

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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W.C.C. File No.: 1303989

SC Court of Appeals

Clarence B. Jenkins, Employee,Appellant,

v.

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

**RETURN IN OPPOSITION TO
STATEMENT OF DECLARATION**

Pursuant to Rule 240, SCAC, Respondents Amazon.Com DEDC, LLC and Zurich Ins. Co. file this Return in Opposition to Appellant Clarence B. Jenkins Jr.'s Statement in Opposition. First, it is unclear whether any response is necessary because Appellant has not submitted any filing fee with his Statement in Opposition and it is unclear exactly what relief he seeks. Second, until now, Appellant has not objected to the items included in Respondents' Designation of Matter. Instead, he simply filed his Initial Reply Brief. Thus, his time to object has passed.

However, and out of an abundance of caution, Respondents clarify for the Court that they have argued consistently that material not presented to the Commission and included in the Commission Record may not be included in the Record on Appeal and not, as Appellant suggests that only items included in the Pre-Hearing Brief / APA submission may be included in the Record on Appeal. In fact, the items that Appellant currently objects to – "the twitter and facebook accounts" – were admitted on the record at the hearing before Single Commissioner

Campbell. (*See* Exh. A). Respondents note that Appellant also was allowed at that hearing to admit certain items that were in the public domain. (*See* Exh. B). What Respondent was not allowed to have entered into the record were files of materials he brought with him to the hearing which he had not designated or provided to opposing counsel prior to the hearing, as is required by S.C. Code Reg. § 67-612. (*See* Exh. C).

Finally, with regard to Appellant's newly-minted argument that he was not timely served with Respondents' Pre-Hearing Brief, there is no merit to his allegation. Furthermore, Appellant did not object to Respondents' APA submissions at the hearing before Commissioner Campbell and has thereby waived any objection he may have. *E.g.*, James v. Horace Mann Ins. Co., 371 S.C. 187, 198, 638 S.E.2d 667, 672 (2006), *citing* McCreight v. MacDougall, 248 S.C. 222, 226, 149 S.E.2d 621, 622 (1966) (failure to object when evidence is offered into evidence waives any objection later on appeal).

CONCLUSION

Respondents do not believe any response is required to Appellant's Statement of Declaration. Furthermore, the Statement of Declaration lacks any merit and appears to be little more than another attempt to circumvent this Court's Rules and July 13, 2017 and May 11, 2017 Orders. Respondents urge this Court either to order Appellant to produce the Record on Appeal as ordered forthwith or dismiss his appeal for failure to comply with this Court's rules, pursuant to Rule 260(a).

Respectfully submitted,

July 25, 2017

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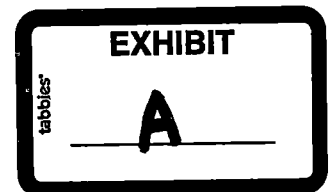
*Attorneys for Respondents Amazon.Com DEDC, LLC
and American Zurich Ins. Co.*

BEFORE THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
WCC FILE NO. 1303989

CLARENCE B. JENKINS,)
)
CLAIMANT,) HEARING
) BEFORE COMMISSIONER
) R. MICHAEL CAMPBELL, II
v.)
) TRANSCRIPT
AMAZON.COM, DEDC, LLC,)
)
EMPLOYER,)
AND)
)
AMERICAN ZURICH INSURANCE)
COMPANY,)
)
CARRIER,)
DEFENDANTS.)
_____)

THE WORKERS' COMPENSATION HEARING, TAKEN
BEFORE CORA ELLIS BRUTON, A NOTARY PUBLIC IN AND FOR
THE STATE OF SOUTH CAROLINA, COMMENCING AT THE HOUR OF
3:44 P.M., THURSDAY, MAY 21, 2015, SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION, 1333 MAIN STREET,
COLUMBIA, SOUTH CAROLINA 29201.

CORA ELLIS BRUTON
COURT REPORTER
131 BROWNING COURT
LEXINGTON, SOUTH CAROLINA 29073
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INDEX

WITNESS - CLARENCE B. JENKINS
DIRECT EXAMINATION BY MR. GOUDELICK. 37

CERTIFICATE. 114

EXHIBITS

DEFENDANTS' EXH. NO. 1 TWITTER ACCOUNT 65
DEFENDANTS' EXH. NO. 2 FACEBOOK ACCOUNT. 68

CLAIMANT'S EXH. NO. 1 MICKLE & BASS WEBSITE. 93
CLAIMANT'S EXH. NO. 2 DEF. OF SYNCOPE. 105
CLAIMANT'S EXH. NO. 3 NOTICE OF DEPO 106
CLAIMANT'S EXH. NO. 4 NOTICE OF DEPO 106
CLAIMANT'S EXH. NO. 5 VARIOUS DOCUMENTS. 113

1 it alone -- I have to leave it alone for a couple of
2 days.

3 Q As well -- as well as getting those out
4 you're on Twitter aren't you?

5 A I be on Twitter sometimes. I do. I believe
6 -- I believe in staying up with my stuff. I just
7 believe that. So -- so you're right. I don't see me
8 all the time.

9 Q No, you're not on there all the time.

10 A I'm not on all the time, but when I'm on
11 there, I'm on there, because when I get through then
12 I'm through.

13 Q I want to show you a document that I'll have
14 marked in just a second as Defendants' Exhibit Number
15 3.

16 (Defendants' Exhibit Number 3, copy of Twitter
17 Account, marked for identification and entered into
18 the record.)

19 A Right.

20 Q And ask you is that a copy of your Twitter
21 account?

22 A Pretty much.

23 Q Okay.

24 A Wait a minute now, that's quite a bit of
25 time now, -- that's not --

1 Q No, it is. It's over --

2 A That's not even one month.

3 Q No. You can look at it. It starts on May
4 7th, 2014. Right?

5 A I can't see that.

6 Q Right here.

7 A It's made out to -- let's go back and --

8 Q No, I'm going to take it from the front.
9 That's when it starts.

10 A No that could be when -- that could be when
11 you -- that could be your starting point.

12 Q Okay. Well, I just -- let's go with that
13 starting point then and if you're going before -- it
14 goes to April 23rd, correct? I'm sorry, May 19th of
15 this year?

16 A Yeah, but I was -- I was on there the other
17 night.

18 Q Okay. So from --

19 A I don't deny that I have a Twitter Account.
20 I don't deny that I deal with it.

21 Q I'm not saying you deny it. My -- my point
22 is that with all these problems you're having that
23 from May of 2014 to May of 2015 in addition to the
24 inch and a half of emails you send me, you posted 1066
25 tweets.

1 A I don't think that's -- that's correct.

2 MR. GOUDELOCK: Your Honor, we would offer that
3 as Defendants' Exhibit Number 3 and if you'd take
4 judicial notice at the top it counts them.

5 THE WITNESS: I object to that, because there's
6 no way possible that I could have done 1000 or more
7 tweets. There is no way possible. I'm going to have
8 to have proof -- I'm going to have to have proof of
9 that and I'm going to have to go through that piece by
10 piece.

11 Q What does that say?

12 A No, see that -- that's not right.

13 Q Okay.

14 A I know that's not right. I don't even go --

15 Q You can take notice of this --

16 A I don't get -- I don't even get on Twitter
17 that -- I'm on Twitter at times and then when you
18 think about Twitter I'm not on there 24 hours a day
19 seven days a week. I may put -- I may put a note on
20 there in the morning, I may put a note out there late
21 at night because I can't sleep because of illness or I
22 may put it out there early evening. But it's not like
23 I'm out there seven days a week, 24 hours a day.

24 Q But your eyes are bad, the light bothers
25 you?

1 A Oh.

2 Q I mean --

3 A I just told you. It's not that I can't do
4 it, I said when I do too much it wears on me. I can
5 use a computer, I can type, but after so much my
6 shoulders, my neck and my fingers begin to hurt.

7 Q Okay.

8 A And that's not -- I don't -- I -- I can use
9 a computer, I'm not going to deny that. And -- and
10 the reason I be on the computer with Amazon, I have to
11 -- I have to notify you all. I'm not able to come to
12 Columbia every day, so I have to use the necessary
13 communication that's available to me, and that's by
14 email or by phone. So that would be correct.

15 Q All right. I'm going to show you what I
16 mark as Defendants' Exhibit Number 4. Is that your
17 Facebook Account?

18 A Yes.

19 Q Okay.

20 A Uh-huh.

21 (Defendants' Exhibit Number 4, Facebook Account,
22 marked for identification and entered into the
23 record.)

24 A I don't deny being on Facebook.

25 MR. GOUDELOCK: Your Honor, I would offer

1 Defendants' Number 4 into evidence.

2 Q So you -- you're able to be on the computer
3 enough to send us a bunch of emails every week?

4 A I have to. I have to communicate with you
5 all.

6 Q You -- you tweeted an average of three times
7 a day over the last year?

8 A I'm going to object to that because I'll
9 have to verify that because now I have not seen that.

10 THE COURT: And I hear you, but the reason he can
11 submit this is one -- it's a public record, because if
12 you're on Facebook and you're on Twitter that's a
13 public record.

14 THE WITNESS: Right. Right. But the stuff that
15 I had is on public record. It's public record.

16 THE COURT: And that's all -- he's not submitting
17 anything that's not your --

18 THE WITNESS: Yeah.

19 THE COURT: -- because you just testified that
20 these are your accounts.

21 THE WITNESS: Right. But they -- but -- but
22 those -- Commissioner, those are public information
23 sent to me between me and Amazon, so -- so -- and so
24 if his information is going to be allowed, I think --
25 because I have not seen those before today. Those are

1 my email accounts.

2 MR. GOUDELOCK: You see those every day.

3 THE WITNESS: Wait a minute. We don't want to
4 get into -- we don't want to get it mixed.

5 THE COURT: No, but there's a difference between
6 an email exchange between somebody and what you put on
7 Facebook and Twitter. One's public domain and one's
8 private correspondence between you and another
9 individual.

10 THE WITNESS: No, I wouldn't -- I wouldn't
11 necessarily call them --

12 Q Let me ask -- let me ask again. Is -- is --
13 you're on Twitter, correct?

14 A I'm on Twitter.

15 Q That's your Twitter account; the documents
16 that I showed you?

17 A Right. But I'm not -- I'm not exactly sure
18 because I have not seen that document to review it --
19 properly review it.

20 Q You're welcome to look through it.

21 A But I -- well, I should have had it prior.

22 Q You want to look through it?

23 A Not today. It's too -- there's too many
24 documents --

25 Q Let me ask you this. So -- so you --

1 A I didn't get it prior to look at that.

2 Q -- you can email, you can tweet, I guess, is
3 that what you call it?

4 A Right. That's what you call it.

5 Q You can post on Facebook?

6 A Not that regular.

7 Q Huh?

8 A Not that regular on Facebook.

9 Q All right. During these days that you're
10 sending us these emails about all these problems you
11 have you -- you went to the rally at the State House
12 for South Carolina State thing didn't you?

13 A I did. I did.

14 Q All right.

15 A I did.

16 Q All right. You went to the Springfield
17 Democrats Rally?

18 A I did. I never said I was in -- not able to
19 move. I've always been very active and politically
20 involved in getting things, so. I don't do as much as
21 I used to, but I still do. And that's just honest. I
22 can do things like that.

23 Q You -- you can do things you want to do
24 can't you?

25 A No, I -- I already done said -- I have never

1 THE COURT: Sure.

2 MR. GOUDELOCK: What he cites, 42-9-10 -- 42-9-10
3 says benefits are due when -- for disability.
4 42-1-120 defines disability as a condition because of
5 the injury. Our contention is that the medical
6 evidence before you that he's complaining of that, he's
7 been talking about forever, is not going -- not
8 disabling him because of the injury.

9 THE COURT: Okay. And sir, since you have this
10 on your form I will address that in my Order when I
11 issue my Order.

12 MR. JENKINS: Okay. Okay. Thank you. But I
13 would like to get back to making note of some -- some
14 documents that are public regard to -- to address them
15 before the Court if I could.

16 THE COURT: Do you have exhibits that you want to
17 --

18 MR. JENKINS: Yes, sir.

19 THE COURT: That are social media exhibits?

20 MR. JENKINS: Right. Social media exhibits.

21 MR. GOUDELOCK: I don't know what they are, Your
22 Honor, but same objection I had at the outset of the
23 hearing. He has not filed a Prehearing Brief and
24 listed any exhibits. He has not offered any APA
25 submission notifications to us timely and I don't know



1 what those are, but I would object to them as coming
2 in.

3 MR. JENKINS: And I want to object to Mr. Rusty's
4 objection because then this -- if the Court agrees if
5 that would be advised, because he has been allowed to
6 present documents that's on social media that I had
7 not received prior to now in his Brief. Those emails,
8 those Twitter Accounts, that was not -- that was not
9 part of his Brief, I had not seen those documents
10 before today. And therefore, I'm already going to
11 assume that this Court has been biased because he's --
12 he's getting -- he's being able to do some things that
13 I can't do.

14 MR. GOUDELOCK: So you're accusing me of making a
15 lie?

16 MR. JENKINS: No, I'm accusing -- I'm accusing
17 Amazon of having a little weight a little bit. Not
18 Mr. -- not Mr. Carroll because I don't want to get
19 Judge Carroll -- I don't want to get on his bad side.

20 MR. GOUDELOCK: What social media things do you
21 have?

22 MR. JENKINS: Well, one, I want to present this
23 document here. I went on Mickle and Bass website and
24 I saw where the former Commissioner, Andrea Roche now
25 works for Mickle and Bass.

1 THE COURT: That's correct.

2 MR. JENKINS: That's correct. But during this
3 very first hearing Ms. Roche, she referred us to
4 Mickle and Bass for mediation.

5 THE COURT: Okay.

6 MR. JENKINS: Which was fine. Derrick Williams
7 was the mediator. During the second attempt that
8 Amazon wanted to mediate he used that same -- which I
9 didn't, you know, you know, I was just trying to
10 accommodate Amazon. He used the same mediator, Mr.
11 Williams. So to me by Ms. Roche being the
12 Commissioner at South Carolina Workers' Comp
13 Commission, by Mr. Derrick Williams being a former
14 Commissioner at South Carolina Workers' Comp and now
15 she works with the same law firm and now also too she
16 referred us to Mickle and Bass. So -- and we even --
17 Amazon used them twice to mediate, so I see -- I would
18 like this document, this social media as some type of
19 bias before -- before the Commissioner. This is --

20 THE COURT: I'll let that come in.

21 MR. JENKINS: Yeah, this -- because you know, I
22 think --

23 THE COURT: The reason I'm letting it come in is
24 because that's public record, so I'm going to let it
25 come in.

1 MR. JENKINS: Right, public record, right.

2 Public record.

3 MR. GOUDELOCK: We would object, at least to the
4 standpoint of relevancy, Your Honor.

5 THE COURT: So noted.

6 MR. GOUDELOCK: Commissioner Roche, at the time
7 of the first hearing, did not order us to -- to have
8 Mr. Williams mediate the case at Mickle and Bass. I
9 selected and offered Mr. Williams to Mr. Jenkins
10 because he's a former defense lawyer, he's a former
11 Commissioner and he's now a Claimant's lawyer and I
12 thought would be appropriate to handle a case like
13 this. And Mr. Jenkins agreed to that not only that
14 time, but the second time when nobody ordered him to
15 go to Mr. Williams. So if there's bias and he felt
16 Mr. Williams was inappropriate in some manner he
17 didn't have to have it mediated the second time, but
18 it doesn't matter because the mediation failed both
19 times.

20 MR. JENKINS: I would like -- I would like to
21 object to that because when Commissioner Roche made
22 that recommendation, you know, I -- I had no knowledge
23 of Derrick -- Attorney Derrick Williams of Mickle and
24 Bass. So I -- I think this -- I wasn't going to sit
25 in here and argue and say no, I don't know who that

1 is, I don't want that, so I just went along with the
2 Order.

3 THE COURT: But y'all went to mediation and it
4 was both of your decisions to decide that y'all were
5 at an impasse. That's not the mediator.

6 MR. JENKINS: Right. But I'm saying but
7 Commissioner Roche was the one that Ordered us to
8 mediation in the very first hearing.

9 THE COURT: Yes, but she didn't Order you to Mr.
10 Williams or to Mickle and Bass.

11 MR. JENKINS: She did, the very first one she
12 did.

13 THE COURT: We don't pick the mediators. We
14 don't --

15 MR. JENKINS: She -- she did.

16 THE COURT: Well.

17 MR. JENKINS: And all Mr. Goudelock --

18 MR. GOUDELOCK: Your Honor, there's nothing in
19 the record --

20 MR. JENKINS: Mr. Goudelock disagreed, but she
21 did.

22 MR. GOUDELOCK: I submit to you an officer -- as
23 an office of the Court, I suggested Mr. Williams.

24 THE COURT: Okay.

25 MR. GOUDELOCK: She thought it was a good idea,

1 but it isn't in her Order.

2 THE COURT: Okay.

3 (Claimant's Exhibit 1, Mickle & Bass Webpage,
4 marked for identification and entered into the
5 record.)

6 MR. JENKINS: Also, I'd like to present -- I need
7 -- I need this back because I cherish this. What's
8 happened, this is a public document.

9 THE COURT: Okay.

10 MR. JENKINS: It's a advertisement we have in
11 Bamberg. It shows a -- a job fair at Bamberg Job
12 Corps that I was working at Voorhees College at the
13 time and I believe one of my positions at called the
14 Voorhees One Stop helping students, so I'd like to
15 present this to -- it's a public document, if I could.

16 THE COURT: But you said you want it back?

17 MR. JENKINS: Yeah, whenever. Whenever y'all
18 make copies, I mean make a copy of it, but you can
19 keep it for now.

20 THE COURT: Well, I don't want -- if it's
21 something that you want to hold onto as an heirloom, I
22 don't want to take a copy of it. I mean --

23 MR. GOUDELOCK: Once it goes in the record it
24 can't come out.

25 MR. JENKINS: Well, we -- we will make this --

1 you know I present it to the Court.

2 THE COURT: Okay. And I'm sorry, what's your
3 point in presenting it?

4 MR. JENKINS: My point to show me --

5 THE COURT: I guess what's the relevance of it;
6 is what I'm asking?

7 MR. JENKINS: Well, the relevance, it's showing
8 me as far as my capacity at Voorhees College as job as
9 --

10 THE COURT: Okay. We'll note for the record that
11 you presented that.

12 (Claimant's Exhibit Number 2, newspaper article,
13 marked for identification and entered into the
14 record.)

15 MR. JENKINS: Okay. But the reason I would like
16 to go through Dr. Stickler's deposition if I could.

17 THE COURT: Okay. I'm happy to go through it,
18 but here's my point. Anything that has been submitted
19 up to me I'm going to review every bit of it and weigh
20 -- give what I think is the proper weight to the
21 various statements.

22 MR. JENKINS: Yes, sir.

23 THE COURT: But if you want -- since it's in
24 submission you're welcome to refer to it and point out
25 to me what it is you want to point out to me. But in

1 the interest of maybe saving us all some time I am
2 going to review the deposition.

3 MR. JENKINS: Okay. Let's see. Well, one, in
4 the deposition on page five he stated that he saw me
5 on August --

6 THE COURT: Hold on, let me get it in front of
7 me. Okay.

8 MR. JENKINS: I'm on page five, he stated that he
9 saw me on August 28th, 2014. Well, that's incorrect,
10 he actually saw me on August 20th, 2014.

11 THE COURT: Okay.

12 MR. GOUDELICK: I believe you didn't -- the August
13 20th appointment got cancelled.

14 MR. JENKINS: No, sir.

15 MR. GOUDELICK: You've already said that earlier.

16 MR. JENKINS: No, sir, August -- we saw him --
17 the very first visit was August the 13th, that was the
18 one we went down there and we spoke to his assistant
19 and she was the one that cancelled it saying that Dr.
20 Stickler had not received the correct information and
21 we were sent back the following week that -- on the
22 20th. Let's see. On page six, down at question 21 --
23 answer 21, when Dr. Stickler answers that he did --
24 did not -- or he did correct -- that he lost
25 consciousness -- he did not have any loss of

1 consciousness, that is not exactly correct. I didn't
2 mention it -- pass out completely, but there is
3 documentation from Amazon where I was sent home
4 because of possibly having one of those episodes of
5 faint -- of passing out because of -- of the high
6 blood pressure.

7 MR. GOUDELOCK: Because of the high blood
8 pressure?

9 MR. JENKINS: Right. High blood pressure and the
10 headaches and -- and weakness.

11 THE COURT: Okay.

12 MR. JENKINS: Okay. If you go down to question
13 21 on page seven where Dr. Stickler answered
14 "intermittent chest pain, in the legs and light -- and
15 previous mentioned lightheaded and syncope -- I hope
16 I'm --

17 MR. GOUDELOCK: Syncope.

18 MR. JENKINS: Syncope, okay, thank you. I don't
19 know what that is. This is -- this is public
20 documentation here it talks about the symptoms of
21 syncope and based on all of my medical symptoms that
22 have been before documented I meet -- I meet a lot of
23 these symptoms here. So this is public record. This
24 -- I got this off -- off the internet.

25 MR. GOUDELOCK: Your Honor, there -- there --

1 there is nothing that -- you can get anything off of
2 the internet. It's different than a public record.
3 Medical evidence has got to have validity to support
4 it and there's nothing that authenticates the validity
5 of that other than a Google (inaudible).

6 MR. JENKINS: Then that goes to social media far
7 as my Twitter Account and Facebook.

8 MR. GOUDELOCK: That's not so, Your Honor.

9 MR. JENKINS: You just said you can get anything
10 off the internet. In that case that applies to
11 everything. Some people have --

12 THE COURT: I'm sorry. Tell me where that came
13 from again.

14 MR. JENKINS: It came off the web -- web, I got
15 it off the internet, off social media.

16 MR. GOUDELOCK: He Googled symptoms for syncope.

17 THE COURT: Okay.

18 MR. JENKINS: No, I -- I really -- really, to be
19 honest with you I only came across it yesterday when I
20 was going back over Dr. Stickler's deposition. I
21 printed it out today.

22 THE COURT: Okay. I'll allow it to come in if
23 it's just referring to what syncope is, that's fine.

24 (Claimant's Exhibit Number 3, definition of
25 syncope, marked for identification and entered into

1 the record.)

2 MR. JENKINS: Right. But here today --

3 MR. GOUDELICK: Your Honor, if you'd just note
4 our objection. There's no mathematical basis --

5 MR. JENKINS: Right. But -- thank you. But it's
6 basically --

7 MR. GOUDELICK: -- of authenticity for it to come
8 in as any type of expert opinion.

9 MR. JENKINS: But if Dr. -- Dr. Stickler made
10 mention of it. He was -- he was the one that Amazon
11 depended on to give them a second evaluation. He made
12 mention of it in his deposition so I think therefore
13 by him referring to it --

14 MR. GOUDELICK: Do you understand my point, Your
15 Honor?

16 MR. JENKINS: That -- that --

17 THE COURT: Yes, I do.

18 MR. JENKINS: -- but that should be allowed.

19 THE COURT: Okay.

20 MR. JENKINS: On page nine go down to question
21 12. And Ata -- and Dr. Stickler answered -- you got
22 to have two exams from Dr. Ata on June 20, 2014 and
23 one for August 26, 2013. Well, the Amazon legal Brief
24 it does not have the June 20th, 2014 medical
25 documentation from Dr. Ata in their legal Brief. But

1 with specific type of language, but Dr. Stickler --
2 Dr. Muhammed is the one that feels that more treatment
3 is needed based on his medical determination and my
4 medical symptoms and would not provide Amazon with a
5 medical rating. This is why this deposition has not
6 happened. These are both public documentations and so
7 -- and because -- and because he has stated -- he has
8 stated that he would not give a medical rating until
9 he received additional evaluations --

10 MR. GOUDELICK: The objection I made earlier,
11 Your Honor, about hearsay. He can't testify to what
12 somebody said unless he can offer proof.

13 MR. JENKINS: But we can submit it as his
14 deposition was properly scheduled.

15 THE COURT: Mr. Goudelock, do you --

16 MR. GOUDELICK: No objection.

17 THE COURT: Okay. Thank you.

18 MR. JENKINS: So we just can submit that Amazon
19 was --

20 MR. GOUDELICK: Claimant's one and two?

21 THE COURT REPORTER: Three and four.

22 MR. JENKINS: -- was planning on seeking a
23 deposition with Dr. Muhammed, when it never happened
24 --

25 THE COURT: I'm sorry, he's -- I just want to

1 make this clear for me. I'll let you continue your
2 thought in one second.

3 (Claimant's Exhibit Number Three, notice of
4 Deposition of Dr. Ata, marked for identification and
5 entered into the record.)

6 (Claimant's Exhibit Number Four, notice of
7 Deposition of Dr. Stickler, marked for identification
8 and entered into the record.)

9 MR. GOUDELOCK: I'm sorry.

10 THE COURT: Okay, Mr. Jenkins, you can continue.

11 MR. JENKINS: Okay. Thank you. The next
12 document that I would like to submit -- when we're
13 talking about social media we're talking about public
14 documents, right? Even though he's not a expert
15 medical con -- personnel, but this is in there where
16 retired, Kevin Colby, had concussive symptoms very
17 similar from every day. This is -- this is -- gave
18 you a supportive document. He's not a medical expert,
19 but this is social media and to be safe --

20 THE COURT: I'm not going to let that in.

21 MR. GOUDELOCK: Your Honor, --

22 THE COURT: I'm sorry. I gave you some latitude
23 on this one, but I'm not going to give you latitude on
24 that one. Okay? I just can't let that in.

25 MR. JENKINS: Okay. Well, on this other one this

1 THE COURT: That's his deposition?

2 MR. JENKINS: Yes, sir.

3 THE COURT: No, I have his full deposition.

4 MR. JENKINS: Okay. Okay.

5 THE COURT: Mr. Goudelock?

6 MR. GOUDELICK: Your Honor, for the sake of not
7 cluttering the record, I'm going to object to it. He
8 hasn't listed any of this stuff, there are pages and
9 pages of them. If you let them in that's fine, but --

10 MR. JENKINS: They're your documents.

11 MR. GOUDELICK: I know. I've already told you we
12 subpoenaed them. We're aware of the records and we've
13 subpoenaed them. I'm not disagreeing with you. I'm
14 just trying --

15 THE COURT: And I'll let them in just because
16 they're part of the record, but Mr. Goudelock has --
17 like I say, I'm giving you a lot of latitude here.

18 MR. JENKINS: Yes, sir, and I appreciate it.

19 THE COURT REPORTER: Am I going to mark these?

20 MR. GOUDELICK: Mark them as a group.

21 (Claimant's Exhibit Number 5, subpoenas and
22 various documents, marked for identification and
23 entered into the record.)

24 MR. JENKINS: That -- that's it for me, Your
25 Honor. Thank you, sir.

1 THE COURT: Today is May 21, 2015. This is
2 Workers' Compensation Case File Number 1303989. The
3 Claimant is Clarence B. Jenkins, pro se. The Employer
4 is Amazon.Com, LLC. The Carrier is American Zurich
5 Insurance Company represented by Attorney J. Russell
6 Goudelock.

7 The date of accident is February 10, 2013.
8 There's an average weekly wage of \$489.09 with a
9 corresponding compensation rate of \$326.08.

10 APAs have been submitted. Are there any
11 objections to APAs, jurisdiction, venue, or any other
12 items?

13 MR. JENKINS: I would like to make an objection
14 that the bill that they're submitted, it's incomplete.
15 It's not -- don't have all the records -- proper
16 medical records that has been submitted over time from
17 different doctors that -- that has been approved by
18 Amazon, such as far as Dr. Ata. There's only two
19 specific dates that's in his medical records, but I
20 saw him a total of five times that was approved by
21 Amazon, so his record's incomplete.

22 THE COURT: Okay. All right. Mr. Goudelock.

23 MR. GOUDELOCK: It's not my job to make his case,
24 Your Honor. We've begged him to get a lawyer and he
25 hasn't submitted anything additional.



1 THE COURT: Yes, they are allowed to submit what
2 they want to and what they don't want to.

3 MR. JENKINS: Yes, sir.

4 THE COURT: And if you have -- I'm not trying to
5 give you a hard time, but if you have records that you
6 wanted to come in --

7 MR. JENKINS: Yes, sir.

8 THE COURT: -- you would have had to have handed
9 those -- already had an opportunity for them to see
10 them just like they shared their stuff with you.

11 MR. JENKINS: Yes, sir.

12 THE COURT: Vice versa.

13 MR. JENKINS: The one thing about that, I called
14 your office and I spoke to Ms. Barbara Cheeseboro --

15 THE COURT: Yes, sir.

16 MR. JENKINS: -- about that. I wanted to submit
17 those documents and she told me that I can bring them
18 on the day of and could have them examined, because
19 that's the only reason why I did not submit them prior
20 to. But, even in light of that, they still have those
21 documents because on two of those visits the workers'
22 comp nurse, Ms. Kelly Wells was there with me in the
23 office visit and she received a copy of those medical
24 records while I was there. So the reason why they
25 didn't submit as part of their legal Brief I only can

1 say is -- is they're possibly trying to distort what
2 took place, but they should have those records because
3 I know even me, personally, I have submit those
4 records even though it deals with a different
5 situation. So -- and that's only why I did not submit
6 them in the -- in the beginning because you were
7 talking about duplicates and -- and I know they should
8 have already had those records. Now, they're not part
9 of their legal Brief, and that's their story, but
10 that's not the entire case.

11 THE COURT: Okay. Do you have the documents with
12 you?

13 MR. JENKINS: Yes, sir, I do.

14 THE COURT: If you want to share them with Mr.
15 Goudelock and if he has any objections to them coming
16 in I can't let them in because they're untimely, but
17 if he has no objections to them then I'll allow them
18 in.

19 MR. JENKINS: Okay.

20 MR. GOUDELOCK: I'm going to object to them, Your
21 Honor.

22 THE COURT: Okay. Yeah, here again, I'm sorry
23 about that, but that's not fair to either side. This
24 is something that everybody has -- I know you're
25 sitting here telling me that they had a chance to

1 review it --

2 MR. JENKINS: Right. Right.

3 THE COURT: And your objection is noted for the
4 record, so that's now officially part of the record.

5 MR. JENKINS: Yes, Your Honor.

6 THE COURT: But I'm going to note that I'm ruling
7 not to let those in, but that is part of the record
8 just so you know.

9 MR. JENKINS: Okay.

10 THE COURT: All Right. Are there any further
11 objections to APAs, jurisdiction, venue or any other
12 items?

13 MR. JENKINS: Well, I want -- again, going back
14 to the argument that even though I am objecting to the
15 fact that their entire workman's comp case, their
16 legal Brief is inaccurate, it's incomplete and it's a
17 -- it's a total -- they gave a total distortion of
18 events that have taken place. And Amazon are aware
19 of, approved and assigned and also sent a
20 representative with me to those doctor's appointments.
21 So in light of that by those records not being part of
22 the legal Brief I only see that as far as Amazon
23 trying to distort what actually took place. So I'm
24 still going with that objection because I think that's
25 important to this -- to this entire case. And

1 furthermore, I would have sent them prior notification
2 of the documents I was going to be submitting for two
3 reasons; one, they already had the majority of these
4 documents, so that's one reason. And then the second
5 reason, I called up here and spoke to Ms. Barbara
6 Cheeseboro, which is your staff, and she indicated
7 that I could bring them on the day of, because I
8 wanted to follow the same procedure and I -- I took
9 her advice by her working in workers' comp of being
10 part of your staff, I was ensured that she gave me the
11 right information and so I don't think I should be
12 held to the point where those documents are merely not
13 being -- was not given prior, I don't think I should
14 be held to that standard knowing that I tried to
15 follow the correct procedure. But based on the
16 workers' comp information that was provided to me by
17 someone who works here in your office I went on that
18 understanding.

19 THE COURT: And you're sure you were clear that
20 you understood what she had told you?

21 MR. JENKINS: Right. She said because you are --
22 you are representing yourself you are pro se and she
23 said that's why -- and she said, yes, because you are
24 representing yourself you can bring those documents
25 the day of and present them. I made sure that I -- I

1 called her just to make sure because I didn't want no
2 little hiccup, you know, excuse the language.

3 MR. GOUDELICK: Your Honor, if I could respond.

4 THE COURT: Yes, please.

5 MR. GOUDELICK: Mr. Jenkins is a college educated
6 fellow. He's had a lawyer before that he terminated.
7 He has been told ad nauseam to get a lawyer, by me
8 multiple times. We've had two mediations ordered in
9 this case and at the conclusion of the mediation the
10 mediator, Mr. Williams, recommended for him to get a
11 lawyer. He's had every opportunity to know the rules.
12 I have -- I have the right to rely on the evidence
13 he's going to present and he should not be allowed to
14 submit it late. If he needed -- if he doesn't know
15 the rules he needs to hire a lawyer, and if he waits
16 --

17 THE COURT: And I will tell you this, if you
18 really feel like your case -- it's imperative for your
19 case -- I can't let what you want come in, I can't let
20 it come in.

21 MR. JENKINS: Yes, sir.

22 THE COURT: We're here on your Form 50, so you
23 reserve your right -- you can withdraw your Form 50
24 and then refile it and make sure that they have
25 everything that is, you know, they're supposed to

1 Ata records are incomplete. I also want to dispute
2 the fact that Dr. Eden record is not complete because
3 Amazon -- she was the one -- she was my family health
4 physician. I have documents from Sedgwick that told
5 me because it was a work injury to contact your
6 physician -- your physician. That means mine.
7 Whoever doctor I found, that's who I would go -- Dr.
8 Eden was my primary physician. She was the one that
9 stated that I have a -- a pulled --

10 MR. GOUDELOCK: Object to anything the doctor
11 said, Your Honor.

12 THE COURT: Yes, you can't --

13 MR. JENKINS: Right, but it's all documentation
14 though. It's medical documentation.

15 THE COURT: Okay.

16 MR. GOUDELOCK: Your Honor, in response to his
17 withdrawing his 50, our 51 joins in his request for a
18 hearing. We would ask to go forward and I -- I
19 respectfully -- it's unfortunate that he can't get all
20 that in, but I don't know how I'm supposed to allow
21 four folders worth of things in. We -- our Form 51
22 requested that we join in the hearing request and we
23 would request that the hearing go forward.

24 THE COURT: Okay.

25 MR. GOUDELOCK: It's gone on long enough.

1 move forward regardless of whether you withdraw your
2 50 or not, we're going to move forward on Mr.
3 Goudelock's 51. So it's your case, so you know, you
4 --

5 MR. JENKINS: Right. I'll just -- I'll -- you
6 know, I'll --

7 THE COURT: -- know I've got to make sure that
8 you understand the circumstances.

9 MR. JENKINS: Yes, sir. But, I'm not going to
10 withdraw my 50, we're going to go ahead, but only
11 thing -- position I would like to add, is that the
12 documents that I want to submit that have been denied
13 -- Amazon -- Amazon and Mr. Goudelock has seen those
14 documents either by email or by postal mail and that
15 can be proven because see I brought copies of all the
16 emails showing that they have already had prior
17 knowledge. So that they have already -- that's why
18 they now -- but they were aware of it because their
19 concern about these documents was addressed to them by
20 email. So they have been aware of it.

21 THE COURT: Well, okay. I'll give you an
22 opportunity to respond, Mr. Goudelock.

23 MR. GOUDELOCK: Commissioner, I -- you know, I
24 don't know what he's got in those four folders over
25 there. He talks about some stuff from Voorhees

1 College and other things. I've never seen any of
2 that. Again, the Rules are clear as to what it is.
3 He's been advised to have an attorney long before
4 today; he's been advised to have one today and he
5 elects to move forward. He can cite the law in his
6 emails and everything else. He ought to be held to
7 the standards for the hearings of law for this hearing
8 today.

9 MR. JENKINS: Right. And again, there are
10 documents in here that came from Amazon that are not
11 part of his legal Brief that deals with this case. So
12 they have had prior knowledge because they have sent
13 me the documents. So they can't come -- Amazon cannot
14 come in here and say they're not aware of certain
15 documents. They may not be aware of all of them, but
16 they are aware of the majority of them, either by
17 postal mail or by email and I brought the emails to
18 show. They have his address, they have (inaudible)
19 address, Ms. Keith's address and other people at
20 Amazon address. So they are aware. It's not -- it's
21 not something that just popped out of -- out of
22 wonderland and they don't have any knowledge of it.

23 MR. GOUDELOCK: Your Honor, we're not saying
24 we're not aware of some of the documents I'm sure he
25 has in there. But the point is we have the right to

1 rely on how he's going to present his case and that's
2 what due process is all about and that's what the
3 Rules stand for. He's supposed to make his case, we
4 have an opportunity to respond to it. And to show up
5 with four folders of documents, and I don't know all
6 those documents, I guarantee I don't know all those
7 documents. He's not entitled to submit those -- we
8 submit that he's not entitled to submit those. The
9 hearing needs to move forward if he's not going to get
10 an attorney.

11 MR. JENKINS: I just want to make one more
12 comment, Your Honor, if I could. Sorry I'm sitting
13 down, but --

14 THE COURT: You're fine.

15 MR. JENKINS: Just to make one more comment. The
16 majority -- majority of the documents are not unknown
17 to them and I would know that either address --

18 THE COURT: And sir, I hear what you're saying.
19 I get that point.

20 MR. JENKINS: Right.

21 THE COURT: But the problem is we've got certain
22 Rules and Regulations we have to follow and unless he
23 knows everything that's in there just like you know
24 everything that's been handed up by him on his side, I
25 can't allow it in.

1 MR. JENKINS: Well, I understand, but Amazon
2 cannot come in here and distort the facts.

3 THE COURT: Okay.

4 MR. JENKINS: With -- with known documents --
5 with known documents that they have decided, that's
6 almost like you hiding the truth and you come in here
7 and are lying because they're known documents that
8 came from Amazon, that came from the true Amazon
9 workers' comp doctor that treated me that are not part
10 of their legal Brief. There's medical documentation
11 in there that Amazon accepted from my private
12 physician, Dr. Eden, as to post traumatic concussion
13 that's not in there.

14 THE COURT: Okay. Well, I'm going --

15 MR. JENKINS: Oh -- but thank you, though.

16 THE COURT: I'm going to ask you one more time.

17 MR. JENKINS: Yes, sir.

18 THE COURT: Because I cited the Rules and
19 Regulations that have to be followed, are you sure you
20 don't to go get an attorney in this matter?

21 MR. JENKINS: Yes, sir, I don't. At this time I
22 would like to go ahead and proceed and the reason
23 based on that I had a real bad situation with the one
24 that I did have, so I'm kind of like a little bit
25 weary and I don't want to get myself in that situation

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

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WORKERS' COMPENSATION COMMISSION

JUL 26 2017

SC Court of Appeals

W.C.C. File No.: 1303989

Clarence B. Jenkins, Employee,Appellant,

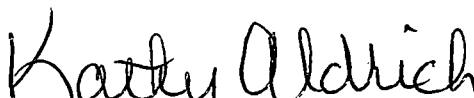
v.

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

PROOF OF SERVICE

I certify that on the 25th day of July 2017, I served the Respondents' **Return in Opposition to Statement of Declaration** 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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(843) 576-2900

*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

July 25, 2017

RECEIVED

JUL 26 2017

SC Court of Appeals

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' Return in Opposition to Statement of Declaration, 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.

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*

mgc

INSURANCE
DEFENSE

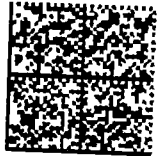
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The Honorable Jenny Abbott Kitchings
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