THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Honorable Edward W. Miller, Circuit Court Judge

APPELLATE CASE NO: 2013-001117

Lisa Gilliard on behalf of
Marvin Gilliard, Deceased,
Claimant,.....Appellant,

v.

RECEIVED
DEC 30 2013
SC Court of Appeals

City of Greenville,
Employer, and Self-Insurer,
And Hewitt, Coleman &
Associates, Inc., TPA,
Defendants,.....Respondents.

FINAL BRIEF OF RESPONDENTS

Michael A. Farry, SC Bar No. 1964
Bruce B. Campbell, SC Bar No. 65343
HORTON, DRAWDY, WARD,
MULLINAX & FARRY, P.A
307 Pettigru St.
Greenville, South Carolina 29601
(864) 233-4351
ATTORNEYS FOR RESPONDENTS

TABLE OF CONTENTS

Table of Authorities.....ii

Statement of Issues on Appeal.....iii

Statement of the Case.....1

Statement of the Facts.....2

Argument.....8

I. **IS THE DENIAL OF A CLAIM FOR INJURY DUE TO OCCUPATIONAL DISEASE SUPORTED BY SUBSTANTIAL EVIDENCE WHEN THE RECORD INCLUDES EVIDENCE THAT CLAIMANT HAD LIMITED, IF ANY, EXPOSURE TO CHEMICALS AND TESTIMONY FROM BOTH PARTIES' EXPERTS THAT ANY SUCH EXPOSURE WAS INSUFFICIENT TO CAUSE THE CLAIMANT'S ALLEGED OCCUPATIONAL DISEASE AND DEATH?**

Conclusion.....12

TABLE OF AUTHORITIES

Cases

Anderson v. Baptist Med. Ctr., 343 S.C. 487, 541 S.E.2d 526 (2001).....7

Broughton v. South of the Border, 336 S.C. 488, 520 S.E.2d 634 (Ct. App. 1999).....7,8

Clade v. Champion Labs., 330 S.C. 8, 11, 496 S.E.2d 856, 857 (1998).....9

Corbin v. Kohler Co., 351 S.C. 613, 571 S.E.2d 92 (Ct. App. 2002).....6

Etheredge v. Monsanto Co., 349 S.C. 451, 562 S.E.2d 679 (Ct. App. 2002).....7

Gibson v. Spartanburg Sch. Dist. No. 3, 338 S.C. 510, 526 S.E.2d 725 (Ct. App. 2000).7

Gray v. Club Group, Ltd., 339 S.C. 173, 528 S.E.2d 435 (Ct. App. 2000).....6

Hamilton v. Bob Bennett Ford, 336 S.C. 72, 518 S.E.2d 599 (Ct. App. 1999).....6

Hicks v. Piedmont Cold Storage, Inc., 335 S.C. 46, 515 S.E.2d 532 (1999).....7

Hill v. Eagle Motor Lines, 373 S.C. 422, 431, 645 S.E.2d 424, 436 (2007).....8

Lake v. Reeder Constr. Co., 330 S.C. 242, 498 S.E.2d 650 (Ct. App. 1998).....6

Lark v. Bi-Lo, Inc., 276 S.C. 130, 276 S.E.2d 304 (1981).....7

Lockridge v. Santens of Am., Inc., 344 S.C. 511, 544 S.E.2d 842 (Ct. App. 2001).....11

Lyles v. Quantum Chem. Co. (Emery), 315 S.C. 440, 434 S.E.2d 292 (Ct. App. 1993)...7

Muir v. C.R. Bard, Inc., 336 S.C. 266, 519 S.E.2d 583 (Ct. App. 1999).....7

Mullinax v. Winn-Dixie Stores, Inc., 318 S.C. 431, 458 S.E.2d 76 (Ct. App. 1995).....11

Parsons v. Georgetown Steel, 318 S.C. 63, 456 S.E.2d 366 (1995).....7

Potter v. Spartanburg Sch. Dist. 7, 395 S.C. 17, 716 S.E.2d 123 (Ct. App. 2011).....9

Rodney v. Michelin Tire Corp., 320 S.C. 515, 518, 466 S.E.2d 357, 358 (1996).....8

Roper v. Kimbrell's of Greenville, 231 S.C. 453, 99 S.E.2d 52 (1957).....9

Shealy v. Aiken County, 341 S.C.448, 535 S.E.2d 438 (2000).....7,9

Stephen v. Avins Constr. Co., 324 S.C. 334, 478 S.E.2d 74 (Ct. App. 1996).....6

Statute

S.C. Code Ann. §1-23-380(A)(6)(d).....6

STATEMENT OF ISSUES ON APPEAL

I. **IS THE DENIAL OF A CLAIM FOR INJURY DUE TO OCCUPATIONAL DISEASE SUPORTED BY SUBSTANTIAL EVIDENCE WHEN THE RECORD INCLUDES EVIDENCE THAT CLAIMANT HAD LIMITED, IF ANY, EXPOSURE TO CHEMICALS AND TESTIMONY FROM BOTH PARTIES' EXPERTS THAT ANY SUCH EXPOSURE WAS INSUFFICIENT TO CAUSE THE CLAIMANT'S ALLEGED OCCUPATIONAL DISEASE AND DEATH?**

STATEMENT OF THE CASE

By Form 50 filed September 14, 2007, Marvin Gilliard ("Claimant") alleged he sustained a compensable occupational injury following his alleged exposure to toxic chemicals while employed as a police officer for the City of Greenville ("City"). By Form 51 dated April 26, 2011, the City denied that Claimant sustained a compensable injury.

On November 30, 2010, following Claimant's death, Lisa Gilliard substituted herself as a party and filed a Form 52 seeking death benefits as a result of her husband's alleged occupational disease. (R. p. 729). By Form 53 dated January 6, 2011, the City again denied that Claimant had suffered an occupational disease which caused Claimant's death. (R. p.730).

A hearing was held on April 26, 2011. In his Decision and Order filed June 20, 2011, the hearing commissioner found that Claimant suffered a compensable occupational disease resulting in his death and awarded causally related medical and survivor benefits to Lisa Gilliard. (R. p. 25).

By Form 30 dated July 1, 2011, the City requested Commission review of the hearing commissioner's order. On January 13, 2012, after oral argument, the Appellate Panel of the Full Commission issued a unanimous decision reversing the hearing commissioner's order. (R. p. 8).

By Notice of Appeal dated February 13, 2012, Ms. Gilliard appealed the Appellate Panel's Decision and Order. (R. p. 719). After oral argument, the Circuit Court denied Ms. Gilliard's appeal and affirmed the Appellate Panel. (R. p. 1).

Ms. Gilliard now appeals to the Court of Appeals.

STATEMENT OF THE FACTS

Claimant was a police officer for the City of Greenville from 1996 until September 5, 2007, when he retired. (R. pp. 338-339). He started out in uniform patrol and was promoted to community patrol in 1999. (R. pp. 343-346). He was assigned to an area known as Nicholtown for a few years before being moved to area he referred to as "Southern Side." (R. pp. 347-348). The Claimant worked the "Southern Side" community for a little less than two years before becoming a resource officer at J.L. Mann High School. (R. pp. 348-349, 373).

The Claimant was a community patrol officer for "Southern Side" during the 2002 and 2003 time period. (R. pp. 348, 373). According to the Claimant, as a community patrol, he was given instructions to remove the "homeless people" from a building located at 104 South Hudson Street (hereinafter referred to as the "Building"). (R. p. 372). He testified that he went into the Building "daily" because it was designated as "extra patrol." (R. pp. 375-376). According to the Claimant, the City of Greenville created paperwork to confirm that he was supposed to perform "extra patrol" of the Building on a daily basis. (R. pp. 376-378).

Claimant further testified that every time he entered the Building he would call dispatch to tell them he was leaving his patrol car to enter the Building on foot. (R. pp. 378-379). He claimed that he searched the Building every day for an hour or "maybe a little longer." (R. pp. 379-380). The Claimant testified that he did not know what, if any, substances were in the Building. (R. p. 387).

The Claimant testified that if he found someone in the Building he would either "run them off," "arrest them for trespassing," or "write a ticket." (R. pp. 380-381). If he

made an arrest or wrote a ticket, he would call dispatch again so "there would be some paper generated." (R. p. 381).

The Claimant began having breathing problems in 1996 (R. pp. 489-556) and was diagnosed with tuberculosis in 1996. (R. pp. 489-556, 568, 569, 586, 597). These problems increased in 2006 to the point where the Claimant sought further evaluation and treatment. (R. pp. 262-265,544-557,268-593). Despite this history, in 2008 Claimant told his primary care physician that the "trouble with his breathing" started in June of 2006. (R. p. 518). Claimant also was examined by Dr. William Scott who referred him to Dr. Richard Laurens at Palmetto Pulmonary and Critical Care Associates. (R. pp. 544-546).

On November 30, 2006, the Claimant told Dr. Laurens that he had "no history of toxic industrial or an environmental exposure." (R. p. 569). This was confirmed again on January 18, 2007. (R. p. 597). Because the etiology of the Claimant's symptoms was unclear, Dr. Laurens referred the Claimant to Dr. Yuh-Chin T. Huang for evaluation of interstitial lung disease.

On April 16, 2007, the Claimant informed Dr. Huang that he went into the Building "once or twice a week for about a year and a half and his last checkup of that building was about two years ago." (R. p. 268). This was the first mention of the Building in any of the Claimant's medical records. The Claimant also told Dr. Huang that the fire department had later "prohibited anyone to walk into the building without respiratory protection." (R. p. 268). Although acknowledging that the "exact etiology of the interstitial lung disease is unclear," Dr. Huang concluded that the Claimant may have chronic hypersensitivity pneumonitis based upon the Claimant's "environmental

exposure history." (R. p. 268).

After much testing, Dr. Huang diagnosed the Claimant as having nonspecific interstitial pneumonitis. (R. p. 284). He told the Claimant "to go and find exposure information from his city government about the building in which he had been patrolling for a few years before it was shut down." (R. p. 284). Instead of obtaining exposure information about the Building, the Claimant obtained information about the entire A.J. Whittenburg Proposed Site, the large tract of land upon which the Building sat. (R. pp. 176, 731, 315-316). At the Claimant's next appointment, Dr. Huang diagnosed the Claimant as having hypersensitivity pneumonitis. (R. p. 287).

During his deposition, Dr. Huang testified that it was only after the Claimant found the report of soil contamination at the AJ Whittenburg Proposed Site that the Claimant informed him that "he went over there a few times per week to check and stayed there an hour or two, just to check on the homeless." (R. pp. 172-174). Dr. Huang assumed these activities started in 2003 and continued for one and a half years. (R. pp. 173-174).

Everything Dr. Huang knew about the Building was provided to him by the Claimant. (R. pp. 165-175). The Claimant told Dr. Huang that the building was an old "textile mill that had something to do with fabrics" (R. p. 175) and provided him with the document entitled "AJ Whittenburg Proposed Site," which was submitted as APA #7. Dr. Huang assumed that the chemicals listed in APA #7 were present in the Building. (R. pp. 177-178). Dr. Huang testified that he did not know that AJ Whittenburg Proposed Site was much larger than the Building and did not know whether the chemicals were actually found in the Building. (R. pp. 178-179).

Dr. Huang could not state whether the Claimant had non-specific interstitial pneumonitis or chronic hypersensitivity pneumonitis. (R. pp. 180-181). Nevertheless, he opined by affidavit that Claimant's condition was "most probably caused by his intermittent repeated exposure to the chemicals found at the site of the abandoned building he patrolled as a police officer." (R. pp. 318-319).

Dr. Huang testified that his opinion was based on the assumption that Claimant was in the Building "two or three times per week, an hour or more each time" and that the chemicals listed in APA #7 were actually in the Building. (R. pp. 183-184). Dr. Huang opined, however, that if Claimant was only in the Building one time for less than thirty minutes then his condition would not have been caused by that exposure. (R. p. 184). He further opined that if the Claimant had only been in the Building five times or less, he could not state that the Claimant's condition was "most probably" causally related to the exposure. (R. p. 185).

Dr. Steven Sahn, the Director of Pulmonary, Critical Care, Allergy and Sleep Medicine at the Medical University of South Carolina, reviewed the Claimant's medical records and the opinions of Dr. Huang. Dr. Sahn concluded that the Claimant developed idiopathic non-specific interstitial pneumonitis which was not caused by "the relatively brief exposure in the building." (R. pp. 610-612). Dr. Sahn based his opinion on the Claimant being exposed approximately seventeen times, less than thirty minutes each, over a two (2) year time period. (R. pp. 610-612). The City performed an exhaustive search of its records in an attempt to verify Claimant's testimony. Major Gary McLaughlin confirmed that the Claimant was required to call in to dispatch every time he got out of his patrol car to go into the Building. (R. pp. 114-115). Major McLaughlin

further, testified that every time an officer calls in, the calls are recorded in multiple databases. (R. p. 119). Based upon the records within the City's redundant system, the Claimant was only at the address of the Building one (1) time during the relevant time period for a total of twenty-four minutes. (R. pp. 127-131). Major McLaughlin testified this one incident was captured on several databases as expected. (R. pp. 445, 446, 450-452, 453-466, 467-468, 469-488). Major McLaughlin also confirmed that although the Building was demolished in 2005, the footprint of the Building was only a small portion of the larger tract of land referred to as the "AJ Whittenburg Proposed Site." (R. pp. 116, 132-133, 731).

STANDARD OF REVIEW

The substantial evidence rule of the Administrative Procedures Act governs the standard of review of a Workers' Compensation decision. Corbin v. Kohler Co., 351 S.C. 613, 571 S.E.2d 92 (Ct. App. 2002); Gray v. Club Group, Ltd., 339 S.C. 173 528 S.E.2d 435 (Ct. App. 2000); Lake v. Reeder Constr. *Co.*, 330 S.C. 242, 498 S.E.2d 650 (Ct. App. 1998). In an appeal from the Commission, the appellate court may not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact. Hamilton v. Bob Bennett Ford, 336 S.C. 72, 518 S.E.2d 599 (Ct. App. 1999); Stephen v. Avins Constr. Co., 324 S.C. 334, 478 S.E.2d 74 (Ct. App. 1996); *S.C. Code Ann.* §1-23-380(A)(6)(d) (Supp. 2001); see also Etheredge v. Monsanto Co., 349 S.C. 451, 562 S.E.2d 679 (Ct. App. 2002) (stating court may reverse or modify Commission's decision if substantial rights of appellant have been prejudiced because administrative findings, inferences, conclusions or decisions are affected by other error of law).

This court's review is limited to deciding whether the Commission's decision is unsupported by substantial evidence or is controlled by some error of law. See Lark v. Bi-Lo, Inc., 276 S.C. 130, 276 S.E.2d 304 (1981); Gibson v. Spartanburg Sch. Dist. No. 3, 338 S.C. 510, 526 S.E.2d 725 (Ct. App. 2000); see also Lyles v. Quantum Chem. Co. (Emery), 315 S.C. 440, 434 S.E.2d 292 (Ct. App. 1993) (in reviewing decision of Workers' Compensation Commission, Court of Appeals will not set aside its findings unless they are not supported by substantial evidence or they are controlled by error of law). Substantial evidence is not a mere scintilla of evidence, nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion the Commission reached in order to justify its action. Etheredge, 349 S.C. at 456, 562 S.E.2d at 684); Broughton v. South of the Border, 336 S.C. 488, 520 S.E.2d 634 (Ct. App. 1999).

The Commission is the ultimate fact finder in Workers' Compensation cases. Muir v. C.R. Bard, Inc., 336 S.C. 266, 519 S.E.2d 583 (Ct. App. 1999). The final determination of witness credibility and the weight to be accorded evidence is reserved to the Commission. Shealy v. Aiken County, 341 S.C.448, 535 S.E.2d 438 (2000); Parsons v. Georgetown Steel, *318* S.C. 63, 456 S.E.2d 366(1995); Gibson, 338 S.C. at 517, 526 S.E.2d at 729. The findings of the Commission are presumed correct and will be set aside only if unsupported by substantial evidence. Anderson v. Baptist Med. Ctr., 343 S.C. 487, 541 S.E.2d 526 (2001); *Hicks v.* Piedmont Cold Storage, Inc., 335 S.C. 46, 515 S.E.2d 532 (1999). It is not within the province of the appellate court to reverse findings of the Commission which are supported by substantial evidence. Broughton, 336 S.C. at 496, 520 S.E.2d at 637.

ARGUMENT

I. IS THE DENIAL OF A CLAIM FOR INJURY DUE TO OCCUPATIONAL DISEASE SUPORTED BY SUBSTANTIAL EVIDENCE WHEN THE RECORD INCLUDES EVIDENCE THAT CLAIMANT HAD LIMITED, IF ANY, EXPOSURE TO CHEMICALS AND TESTIMONY FROM BOTH PARTIES' EXPERTS THAT ANY SUCH EXPOSURE WAS INSUFFICIENT TO CAUSE THE CLAIMANT'S ALLEGED OCCUPATIONAL DISEASE AND DEATH?

The Circuit Court affirmed the Full Commission's unanimous decision that Claimant failed to establish that Marvin Gilliard sustained a compensable injury by accident and/or compensable occupation disease. In doing so the Full Commission found that Claimant's evidence of exposure to chemicals was lacking in both quantity and credibility. This decision is supported by the reliable, probative and substantial evidence in the record and must be affirmed as a matter of law.

S.C. Code Ann. 42-1-160(A) provides that for an injury to be compensable under the Act, it must "aris[e] out of and in the course of employment." "An injury arises out of employment when there is apparent to the rational mind, upon consideration of all the circumstances, a causal relationship between the conditions under which the work is to be performed and the resulting injury." Rodney v. Michelin Tire Corp., 320 S.C. 515, 518, 466 S.E.2d 357, 358 (1996)(citation omitted). "Whether there is any causal connection between employment and an injury is a question of fact for the Commission." Hill v. Eagle Motor Lines, 373 S.C. 422, 431, 645 S.E.2d 424, 436 (2007). A Claimant must prove facts that bring his injury within the workers' compensation law, and such award must not be based on "surmise, conjecture or speculation." Clade v. Champion Labs., 330 S.C. 8, 11, 496 S.E.2d 856, 857 (1998) (citation omitted).

Claimant testified in his deposition that he went into the Building "daily" and that every time he went to the Building he called Dispatch to advise he was leaving his patrol vehicle. (R. p. 375-376, 378-379). The City confirmed at trial that this was the proper procedure and further that the City maintains redundant computer records which capture the activity of its officers when they call Dispatch to advise they are outside of their patrol vehicle. These records are kept by the City by address or location, by date and time, and by the name of the officer involved. Based upon the City's records, the Claimant was only at the address of the Building one time during the relevant time period for a total of twenty-four minutes. (R. pp. 127-131). Major McLaughlin testified that this lone entry into the Building was captured on several databases as expected. (R. pp. 445, 446, 450-452, 453-466, 467-468, 469-488).

The Commission is the ultimate fact finder in a workers' compensation case. Shealy, supra. In determining whether substantial evidence exists, the Court of Appeals is not "to balance objective against subjective findings of medical witnesses, or to weigh the testimony of one witness against that of another. That function belongs to the Appellate Panel alone." Potter v. Spartanburg School District 7, 395 S.C. 17, 23, 717 S.E.2d 123, 126 (quoting Roper v. Kimbrell's of Greenville, 231 S.C. 453, 461, 99 S.E.2d 52, 57 (1957)). The Appellate Panel, in weighing the evidence and determining credibility, found that the Claimant did not enter the Building on a daily basis contrary to his testimony. Noting that the Claimant's representations as to the frequency and duration of his exposure to the subject Building changed over time, the Appellate Panel determined that the redundant records kept by the City were more credible that the Claimant's testimony. (R. p. 19).

The Claimant's evidence of exposure also falls short insofar as the Claimant was unable to present any evidence establishing what, if any, chemicals were in the Building. The Building was demolished in 2005. (R. p.133). The Appellate Panel acknowledged that a document entitled "AJ Whittenburg Proposed Site," contained information concerning certain chemicals found in the soil somewhere within the AJ Whittenburg Proposed Site. (R. p. 20). However, the Building's footprint makes up less than twenty-five percent of tract of land referred to as "AJ Whittenburg Proposed Site" (R. p. 731). Major McLaughlin confirmed that the footprint of the Building is only a small portion of the larger tract of land referred to as the "AJ Whittenburg Proposed Site." (R. pp. 116, 132-133; 731). Although there is evidence of chemicals at AJ Whittenburg Proposed Site, there is no evidence that the chemicals were in the Building.

Dr. Huang's causation opinion is therefore based on the incorrect assumptions that (1) Claimant was in the Building "two or three times per week, an hour or more each time" and (2) that the chemicals listed in APA #7 were present in the Building. His opinion lacks foundation and cannot support a causal connection between the Claimant's employment and his lung disease. (R. pp. 183-184). Dr. Huang himself opined that if Claimant was only in the Building one time for less than thirty minutes then his condition would not have been caused by that exposure. (R. p. 184). Moreover, Dr. Huang assumed that the chemicals listed in the AJ Whittenburg Proposed Site document were found in the subject Building. To the contrary, the Appellate Panel found that "no evidence was presented at the hearing, by testimony or documentation, as to the quantity of any particular chemicals allegedly located in the subject Building at 104 S. Hudson Street." (R. pp.20-21). Further, the Appellate Panel found "no evidence was presented at

the hearing by testimony or documentation as to what form any particular chemicals were in which were allegedly located in the subject building at 104 S. Hudson Street." (R. p. 20).

The Claimant argues in its brief that the Appellate Panel ignored Claimant's evidence of causation. To the contrary, the Appellate Panel fully considered all of the evidence regarding the Claimant's alleged exposure to chemicals and Drs. Huang's and Sahn's conflicting opinions as to medical causation. The Appellate Panel concluded that the Claimant failed to present sufficient evidence of work related exposure to chemicals and that a finding in Claimant's favor would be the product of surmise, conjecture and speculation. (R. p. 22). Moreover, it is well established that if conflicting evidence is presented, the Court of Appeals cannot substitute its judgment for that of the Appellate Panel. Mullinax v. Winn-Dixie Stores, Inc., 318 S.C. 431, 458 S.E.2d 76 (Ct. App. 1995); Lockridge v. Santens of Am., Inc., 344 S.C. 511, 544 S.E.2d 842 (Ct. App. 2001). The conflicting and inadequate evidence as to the cause of the Claimant's respiratory problems, when coupled with this Court's limited scope of review, warrants upholding the Circuit Court's affirmation of the Appellate Panel decision.

CONCLUSION

The unanimous decision of the Appellate Panel is supported by the reliable, probative and substantial evidence in the record. No evidence was presented at the hearing by testimony or documentation as to what chemicals were located within the Building, nor was any evidence presented as to the quantity or form of any particular chemicals allegedly located in the Building. Moreover, the evidence presented establishes that Claimant did not have sufficient exposure to anything while working for the City that would cause his disease. While Claimant's death is tragic, it is not compensable, and the Appellate Panel's Decision and Order should be affirmed in its entirety.

Respectfully Submitted,

Michael A. Farry, SC Bar #1964
Bruce B. Campbell, SC Bar #65343
HORTON, DRAWDY, WARD,
MULLINAX & FARRY, P.A.
307 Pettigru St.
Greenville, South Carolina 29601
Tel: 864.233.4351
Fax: 864.233.7142
mfarry@hortonlawfirm.net
ATTORNEYS FOR RESPONDENTS

Greenville, South Carolina
December 26, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Honorable Edward W. Miller, Circuit Court Judge

APPELLATE CASE NO: 2013-001117

Lisa Gilliard on behalf of
Marvin Gilliard, Deceased,
Claimant,.....Appellant,
v.

City of Greenville,
Employer, and Self-Insurer,
And Hewitt, Coleman &
Associates, Inc., TPA, Defendants, ...Respondents.

CERTIFICATE OF COUNSEL

The undersigned certifies that the Respondent's Final Brief complies with Rule 211(b), SCACR.

Michael A. Farry, SC Bar No. 1964
Bruce B. Campbell, SC Bar No. 65343
HORTON, DRAWDY, WARD,
MULLINAX & FARRY, P.A
307 Pettigru St.
Greenville, South Carolina 29601
(864) 233-4351
ATTORNEYS FOR RESPONDENTS

December 27, 2013

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Honorable Edward W. Miller, Circuit Court Judge

APPELLATE CASE NO: 2013-001117

Lisa Gilliard on behalf of
Marvin Gilliard, Deceased,
Claimant,.....Appellant,

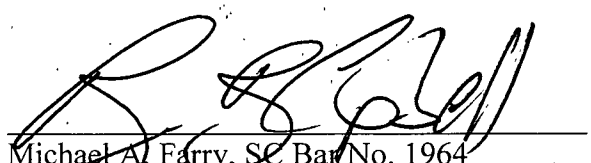
v.

City of Greenville,
Employer, and Self-Insurer,
And Hewitt, Coleman &
Associates, Inc., TPA, Defendants,.....Respondents.

PROOF OF SERVICE

I certify that I have served the Final Brief of Respondents and Certificate of Counsel on the attorney for Appellant by depositing one copy in the U.S. mail on December 27, 2013 addressed as follows:

Joe Mooneyham
P.O. Box 8359
Greenville, SC 29604



Michael A. Farry, SC Bar No. 1964
Bruce B. Campbell, SC Bar No. 65343
HORTON, DRAWDY, WARD,
MULLINAX & FARRY, P.A
307 Pettigru St.
Greenville, South Carolina 29601
(864) 233-4351
ATTORNEYS FOR RESPONDENTS

December 27, 2013