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THE STATE OF SOUTH CAROLINA
In The Supreme Court

S.C. SUPREME COURT

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Case No. 2017-002251

Clarence Winfrey Respondent,

v.

Archway Services Inc,Employer,

and

American Fire & Casualty Insurance Company c/o
Liberty Mutual Group, Petitioners/Appellants,

RETURN TO RESPONDENT’S MOTION TO COMPEL MEDICAL CARE

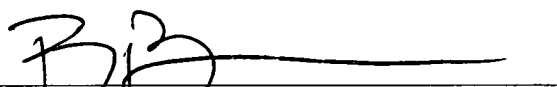
Respondent’s Motion unfortunately reflects a common refrain in this case—a pattern of willful and intentional ignorance of the rules, laws, and regulations governing workers’ compensation claims. Instead of following the rules, Respondent continues to file motion after motion to try and get anyone except the Workers’ Compensation Commission to decide on these matters. Respondent is at it again. This is at least Respondent’s fourth attempt to try and get a court without jurisdiction to weigh in and order medical care which can only be decided on and/or ordered by the Commission. The medical care sought in this new motion is for a new injury which is not related to the underlying workers’ compensation claim—a fact which Respondent conveniently omitted from his Motion. Respondent’s treating physicians have given

expert opinions that this new condition is not causally related to the underlying workers' compensation claim. Respondent has already been repeatedly rebuked by both the Circuit Court and the Court of Appeals¹ in this quest. Respondent has been repeatedly ordered by the Court of Appeals to take these (and similar) matters up with the Commission. Now Respondent seeks to have the Supreme Court weigh in on specific requests for medical care related to a new injury outside of the workers' compensation claim. Petitioners have repeatedly requested Respondent file a Form 50 with the Commission to have this issue resolved. Instead, Petitioner continues to file knowingly frivolous motions with the courts of this state in an attempt to end run the well-established statutes and regulations governing injured workers in this state. This is untoward and should be sanctioned by this Court.

This Court should DENY Respondent's clearly improper motion and sanction Respondent the costs associated.

Respectfully submitted,

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March 5, 2018

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¹ See, for example, Exhibit B to Respondent's Motion "the question of whether the medical treatment sought by Respondent was 'medical treatment for his heart condition' as set forth in the Appellate Panel's order **was a question more appropriate for the Commission.**" (Court of Appeals Order dated March 18, 2016); See also Exhibit C to Respondent's Motion "...**the Appellate Panel has retained jurisdiction over motions relating to this type of discovery and depositions...**" (Court of Appeals Order dated July 6, 2016). See additionally Exhibit E to Respondent's Motion "[a]s we have noted in our prior orders, questions of compensability of any maladies potentially related to the original injury yet not specifically addressed in the Appellate Panel's July 25, 2014 final decision and order **remain within the jurisdiction of the Workers' Compensation Commission.**" (Court of Appeals Order dated November 18, 2016).