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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.: 1502120

RECEIVED

AUG 14 2017

SC Court of Appeals

Reginald Evans, Employee, ClaimantAppellant,

v.

Exel Inc., Employer, and
New Hampshire Insurance Company, Carrier, Respondents.

MOTION TO DISMISS APPEAL

Pursuant to Rules 210, 240 and 260, SCACR, Respondents Exel Inc. and New Hampshire Insurance Company hereby move to dismiss the instant appeal. This Court's May 19, 2017 Order dismissed the appeal on the ground that Appellant had failed to file a proper Record on Appeal pursuant to Rule 210, SCACR. Rule 210 provides that the Record "shall include all matter designated to be included by any party under Rule 209 ..." This Court's later Order, filed July 19, 2017 and addressing Appellant's motion to reinstate his appeal, clearly informed Appellant that "[t]he record on appeal must actually include all matters designated by both parties."


Appellant served a Record on Appeal on Respondents on August 8, 2017. However, the Record on Appeal contains one item only – the Single Commissioner Order, served May 16, 2016. Both Appellant and Respondent designated far more items to be included in the Record on Appeal than simply the Single Commissioner Order.

(Exhs. A & B). Although Appellant certified that the Record on Appeal that he served on August 8, 2017, “contains all material proposed to be included by any of the parties,” it does not include all the material he designated (Exh. A), let alone all of the material designated by Respondents. (Exh. B). This is in direct contravention of Rule 210, SCACR, and this Court’s July 19, 2017 Order.

Appellant has had multiple opportunities to file a proper Record on Appeal. Each time, he has failed to produce an even arguably sufficient Record on Appeal. As a result, and because he is in violation of this Court’s rules and orders, this appeal should be dismissed.

McANGUS GOUDELOCK & COURIE, LLC

August 10, 2017


Helen F. Hiser, S.C. Bar No.: 76124
735 Johnnie Dodds Blvd., Suite 200 (29464)
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM

South Carolina Workers' Compensation Commission

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JAN 27 2017

SC Court of Appeals

Appellate Case No. 2016-002448

Case No. 1502120

Reginald Evans
Employee, Claimant

Appellant,

V

Exel Inc., Employer
New Hampshire Insurance Company,
Carrier

Respondents,

APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

Appellants' proposes the following to be included in the Record on Appeal:

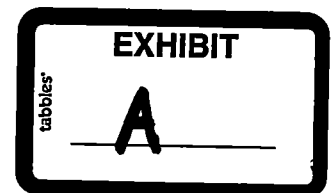
1. Order of Single Commissioner filed May16, 2016
2. Order of Workers' Compensation Commission Panel filed January 9, 2017.
3. Appellants' Initial Brief filed January 18, 2017.
4. Transcripts of Single Commissioner hearing.
5. Transcripts of Workers' Compensation Commission Panel hearing.

January 27, 2017

Respectfully Submitted,



Reginald Evans
1200 Broad Street #123
Sumter, SC 29150
484-725-0621



THE STATE OF SOUTH CAROLINA
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APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1502120

Reginald Evans, Employee, ClaimantAppellant,

v.

Exel Inc., Employer, and
New Hampshire Insurance Company, 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. Single Commissioner Order, served May 16, 2016;
2. Appellate Panel Decision and Order, filed Jan. 9, 2017;
3. Order to Relieve Counsel, filed June 2, 2016;
4. Form 21, dated Jan. 15, 2016;
5. Defendants' APA, pp. 18-21;
6. Claimant's Form 30, dated May 16, 2016;
7. Transcript of hearing before Commissioner Taylor, held April 27, 2016; and,
8. Transcript of Appellate Panel hearing, held October 17, 2016.

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APR 03 2017

SC Court of Appeals

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

[SIGNATURE ON FOLLOWING PAGE]



March 31, 2017

McANGUS GOUDELOCK & COURIE LLC



Helen F. Hiser, S.C. Bar No.: 76124
735 Johnnie Dodds Blvd., Suite 200 (29464)
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

*Attorneys for Respondents Exel Inc. and
New Hampshire Insurance Company*

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APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1502120

Reginald Evans, Employee, ClaimantAppellant,

v.

Exel Inc., Employer, and
New Hampshire Insurance Company, Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Respondents' **Motion to Dismiss Appeal** on Reginald Evans, by depositing a copy of it in the United States Mail, postage prepaid, addressed to him as follows:

Reginald Evans
1200 Broad Street, #123
Sumter, South Carolina 29150

August 10, 2017



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



Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

August 10, 2017

Via U.S. Mail

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

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AUG 14 2017
SC Court of Appeals

RE: Reginald Evans v. Exel Inc. and New Hampshire Insurance
Company/Chartis Claims, Inc. c/o Sedgwick CMS
Date of Accident: February 21, 2015
WCC File No.: 1502120
Our File No.: 20194.15257
Claim No.: 12101772800-01 (SC)
Appeal No.: 2016-002448

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion to Dismiss 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.

Very truly yours,



Helen F. Hiser

Enclosures

cc: Reginald Evans, *pro se*

mgc | INSURANCE
DEFENSE

POST OFFICE BOX 650007
MT. PLEASANT, SC 29465

20194.15257/HFH/kea
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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