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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1303989

RECEIVED
AUG 03 2017
SC Court of Appeals

Clarence B. Jenkins, Employee,Appellant,

v.

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

**SECOND MOTION FOR CORRECTION OF
THE RECORD ON APPEAL**

Pursuant to Rules 210 and 240, SCAC, Respondents Amazon.Com DEDC, LLC and Zurich Ins. Co. again move this Court to order Appellant Clarence B. Jenkins to correct the Record on Appeal. Respondents received a copy of the revised Record on Appeal from Appellant on July 31, 2017, and note that two items and part of a transcript they designated have not been included. Those items include:

- Defendants' Hearing Exh. No. 3, pages from Claimant's Twitter account;
- Defendants' Hearing Exh. No. 4, pages from Claimant's Facebook account; and
- pages 69-82 and 90-107 of the Transcript of the May 21, 2015 Hearing before Commissioner Campbell.¹

Pursuant to Rule 210(a), SCACR, the appellant is responsible for preparing and serving the Record on Appeal. Pursuant to Rule 210(c), SCACR, the Record on Appeal "shall include

¹ Respondents note that pages 1-68, 83-89 and 108-112 of the May 21 hearing transcript are separated in the Record on Appeal as follows: Tr. pages 1-68 are at ROA pages 95-162; and, Tr. pages 83-89 and 108-112 are at ROA pages 269-275 and 276-280, respectively.

all matter designated to be included by any party under Rule 209.” Respondents designated these items, (*see* Nos. 18, 19, 20 on Exh. A),² which this Court ordered Appellant to include in an Order dated May 11, 2017, warning Appellant in an Order dated July 17, 2017 that failure to comply may result in the dismissal of his appeal. Respondents previously have provided this Court with the pages from the May 21, 2015 hearing transcript showing that Defendants’ Hearing Exh. Nos. 3 & 4 were admitted into the Record, and provide them again as Exh. C for the Court’s reference.

CONCLUSION

Respondents again move this Court to order Appellant to correct the Record on Appeal as indicated herein or, in the alternative, dismiss the pending appeal. Respondents request that the briefing schedule be suspended until the Court rules on this motion.

Respectfully submitted,

August 1, 2017

McANGUS GOUDELOCK & COURIE LLC



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(843) 576-2900

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

² Respondents note that Appellant also designated the full transcript of the May 21, 2015 hearing before Commissioner Campbell. (*See* No. 1 on Exh. B).

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SC Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1303989

Clarence B. Jenkins, Employee,Appellant,

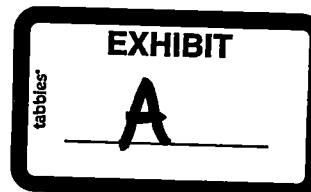
v.

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

**DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondents propose the following be included in the Record on Appeal:

1. Form 50, dated June 24, 2013;
2. Form 51, dated July 18, 2013;
3. Consent Order, served August 13, 2013;
4. Form 50 dated November 23, 2013;
5. Form 51, dated January 9, 2014;
6. Single Commissioner Decision and Order, filed May 27, 2014;
7. Commission Decision, filed Nov. 18, 2014;
8. Form 50, dated Oct. 6, 2014;
9. Form 50, dated Oct. 13, 2014;
10. 2nd Amended Form 51, dated Oct. 17, 2014;
11. 3rd Amended Form 51, dated Oct. 23, 2014;
12. Form 50, dated February 25, 2015;
13. 2014 APAs pp. 45-48;
14. Form 51, dated April 2, 2015;
15. Notice of Hearing, dated March 19, 2015;



16. Respondents' Form 58 Pre-Hearing Brief, dated May 11, 2015;
17. Notice of Witnesses and Written Medical Reports to be Introduced as Direct Evidence on Behalf of Defendant, dated May 11, 2015;
18. Transcript of May 21, 2015 Hearing before Commissioner Campbell;
19. Defendants' Hearing Exh. No. 3, pages from Claimant's Twitter account;
20. Defendants' Hearing Exh. No. 4, pages from Claimant's Facebook account;
21. Single Commissioner Decision & Order, Aug. 14, 2015;
22. Form 30, dated Aug. 25, 2015, w/o attachments;
23. Respondents Motion to Exclude Appellant's Exhibits to the Form 30, filed Sept. 24, 2015;
24. Plaintiff's Motion to Include Appellant's Exhibits to the Form 30, dated Sept. 28, 2015;
25. Defendants' Reply to Claimant's Motion to Include Appellant's Exhibits to the Form 30, filed Oct. 12, 2015;
26. Claimant's Motion to Include Appellant's Additional Medical Records, filed Oct. 20, 2015 w/o attachments;
27. Respondent's Brief to the Full Commission, dated November 11, 2015;
28. Transcript of December 14, 2015 Hearing before the Appellate Panel;
29. Appellate Panel Decision and order of the South Carolina Workers' Compensation Commission, filed Feb. 26, 2016;
30. 2015 APAs, pp. 1-15, 22-53, 91-92;
31. Transcript of deposition of Dr. David Stickler; and
32. South Carolina Workers' Compensation Commission Regulatory Procedures Advisory, Jan. 25, 2012.

I certify that this designation contains no matter that is irrelevant to this appeal.

December 2, 2016

McANGUS GOUDELÖCK & COURIE LLC



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(843) 576-2900

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

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKER'S COMPENSATION COMMISSION

FULL APPELLATE PANEL

Case No. 2016-000598

Clarence B. Jenkins Jr,

Appellant,

v.

Amazon.Com DEDC, LLC
and American Zurich
Insurance,

Respondents.

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record on Appeal:

1. Transcript from South Carolina Worker's Compensation Commission Hearing of May 21, 2015;
2. Transcript from South Carolina Worker's Compensation Appellate Panel of December 14, 2015;
3. South Carolina Worker's Compensation Appellate Panel Order of February 26, 2016;
4. Single Commissioner Michael Campbell II. Decision and Order of August 14, 2015;
5. South Carolina Worker's Compensation Single Commissioner Proposed Order of May 26, 2015;

EXHIBIT

tabbles®


3

6. South Carolina Worker's Compensation Commission Appellate Decision and Order dated November 18, 2014;
7. South Carolina Worker's Compensation Commission Decision and Order dated May 27, 2014;
8. Claimant form 50 dated February 25, 2015 filed with South Carolina Worker's Compensation Commission pertaining to assigned worker's compensation doctor, Dr. Mahmoud Abu-Ata medical diagnosis, records and work restrictions;
9. Respondents; Motion To Include Appellant's Exhibits To The Form 30 dated September 24, 2015 p.2;
10. Defendant's Reply to Claimant 's Motion To Include Appellant's Exhibits To The Form 50 dated October 9, 2015 p. 1;
11. Respondents' Brief to Full Commission dated November 11, 2015 pp. 7-8;
12. Notice of Deposition with Dr. Mahmoud Abu-Ata, assigned worker's compensation doctor on November 10, 2014 by Defendants dated September 19, 2014 stated on form 50 filed February 25, 2015, May 21, 2015 Transcript pp.3-19;
13. Defendant's pre-hearing brief form58 admittance to work injury on February 10, 2013 which provided a documented list of exhibits with South Carolina Worker's Compensation Commission dated May 11, 2015;
14. Medical Reports from Palmetto Health-Health Works dated February 14-15, 2013 and April 15, 2013,
15. Claimant's injury report filed with Amazon.Com DEDC, LLC on February 10, 2013 stated on form 50 filed February 25, 2015;
16. Amazon.Com DEDC, LLC Certification of Health Care Provider completed Dr. Sharon Eden dated September 10, 2013;
17. Amazon.Com DEDC, LLC work restrictions dated April 16, 2013 and August 20, 2013 because of work injury on February 10, 2013;
18. An email from Monica Goss of Aetna Insurance dated September 25, 2014 stating that Dr. Stickler Office are advising them there are no medical records for Claimant, May 21, 2015 Transcript;
19. South Carolina Worker's Compensation Regulatory Procedures Advisory pertaining to the requirement of Form14B dated January 25, 2012, May 21, 2015 Transcript;
20. Claimant acknowledge that court was being bias and prejudice towards Amazon. Come DEDC, LLC and American Zurich Insurance, May 21, 2015 Transcript;

21. Claimant expressed his concerns to the court of a different standards applied to Amazon, Com DEDC, LLC and American Zurich Insurance, May 21, 2015 Transcript pp. 3-19; p.89
22. Commissioner Campbell II stated on p.108 lines 18-21, that South Worker's Compensation had all records because of subpoenas, May 21, 2015 Transcript;
23. Claimant asked the court where are all records since South Carolina Worker's Compensation Commission had been made aware to dispute records and bias of the court; May 21, 2015 Transcript;
24. South Carolina Worker's Compensation Commission Law R67-611, May 21, 2015 Transcript;
25. S.C. Code Ann. 42-1-160(A); May 21, 2015 Transcript;
26. S.C. Code Ann. 42-9-10 (A,C);
27. S.C. Code Ann. 42-9-440; May 21, 2015 Transcript;

I certify that this designation contains no matter which is irrelevant to this appeal.

November 4, 2016


/s/ Clarence B. Jenkins Jr
Clarence B. Jenkins Jr,
945 Wire Rd.
Neeses, South Carolina 29107
(803) 263-4514

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
803-397-0189



APPEARANCES

FOR THE CLAIMANT

CLARENCE B. JENKINS, PRO SE

FOR THE DEFENDANT

J. RUSSELL GOUDELICK, ESQUIRE
McANGUS, GOUDELICK & COURIE, LLC
POST OFFICE BOX 12519
COLUMBIA, SOUTH CAROLINA 29211
803-227-2222

REPORTED BY

CORA ELLIS BRUTON
COURT REPORTER
131 BROWNING COURT
LEXINGTON, SOUTH CAROLINA 29073
803-397-0189

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CLAIMANT'S EXH. NO. 2 DEF. OF SYNCOPE. 105
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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

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SC Court of Appeals

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In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1303989

Clarence B. Jenkins, Employee,Appellant,

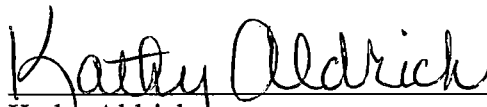
v.

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

PROOF OF SERVICE

I certify that on the 1st day of August 2017, I served the Respondents' **Second Motion for Correction of the Record on Appeal** 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
McAngus, Goudelock & Courie LLC
735 Johnnie Dodds Blvd., Suite 200
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(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

August 1, 2017

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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' Second Motion for Correction of the Record on Appeal, 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.

Also enclosed is our firm's check in the amount of \$25 for filing the motion.

If you have any questions, please do not hesitate to contact me

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Yours truly,

SC Court of Appeals

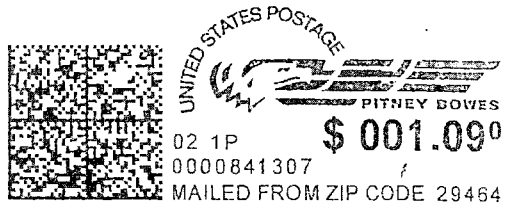
McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: Clarence B. Jenkins, *pro se*



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PO Box 650007
Mt. Pleasant, SC 29465