

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2016-001494

Theodore P. Polansky, Employee, Respondent,

v.

SC Office of the Attorney General,
Employer, and State Accident Fund, Carrier, Appellants.

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

RECEIVED

AUG 15 2017

SC Court of Appeals

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

1. Form 50s (re: WCC File #s 9922954 and 0024408), dated
May 12, 2011;
2. Form 51s (re: WCC File #s: 9922954 and 0024408), dated
June 7, 2011;
3. Form 50s (re: WCC File #s: 9922954 and 0024408), dated
March 2, 2012;
4. Form 51s (re: WCC File #s: 9922954 and 0024408), dated
March 30, 2012;

5. Notice of Hearing, dated April 11, 2012;
6. Complaint for Writs of Prohibition and Mandamus dated November 29, 2012;
7. Motion to Set Hearing dated April 16, 2014, with all attachments including specifically: A) Memorandum in Support; B) Letter to Ellen Goodwin dated April 16, 2013; C) Proposed Consent Agreement; D) Letter to Judicial Director dated May 1 2013; E) Letter to Ellen Goodwin dated June 13, 2013; F) Draft Motion and Memorandum dated June 11, 2013; and G) Certificate of Service dated May 8, 2014;
8. Order (granting Motion to Set Hearing) of Commissioner Wilkerson, dated May 7, 2014;
9. Letter with Consent Agreement to Commissioner Beck, dated September 5, 2013;
10. Email to Amy Bracy, Judicial Director from Kim Hinkle, Paralegal, dated October 4, 2013; and response from Amy Bracy, Judicial Director to Kim Hinkle, Paralegal, dated October 24, 2013;
11. Notice of Hearing, dated July 7, 2014;
12. Claimant's Pre-Hearing Brief, Notice of Witnesses and APA Submissions, dated August 19, 2014;
13. Letter to Amy Bracy from Peter P. Leventis, IV noting representation, dated August 20, 2017;
14. Defendants' Pre-Hearing Brief, Notice of Witnesses, and APA Submissions, dated August 26, 2014;
15. Defendants' Email re: Request for Mediation, dated September 15, 2014;
16. Claimant's letter re: Response to Request for Mediation, dated September 15, 2014;
17. Mediation Agreement, dated November 12, 2014;
18. Form #70 Mediator Report, dated December 17, 2014;
19. Reset Notice of Hearing, dated January 7, 2015;

20. Claimant's Pre-Hearing Brief, Notice of Witnesses and APA Submissions, dated February 19, 2015;
21. Claimant's Supplemental Notice of Witnesses and APA Submissions, dated February 27, 2015;
22. Claimant's Amended Notice of Witnesses and APA Submissions, dated March 4, 2015;
23. Defendants' Pre-Hearing Brief, Notice of Witnesses and APA Submissions, dated February 24, 2015;
24. Transcript of Hearing, dated March 6, 2015;
25. Order and Award, filed June 1, 2015;
26. Defendants' Form 30 Request for Commission Review, with cover letter and Certificate of Service, dated June 15, 2015;
27. Full Commission Transcript of Hearing, dated September 21, 2015;
28. Appellate Panel Decision and Order; dated November 10, 2015;
29. Defendants' Notice of Intent to Appeal, dated December 9, 2015;
30. Claimant's Notice and Cross-Appeal to Defendants' Notice of Intent to Appeal, dated December 11, 2015;
31. Motion to Require Payment Pursuant to SC Code §42-17-60 of the Award and to Dismiss the Appeal of the Defendants, with Memorandum in Support, dated December 11, 2015;
32. Defendants'/Appellants'/Respondents' Reply to Claimant's/Respondent's/Appellant's Motion to Dismiss the Appeal, dated December 29, 2015;
33. Defendants'/Appellants'/Respondents' Consent Agreement and Order of Confirmation Setting Appeal and Cross-Appeal and Motions All During the Non-Jury Term of February 8, 2016, dated January 29, 2016;
34. Claimant's/Cross-Appellant's Memorandum in Support of Motion for Payment of the Accrued Award Pursuant to SC Code §42-17-60, dated February 3, 2016;

35. Administrative Order Re: WCC Record, dated February 8, 2016;
36. FORM 4 Order, dated February 1, 2016;
37. Order of Continuance, dated February 17, 2016;
38. Motion for Status Conference and to Postpone Hearing, dated April 12, 2016;
39. Motion for Substitution of Counsel, dated April 12, 2016;
40. Return to Motion for Status Conference and to Postpone Hearing dated April 21, 2016;
41. Respondent's Brief to Circuit Court, dated May 11, 2016;
42. Cross-Appellant's Brief to Circuit Court, dated May 12, 2016;
43. SC State Accident Fund's/SC Attorney General's Brief, dated May 13, 2016;
44. Orders (affirming FC Decisions), dated June 9, 2016;
45. Return to Motion to Alter or Amend Judgment in Case No. 2015-40-07380, dated June 27, 2016;
46. Order Ordering Payment of Accrued Award Pursuant to SC Code §42-17-60, dated July 8, 2016;
47. Order Denying Rule 59(e) Motion in Case No. 2015-CP-40-07380, dated July 25, 2016;
48. Defendants' Notice of Motion and Motion to Alter or Amend Judgment, dated July 22, 2016;
49. Reply to Rule 59(e) Motion filed by Appellants/Cross-Respondents, dated July 27, 2016;
50. Order Denying Appellants' Rule 59(e) Motion, dated August 4, 2016;
51. Order Denying Appellant's Rule 59(E) Motion As to The Order Ordering Payment of Accrued Award Pursuant to SC Code §42-17-60 Filed July 7, 2016, filed August 16, 2016;

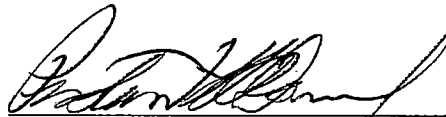
52. Appellants' Notice of Motion and Motion for Order of Supersedeas, dated September 29, 2016;

53. Appellant's Amended Notice of Motion and Amended Motion for Order of Supersedeas, dated September 26, 2016; and

54. Order of Dismissal of Cross-Appeal, dated September 23, 2016.

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

Respectfully submitted,



Preston F. McDaniel, Esquire
SC Bar # 3770
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211
Attorney for Respondent

August 11, 2017

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2016-001494

Theodore P. Polansky, Employee, Respondent,

v.

SC Office of the Attorney General,
Employer, and State Accident Fund, Carrier, Appellants.

PROOF OF SERVICE

RECEIVED

AUG 15 2017

SC Court of Appeals

I certify that I have served the INITIAL BRIEF OF RESPONDENT and Respondent's DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL by depositing a copy of it in the United States Mail, postage prepaid, on August 11, 2017 addressed to:

Temus C. Miles, Jr., Esquire
McKay, Cauthen, Settana & Stubley
PO Box 7217
Columbia, SC 29202-7217

Dated: August 11, 2017



Preston F. McDaniel
SC Bar No. 3770
MCDANIEL LAW FIRM
1315 Elmwood Avenue
Columbia, South Carolina 29201
(803) 771-7211
Attorney for Respondent

McDANIEL LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
1315 ELMWOOD AVENUE
COLUMBIA, SOUTH CAROLINA 29201

Proudly representing injured workers
for over 30 years.

Preston F. McDaniel
Matthew Robertson

Telephone (803) 771-7211
Facsimile (803) 252-0709

August 11, 2017

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


RE: Theodore P. Polansky v. SC Office of Attorney General
Appellate Case No. 2016-001494

Dear Ms. Kitchings:

Please find attached the original and one (1) copy of the **INITIAL BRIEF OF RESPONDENT** and Respondent's **DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** in the above-referenced matter. I would appreciate your returning the clocked-in copies to me in the enclosed self-addressed, stamped envelope.

By copy of this letter I am hereby serving Counsel of Record with a copy of this document.

Sincerely yours,


Preston F. McDaniel

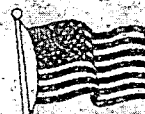
PFM/kth
Enclosures

cc: Temus C. Miles, Jr., Esquire

RECEIVED

AUG 15 2017

SC Court of Appeals



McDaniel Law Firm
1315 Elmwood Avenue
Columbia, SC 29201

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

RECEIVED

AUG 15 2017

SC Court of Appeals