

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 29 2019

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SC Court of Appeals

W.C.C. File No.: 1105628

Ex Parte: Christine Bradley, Surviving Spouse, Appellant,

v.

Southern Industrial Constructors, Inc., Employer,
and Zurich American Insurance Company
c/o Zurich North America, Carrier, Respondents.

**RESPONSE TO APPELLANT'S MOTION TO:
HEARING, REQUEST FOR SUBPOENA**

Respondents Southern Industrial Constructors, Inc. and Zurich American Insurance Company c/o Zurich North America respond¹ to Appellant's April 22, 2019 Motion to: Hearing, Request for Subpoenas. To begin with, it is not the function of this Court, an appellate forum, to issue discovery subpoenas. Instead, because this Court's review is limited to the Record on Appeal, which may only include matter that was presented to the lower tribunal, *see* Rule 210(c) & (h), SCACR, the only materials and records that are relevant to this appeal are those that are contained within the Commission file, which Appellant already has received.

¹ Respondents are unclear whether Appellant intended her Motion to serve as a Return to Respondents' April 15, 2019 Motion for Court to Set Deadline for Appellant's Initial Brief or, in the Alternative, Dismiss the Appeal, or as an entirely separate Motion. In the event it is the former, this response is intended to serve as Respondents' reply. In the event it is the latter, this serves as Respondents' response in opposition. In addition, Respondents note that it does not appear that Appellant has submitted the required filing fee with her Motion.

Appellant was provided a full copy of the Commission file. The partial transcript of the December 6, 2017 hearing before Commissioner T. Scott Beck, attached as Exhibit B to Respondents' March 14, 2019 Return, demonstrates that Appellant already has received a copy of the Commission file.

Second, to the extent Appellant is dissatisfied with the transcripts she has received, as Amanda Creel Godfrey explained to this Court in a February 22, 2019 letter, Ms. Godfrey reviewed the transcript and made appropriate corrections. If Appellant still believes there are errors or omissions in the transcript, she can address those in her Brief to this Court.

Finally, the Commission Decision on appeal relates solely to Respondents' dependency investigation and the award of death benefits and funeral expenses, all of which were awarded to Appellant. To the extent Appellant is seeking information from the Gaston County Department of Health & Human Services, and such information is not already included in the Commission file, it has no relevance to the Decision below or to this appeal.

This Motion conforms to Rules 240 and 267, SCACR.

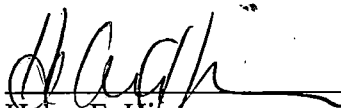
CONCLUSION

For all the reasons stated herein, this Court should deny Appellant's Motion. In addition, Respondents again request that this Court set a due date for Appellant's initial brief or, in the alternative, dismiss the appeal based on Appellant's failure to timely prosecute her appeal.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

April 25, 2019



Helen F. Hiser

S.C. Bar No.: 76124

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P.O. Box 650007

Mount Pleasant, South Carolina 29465

(843) 576-2900

Attorneys for Respondents Southern Industrial Constructors, Inc., Employer, and Zurich American Insurance Company c/o Zurich North America, Carrier

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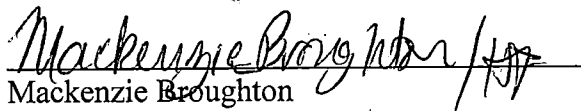
v.

Southern Industrial Constructors, Inc., Employer,
and Zurich American Insurance Company
c/o Zurich North America, Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 25th day of April 2019, I served the Respondents' **Response to Appellant's Motion to: Hearing, Request for Subpoena** on Christine Bradley by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

Christine Bradley
475 Lower Lee School Rd.
Mayesville, South Carolina 29104



Mackenzie Broughton
Legal Assistant to Helen F. Hiser
McAngus, Goudelock & Courie LLC
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P.O. Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents Southern Industrial Constructors, Inc., Employer, and Zurich American Insurance Company c/o Zurich North America, Carrier

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

April 25, 2019

VIA U.S. MAIL

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

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SC Court of Appeals

RE: Albert Bradley v. Southern Industrial Constructors and Zurich American
Insurance Company c/o Zurich North America
Date of Accident: May 16, 2011
WCC File No.: 1105628
Our File No.: 20216.11055
Claim No.: 2800074691
Appeal No.: 2018-001535

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Response to Appellant's Motion to: Hearing, Request for Subpoena, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope.

If you have any questions, please contact me.

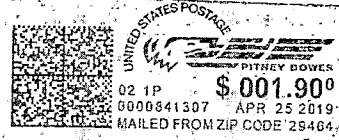
Yours truly,



Helen F. Hiser

Enclosures

cc: Christine Bradley, *Pro Se* (w/attachment)



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SC Court of Appeals

20216.11055/HFH/mtb
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Columbia, South Carolina 29211