

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM S.C. WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2016-000790

RECEIVED

Ann Stevenson, Claimant,

Appellant,

JUN 20 2017

v.

SC Court of Appeals

Wal-Mart Stores, Inc., Employer, and
New Hampshire Insurance Co., Carrier,

Respondents.

RESPONDENTS' RETURN TO APPELLANT'S MOTION TO EXCLUDE EMAILS
DATED JUNE 12, 2017

In response to the Appellant's Motion to Exclude Emails, Respondents respectfully assert:

1. On March 2, 2017, the Court of Appeals issued an order granting Respondents' Motion to Strike several matters from Appellant's Designation of Matter. Specifically, the Court of Appeals indicated that all matters objected to in Respondents' Exhibit A shall be stricken and not included in the record on appeal. This order also indicated that the court declined to accept Appellant's Amended Designation of Matter.
2. On March 21, 2017, the Court of Appeals extended the time for Appellant to serve the Record on Appeal to May 3, 2017.
3. Appellant filed several other motions to amend her Designation of Matter and to include in the Record on Appeal additional items.
4. On June 1, 2017, the Court of Appeals issued an order granting in part and denying in part Appellant's motion regarding the Record on Appeal. The Court of Appeals also indicated

that the Record on Appeal must be properly served within 30 days of the date of that order and that no further extensions would be granted.

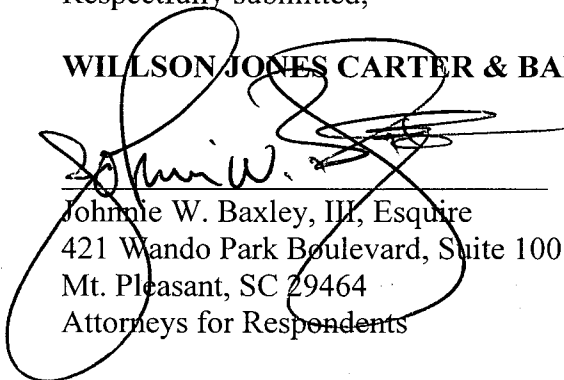
5. On June 12, 2017, Appellant filed a Motion to Exclude Emails in reference to documents in the Record on Appeal.
6. Respondents filed their Designation of Matter to be Included in the Record on Appeal on December 28, 2016. Appellant's Motion to Exclude, which was filed on June 12, 2017, nearly 6 months after the Respondents' Designation was filed, is not timely or proper.
7. With regard to the substance of Appellant's Motion to Exclude, Appellant has raised an objection to item #6 in the Respondents' Designation which is "5 additional pages of emails between claimant and adjuster submitted at hearing." Unfortunately, the emails attached to Appellant's Motion are not the emails that are referred to in item #6 of Respondents' Designation. The emails that are referred to in item #6 of Respondents' Designation are five pages of emails that were submitted to the Hearing Commissioner on pages 18-20 of the hearing transcript and which are included in the Commission's file. For the convenience of the Court, attached as Exhibit A are pages 18-20 of the hearing transcript and attached as Exhibit B are the five pages of emails that were submitted at the hearing. It should also be noted that these same five pages of emails were also included in Appellant's Designation of Matter as item #14 and Respondents did not object to that matter on Appellant's Designation. The five pages of emails identified as item #6 in Respondents' Designation and item #14 in Appellant's Designation should properly be included in the Record on Appeal.
8. The five pages of emails that are attached to Appellant's Motion to Exclude are actually emails that were submitted by Appellant through her counsel in the prehearing brief filed on December 29, 2014. These emails were part of the APA submissions and Form 58 filed

by claimant on December 29, 2014, and listed as item #4 on Respondents' Designation. For the convenience of the Court, the Form 58, APA and emails are included as Exhibit C. Contrary to the assertions of Appellant in her Motion to Exclude, those items were properly submitted by her own counsel in the prehearing brief and they were in evidence before the Commission.

9. For the reasons submitted above, the Respondents request that Appellant's Motion to Exclude Emails be denied and dismissed.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



Johnnie W. Baxley, III, Esquire
421 Wando Park Boulevard, Suite 100
Mt. Pleasant, SC 29464
Attorneys for Respondents

Date: June 15, 2017

1 MR. BAXLEY: I've seen it.

2 MR. MARTLING: You've seen it? Okay.

3 BY MR. MARTLING:

4 Q The first sentence -- I mean here.

5 A "Compensable body parts. At your initial
6 office visit you indicated injury to your right upper
7 arm, right elbow and right hand and fingers. When I
8 interviewed" --

9 Q That's it.

10 A Okay.

11 Q Okay. And what does the last sentence say?

12 A "These are the only body parts that are
13 covered in this workers' comp claim."

14 Q Okay. Did you not -- indicate to you that
15 your hand was going to be -- as we use in terms, an
16 accepted -- an accepted body part?

17 A Yes.

18 Q What sort of treatment did you receive for
19 your hand?

20 MR. BAXLEY: Carter, you've got to submit the
21 email.

22 MR. MARTLING: Oh, I'm sorry. I apologize.

23 MR. BAXLEY: Are you submitting the whole chain
24 of emails?

25 MR. MARTLING: Should we do that?

1 MR. BAXLEY: Yes.

2 MR. MARTLING: Okay. Then we will, so that it is
3 complete.

4 THE COURT: That's fine.

5 MR. MARTLING: So that it's all there.

6 MR. BAXLEY: Can we have that back?

7 MR. MARTLING: Sure. Let me make sure. Where
8 this is at is -- is Barbara -- Sherrill then went to
9 Barbara who responded to Ann about the compensable
10 body parts. I know there's a million emails.

11 THE COURT: Okay.

12 BY MR. MARTLING:

13 Q All right, Ann, let's talk about where your
14 hand is at this point; what -- what started happening?

15 A Okay. After I hurt it, it was throbbing
16 really bad and I couldn't -- I was having trouble
17 using it, I couldn't use the staple gun; I had to use
18 the left hand for that. And I couldn't sleep with it.
19 I didn't close the pharmacy down that day, because
20 they would have had to close it -- so -- to go to the
21 doctor and I thought it was bruised, so I waited a
22 couple of days and my next day off I called them and
23 told them that I needed to go see the doctor and they
24 told me that I had to wait until there was a manager
25 available to go.

Subject: Re: Hip
From: "ANN STEVENSON" <ASTEVEN@sccoast.net>
Date: 4/16/2013 4:19 PM
To: "Hanna Wiley" <Hanna.Wiley@cmiw.com>

Copy

Hanna,
Thank you,
Ann

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

From: Hanna Wiley
To: Asteven@sccoast.net
Sent: Tuesday, April 16, 2013 11:46 AM
Subject: Hip

Ms Stevenson

After I reviewed you claim, we decided to include the right hip to be a part of this claim.

Please let me know if you have any questions

Thank you

Hanna Wiley Case Manager IV
Phone 800.527.0566 ext 20748 Fax 479.273.8058
hanna.wiley@cmiw.com

Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288
Respect — Service — Excellence

This email and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you have received this email in error destroy it immediately. *** Claims Management Inc. Confidential ***

Subject: RE: referral

After review of your claim we can cover your right knee, neck, right shoulder, elbow, and hand. At this time no other parts of body will be covered.

From: ANN STEVENSON [mailto:asteven@sccoast.net]
Sent: Wednesday, April 03, 2013 2:40 PM
To: Krystal Rogers
Subject: Re: referral

Krystal,

The damage is the muscles and tendons connecting up and down the leg, knee and hip. Are you saying that after your review you will not cover these?

Thank you,
Ann Stevenson

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

From: Krystal Rogers
To: ANN STEVENSON
Sent: Wednesday, April 03, 2013 3:29 PM
Subject: RE: referral

I have had a chance to completely review your file. I have spoken to Barbra and we will cover your right knee, neck, right shoulder, elbow, and hand. Those will be the parts of body that will be covered under your work comp claim. Barbra has been instructed to call your treating physician and inform him of this information.

Dr. Merritt should not be completing a medical LOA unless he believes you are physically capable of not working.

I hope I have addressed your concerns. Please let me know if you need anything else

Krystal Rogers Supervisor II, SC Worker's Comp
Phone 479.621.2900 x20740
Fax 479-273-8058
Krystal.Rogers@cmiw.com
Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288
Respect ? Service ? Excellence

From: ANN STEVENSON [mailto:asteven@sccoast.net]
Sent: Monday, April 01, 2013 10:26 AM
To: Krystal Rogers
Cc: Cheryl Bosse
Subject: Fw: referral
Importance: High

Hi Krystal,

I would like you to review my entire case along with the doctor's notes on treatment and what areas for x-rays, etc. I have emailed Barbara several times about fixing the referral so I can have the orthopedic treat all of my injuries and not just part of them.

As you can see, this is her last reply. As far as I can tell, she has not looked at doctor encounter notes or

2

Subject: Fw: referral
From: "ANN STEVENSON" <ASTEVEN@sccoast.net>
Date: 4/1/2013 11:06 AM
To: "Cheryl Bosse" <cheryl.bosse@wal-mart.com>

Cheryl,

How does this hierarchy of workers comp work? Who is the next person up the line and who after that? If you will read what she sent me this morning you will understand. If you did not get to see the two videos of the injury, you could ask Billy(4664) in security what happened. He saw them both and will know where the start and end of injury due to video.

I do not know what Barbara is doing. Since she supposedly has the videos and would not release them to me, she knows exactly how I was hurt.

I really thought all the problems I had been having with worker's comp and injuries were going to be fixed, once I got to see the specialist.

But restricting me from access to medical treatment for part of the injuries is not going to help me get better.

Can you tell me who I will need to contact at Walmart at each step, until this is resolved? The way I am being treated by this adjuster, when she has the doctor notes from each visit is unbelievable. Maybe she hasn't looked at all the facts, What does she mean by light duty?

Thank you,

Ann

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

From: Barbara Cowan

To: ANN STEVENSON

Sent: Monday, April 01, 2013 8:50 AM

Subject: RE: referral

Ann,

Compensable body parts:

At your initial office visit you indicated injury to your right upper arm, right elbow and right hand/fingers. When I interviewed you on 2-28-13, 12 days after your injury and plenty of time for any other injuries to surface, you indicated that your injuries were to the right hand (especially the right little finger), right arm, neck and right knee. These are the only body parts that are covered in this workers' comp claim.

Work status:

At your initial orthopedic visit on 3-27-13, Dr. Merritt continued your light duty work restrictions of no pushing/pulling/lifting over 10 pounds, no repetitive movements or gripping with the right hand/wrist, limit standing to less than four hours and no overhead activity. You have no other restrictions including no driving restriction. Your employer has offered you full hours light duty giving you the opportunity to work. You have not been authorized out of work by the authorized treating physician. It is my understanding that you have requested a personal medical loa from your employer. This would be something that you would arrange between you and your management. You do not qualify for indemnity benefits from workers' comp because you have not been taken out of work by the authorized treating physician.

Please contact me with any questions or concerns,

Thank you,

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

Subject: Re: Hip
From: "ANN STEVENSON" <ASTEVEN@sccoast.net>
Date: 4/16/2013 4:19 PM
To: "Hanna Wiley" <Hanna.Wiley@cmiw.com>

Hanna,
Thank you,
Ann

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

From: [Hanna Wiley](#)
To: Asteven@sccoast.net
Sent: Tuesday, April 16, 2013 11:46 AM
Subject: Hip

Ms Stevenson

After I reviewed you claim, we decided to include the **right hip** to be a part of this claim.

Please let me know if you have any questions

Thank you

Hanna Wiley Case Manager IV
Phone 800.527.0566 ext 20748 Fax 479.273.8058
hanna.wiley@cmiw.com

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Bentonville, AR 72712-1288
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Date: 4/16/2013 4:19 PM
To: "Hanna Wiley" <Hanna.Wiley@cmiw.com>

COPY

Hanna,
Thank you,
Ann

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

From: [Hanna Wiley](mailto:Hanna.Wiley)
To: Asteven@sccoast.net
Sent: Tuesday, April 16, 2013 11:46 AM
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Ms Stevenson

After I reviewed you claim, we decided to include the right hip to be a part of this claim.

Please let me know if you have any questions

Thank you

Hanna Wiley Case Manager IV
Phone 800.527.0566 ext 20748 Fax 479.273.8058
hanna.wiley@cmiw.com

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COPY

Claimant's Name: Ann Stevenson Employer's Name: Walmart Stores Inc.
Address: 2261 Greenleaf Drive Address: 2709-A Church St.
City: Conway State: SC Zip: 29526 City: Conway State: SC Zip: 29526
Home Phone: 843-454-6186 Work Phone: _____ Carrier: New Hampshire Ins. Co.
Preparer's Name: Carter Martling Preparer's Phone #: 803-661-7429

A claim for workers' compensation benefits is made based on the following grounds:

Injury Illness Repetitive Trauma

1. Compensation Rate: \$743.72 2. AWW: \$ 2,212.05 Date of Injury: 2/16/2013
3. Type of injury and body part(s): Neck, Right Shoulder, Right Hand, low back, Right Knee, and Right Foot/ankle
4. Facts in controversy:
Whether the Claimant is entitled to causally related medical treatment and/or award of permanency to any or all body parts. Whether Defendants are entitled to a credit. Whether the Defendants may claim MMI prior to a proper medical release for all accepted body parts. Whether Claimant is entitled to any back TTD. Claimant has serious concerns about the validity/legitimacy of the Defendants' concern about her credibility.
5. Legal issues involved:
See above.
6. Unusual aspects: Claimant has been written to restricted duty by the ATP intermittently since the previous hearing.
7. Witnesses (designate if expert):*
8. Exhibits:
Written communications between the Employer and Claimant.
9. Medical evidence (indicate report pursuant to R.67-612; deposition or appearance):
See attached Notice of Witnesses and Written Medical Reports to Be Submitted on Behalf of the Claimant.
10. Name, address, and specialty, if any, of the treating physician:
Dr. Merritt, Strand Orthopaedic, Myrtle Beach, SC.
11. Impairment rating(s); body part(s); physician and date of opinion: 2% to shoulder (RUE), 3% to the RLE, Dr. Merritt, 10/10/13
12. I am amending my Form 50/51 in the following manner:

Mediation

- a. Mediation is requested to be ordered pursuant to Reg. 67-1801 B.
- b. Mediation is required pursuant to Reg. 67-1802.
- c. Mediation is requested by consent of the Parties pursuant to Reg. 67-1803.
- d. Mediation has been conducted by a duly qualified mediator and resulted in an impasse.

Questions regarding mediation may be submitted to mediation@wcc.sc.gov.

I verify the contents of this form are accurate and true to the best of my knowledge.
I certify I have served this document pursuant to Reg. 67-211 by delivering a copy to

address The Hon. Mike Campbell, SCWCC, PO Box 1715, Columbia, SC 29212-1715 on the 29 day of December 20 14

by first class postage certified mail personal service.

Signature: [Signature] Email: martlinglawpc@gmail.com
Date of hearing: Jan. 8, 2015 Time needed for hearing: 1 hour

Questions about the use of this form should be directed to the Jurisdictional Commissioner. Refer to Regulations 67-204 through 67-211 and Regulations 67-601 through 67-615; as well as Regulation 67-1801. File this form and proof of service on the opposing party according to R.67-611 and R.67-212. Do not send medical reports. * Commissioners reserve the right to admit expert witnesses at hearings.

COPY

STATE OF SOUTH CAROLINA
BEFORE THE WORKERS' COMPENSATION COMMISSION
W.C.C. FILE No.: 1303465

ANN STEVENSON,)
)
Claimant,)
)
vs.)
)
WALMART STORES, Inc.,)
)
Employer,)
)
And)
)
AMERICAN HOME ASSURANCE,))
)
Carriers/Defendants.)

NOTICE OF WITNESSES AND WRITTEN
MEDICAL REPORT(S)/PHYSICIAN OR
ON BEHALF OF THE CLAIMANT

TO: THE HONORABLE MIKE CAMPBELL, COMMISSIONER, SOUTH
CAROLINA WORKERS' COMPENSATION AND JOHNNIE BAXLEY III,
ESQUIRE, ATTORNEY FOR EMPLOYER:

YOU ARE HEREBY NOTIFIED THAT THE Claimant, pursuant to the
provisions of the South Carolina Workers' Compensation Act and South Carolina Code
Section 1-23-330 (1976, as amended), hereby submits the following reports/physicians or
other evidence on behalf of the Claimant, to wit:

APA#	MEDICAL PROVIDER	DATES	PAGES
7.	Strand Orthopaedic	12/27/13-11/12/14	88-126
8.	Coastal Orthopaedics	4/2/14-4/14/14	129-132

EXHIBITS

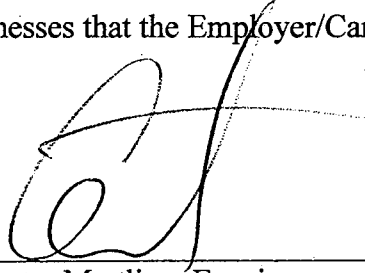
1.	Claimant Emails to Adjuster	1-5
2.	Walmart Store Surveillance Video and Photos	2/16/13

COPY

YOU ARE HEREBY NOTIFIED that you have the right to cross-examination; and, should you desire to exercise said right, you are to forthwith schedule the deposition(s) of any of the physician's or other person(s), whose reports are submitted, for the purpose of cross-examination.

YOU ARE FURTHER HEREBY NOTIFIED that the originals of the documents referred herein, or photocopies received from said physicians/others, are being herewith forwarded to the South Carolina Commission and inclusion into evidence on behalf of the Claimant.

YOU ARE FURTHER NOTIFIED that the following witnesses may be called on behalf of the Claimant: The Claimant, Claimant's Medical Providers, Claimant's friends and family members, co-workers, and any witnesses that the Employer/Carrier Defendant may call.



Carter Martling, Esquire
Post Office Box 3781
Irmo, SC 29063
(803) 661-7429

Irmo, South Carolina
December 29, 2014

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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Bentonville, AR 72712-1288

Respect - Service - Excellence**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

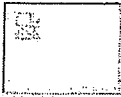
Fax 479.273.8058

barbara.cowan@cmiv.com

Claims Management, Inc.

PO Box 1288

Bentonville, AR 72712-1288

Respect - Service - Excellence**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. Evidently, 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.

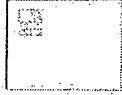
Thank you,

Barbara Cowan
Case Manager, SC
Phone 479.621.2900 ext 20746
Fax 479.273.8058

3

10/19/2013 4:31 PM

barbara.cowan@cmiw.com
Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288
Respect - Service - Excellence



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

4

10/19/2013 4:31 PM

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@cmiw.com

Claims Management, Inc.
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JUN 20 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM S.C. WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2016-000790

Ann Stevenson, Claimant,

Appellant,

v.

Wal-Mart Stores, Inc., Employer, and
New Hampshire Insurance Co., Carrier,

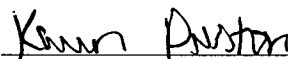
Respondents.

CERTIFICATE OF SERVICE

I, Karen C. Preston, do hereby certify that I am the Paralegal for Johnnie W. Baxley, III, Esquire, attorney for the defendants with **WILLSON JONES CARTER & BAXLEY, P.A.** in Mt. Pleasant, South Carolina, and that on the 15th day of June, 2017, I mailed the foregoing **RESPONDENTS' RETURN TO APPELLANT'S MOTION TO EXCLUDE EMAILS** to the following by placing a copy thereof in the United States mail, first class, proper postage affixed thereto:

Ann Stevenson
2261 Greenleaf Dr.
Conway, SC 29526

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



Karen C. Preston
Paralegal to Johnnie W. Baxley, III, Esquire
WILLSON JONES CARTER & BAXLEY, P.A.
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH ATLANTA

Johnnie W. Baxley, III
Direct (843) 284-1082
Fax (843) 284-1081
jwbaxley@wjlaw.net

421 Wando Park Boulevard, Suite 100
Mt. Pleasant, SC 29464
www.wjcbllaw.net

June 15, 2017

The Honorable Jenny Abbott Kitchings
1015 Sumter Street
P.O. Box 11629
Columbia, SC 29211

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JUN 20 2017

SC Court of Appeals

Re: Ann Stevenson vs. Wal-Mart Stores, Inc.
WCC File No.: 1303465 DOI: 2/16/2013
Carrier: New Hampshire Insurance, Co. - Claim No.: 6815476
WJC&B File No.: 0170.02572
Appellate Case No.: 2016-00790

Dear Ms. Kitchings:

Please find enclosed the following documents (an original and six copies) for filing in regards to the above-referenced case.

1. Respondents' Return to Appellant's Motion to Exclude Emails Dated June 12, 2017; and
2. Proof of service.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Johnnie W. Baxley, III

JWB/hsh

Enclosures

cc: Ann Stevenson
Barbara Cowan (via e-mail)

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WILLSON JONES CARTER & BAXLEY, P.A.
ATTORNEYS AT LAW
421 WANDO PARK BOULEVARD, SUITE 100
MOUNT PLEASANT, SC 29464

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JUN 20 2017

SC Court of Appeals

THE HONORABLE JENNY ABBOTT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, SC 29211