

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

RECEIVED

JUL 12 2018

WCC File No. 1512220
Appellate Case No. 2017-001947

SC Court of Appeals

Rico Dorsey, Employee, Appellant,

v.

Allwaste Services, Inc., Employer,
and Bridgefield Casualty Insurance,
c/o Summit Holding, Inc., Carrier, Respondents.

SUPPLEMENTAL RECORD ON APPEAL

Blake A. Hewitt # 73674
BLUESTEIN THOMPSON SULLIVAN, LLC
P.O. Box 7965
Columbia, SC 29202
(803) 779-7599

Nicolas L. Haigler # 76684
Jasmine D. Smith # 100758
ROBINSON GRAY STEPP & LAFFITTE, LLC
PO Box 11449
Columbia, SC 29211
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ANDREW N. SAFRAN, LLC
P.O. Box 10289
Columbia, SC 29211

Attorneys for Respondents

Creighton B. Coleman # 6521
COLEMAN & TOLEN, LLC
P.O. Box. 1006
Winnsboro, SC 29180

Attorneys for Appellant

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CERTIFICATE OF SERVICE

I, the undersigned, Legal Assistant of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for Defendants, do hereby certify that I have served the following parties with the foregoing document(s) by mailing a copy of the same via United States Mail, postage prepaid, and/or hand delivering or otherwise indicated, to the following address(es):

Pleading(s):

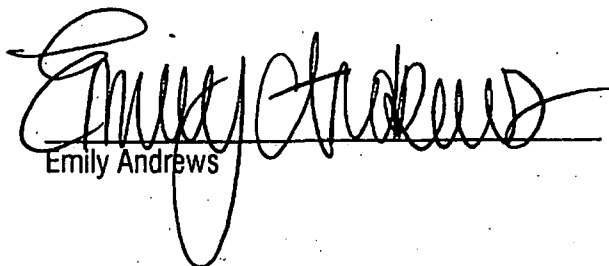
**FORM 58 AND NOTICE OF WITNESSES
AND MEDICAL REPORTS TO BE INTRODUCED
AS EVIDENCE ON BEHALF OF THE DEFENDANTS**

Parties Served:

VIA HAND DELIVERY

Honorable Susan S. Barden, Commissioner
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

Creighton B. Coleman, Esquire
Coleman & Tolen, LLC
120 W. Washington St.
P.O. Box 1006
Winnsboro SC 29180


Emily Andrews

Columbia, South Carolina

March 30, 2016

CERTIFICATE OF SERVICE

I, the undersigned, Legal Assistant of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for Defendants, do hereby certify that I have served the following parties with the foregoing document(s) by mailing a copy of the same via United States Mail, postage prepaid, and/or hand delivering or otherwise indicated, to the following address(es):

Pleading(s):

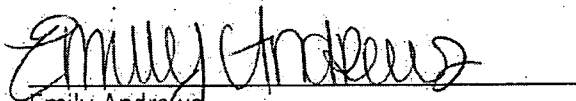
**FORM 58 AND NOTICE OF WITNESSES
AND MEDICAL REPORTS TO BE INTRODUCED
AS EVIDENCE ON BEHALF OF THE DEFENDANTS**

Parties Served:

VIA E-CASE UPLOAD

Honorable Aisha Taylor, Commissioner
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

Creighton B. Coleman, Esquire
Coleman & Tolen, LLC
120 W. Washington St.
P.O. Box 1006
Winnsboro SC 29180


Emily Andrews

Columbia, South Carolina

April 22, 2016

CERTIFICATE OF SERVICE

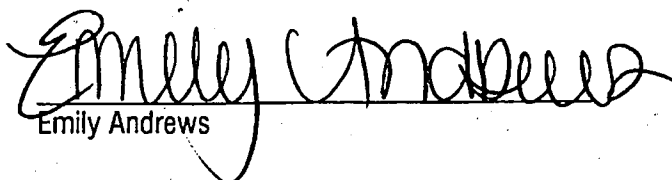
I, the undersigned, Legal Assistant of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for Defendants, do hereby certify that I have served the following parties with the foregoing document(s) by mailing a copy of the same via United States Mail, postage prepaid, and/or hand delivering or otherwise indicated, to the following address(es):

Pleading(s): **2ND AMENDED FORM 58 AND NOTICE OF WITNESSES
AND MEDICAL REPORTS TO BE INTRODUCED
AS EVIDENCE ON BEHALF OF THE DEFENDANTS**

Parties Served:

VIA E-CASE UPLOAD
Honorable Aisha Taylor, Commissioner
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

VIA U.S. MAIL AND E-MAIL
Creighton B. Coleman, Esquire
Coleman & Tolen, LLC
120 W. Washington St.
P.O. Box 1006
Winnsboro SC 29180


Emily Andrews

Columbia, South Carolina

May 2, 2016

CERTIFICATE OF SERVICE

I, the undersigned, Legal Assistant of Sowell Gray Stepp & Laffitte, L.L.C., attorneys for Defendants, do hereby certify that I have served the following parties with the foregoing document(s) by mailing a copy of the same via United States Mail, postage prepaid, and/or hand delivering or otherwise indicated, to the following address(es):

Pleading(s):

**FORM 58 AND NOTICE OF WITNESSES
AND MEDICAL REPORTS TO BE INTRODUCED
AS EVIDENCE ON BEHALF OF THE DEFENDANTS**

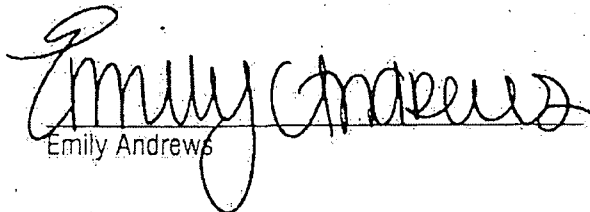
Parties Served:

VIA E-CASE UPLOAD

Honorable Aisha Taylor, Commissioner
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

VIA U.S. MAIL AND E-MAIL

Greighton B. Coleman, Esquire
Coleman & Tolen, LLC
120 W. Washington St.
P.O. Box 1006
Winnsboro SC 29180


Emily Andrews

Columbia, South Carolina

July 6, 2016

BEFORE THE
SOUTH CAROLINA WORKERS COMPENSATION COMMISSION
SCWCC FILE NO. 1512220

Rico Dorsey,

Claimant,

vs.

CERTIFICATE
OF SERVICE

Allwaste Services, Inc.,

Employer,

and

Summit Holdings, Inc./Bridgefield Casualty
Insurance,

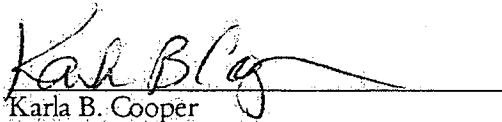
Carrier,

Defendants.

I, Karla B. Cooper, Paralegal to Creighton B. Coleman, attorney for the Claimant, and employee of Coleman & Tolen, LLC, and that pursuant to R. 67-211 have e-mailed and mailed on the date set forth below a copy of the document(s) described below in the above-referenced action to the following with proper postage affixed thereto:

TO: Nicolas L. Haigler
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden St
PO Box 11449
Columbia SC 29211
nhaigler@sowellgray.com

DOCUMENT(S): 1. Form 58, Pre-Hearing Brief
2. Notice of Witnesses and Written Reports/Physician or Other Evidence to be Introduced on Behalf of the Defendants


Karla B. Cooper

July 12, 2016

BEFORE THE
SOUTH CAROLINA WORKERS COMPENSATION COMMISSION
SCWCC FILE NO. 1512220

Rico Dorsey,

Claimant,

vs.

Allwaste Services, Inc.,

Employer,

and

Summit Holdings, Inc./Bridgefield Casualty
Insurance,

Carrier,

Defendants.

CERTIFICATE
OF SERVICE

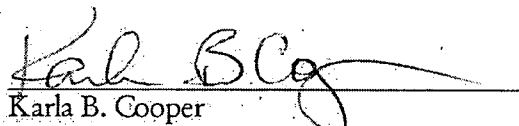
I, Karla B. Cooper, Paralegal to Creighton B. Coleman, attorney for the Claimant, and employee of Coleman & Tolen, LLC, and that pursuant to R. 67-211 have e-mailed and mailed on the date set forth below a copy of the document(s) described below in the above-referenced action to the following with proper postage affixed thereto:

TO: Nicolas L. Haigler
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden St
PO Box 11449
Columbia SC 29211
nhaigler@sowellgray.com

DOCUMENT(S):

Supplemented Notice of Witnesses and Written Reports/Physician or Other Evidence to be Introduced on Behalf of the Defendants

July 20, 2016


Karla B. Cooper

Nick Haigler

From: Nick Haigler
Sent: Monday, May 09, 2016 8:44 AM
To: 'Creighton Coleman'; Smith, Renee; Karla Cooper
Subject: RE: Rico Dorsey v Allwaste Services, Inc.

Creighton:

The problem is the Order you reference is not applicable if you consent to have the Hearing, which you clearly did almost a month ago. I actually have emails from you indicating that you only "needed a couple weeks to prepare," which Commissioner Taylor gave you. In fact, she gave you 4 weeks. If you did not consent, you should have appealed the Order of Commissioner Taylor but, of course, you did not.

Moreover, it is rather odd that you have had time to prepare for a week long civil trial in April and a deposition this morning yet have not been able to deal with this matter. I have a statutory right to have a Hearing within 60 days of filing my Form 21 which I filed on 02/25/16. That right has already been violated. I am requesting we deal with this in person at 12:30pm. My client and the witnesses have taken the day off to attend this Hearing.

Of course, if you will consent your client is at MMI and allow us to terminate benefits, we will agree to postpone for a reasonable amount of time.

Nick



**SOWELL
GRAY**

Litigation is our Business.

NICK HAIGLER MEMBER VCARD

1310 Gadsden Street | Columbia, SC 29201 | 803.231.7847
sowellgray.com

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IRS DISCLAIMER: As required by U.S. Treasury Regulations governing tax practice, you are hereby advised that any written tax advice contained herein was not written or intended to be used (and cannot be used) by any taxpayer for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code.

SUPPORTING GREEN. PLEASE PRINT WISELY.

From: Creighton Coleman [mailto:creighton@colemantolen.com]
Sent: Monday, May 09, 2016 8:32 AM
To: Smith, Renee <rgsmith@wcc.sc.gov>; Karla Cooper <karla@colemantolen.com>
Cc: Nick Haigler <nhaigler@sowellgray.com>
Subject: RE: Rico Dorsey v Allwaste Services, Inc.

Renee, I just got back from a long weekend with graduation and have not received a resolution to my request for a continuance bases on legislative immunity. The hearing is scheduled for 12:30 today and I have a deposition at 9 on an unrelated matter. If there are any questions, I will be glad to call Chief Justice Pleicones to help explain Judge Toal's order that was forwarded earlier. Thank you and I appreciate your cooperation.

Creighton B. Coleman

Coleman & Tolen, LLC
120 West Washington Street
PO Box 1006
Winnsboro, SC 29180
Office: 803.635.6884
Fax: 803.635.9228
E-Mail: creighton@colemantolen.com
Website: www.colemantolen.com

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From: Smith, Renee [<mailto:rgsmith@wcc.sc.gov>]
Sent: Saturday, May 07, 2016 10:46 AM
To: Karla Cooper
Cc: Nick Haigler; Creighton Coleman
Subject: Re: Rico Dorsey v Allwaste Services, Inc.

Good Morning,
I still have it on the schedule. Commissioner will be in the office on Monday, she'll probably have to deal with the delay at the hearing since the other side has given his objection.
Renee'

From: Karla Cooper <karla@colemantolen.com>
Sent: Friday, May 6, 2016 4:12:51 PM
To: Smith, Renee
Cc: Nick Haigler; Creighton Coleman
Subject: Rico Dorsey v Allwaste Services, Inc.

Renee':

What is the status of our request for continuance in the Rico Dorsey v ASI, matter for Monday's hearing. Mr. Coleman is out of town and I need to inform our client and witness. Thank you for your assistance in this matter.

Karla B. Cooper, Paralegal
Coleman & Tolen, LLC
PO Box 1006
Winnsboro, SC 29180
(803) 635-6884 Phone
(803) 635-9228 Fax
karla@colemantolen.com
www.colemantolen.com

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Smith, Renee

From: Taylor, Aisha
Sent: Monday, May 09, 2016 11:56 AM
To: creighton@colemantolen.com; nhaigler@sowellgray.com
Cc: Smith, Renee
Subject: Fwd: Rico Dorsey v Allwaste Services, Inc.

Good Morning!

I apologize for the delay. I'm just returning from out of town as well.

Obviously the 60-day statutory provision for a Form 21 hearing conflicts with the Chief Justice's Administrative Order. Mr. Haigler, I understand your frustration with this conflict; however, as attorneys (all 3 of us), we can agree that if the Chief Justice has spoken on the issue then it is what it is.

This matter is postponed. Mr. Haigler, I'll send another Order on the issue. Your clients are free to appeal if they are so inclined.

Thank you!

Commissioner Aisha Taylor

Sent from my iPad

Begin forwarded message:

From: "Smith, Renee" <rgsmith@wcc.sc.gov>
Date: May 9, 2016 at 10:57:40 AM EDT
To: "Taylor, Aisha" <ataylor@wcc.sc.gov>
Subject: FW: Rico Dorsey v Allwaste Services, Inc.

Commissioner,
FYI – Should I tell him you'll be in around 12 pm and you'll deal with it then or just not respond.

*Renee' G. Smith
Assistant to Comm. Taylor
SC Workers' Comp. Comm.
PO Box 1715
Columbia, SC 29201
Telephone 803-737-5692
Fax 803-737-1212*

From: Creighton Coleman [<mailto:creighton@colemantolen.com>]
Sent: Monday, May 09, 2016 10:51 AM
To: Smith, Renee; Karla Cooper
Cc: Nick Haigler
Subject: RE: Rico Dorsey v Allwaste Services, Inc.

Renee, still wondering about the hearing. Thank you.

Creighton B. Coleman

Coleman & Tolen, LLC
120 West Washington Street
PO Box 1006
Winnsboro, SC 29180
Office: 803.635.6884
Fax: 803.635.9228
E-Mail: creighton@colemantolen.com
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Karla B. Cooper, Paralegal
Coleman & Tolen, LLC
PO Box 1006
Winnsboro, SC 29180
(803) 635-6884 Phone
(803) 635-9228 Fax
karla@colemantolen.com
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 1512220
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SC Court of Appeals

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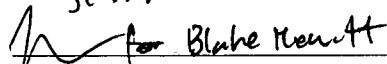
v.

Allwaste Services, Inc., Employer,
and Bridgefield Casualty Insurance,
c/o Summit Holding, Inc., Carrier, Respondents.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Supplemental Record on Appeal
contains material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,

SC App # 77087

Blake A. Hewitt # 73674
BLUESTEIN THOMPSON SULLIVAN, LLC
P.O. Box 7965
Columbia, SC 29202
(803) 779-7599

July 11, 2018

Attorney for Appellant