2017

SC Court of Appeals

Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc., Employer

AND

New Hampshire Insurance Co.

Carrier,

Defendants. Respondents

APPELLANT'S REPLY TO RESPONDENTS' RETURN TO MOTION TO EXTEND
TIME FOR ASSEMBLING, PREPARING, VERIFYING, OBTAINING THE
MATERIAL, COMPLETING AND SERVING THE RECORD ON APPEAL
ACCURATELY

In response to Respondents' Return to the above Motion in the above case, my item numbers 1 through 4 will correspond to Mr. Baxley's same numbered items.

1. If there had not been misconduct, negligence, malpractice, insurance fraud and other fraud, and misrepresentations during the time before and during the workers comp case, the court of appeals would not be having to deal with this in its present form and it might still be at the workers comp with different lawyers from both sides because both hopefully would have been removed and penalties with malpractice applied for breaking the different rules and laws towards the injured worker and the court. Without all of these things that " are not supposed to be happening in our legal system" this case would probably have been settled because the chances of being physically fixed earlier would have been greater and the Claimant would have been adequately represented.

So this case may not have seen the light of day in the Court of Appeals, with those who broke the laws being brought up on charges back then by a competent lawyer who would not morally or ethically think "he wasn't going to rock the boat" and would have hopefully upheld his Oath by reporting to the "self-regulating" Board of lawyers.

2. It does seem strange to me that I have had so many problems placed in my path that I would have desired not to have happen, but they did. The Death of my husband was unanticipated and the sickness of my dog is also not my fault. Things happen, but I seem to have had more than my share since my accident which took up an overwhelming part of my life and left me in limitations. If I had not had the accident, I would still be grieving and so would others that is the human component of life and loving someone. But the one grieving is not usually abused in so many other ways too.
3. A) The actual clear color pictures that were exhibits and attached to Dr. Merritt's Deposition in a sealed evidence envelope by Creel Reporting and physically sent to Mr. Baxley (per Creel Reporting) never made it into court ("the sealed evidence envelop which was attached to his transcript" never was turned in), because they were not physically turned in at the 12/19/13 hearing when he turned in Dr. Merritt's Deposition as evidence to use against the claimant (see 12/19/13 transcript p10 line 1-14). As you can tell by the statement "That's all I could print" **there would be no reason in the Evidence chain to print anything except to turn the original in.**

I also request that similar clear color pictures from the accident video be allowed into the evidence of the Record since the originals have not been found, produced, or presented as they were required by law and "the Evidence Chain".

B) The emails in Respondents' Designation of Matter #6 are not in the WCC file, as evidenced by the Director of WCC and myself looking for them in it and they were not in physical or in digital form.

4. The difficulties the Appellant is having putting the Record together are due to missing evidence, misrepresentations, misconduct, malpractice, negligence, fraud and other actions that have occurred in this case along with other reasons of prior requests.

But the Court of Appeals should have all of the evidence that was before the Commissioners presented to or by them and that was legally supposed to be attached in the evidence chain.

EXHIBIT INCLUSIONS

1. Hearing transcript dated 12/19/13 before Commissioner Wilkerson (pages are not listed and copy was slanted and bound so page is estimated to be p 10) p10 Line 1 through 14, where Mr. Baxley placed Dr. Merritt's Deposition in to evidence.

2. Email dated March 27, 2017 from Amanda at Creel Court Reporting, the company who recorded and transcribed Dr. Merritt's Deposition in 2013. She stated that they had only scanned in their file in black and white.
3. Copy of Email dated March 27, 2013 to Ms. Amy Bracy, Director of WCC (and cc-eds) requesting clarity and have not received a response back yet.

With the above items and more,

- 1) I move to support your approved extension of time and
- 2) do not need to have inaccurate information placed or accurate information not placed into the Record by Mr. Baxley who actively and with prejudice seeks to replace me so that the Record cannot be compiled truthfully and correctly.

Thank you for your time and consideration in this matter.
Respectfully yours,

March 28, 2017



Ann Stevenson
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151
Appellant / Claimant

Counsel of Record
W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

EXHIBIT 1

1

Mr. Baxley: Yes, sir. That's the --

2

Commissioner Wilkerson: Okay. That's fine.

3

Mr. Baxley: -- when we did Dr. Merritt's deposition Carter attached some pictures and those are just --

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Commissioner Wilkerson: Oh, good.

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Mr. Baxley: -- the pictures.

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Commissioner Wilkerson: Okay. That's fine. Thank you.

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Mr. Baxley: They'll be in the original in a little bit better format.

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Commissioner Wilkerson: That's fine.

14

Mr. Baxley: That's all I could print.

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Mr. Martling: Here are my APA's.

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Commissioner Wilkerson: Okay. Thank you.

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Mr. Martling: Thank you, Your Honor.

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Commissioner Wilkerson: The position, Mr. Martling, of your client?

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Mr. Martling: Yes. Your Honor, we -- we agree to a -- there's a lot of -- we agree on a lot but there -- there are certain places where -- where I think it -- it diverges. There was an accident February 16, 2013. The claimant alleges multiple -- multiple body parts; in pre-hearing we discussed that not all will be before you but the

21

22

23

24

25

? p10

HTC Webmail**asteven@sccoast.net**

Dr. Merritt Exhibits

From : Amanda Godfrey
<amanda@creelreporting.com>

Mon, Mar 27, 2017 09:54 AM

 Appeal **Subject :** Dr. Merritt Exhibits 1 attachment**To :** asteven@sccoast.net

Ms. Stevenson,

I am attaching a copy of the scanned exhibits that we have on file regarding the deposition of Dr. Merritt taken back in 2013.

It does appear that the documents were scanned in black and white. The original exhibits would have been attached to the original transcript of Dr. Merritt, sealed in an envelope and delivered to Mr. Baxley, the taking attorney.

Please let me know if you need anything further.

Amanda Creel Godfrey
Creel Court Reporting, Inc.
803-252-3445


Cary, Merritt, IV, MD, James Oz 12.18.2013 **_2013_12_19_11_18_24_704.pdf**1 MB

EXHIBIT 2

HTC Webmail

asteven@sccoast.net

Fwd: WCC # 1303465 B&W pictures from Mr. Baxley & WCC file 1303465 evidence to put into Record on Appeal for Appellate Case No. 2016-000790

From : asteven@sccoast.net

Mon, Mar 27, 2017 09:26 AM

Subject : Fwd: WCC # 1303465 B&W pictures from Mr. Baxley & WCC file 1303465 evidence to put into Record on Appeal for Appellate Case No. 2016-000790

5 attachments

To : Amy Bracy
<abracy@wcc.sc.gov>

Cc : jwbaxley@wjlaw.net, Claire Allen
<callen@sccourts.org>

Amy A. Bracy
Judicial Director
SC Workers' Compensation Commission
1533 Main St.
Columbia, SC 29202
abracy@wcc.sc.gov
803-737-5672

Dear Ms. Bracy,

I want to thank you and your staff for making time and graciously helping me to look in the WCC 1303465 file for discrepancies (evidence and items I was trying to find).

I sent a motion requesting extra time to the Court of Appeals and Mr. Baxley sent a motion in to deny the time & that he would like to bypass me and prepare the Record on his own, (which I have included).

There is some contention about what is or isn't in the file and was placed into evidence. I am trying to put the Record on Appeal

Together. Mr. Baxley, the Defendants' lawyer, probably has not had a chance to check in person as to the extra emails he had listed on his designation of matter.

When we looked there was only one set of 5 pages of emails that were introduced into the court in the file. Since I am required to have actual proof other than my word, can you help provide it?

1) I am requesting you to provide clarity for the court on the only emails that are in evidence there in the file and to please attach them in a return email to all involved, so we can all be "on the same page" and all have the correct information.

The emails from Mr. Baxley looked like actual email correspondence, but Mr. Martling may not have turned them in as evidence or they could have been obtained elsewhere.

2) Since we were unable to find the original color pictures of the accident that were attached as an exhibit to Dr. Merritt's Deposition during his deposition (all of which were parts of the accident video) were not there and Mr. Baxley's unclear black & whites (emailed to me) are not clear, accurate copies or similar facsimiles. I will be trying to get the court to accept similar clear color accident pictures from the accident video for accuracy and because Dr Merritt had to clearly see the pictures to describe the action and what was involved. In the first hearing transcript of December 19, 2013 about page 10 line 1-14 held before Commissioner Wilkerson (because of the slant and holes on the copy the pages were not all listed, hard to tell the exact page so I have guessed), Mr. Baxley states when the original pictures are turned in they will be clearer (not turned in during this hearing where the Deposition was placed into evidence)..... so we do not know what happened, but the clear color original pictures are not there, so they **MUST NOT HAVE BEEN PHYSICALLY** turned in (admitted into evidence as the original documents **AS THE ORIGINALS** attached to Dr Merritt's Deposition). But weren't there some black and white photos that were uploaded later after the hearing?

3) Mr. Baxley said the emails were attached to form 58, but there were also other exhibits attached (which he did not bring up) to form 58 dated 12/29/2014 on the "Notice of Witnesses and Written Medical Reports/Physician or on behalf of Claimant". There were the 1) APAs, with Exhibits 2) Claimant Emails to Adjuster, and 3) Walmart Store

Surveillance Video and Photos. The Video is in the file evidence and the only emails in the file are those ones we attempted to present and read in court at the 01/08/15 Hearing. But unless the photos are on the Video DVD or are from the exhibit supposed to have been attached to Dr Merritt's Deposition, they also may not have been handed in.

4) In reply to some of Mr. Baxley's statements on other evidence I will have to get together a motion and the specific pieces of evidence and the accurate evidence that were in the WCC file and were presented to or by the court or like the Commission transcript which was recently transcribed but had been recorded prior.

I appreciate your help with this matter in providing the Court of Appeals and Mr. Baxley the truth as to the above subjects and in being able to have the correct evidence in the Record.

Thank you again for your time and effort in preserving the truth of what is and in helping a non-lawyer get accuracy.

Have a good day,

Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
Conway, S.C. 29526
asteven@sccoast.net

ATTACHMENTS

- 1 Mr.Baxley's Motion to Deny & Ann's Motion To Extend Time
- 2 Notice of Witness attached to form 58 dated 12/29/14
- 3 12/19/13HearingTranscript p10 line 1-14 about Mr. Baxley turning original pictures in later
- 4 unreadable Black & White Accident pictures emailed from Mr. Baxley to Ann

cc:

The Honorable V. Claire Allen
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
1220 Senate Street
Columbia, South Carolina 29211
callen@sccourts.org
803-734-1890

W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
Attorney for Respondents
jwbaxley@wjlaw.net

From: "Johnnie Baxley" <jwbaxley@wjlaw.net>
To: "asteven@sccoast.net" <asteven@sccoast.net>
Sent: Tuesday, January 10, 2017 9:30:19 AM
Subject: RE: WCC # 1303465 Ann Stevenson vs. Wal-Mart Stores, Inc. 6815476: Extension Requestu

Ms. Stevenson,

These are the only copies of the pictures I have. If there are other documents in my Designation that you do not have, please identify those for me and I am happy to send you copies so you can include them in the Record.



Johnnie W. Baxley III, Attorney
jwbaxley@wjlaw.net
421 Wando Park Blvd., Suite 100
Mount Pleasant, South Carolina 29464
Phone: (843) 284-1082
Fax: (843) 284-1081

wjcbllaw.com

This message may be protected by the attorney/client privilege, attorney work product or other privileges. If you received this message in error, please send a reply, delete the message immediately and do not forward this message to any other person.

From: asteven@sccoast.net [mailto:asteven@sccoast.net]

Sent: Thursday, January 5, 2017 8:29 PM

To: Johnnie Baxley <jwbaxley@wjlaw.net>

Subject: WCC # 1303465 Ann Stevenson vs. Wal-Mart Stores, Inc. 6815476: Extension Requestu

Mr. Baxley,

I have requested an extension on filing due to the holiday mail late. Please see the attached letter to Ms. Kitchings.

Can you send me a clear copy of the accident pictures that were attached to Dr. Merritt's Deposition to be included in the Record of Appeal?

There may be some of the forms you submitted in Your Designation of Matter that I do not have copies of either.

I was unable to pick up my file from Mr. Martling.

Thank you for your time,

Ann Stevenson

Thank you for cc-ing me. When I asked about it, I was told there was not one, when I picked the copy of the WC file.



Wilson Jones Carter & Baxley, P.A.

image003.png

19 KB



032117BaxleyDenyMot&AnnExtTime.pdf

1 MB



NoticeOfWitnessesEdReportExhibitsClaimant122914.pdf

456 KB



p10HearingTr121913p10L1-14 Pics DrMerritt Dep.pdf

284 KB



20170110092717.pdf

361 KB

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEFS
T. Scott Beck, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner

WCC File No. 1303465

Appellate Case No. 2016-000790

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SC Court of Appeals

Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc., Employer

AND

New Hampshire Insurance Co.

Carrier,
Defendants. Respondents

PROOF OF SERVICE

I certify that I have served the Reply to Defendants' Return to Motion to Extend Time for assembling, preparing, verifying, obtaining the material, completing and serving the Record on Appeal Accurately on Wal-Mart Stores, Inc., and New Hampshire Insurance Co. by depositing a copy of it in the United States Mail, postage prepaid, on March 28, 2017, addressed to their attorney of record, W. Johnnie Baxley III, Esquire, 421 Wando Park Blvd., Mt. Pleasant, S.C. 29464.

March 28, 2017

Ann Stevenson

Ann Stevenson
1622 Greenleaf Drive
Conway, S.C. 29526
843-347-5151
Claimant/ Appellant

March 28, 2017

W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

RE: Ann Stevenson, Claimant/Appellant, vs. Wal-Mart Stores, Inc., Employer, and New Hampshire Insurance Company, Carrier/Defendants/Respondents, Worker's Compensation File No. 1303465

Dear Mr. Baxley:

Enclosed for filing is a Reply to your Return to motion for extension of time for assembling, preparing, verifying, obtaining the material, completing and serving the Record on Appeal Accurately in the above case.

Sincerely,

Ann Stevenson

Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151

cc: Ms. Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
1220 Senate Street
Columbia, SC 29211

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MAR 30 2017

SC Court of Appeals

March 28, 2017

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
1220 Senate Street
Columbia, South Carolina 29211

RE: Ann Stevenson, Claimant/Appellant, vs. Wal-Mart Stores, Inc., Employer, and New Hampshire Insurance Company, Carrier/Defendants/Respondents, Worker's Compensation File No. 1303465, Appellate Case No. 2016-000790

Dear Ms. Kitchings:

Enclosed for filing is

1. Appellant's Reply to Return to Respondents' Motion For Extension Of Time for assembling, preparing, verifying, obtaining the material, completing and serving the Record on Appeal Accurately in the above case.
2. Proof of service of the Motion For Extension of Time on the respondents

Thank you for your time and consideration.

Sincerely,

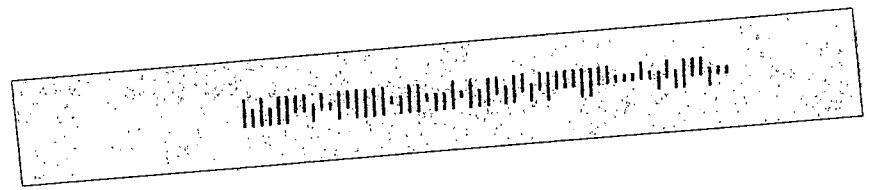
Ann Stevenson

Ann Stevenson, Claimant/Appellant
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Conway, S.C. 29526
843-347-5151

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SC Court of Appeals

cc: W. Johnnie Baxley III, Esquire
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Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

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Conway, SC 29526



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SC Court of Appeals

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