

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM Stella W. RICHARDSON
APPELATE PANEL WORKER'S COMPENSATION

Case No: 9832206

YUASA EXIDE INC,

Respondent,

v.

STELLA W. RICHARDSON,

Appellant,

[INITIAL] BRIEF OF APPELLANT

Robert Gruber
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Suite 400, P.O Box 993
Charleston, South Carolina 29402
Attorney for Appellant

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SC Court of Appeals

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STATEMENT OF ISSUES ON APPEAL

1. DID THE CLAIMANT RECEIVE ADEQUATE ASSISTANCE OF LEGAL COUNSEL?
2. WAS THE CLAIMANT MISREPRESENTED BY HER ATTORNEY REGARDING HER CLAIM?

STATEMENT OF THE CASE

On April 1, 2014, I Stella W. Richardson hired Attorney Charles Brooks to represent me regarding my Worker's Compensation case.

On June 18, 2015, I Stella W. Richardson filed a form 50 requesting a hearing and seeking additional benefits outside of the Clincher Agreement.

On August 10, 2015 a hearing was held before Commissioner Michael Campbell with reasoning an inquiry whether or not the claimant was represented properly by her Attorney Charles Brooks.

FACTS

I Stella W. Richardson, filed a form 50 on November 16, 2010, stating that I suffered injury to my brain, kidneys, liver, musculoskeletal system, cognitive system, pulmonary systems and neuropathic system due to lead exposure and toxic chemicals during my employment at Yuasa-Exide, Incorporated, on or before November 10, 1997. On December 6, 2013, I requested a hearing to address actions based upon me being exposed by lead and other toxic chemicals. Thereafter I hired Attorney Charles Brooks to assist me with this case.

On June 18, 2015, I filed a form 50 stating that I was diagnosed with Stage III Invasive Ductal Carcinoma Breast Cancer and requested compensation for total disability, medical care and long term treatment after my diagnosis. The defendant thereafter filed a form 51 alleging that Breast Cancer was not related to my injury/exposure. The defendant also claimed that I was entitled to any further benefits due to the terms of the clincher agreement.

On June 3, 2015, a motion was granted for Attorney Charles Brooks to be relieved as counsel for the remaining of this case. A deposition took place on October 3, 2016, where Attorney Charles Brooks stated that he had Special Power of Attorney over me where he was able to endorse my name Stella W. Richardson on the settlement check and any other documents that were necessary, Attorney Charles Brooks also claimed that I, Stella W. Richardson was erroneously was not living in Sumter County which is a false accusation (Deposition of Charles Brooks, pg65, Ins. 15-25; pg.66, Ins.1-8). I find that Attorney Charles Brooks did not adequately provided assistance to me during this case. I do not believe that Attorney Charles Brooks followed the process for concluding my Worker's Compensation case and Attorney Charles Brooks refuse to provide appropriate repudiation representation for Stella W. Richardson.

- I. I Stella W. Richardson, argued that I was able to provide estoppel and deceit facts that I was not represented properly including any other circumstance or conditions that allowed the Worker's Compensation Commission justification to reopen my claim and/or set aside my clincher agreement.
- II. I argued Commission Campbell's statement that I am not owed any additional benefits in this matter, and I feel as though I do because I was improperly represented by my former Attorney Charles Brooks.

CONCLUSION

For the reasons stated within this brief, I Stella W. Richardson is asking this court to reverse the clincher agreement for this case. I feel as though I was improperly represented by my former Attorney Charles Brooks.

September 29, 2017

Respectfully submitted,

Stella W. Richardson
/s/ Stella W. Richardson
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YUASA EXIDE, INC,

RESPONDENT,

V.

STELLA W. RICHARDSON,

APPELLANT,

PROOF OF SERVICE

I certify that I have served the Initial Brief to Robert Gruber by mail; the address to Yuasa Exide Attorney on record is 25 Calhoun Street, Suite 400, O.O. Box 993, Charleston, South Carolina 29402.

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