

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

JUN 14 2017

SC Court of Appeals

Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc., Employer

AND

New Hampshire Insurance Co.

Carrier,

Defendants. Respondents

MOTION TO EXCLUDE EMAILS LISTED IN DEFENDANTS' DESIGNATION OF
MATTER UNDER #6 WHICH WERE NEVER PLACED INTO EVIDENCE NOR
PRESENTED TO THE COMMISSIONERS AT ANY HEARING AND THEREFORE
DO NOT EXIST IN THEIR FILES

I, Ann Stevenson, request the above specific emails be excluded for the following reasons:

- 1) They do not exist in the Commissions' File,
- 2) They were **never placed into evidence** by the Defendants or the Claimant before the Commission,
- 3) They were never presented to the Commission at any hearing, and so
- 4) They should not properly be placed into the Record before the Court of Appeals.

Enclosed are copies of the 5 specific emails Mr. Baxley emailed to me and wishes to include in the Record that are not in the Commission's File as was stated as being unable to be found in their file in a prior motion.

The only Emails that should be properly in the Record are the ones you have already accepted in the Appellant's Designation of Matter.

I respectfully request your clarification of this matter so I can complete the Record on Appeal.

Thank you for your time and consideration,

June 12, 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

Subject: Fw: different doctor for treatment followup
From: "ANN STEVENSON" <ASTEVEN@sccoast.net>
Date: 3/16/2013 3:45 PM
To: "Barbara Cowan" <Barbara.Cowan@cmiw.com>

Hi,

I forgot to ask you to send the new doctor copies of the 2 videos so he will be able to see what and how the injury is and why it is progressing in the way it is and so he will have the knowledge necessary to treat my injuries.

Thank you,

Ann

----- Original Message -----

From: ANN STEVENSON
To: Barbara Cowan
Sent: Saturday, March 16, 2013 1:54 PM
Subject: Re: different doctor for treatment followup

Hi,

I want to see a different doctor at the location where I have physical therapy which is still doctors care. I left a message for someone to let me know of one at doctors care that has more "interest" in smooth muscle damage treatment.

I have a PT pain appointment on Wed, March 20 and would like to see the regular doctor there after therapy but I need you to set it up.

Thank you,

Ann

----- Original Message -----

From: Barbara Cowan
To: ANN STEVENSON
Sent: Friday, March 15, 2013 12:56 PM
Subject: RE: different doctor for treatment followup

I understand. I spoke with Dr. Scott today. He will clarify your restrictions and fax me an addendum to yesterday's work status note. I will let you know what he sends as soon as I receive it.

Do you feel that you can work your full shifts?

Because the doctor listed a 7 hr shift, I also figured your TTD (temporary total disability) in case you are taken out of work either full time or partial hours. Your average weekly wage was \$2,246.83 over the four quarters prior to your injury. Your weekly comp rate (figured at .6667 x \$2,246.83) is \$1,497.96. There is a state maximum of \$743.72 TTD per week. If you are taken out of work you would received \$743.72/weekly from workers comp. If you work partial hours then I would figure that amount on a weekly basis depending on how many hours you were scheduled for, not to exceed the state maximum.

I am working on getting you into an orthopaedic and will let you know as soon as I can get that set up.

Thank you for keeping me updated,

Barbara Cowan
Case Manager, SC
Phone 479.621.2900 ext 20746
Fax 479.273.8058
barbara.cowan@cmiw.com
Claims Management, Inc.
PO Box 1288

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JUN 14 2017
SC Court of Appeals

Bentonville, AR 72712-1288
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From: ANN STEVENSON [mailto:asteven@sccoast.net]
Sent: Friday, March 15, 2013 11:38 AM
To: Barbara Cowan
Subject: Re: different doctor for treatment followup

Hi,

Yesterday's activities.. or I would not have gone back to the doctor were triggered because I was told I needed to get an accomodation by a supervisor..... so I went back to dr... saw the wrong one the only one who further restricted my schedule instead of giving me the accomodation I had asked for. Most of my scheduled days are 8 to 10 hours, he wanted to restrict me to 6 and settled for 7. That is my current problem..... my acting supervisor was going to try and schedule me every other day.. and has bounced this problem up the line.

Thank you,
Ann

----- Original Message -----

From: Barbara Cowan
To: ANN STEVENSON
Sent: Friday, March 15, 2013 10:05 AM
Subject: RE: different doctor for treatment followup

Ann.

I did say that you can only see the doctor at Doctors Care. This is your authorized treating physician unless you are referred to a different specialty.

I cannot release a copy of any video to you. In addition, your doctor has not expressed any concern with understanding your mode of injury.

Barbara Cowan
Case Manager, SC
Phone 479.621.2900 ext 20746
Fax 479.273.8058
barbara.cowan@cmiw.com
Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288
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From: ANN STEVENSON [mailto:asteven@sccoast.net]
Sent: Friday, March 15, 2013 8:48 AM
To: Barbara Cowan
Subject: Re: different doctor for treatment followup

Hi,

You said I can see only doctors at Doctors Care.

Can I see doctors at the other locations of that chain?

I have explained the reasons why I do not want to see either one of the two (they do not have complete

visits, but stay in with me for about 3 to 7 minutes, so their paperwork takes many times longer than their actual visit with me) that I have seen already. Most of my visits entail me waiting for 2 to 3 hours at their office from entrance to exit which is not comfortable either. There is no comprehensive discussion about what is going on. These visits appear to be nuisances for them and they are unable to explain exactly what is going on. I would prefer to see a doctor that the physical therapist recommends out of that group that may be at the physical therapy location where the physical therapist could actually show the doctor what appears to be happening.

The acting DM is working with corporate on what type of accomodation they can give me or what they'll have to do to me since the doctor wouldn't. I also talked to Billy in security about the video of the injury and he said your group was the one to request it from. Please find out who has it and can you request a copy for me and/or the physical therapist and the new doctor. Evidentially, the two doctors I saw never got a copy of the Injury video..... so their perception of what actually happened is clouded with what they think a fall entails. It is their perception that is one of the reasons I am not being treated appropriately. So by not making sure all people treating me are able to see the video, it is hampering my treatment and recovery..... as guesses are taking place.

Since my injury was so fast, I also want to see exactly how it happened. I know "I DID NOT JUST FALL OVER".

I did request they receive a copy so they would have the actual knowledge to understand how the injury occurred and why it is so spread out up and down the right side and onward. When I asked the nurse, she said they have nothing.

Thank you,

Ann

----- Original Message -----

From: Barbara Cowan

To: ANN STEVENSON

Sent: Friday, March 15, 2013 8:57 AM

Subject: RE: different doctor for treatment followup

Ann,

As discussed, the company has choice of physician. You need to continue treating with Doctors Care unless you are referred on to another specialty. If Doctors Care does refer you then that request for authorization will come to me and I will select the doctor within that specialty that you will be referred to.

Your doctor has referred you for a course of physical therapy. The doctor marks the Pt script for the treatment they feel you need. You are welcome and encouraged to discuss all concerns with your treatment with your doctor. This will help them make the best decisions on your care. It is important that you attend all PT appointments to maximize the benefits of the treatment.

The authorized treating doctor will make all decisions on your ability to work. The doctor has indicated that you can work light duty. That being said, it is up to your management on where they need you to work your light duty and what your schedule will be. If you continue to work as a pharmacist or if they have your working in a temporary alternate duty (TAD) is completely up to your management. As discuss, it is very important that you communicate your work restrictions, physical therapy schedule, etc to your manager.

Thank you,

Barbara Cowan

Case Manager, SC

Phone 479.621.2900 ext 20746

Fax 479.273.8058

barbara.cowan@cmlw.com
Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288
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From: ANN STEVENSON [mailto:asteven@sccoast.net]
Sent: Thursday, March 14, 2013 11:18 AM
To: Barbara Cowan
Subject: Re: different doctor for treatment followup

Hi,

I tried to call you a couple of times. I went and waited, was told the only one to see today was Dr Scott. When I again reiterated that I could not take muscle relaxants at work and needed a work schedule where I had one day off after working so I could take a muscle relaxant after work and be able to sleep without intermittent pain on movement and spasms or tightness after working, which woke me up so that sometimes I wake up 4 or more times in a 6 to 10 hour period of trying to sleep each day after working. Then if I work the next day it is much harder to concentrate and sometimes the pain gradually increases after much repetitive motion so that it is additive and I am sure that is a big reason why I may not be getting better that fast.

The doctor decided to change my muscle relaxant still to take at work..... " to something less sedating".

This is something that is not possible for me to do. Pharmacists are not supposed to take any kind of debilitating drugs while working or before work for many reasons, especially that of patient endangerment (medicine mix-ups and drug interactions which are not caught).

I would like to be able to go to my physical therapy sessions and there is no such thing as light duty for a pharmacist.

I still would like to see a different doctor than those at this practice for my follow-up therapy. The second doctor was antagonized when I asked for prescriptions for what you said the doctor had to write and she was antagonized when she had told me I was to get pain management with ultrasound and did not get it..... you told me she had not prescribed so that was why PT did not do it. I talked to her about that and she had said all PT had to do was call, but it wasn't on the orders. So I had PT fax their records to her before that last appointment.

It would be nice if THE Doctors covered all the aspects of therapy so there was no confusion or mistakes made as to what was going on.

I have been having some difficulty sleeping most nights after working because of the additive repetitive movements and muscle spasms and as such it has affected my work at the pharmacy and pharmacy patients.

Today I will go in to work with about 3 to 4 hours sleep because I got up to go early to Dr since the last wait was about 3 hours(which the DR wait there is typically 2 to 3 hours). I was told to get an accomodation from the Dr if I needed it, but he refused to give it and just told me to continue taking muscle relaxants during working hours. (This even after the above conversation).

I should like to see a doctor who actually understands the injuries (which appear to be

soft tissue) and you had said that SC worker's comp does not allow me to see a chiropractor (which is their specialty). So how can I get a different general doctor for followup.

Not only do I feel that I am not heard, but that my appointments are not thorough with continuing information taken down. I am sure there is no information listed as to daily activities with increasing problems with such as getting in and out of cars, braking and some other things. I do need some time off to go to physical therapy. You already told me I wouldn't be paid for it, so I don't see why the doctor would not write for it.

Thank you,
Ann Stevenson

----- Original Message -----

From: Barbara Cowan

To: asteven@sccoast.net

Sent: Tuesday, March 05, 2013 11:48 AM

Barbara Cowan

Case Manager III, Workers' Compensation SC

Phone 479.621.2900 ext 20746 Fax 479.273.8058

barbara.cowan@cmitw.com

Claims Management, Inc.

PO Box 1288

Bentonville, AR 72712-1288

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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

RECEIVED

JUN 14 2017

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 Motion MOTION TO EXCLUDE EMAILS LISTED IN DEFENDANTS' DESIGNATION OF MATTER UNDER #6 WHICH WERE NEVER PLACED INTO EVIDENCE NOR PRESENTED TO THE COMMISSIONERS AT ANY HEARING AND THEREFORE DO NOT EXIST IN THEIR FILES on Wal-Mart Stores, Inc., and New Hampshire Insurance Co. by depositing a copy of it in the United States Mail, postage prepaid, on June 12, 2017, addressed to their attorney of record, W. Johnnie Baxley III, Esquire, 421 Wando Park Blvd., Mt. Pleasant, S.C. 29464.

June 12, 2017



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

June 12, 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 a MOTION TO EXCLUDE EMAILS LISTED IN DEFENDANTS' DESIGNATION OF MATTER UNDER #6 WHICH WERE NEVER PLACED INTO EVIDENCE NOR PRESENTED TO THE COMMISSIONERS AT ANY HEARING AND THEREFORE DO NOT EXIST IN THEIR FILES in the above case. Also enclosed are the following:

- (1) Proof of service of this Motion on the respondents
- (2) A filing fee of \$25 for the Motion.

Sincerely,



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

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SC Court of Appeals

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

June 12, 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

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JUN 14 2017
SC Court of Appeals

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 MOTION TO EXCLUDE EMAILS LISTED IN DEFENDANTS' DESIGNATION OF MATTER UNDER #6 WHICH WERE NEVER PLACED INTO EVIDENCE NOR PRESENTED TO THE COMMISSIONERS AT ANY HEARING AND THEREFORE DO NOT EXIST IN THEIR FILES in the above case.

Sincerely,



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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Conway, SC 29526

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SC Court of Appeals

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Ms. Jenny Abbott Kitchings, Clerk
SC Court of Appeals
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Columbia, S.C. 29211

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