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**MOTION FOR LEAVE TO FILE AMENDED DESIGNATION  
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS COMPENSATION

Full Commission

WCC File No. 1200349  
Appellate Case No. 2018-000133

James Provins, Employee/Deceased,  
Debra Provins, Alleged Dependents/Claimants,

Appellants,

v.

Spirit Construction services, Inc., Employer,  
And Insurance Company of the State of PA, Carrier,

Respondents

**RECEIVED**  
JUN 15 2018  
SC Court of Appeals

**MOTION FOR LEAVE TO FILE AMENDED DESIGNATION  
OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

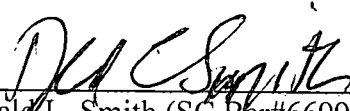
On June 4, 2018, Appellant filed his Designation of Matter on the above-mentioned case, together with Appellant's Initial Brief.

Due to the voluminous records of the above-mentioned case, the undersigned counsel inadvertently omitted relevant documents in the submitted Form 11. To conform to the documents cited in Appellants' Initial Brief, Appellants are requesting this Honorable Court to allow them to submit this Amended Designation of Matter. Respondents will not be prejudiced by this Amendment since the same is being made to conform to the evidence, and the materials have already been provided to them during the course of the appeal.

WHEREFORE, Appellants respectfully move for this Honorable Court to allow them to amend their previously filed Designation of Matter to be Included in his Record on Appeal.

{SIGNATURE TO FOLLOW}

June 12, 2018

  
\_\_\_\_\_  
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*Attorney for Appellants*

**FORM 14**  
**AMENDED DESIGNATION OF MATTER TO BE**  
**INCLUDED IN THE RECORD ON APPEAL**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SOUTH CAROLINA WORKERS COMPENSATION

Full Commission

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James Provins, Employee/Deceased,  
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v.

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And Insurance Company of the State of PA, Carrier, Respondents.

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**AMENDED DESIGNATION OF MATTER**  
**TO BE INCLUDED IN THE RECORD ON APPEAL**

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Appellant hereby proposes to amend his previously filed Designation of Matter to the following:

1. Amended Pre-Hearing Brief;
2. APAs, pages 1-109;
3. Transcript of Compensability Hearing, August 14, 2012;
4. Decision and Order of Commissioner Gene McCaskill, dated September 7, 2012;
5. Appellate Panel Decision and Order, Full Commission, dated February 27, 2013;
6. Transcript of Deposition of Dr. James F. Ballenger, September 23, 2016;
7. Death Certificate of Appellant James Provins;
8. Dr. Ballenger's Expert Witness Retention Contract;
9. Appellant's Motion to Compel Treatment, filed March/April 2014;
10. Transcript of Single Commissioner Hearing under Commissioner R. Michael Campbell, II, dated December 5, 2016;
11. Memorandum of Employee/Appellant, July 27, 2017;
12. Brief of Defendants/Respondents, dated August 11, 2017;
13. Reply Brief of Employee/Appellant, dated August 21, 2017;

14. Decision and Order of Commissioner R. Michael Campbell, filed March 6, 2017;
15. Transcript of Full Commission Hearing, dated November 14, 2017;
16. Appellate Decision and Order by Full Commission, filed January 11, 2018.
17. Appellant's Notice of Appeal, dated January 26, 2018.

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



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*Attorney for Appellants*

Anderson, South Carolina

Date: June 12, 2018

**FORM 7  
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS COMPENSATION

Full Commission

WCC File No. 1200349  
Appellate Case No. 2018-000133

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Appellants, **SC Court of Appeals**

James Provins, Employee/Deceased,  
Debra Provins, Alleged Dependents/Claimants,

v.

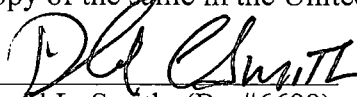
Spirit Construction services, Inc., Employer,  
And Insurance Company of the State of PA, Carrier,

Respondents.

**PROOF OF SERVICE**

I certify that I have served copies of Appellant's Motion for Leave to File Amended Designation of Matter to be Included in the Record on Appeal, Amended Designation of Matter to be Included in the Record on Appeal, Appellants' Letter to South Carolina Workers' Compensation Commission, and Proof of Service for same upon The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, at PO Box 11629, Columbia SC 29211, and the Respondents, by and through their counsel of record, Mr. J. South Lewis, II, Esquire at 872 South Pleasantburg Drive, Greenville, SC 29607, and Judicial Director Amy Bracy, at SC WCC at PO Box 1715, Columbia SC 29202-1715, by depositing a copy of the same in the United States Mail, postage prepaid, on June 4, 2018.

June 12, 2018  
Anderson, South Carolina

  
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*Attorney for Appellants*

**FORM 8**  
**LETTER TO THE APPEALS COURT CLERK**

June 12, 2018

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

**RECEIVED**  
JUN 15 2018  
SC Court of Appeals

**RE: James Provins and Debra Provins v. Spirit Construction and Insurance  
Company of the State of PA  
WCC File No. 1200349  
Appellate Case No. 2018-000133**

Dear Honorable Kitchings:

Please find enclosed the following materials for filing:

- (1) Appellant's Motion for Leave to File Amended Designation of Matter to be Included in the Record on Appeal;
- (2) Appellant's Amended Designation of Matter;
- (3) A check amounting to twenty-five dollars (\$25.00) as motion fee;
- (4) A copy of Appellant's Letter to South Carolina Workers' Compensation Commission Judicial Director Amy Bracy; and,
- (5) Proof of Service for same.

Sincerely,



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*Attorney for Appellants*

cc: Mr. J. South Lewis, Esquire  
Ms. Amy Bracy, Judicial Director, SC Workers' Compensation Commission

Attorney Office of Donald Smith  
122 N. Main Street,  
Anderson, SC 29621

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JUN 15 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court South Carolina Court of Appeals  
POBox 11629,  
Columbia SC 29211

