

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

T. Scott Beck, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner

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WCC File No. 1303465

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Appellate Case No. 2016-000790

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**RECEIVED**

JUN 26 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 OBJECTING TO 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

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The reasons for requesting Mr. Baxley's requested specific emails (copies included in the original motion) be excluded have not changed.

- 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.

Mr. Baxley and Ms Allen (Court of Appeals) were sent email copies of correspondence between Ms Bracy, Director of Workers' Compensation Commission and myself, where it was clearly stated there were no other emails than the ones designated by the Appellant held within the Commission's file. Ms Bracy also asked if we needed a certified copy, which I told her no. At no time did Mr. Baxley contact, object or in any other way known to me contact Ms. Bracy about these emails, so I did not know I would have to provide proof they were not there. She can be contacted and Ms. Allen has her information for proof.

I am limited on time for my REPLY so I left a phone message the day I received Mr. Baxley's Return to My Motion on Monday, June 19, 2017.

As of today, I have not heard from her, so I cannot say at what point the Appellant's Designated Emails were scanned in, other than they were attempted to be read during the hearing before the disruption and were introduced into evidence there. I assumed those same emails were attached to Form 58. But as my LAWYER refused me a copy of my entire file(giving or selling me pieces), there is no way I know what he did or did not do, other than going on the basis of the Commission's file and the hearing transcripts.

Competency shows up in many things, but then I am not a lawyer and that should not be a reason to discriminate or call me a liar.

The only Emails that should be properly in the Record are the ones you have already accepted in the Appellant's Designation of Matter, because they were the only ones the Commission had access to.

**Should the Court allow Mr. Baxley the right to use these emails (of which I had no knowledge he had until he placed them into his Designation of Matter and emailed me copies), I request the right and ability to use these emails in reference and explanations in my briefs.**

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

Thank you for your time, patience, and consideration in getting at the truth for an accurate Record,

June 20, 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

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPELLANT'S REPLY TO RESPONDENTS' OBJECTION TO 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  
T. Scott Beck, Commissioner

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Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc., Employer  
AND  
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**PROOF OF SERVICE**

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I certify that I have served the APPELLANT'S REPLY TO RESPONDENTS' OBJECTION TO 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 and additional citations to be added under **Initial Briefs Rule 208 (b)(7) Supplemental Citations** 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 20, 2017, addressed to their attorney of record, W. Johnnie Baxley III, Esquire, 421 Wando Park Blvd., Mt. Pleasant, S.C. 29464.  
June 20, 2017

*Ann Stevenson*

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

June 20, 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) an APPELLANT'S REPLY TO RESPONDENTS' OBJECTION TO 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, 2) Proof of service of this REPLY and of THIS LETTER for adding additional citations on the respondents.

**Under Initial Briefs Rule 208 (b)(7) Supplemental Citations.** When pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed, the party shall promptly advise the clerk of the appellate court, by letter, with a copy to all counsel, setting forth the citations. There shall be a reference either to the page of the brief or to an issue to which the citations pertain, but the letter shall, without argument, state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.

I am requesting that the following three citations and explanations be included (under the above Rule) into sections of Appellant's Initial Brief : 1) on page ii which is Table of Authorities, and 2) pages 18 – 20 Under Argument for UETA law. I have recently found these attached to a 2017 ruling.

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SC Court of Appeals

1. *Khoury v. Tomlinson*, --- S.W.3d ----, 2016 WL 7671376 (Tex. App. Dec. 22, 2016), here the Appellate court held 1)an electronic signature is "an electronic sound, symbol, or process attached to or logically associated with a record" and was executed or adopted by a person with the intent to sign the record, 2)concluding first that Tomlinson's name and email in the "From" field was a symbol logically associated" with the email, and 3) further deciding the name in the "From" field can be construed to be "executed or adopted by the person with the intent to sign the record."
2. *Kluver v. PPL Mont.*,*293 P.3d 817 (Mont. 2012)* Court held that "from" field in email and statement of approval in body of the email established that email was signed.
3. *Int'l Casings Grp. v. Premium Standard Farms* , *358 F. Supp. 2d 863 (W.D. Mo. 2005)* Court held that the email header with name of sender constitutes a signature under the Missouri UETA.

Sincerely,

*Ann Stevenson*

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

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 20, 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 1) an APPELLANT'S REPLY TO RESPONDENTS' OBJECTION TO 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, 2) a copy of the letter to the Clerk of Court presenting further citations to be added to Appellant's Briefs, under **Initial Briefs Rule 208 (b)(7) Supplemental Citations.**

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

2261 Greenleaf Dr.  
Corry, SC

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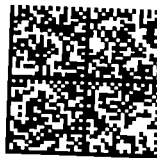
JUN 26 2017

SC Court of Appeals

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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



7016 2710 0000 6327 3599

The Honorable Jenny Abbott Kitchens  
Clerk, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

6/21

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