

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 1708221
Appellate Case No. 2019-000556

RECEIVED
OCT 30 2019
SC Court of Appeals

Isaac Brailey, Employee/Claimant Appellant,

v.

Michelin North America, Inc., (US7), Employer,
and Safety National Casualty Corp., Carrier Respondents.

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

Respondents propose the following be included in the Record on Appeal:¹

1. Form 50 (October 4, 2017);
2. Form 51 (November 3, 2017);
3. Deposition of Dr. Scott Boyd (January 15, 2018);
4. Administrative Order of Commissioner Wilkerson (February 9, 2018) allowing Respondents to obtain Appellant's prior workers' compensation claim information;
5. Appellant's entire APA as referenced in the Order of Commissioner Wilkerson²;

¹ Appellant has inappropriately offered the deposition of the claimant in his designation of matter to be included in the Record on Appeal. The deposition of the claimant was not offered as evidence at the Hearing before Commissioner Wilkerson. *See* Rule 210(c), SCACR ("The Record shall not, however, include matter which was not presented to the lower court or tribunal.").

² Appellant notes "Claimant's APA submissions pages 1-235, 245-263" in his designation of matter to be included in the record on appeal. Respondents are unclear of the pages Appellant references as the APAs Appellant submitted according to the Order of Commissioner Wilkerson only consisted of eighty-eight pages as referenced in the Order of Commissioner Wilkerson. Respondents contacted Appellant to clarify the page numbers. Appellant informed Respondents

6. Respondents' Motion to Reconvene Dr. Boyd's deposition (March 12, 2018);
7. Respondents' entire APA submission, including any supplemental submissions (March 13, 2018);
8. Appellant's Return to Respondents' Motion to Reconvene Dr. Boyd's deposition (March 22, 2018);
9. Hearing transcript of Hearing before Commissioner Wilkerson (March 23, 2018);
10. July 10, 2018 Order of Commissioner Wilkerson;
11. Form 30 Full Commission Appeal (July 24, 2018);
12. Appellant's Brief to the Full Commission (September 24, 2018);
13. Respondents' Brief to the Full Commission (October 18, 2018);
14. Full Commission Hearing transcript (October 22, 2018);
15. February 28, 2019 Order of the Full Commission.

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

ROBINSON GRAY STEPP & LAFFITTE, L.L.C.

By: 

Grady L. Beard
Jasmine D. Smith
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Dated: 10/30/19

ATTORNEYS FOR RESPONDENT

that the page numbers listed in Appellant's designation of matter for his APA submission was likely a scrivener's error.

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v.

Michelin North America, Inc., (US7), Employer,
and Safety National Casualty Corp., CarrierRespondent.

PROOF OF SERVICE

I certify that I, Cindy Lamb, on behalf of Robinson Gray Stepp & Laffitte, LLC, have served the Designation of Matter to be Included in the Record on Appeal on Isaac Brailey by depositing a copy of it in the United States Mail, postage prepaid, on October 30, 2019, addressed as follows:

VIA U.S. MAIL AND E-MAIL
Stephen Samuels, Esquire
1320 Richland Street
Columbia, SC 29201

VIA HAND DELIVERY
Ms. Amy Bracy
Judicial Director
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

ROBINSON GRAY STEPP & LAFFITTE, L.L.C.

By: Cindy Lamb
Cindy Lamb
Legal Assistant to Attorney Grady L. Beard
Robinson Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Dated: 10/30/19

ATTORNEYS FOR RESPONDENTS



**ROBINSON
GRAY**

Litigation + Business

GRADY BEARD

DIRECT 803.231.7824

gbeard@robinsongray.com

October 30, 2019

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
1015 Sumter Street (29201)
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Isaac Brailey v. Michelin North America, Inc. US7
WCC No.: 1708221
Court of Appeals Case No. 2019-000556
DOI: 06/24/2017
Claim No.: 002550-080240-wc-01
Our File No.: 6555/8068

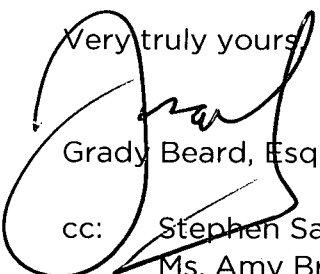
Dear Ms. Abbott Kitchings:

Enclosed please find the original and one (1) copy of the Respondents' Initial Brief and Designation of Matter and proof of service in support of our position on behalf of the employer/carrier in the above-referenced matter. We are filing the original and retaining a clocked-in copy via our courier.

With a copy of this letter, we are hereby serving a copy of the Respondents' Initial Brief and Designation of Matter on counsel for the claimant.

With kindest personal regards, I remain

Very truly yours


Grady Beard, Esquire

cc: Stephen Samuels, Esquire
Ms. Amy Bracy (via hand delivery)
Sharon West (via email)
Mark Gross (via email)