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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1116275

John McDaniel, Employee,.....Appellant,

v.

Career Employment Professional
d/b/a Snelling Staffing, Employer, and
United Wisconsin Insurance Co., Carrier, Respondents.

**MOTION TO CORRECT
RECORD ON APPEAL**

Pursuant to Rules 210 and 240, SCACR, Respondents Career Employment Professional d/b/a Snelling Staffing and United Wisconsin Insurance Co. move this Court to order Appellant John C. McDaniel to correct the Record on Appeal that was served on Respondents on October 20, 2017. Pursuant to Rule 210(c), SCACR, “[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267.” The Record is missing five items designated by Respondents. Those include:

- Notice of Appellate Hearing, dated March 29, 2013. This was Item No. 13 on Respondents’ Designation of Matter;
- Request for Proposed Order, dated Aug. 6, 2013. This was Item No. 16 on Respondents’ Designation of Matter;

- Defs' Form 58, Pre-Hearing Brief and APAs, dated Nov. 5, 2012. This was Item No. 30 on Respondents' Designation of Matter;
- Email correspondence between Eugenia Hollmon and John McDaniel, "Re: motion for new evidence," dated April 15, 2013. This was Item No. 47 on Respondents' Designation of Matter; and,
- Email correspondence between John McDaniel, Allison Nussbaum, Gary Cannon, Virginia Crocker, et al., "Re: Proposed Findings of Fact RE:SCWCC file #1116275," dated Dec. 2, 2013, with attachment. This was Item No. 59 on Respondents' Designation of Matter. (*See* Exh. A).

Respondents cannot prepare their final brief until these items have been added to the Record. In the event Appellant is unable to locate copies of any of these items, Respondents are willing to provide these items to him upon written request.

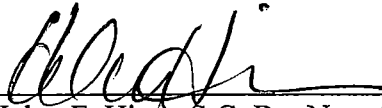
Respondents also note that some of the "2017-ROA-" numbers are difficult to read, such as those for portions of the Cobb deposition transcript. (2017-ROA-404 – 2017-ROA-420). Appellant has left the "ROA" numbers from his 2014 appeal on many of the Record pages, making it relatively confusing to locate the relevant page numbers for this appeal, which are paginated with both "ROA" and "2017-ROA-" numbers.

CONCLUSION

For the reasons stated herein, Respondents move this Court to order Appellant to add the above-listed items to the Record. In addition, Respondents request that the due date for their final brief be stayed while the Court considers this Motion and until Appellant corrects the Record.

McANGUS GOUDELOCK & COURIE, LLC

October 25, 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
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APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1116275

John McDaniel, Employee,Appellant,

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Career Employment Professional
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RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE
RECORD ON APPEAL

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AUG 31 2017

SC Court of Appeals

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

1. Decision and Order of Hearing Commissioner Melody L. James, filed Jan. 4, 2013;
2. Decision and Order of Hearing Commissioner Melody L. James, filed Sept. 30, 2013;
3. Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission, filed Dec. 19, 2013;
4. Court of Appeals' Unpublished Opinion, Appellate Case No. 2014-000186, June 22, 2016;
5. Appellate Panel Decision and Order of the South Carolina Workers' Compensation Commission, filed April 28, 2017;
6. Order Relieving Counsel, dated March 29, 2013;



7. Judicial Conference Decision and Order, dated April 15, 2013;
8. Judicial Conference Decision and Order, dated May 20, 2013;
9. Administrative Order re Form 32(s), dated June 3, 2013;
10. Judicial Conference Decision and Order concerning Motion for Additional Evidence Dated May 6, 2013, filed June 17, 2013;
11. Judicial Conference Decision and Order concerning Motion for Additional Evidence Dated May 10, 2013, filed June 17, 2013;
12. Judicial Conference Decision and Order, dated August 12, 2013;
13. Notice of Appellate Hearing, dated March 29, 2013;
14. Notice of Hearing, dated June 19, 2013;
15. Notice of Appellate Hearing, dated Oct. 1, 2013;
16. Request for Proposed Order, dated Aug. 6, 2013;
17. Request for a Proposed Decision and Order, emailed and mailed Oct. 31, 2013;
18. Transcript of Hearing before Hearing Commissioner James, held Nov. 28, 2012;
19. Transcript of Hearing before Hearing Commissioner James, held July 8, 2013;
20. Transcript of Hearing before the Full Commission Panel Hearing, held October 14, 2013;
21. Transcript of Full Commission Panel Hearing, held March 21, 2017;
22. Transcript of Deposition of Daniel J. Cobb, Aug. 20, 2012;
23. Claimant's Form 50, dated May 18, 2012;
24. Respondents' Form 51, dated June 15, 2012;
25. Form 14-B, dated Sept. 9, 2012;
26. Respondents' Form 21, dated Sept. 17, 2012;
27. Claimant's Form 58, Pre-Hearing Brief, served October 31, 2012;
28. Claimant's APA pp. 1-15, 21-55, 59-109, 120-125;

29. Claimant's supplemental APAs, pages 120-122, under cover of letter dated November 15, 2012;
30. Defs' Form 58, Pre-Hearing Brief and APAs, dated Nov. 5, 2012;
31. Claimant's Form 30, dated Jan. 14, 2013;
32. Claimant's Motion Pursuant to Regulation 67-707 to Admit Additional and Newly Discovered Evidence, dated Mar. 8, 2013;
33. Brief on Behalf of Claimant/Appellant, dated March 26, 2013;
34. Respondents' Brief to the Full Commission, dated April 10, 2013;
35. Claimant's Motion for additional Evidence to Complete the Record and Notice of Additional Evidence and Additional APA Submissions on behalf of the Claimant, dated May 6, 2013;
36. Claimant's Motion for additional Evidence and Testimony to Complete the Record, dated May 10, 2013;
37. Appellant's Reply to Respondents' Brief, served by the Commission on May 15, 2013;
38. Defendants' Response to Claimant's 2nd Motion to Add Additional and Newly Discovered Evidence and Notice of Additional APA Submissions, dated May 16, 2013;
39. Claimant's Notice of Additional Evidence to be Introduced into the Record, APA pp. 210-278, dated May 17, 2013;
40. Claimant's Motion for Penalties and Sanctions for Failure to provide Medical Treatment and Failure to Provide Medical Treatment in a Timely Manner, dated June 11, 2013 and filed with the Commission on June 14, 2013;
41. Defendants' Response to Claimant's Motion for Penalties and Sanctions for Failure to Provide Medical Treatment and Failure to Provide Medical Treatment in a Timely Manner, dated June 21, 2013;
42. Subpoenas to Jim Pascutti, Angela Baldwin and Nicole Service, served on Respondents under cover of letter dated June 27, 2013;
43. Motion to Quash Claimant's June 27, 2013 Subpoenas to Angela Baldwin, Jim Pascutti, and Nicole Service, dated July 2, 2013;
44. Subpoenas to Jim Pascutti, Angela Baldwin and Nicole Service, served on

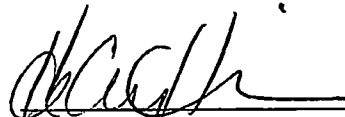
- Respondents under cover of letter dated Oct. 4, 2013;
45. Motion to Quash Claimant's October 14, 2013 Subpoenas to Angela Baldwin, Jim Pascutti, and Nicole Service, dated Oct. 10, 2013;
 46. Claimant's Amended Form 30, dated Oct. 9, 2013, without attachments;
 47. Email correspondence between Eugenia Hollmon and John McDaniel, "Re: motion for new evidence," dated April 15, 2013;
 48. Letter from Valerie D. Deller to Allison Nussbaum, dated May 29, 2013;
 49. Email correspondence between John McDaniel and Tamara Morris, "Re: wcc file # 1116275", dated June 26, 2013 and June 27, 2013;
 50. Email correspondence from John McDaniel to Keith Roberts and Allison Nussbaum, "Re: Proposed Findings of Fact RE:SWCC file #1116275," dated Aug. 30, 2013;
 51. Email correspondence between Keith Roberts, Tamara Morris, John McDaniel and Allison Nussbaum, "Re: John McDaniel Charleston Order Instructions from Commissioner James for Keith to prepare Order," dated Sept. 10, 2013, with attachment;
 52. Email correspondence between Keith Roberts, Gary Cannon, John McDaniel and Allison Nussbaum, "Re: Proposed order language," dated Sept. 13, 2013;
 53. Email correspondence between John McDaniel, Eugenia Hollmon, Gary Cannon, Valerie Deller, Virginia Crocker, and Allison Nussbaum, "Re: receipt of order 'scwcc # 1116275'", dated Oct. 4, 2013;
 54. Email correspondence between Virginia Crocker, John McDaniel, and Allison Nussbaum, "Re: receipt of order 'scwcc # 1116275'", dated Oct. 4, 2013;
 55. Email correspondence between Keith Roberts, John McDaniel, Allison Nussbaum, Virginia Crocker and Gary Cannon, "Re: remanded or bifurcated? SCWCC file # 1116275," dated Oct. 8, 2013;
 56. Email correspondence between Keith Roberts, John McDaniel, Allison Nussbaum, Virginia Crocker and Gary Cannon, "Re FW; FW: remanded or bifurcated? SCWCC file #1116275," dated Oct. 9, 2013;
 57. Email correspondence between Keith Roberts, John McDaniel, Gary Cannon, Virginia Crocker, Allison Nussbaum, "Re: Application for notice wcc #1116275," dated Oct. 10, 2013;

58. Email correspondence between Keith Roberts, John McDaniel, Allison Nussbaum, Virginia Crocker, Gary Cannon, E. Boyd, and Elizabeth McDaniel, "Re: FW: FW: remanded or bifurcated? SCWCC file # 1116275," dated Oct. 12, 2013;
59. Email correspondence between John McDaniel, Allison Nussbaum, Gary Cannon, Virginia Crocker, et al., "Re: Proposed Findings of Fact RE:SCWCC file #1116275," dated Dec. 2, 2013, with attachment;
60. Appellant's Response to Respondents' Motion to Strike and/or Amend Claimants Initial Brief and Designation of Matter, dated May 31, 2014;
61. Email correspondence between Eugenia Hollmon, Allison Nussbaum, Helen Hiser, John McDaniel, and Marguerite Karnilaw, "Re: McDaniel," dated April 5, 2017; and
62. Email correspondence between John McDaniel, Marguerite Karnilaw, Keith Roberts, Amy Bracy, Eugenia Hollman, Allison Nussbaum, and Helen Hiser, et al., "Re: John McDaniel v. Career Employment Professionals d/b/a Snelling (Claim No.: 041100021048)" dated April 11, 2017, with attachment.

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

August 30, 2017

McANGUS GOUDELOCK & COURIE LLC



R. Mark Davis, S.C. Bar No.: 15522
Helen F. Hiser, S.C. Bar No.: 76124
Allison C. Nussbaum, S.C. Bar No.: 72514
735 Johnnie Dodds Blvd., Suite 200 (29464)
P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents

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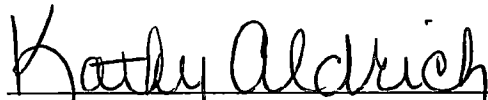
v.

Career Employment Professional
d/b/a Snelling Staffing, Employer, and
United Wisconsin Insurance Co., Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 25th day of October, 2017, I served the Respondents' **Motion to Correct Record on Appeal** on John McDaniel by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

John C. McDaniel, *Pro Se*
4537 Illium Lane NW
Grand Rapids, MI 49534



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 Career Employment
Professional d/b/a Snelling Staffing and United
Wisconsin Insurance Co.*

mgc

Reply To

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

October 24, 2017

Via U.S. Mail

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

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SC Court of Appeals

RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing Services and United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048
Appellate Tracking No.: 2017-001217

Dear Ms. Kitchings:

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

Yours truly,
McAngus Goudelock & Courie, LLC


Helen F. Hiser

Enclosures

cc: John C. McDaniel, *pro se* (via U.S. Mail and Certified Mail)

mgc

**INSURANCE
DEFENSE**

POST OFFICE BOX 650007

MT. PLEASANT, SC 29465

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The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

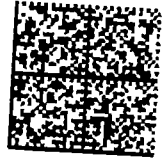
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The Honorable Jenny Abbott Kitchings
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