

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Civil Action No: 2016-CP-28-00583
Appellate Case No: 2017-002514

RECEIVED

AUG 21 2018

SC Court of Appeals

James Teal _____ Appellant

V.

Edwards Telecommunications, Inc. and Leroy Smith, Director of the Dep't of
Public Safety, of which Leroy Smith, Director of the Dep't of Public Safety
is the Respondent.

RECORD ON APPEAL

Pete Balthazor, Esquire
Post Office Box 11412
Columbia, S.C 29211
(803) 799-9993

James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

FORM 15
RECORD ON APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM KERSHAW COUNTY

Court of Common Pleas

William H. Seals, Jr. Circuit Court Judge

Civil Action No: 2016-CP-28-00583

Appellant Case No: 2017-002514

James Teal

Appellant

V.

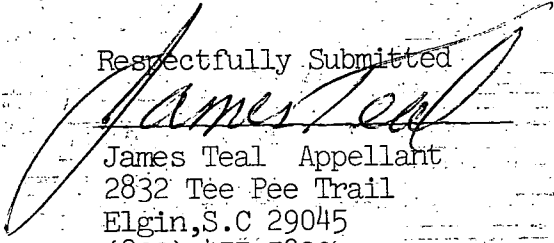
Edwards Telecommunications, Inc. and Leroy Smith
Director of the Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't of Public Safety
is the Respondant.

RECORD ON APPEAL

Date August 04-2018

Pete Balthazor, Esquire
Post Office Box 11412
Columbia, S.C 29211
(803) 799-9993

Respectfully Submitted

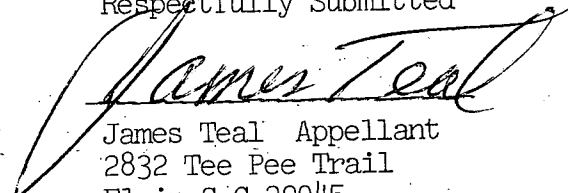

James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

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Date August 04-2018

Respectfully Submitted


James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

Pete Balthazor, Esquire

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Civil Action No: 2016-CP-28-00583
Appellate Case No: 2017-002514

James Teal Appellant

V.

Edwards Telecommunications, Inc.

and

Leroy Smith, Director of the Dep't
of Public Safety, Defendants of
which Leroy Smith, Director of the
Dep't of Public Safety is the Respondant

DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellant proposes the following be included in the Record

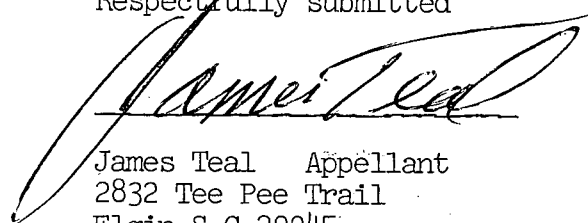
1. Accident 09-11-14, Appellant charged.
2. Case Nolle Prosequi 01-20-15.
3. Complaint against Edwards 06-29-16.
4. Motion for speedy trial 06-29-2016.
5. Motion granted 10-13-2016.
6. Appellant acquired Counsel 01-17-2017.
7. Counsel filed Amended Complaint 01-23-2017, No Notice to Appellant.
8. Counsel filed Consent Order to be relieved from case 06-21-2017.
9. Motion to Implead Leroy Smith 07-13-2017.

10. 07-24-2017, Deposition continued 45 days for Appellant to obtain Counsel.
11. 08-07-2017 filed Amended Complaint without a Consent Order, Plain Error.
12. 09-06-2017 Appellant filed a Motion for continuance to obtain Counsel.
13. Appellant filed a 2nd Amended Complaint 09-21-2017, with consent order.
14. Defendant Smith on 10-02-2017 a Motion to Strike, Dismiss & Summary Judgement.
15. Defendant Smith on 10-04-2017, a Motion to dismiss 2nd Amended Complaint.
16. Appellant on 10-20-2017 filed a Response to Motions to Strike and Dismiss.
17. Summary Judgement on 10-24-2017, Motions granted.
18. Appellant on 11-16-2017 filed a Response to Defendant being dismissed.
19. Notice of Appeal filed 12-07-2017.
20. Appellants Docketing Statement file 12-29-2017.
21. Appellant files Motion to order Transcript out of time 01-05-2018.
22. Motion granted 01-23-2018.
23. Transcript received 02-19-2018.
24. 03-19-2018 Appellants claim against Edwards is settled and closed.
25. Appellant files Initial Brief, 03-22-2018.
26. Appellants equipment failure, 04-04-2018. Response to Court, 05-14-2018.
27. Appellants 1st Motion to Amend Initial Brief only, 04-19-2018.
28. Respondents Motion for time extension for Respondents Initial Brief, 04-23-18.
29. Respondent files opposition to Appellants Amended Brief, 05-01-2018.
30. Appellants response, opposing Respondent wanting case dismissed, 05-14-2018.
31. Appellants 2nd Motion to Amend Initial Brief, Designation of Matter and Caption & Title, 05-14-2018.
32. Appellant files 1st Amended Initial Brief, 05-14-2018.
33. Respondent files Initial Brief, 05-14-2018.
34. Respondent files return opposing Appellants 1st Amended Initial Brief, 05-19-18.
35. Appellants Response to Respondents Initial Brief, 05-29-2018.

36. Appellant files 2nd Amended Initial Brief, 06-12-2018.
37. Respondent files Motion to strike Appellants 2nd Amended Initial Brief, 06-14-2018.
38. Appellants Return to Motion to strike, 06-25-2018.
39. Order from Court, dismissing Amended Briefs, 07-05-2018.

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

Respectfully submitted



James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803)457-5820

Date August 04-2018

Pete Balthazor, Esquire
Attorney for Respondent

NOTICE

James Teal Appellant
V
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety is the Respondant.

NOTICE TO APPEAL: December 07-2017.

Appellant is appealing the Statute of limitations, with Appellant asserting
the date of discovery of Appellants injury, October 06-2015

Appellant is appealing the Summary Judgement, Appellant is a multi handicap
and asserts Statute 15-3-60

Appellant is appealing the Charge of Respondant that Appellant failed to
make a Claim, sufficient enough cause an action.

SUMMARY JUDGMENT

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't of
Public Safety, is the Respondant

SUMMARY JUDGMENT: October 34-2017.

Appellants Handicap Issue: Court Transcript Page 15 lines 20-25, Page 16 l. 1-2

Appellants Hearing Issue: Court Transcript Page 8 lines 14-15, Page 16 l. 3-11

Page 17 lines 9-11.

Appellants Charge and Claim of Respondant being Careless in Negligence and
with Reckless Negligence of Safety. Negligent being timely for Safety.

Court Transcript Page 11, lines 3-8, Page 15 lines 1-9, Page 18 lines 1-6.

Appellants Response to Summary Judgment: November 16-2017

Appellants Charge and Claim against Respondant: Appellant asserts Complexity
by partys known and unknown, creating the circle of Negligence and Confusion
in Appellants case. Page 6, 2nd paragraph.

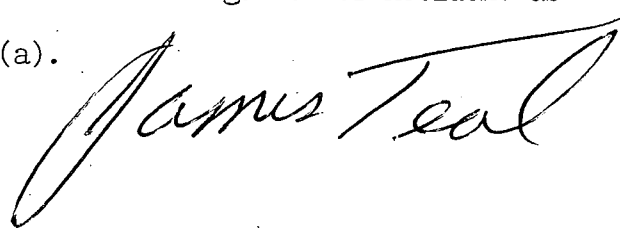
COMPLAINT

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

2nd Amended Service Complaint: September 21-2017.

Appellants Claim and Charge against Respondants Investigation of Accident as
EXTREMELY AND GROSSLY NEGLIGENT. Page 3,4(a).

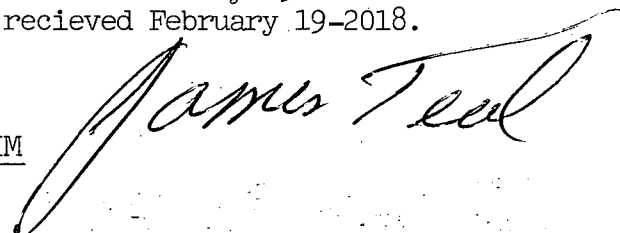
ORDER



James Teal Appellant
V.
Edwarda Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

Motion by Appellant to order Transcript out of time: January 05-2018.
Motion Granted: January 23-2018. Transcript recieved February 19-2018.

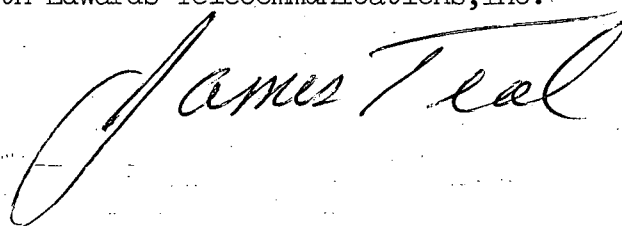
SETTLEMENT OF CLAIM



James Teal Appellant
V.
Edwards Telecommunications, Inc. and
Leroy Smith, Director of the Dep't of
Public Safety, of which, Leroy Smith
Director of the Dep't of Public Safety
is the Respondant.

Appellants Claim and Case settled with Edwards Telecommunications, Inc..

Settled March 19-2018.

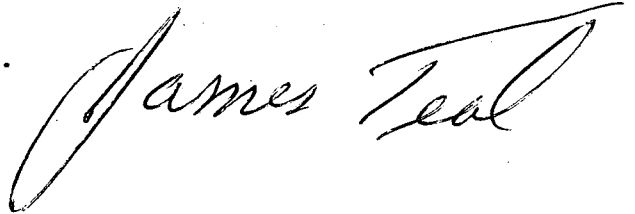


FILING

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

Appellant Files Initial Brief. March 22-2018.

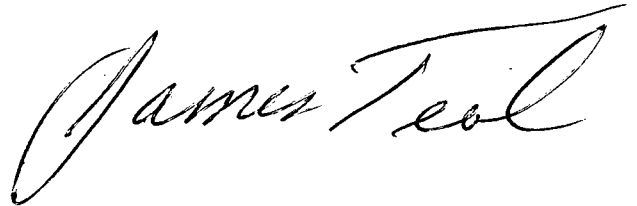
FILING



James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

Respondant files Initial Brief: May 14-2018

FILING

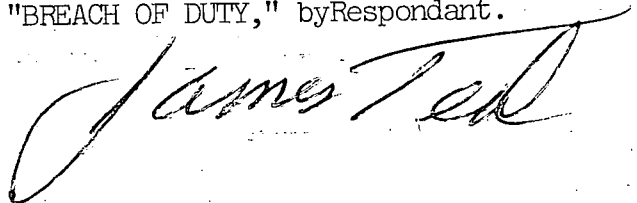


James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

Appellants Response to Respondants Initial Brief:

Appellant asserts, Respondant without regard to fault or Negligence, has
Absolute Liability. Appellant claims a "BREACH OF DUTY," by Respondant.

Page 1, 1st paragraph.

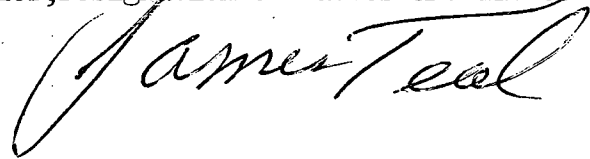


Motion

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

Appellants Motion to Amend Initial Brief, Designation of Matter and Title,

Filed June 12-2018.



ORDER

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
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of Public Safety, is the Respondant

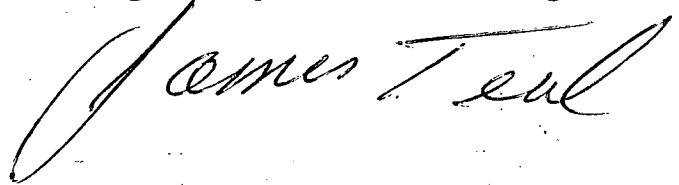
Appellants Amended Initial Brief is Denied. July 06-2018



APPELLANTS EXHIBIT 1

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which,
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

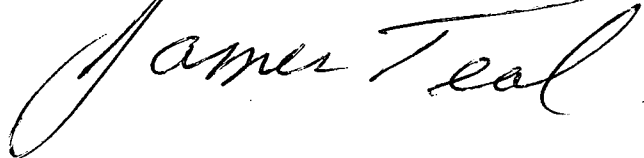
Appellants Medical report of 25-ft. fall, resulting in a spinal burst leaving
Appellant disabled.



APPELLANTS EXHIBIT 2

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

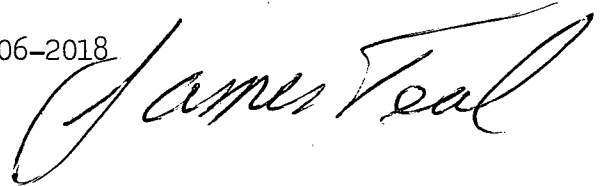
Appellants Medical report on September 11, 2014 with three views of Appellants
left knee injured.



APPELLANTS EXHIBIT 3

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

Appellants Medical report and evaluation, October 06-2018

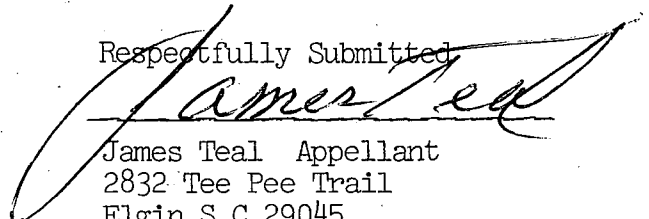


APPELLANTS EXHIBIT 4

James Teal Appellant
V.
Edwards Telecommunications, Inc.
and Leroy Smith, Director of the
Dep't of Public Safety, of which
Leroy Smith, Director of the Dep't
of Public Safety, is the Respondant

LexisNexis, resolution of Appellant not at fault in accident, after viewing
video and photos of accident scene.

Respectfully Submitted



James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C 29045
(803) 457-5820

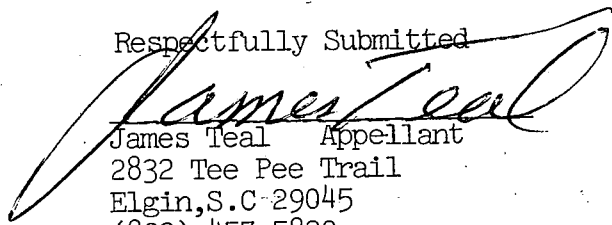
Date August 04-2018

Pete Balthazor, Esquire

Certificate of Appellant

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

Respectfully Submitted



James Teal Appellant
2832 Tee Pee Trail
Elgin, S.C. 29045
(803) 457-5820

Date August 04-2018

Pete Balthazor, Esquire

KershawHealth Medical Center
Radiology Department
Haile and Roberts Streets
Camden, South Carolina 29020
(803)713-6531

Patient: TEAL, JAMES
2832 TEEPEE TRAIL
ELGIN, SC 29045

Age: 65
DOB: 01/16/1949

Sex: M

Serv Dt/Tm: 09/11/14 / 1113
Loc: ER
Status: DEP ER

Ord Dr: HESS, RALPH C DO MRN: M000344854
Rm/Bed: Acct #: K10001181383
Req #: 14-0034099

Report Status: Signed

REASON FOR EXAMINATION: INJURY

LEFT KNEE (THREE VIEWS) 09-11-14

Three views reveal no effusion. There are minimal degenerative changes of the patellofemoral joint compartment. No acute osseous abnormalities are seen.

CERVICAL SPINE (FOUR VIEWS)

Four views reveal effusion C6 and C7 consistent with Klippel-Feil deformity, large anterior osteophytes at C5-6, moderately large osteophytes anteriorly at C4-5, and advanced degenerative facet joint changes at C2-3, C3-4, C4-5 and C5-6. No soft tissue swelling is seen. No definite acute osseous abnormalities are seen.

RIGHT RIB (THREE VIEWS)

No pneumothorax, contusion or effusion is seen. There are posterior lateral rib fractures of the ninth and tenth right ribs. There are rods in the dorsal spine and scoliosis.

ORDER # 0911-0031 XR/KNEE LEFT 3 VIEWS

IMPRESSION: NO ACUTE ABNORMALITY SEEN. MINIMAL DEGENERATIVE CHANGES.

ORDER # 0911-0030 XR/CERVICAL SPINE 2 OR 3 VIEWS

IMPRESSION: KLIPPEL-FEIL DEFORMITY AT C6-7. DEGENERATIVE CHANGES AS DESCRIBED ABOVE. NO DEFINITE ACUTE FRACTURE OR SUBLUXATION SEEN.

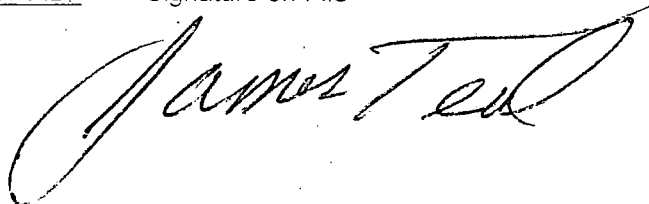
ORDER # 0911-0032 XR/RIBS RIGHT UNI 2 VWS

IMPRESSION: NINTH AND TENTH POSTERIOR LATERAL RIGHT RIB FRACTURES.

Dictated by DONALD J COPLEY MD

Electronically signed by DONALD J COPLEY MD <<Signature on File>>

Trans by: APS
Trans date/time: 09/11/14 1459
Signed
R. HESS, RALPH C DO
Report #0911-0140



TEAL, JAMES (id #14529, dob: 01/16/1949)

RADIOGRAPHS

AP, lateral, and patellofemoral views of the left knee are reviewed. He has complete loss of the medial joint space. Medial osteophytes seen at the plateau. The lateral compartment appears well-preserved. I do not see any significant changes about patellofemoral joint.

Assessment / Plan

A 66-year-old male with left knee medial compartment osteoarthritis.

PLAN

We discussed the patient's diagnosis and treatment options. He is not interested in surgical management. We discussed that he would be a candidate for a partial knee replacement. We discussed nonsurgical options as well. We talked about weight loss and physical therapy. He has done physical therapy for his knee and feels like it helps. I have encouraged him to remain active with those exercises. We discussed an injection is something that may help. He is averse to the idea of a steroid injection, but is considering viscosupplementation. We also talked about oral anti-inflammatory medicines. The risks and benefits of arthroplasty were discussed with the patient. The risk included, but were not limited to: Bleeding, infection, damage or surrounding blood vessels and nerves, pain, stiffness, heart attack, stroke, death, need for additional surgery in the future, and blood clots. He voiced an understanding. We will see him back on a p.r.n. basis.

1. Localized, primary osteoarthritis

M17.12: Unilateral primary osteoarthritis, left knee

o X-RAY, KNEE

Possibility of Pregnancy?: Side:
N LEFT

Return to Office

o as needed

Results / Interpretations

X-RAY, KNEE

o Possibility of Pregnancy?: N, Side: LEFT

Allergies

Reviewed Allergies

NKDA

Medications

No medications reported

E&M Coder

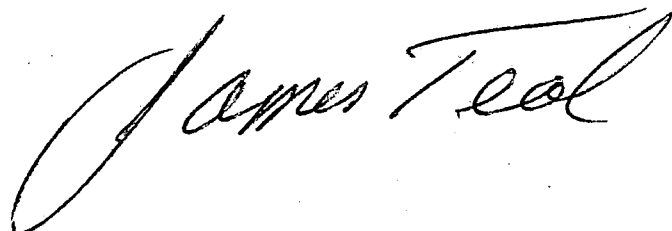
No summary available.

Encounter performed and documented by Jeffrey S. Hopkins, MD

Encounter reviewed & signed by Jeffrey S. Hopkins, MD on 10/06/2015 at 11:57am

Imaging Results

X-RAY, KNEE 10/02/2015 - LEFT (#324519)





October 13, 2015

James Teal
2832 Tee Pee Trl
Elgin SC 29045-9758

tray 002 piece 143

You recently disputed specific insurance loss information that C.L.U.E. Inc. maintains in the C.L.U.E. (Comprehensive Loss Underwriting Exchange) database. Our reinvestigation of the disputed information is complete. The attached report represents your insurance loss record as it now appears in our database. If changes were NOT made to your report, details regarding the reason can be found at the bottom of this letter.

At your request, C.L.U.E. Inc. will send the revised report to any person/entity specifically designated by you who has, within the last six months, received a copy of your C.L.U.E. Report. C.L.U.E. Inc. will also, at your request, provide you with a description of the procedures used to determine the accuracy and completeness of the disputed information.

You have the right to add a statement of explanation to any loss record. The statement will be displayed on the report each time the loss is reported. If you would like to add a statement to your file or if you require further assistance, contact:

C.L.U.E. Inc. Consumer Center
P.O.Box 105108
Atlanta, GA 30348-5108
1-888-497-0011 Monday-Friday, 8:00 AM – 7:00 PM, Eastern Time.

Thank you for giving us the opportunity to assist you.

NOTE: Phone calls to the C.L.U.E. Inc. Consumer Center may be monitored for quality assurance.

LexisNexis is committed to the responsible use of information and protecting individual privacy rights. In recognition of this commitment, LexisNexis has adopted Data Privacy Principles that are viewable online at <http://www.lexisnexis.com/privacy/data-privacy-principles.aspx>

Resolution: CLAIM DATED 09/11/14 HAS BEEN UPDATED TO REFLECT NOT AT FAULT.