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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1105628

RECEIVED  
NOV 15 2019  
SC Court of Appeals

Ex Parte: Christine Bradley, Surviving Spouse, .....Appellant.

In re: Albert Bradley, Employee,

v.

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

**MOTION TO STRIKE AND/OR CLARIFY  
APPELLANT'S DESIGNATION OF MATTER**

Pursuant to Rules 209, 210 and 240, SCACR, Respondents Southern Industrial Constructors, Inc. and Zurich American Insurance Company c/o Zurich North America move this Court to strike and/or order Appellant to clarify certain portions of her Designation of Matter to be Included in the Record on Appeal ("Designation"), served November 5, 2019. Appellant has designated materials that are not clearly identified and/or may not have been presented to the Commission.

According to Rule 209(a), SCACR, the designation of matter "shall set forth with specificity those parts of the transcript, pleadings, orders, exhibits, or other materials which [a party] proposes to include in the record on appeal." In addition, Rule 209(b), SCACR, provides that "[t]he Designation must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript,

pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.” Rule 210(c), SCACR, in turn, provides that “[t]he Record shall not ... include matter which was not presented to the lower court or tribunal.”

First, Appellant has designated “Orders pertaining to the case of Albert Bradley from the SC Workers’ Compensation Commission,” and “Transcripts of all proceedings.” (Designation Nos. 1 and 5). These designations do not meet the requirement set forth in Rule 9 that a party “set forth *with specificity* those parts of the transcript, pleadings, orders,” etc., and that the “designation must *clearly identify* what the party desires to have included in the Record on Appeal,” that she will produce to this Court. Rules 9(a)&(b), SCACR (emphasis added). While Respondents have no objection to Appellant including all the Commission Orders and all transcripts of all the recorded proceedings in this case, which has been pending before the Commission for years, Respondents are unclear whether Appellant understands that she, not the Commission or Respondents, is responsible for compiling, printing and producing the Record on Appeal to the Court and serving it the other parties to the appeal. *See* Rule 10(a)&(b), SCACR (“[w]ithin thirty (30) days after service of the last brief, *the appellant shall serve* a copy of the Record on Appeal on each party who has served a brief,” and shall file fifteen copies of the Record on Appeal with the Court no later than the date on which final briefs are due) (emphasis added).

Second, Appellant has designated “Financial Records of Guardians/Guardians Ad Litem for Albert Bradley.” (Designation No. 2). Respondents seek clarification that the only financial records of Guardians and/or Guardians Ad Litem that may be designated and included in the Record on Appeal are those that were submitted to the Commission in this matter. *See* Rule

210(c), SCACR (the Record on Appeal “shall not ... include matter which was not presented to the lower court or tribunal”).

Third, Appellant has designated “Medical Records” and “Medical bills.” (Designation Nos. 3 and 5). These designations do not meet the requirement set forth in Rule 9 that a party “set forth *with specificity* those parts of the transcript, pleadings, orders,” etc. and that the “designation must *clearly identify* what the party desires to have included in the Record on Appeal,” that she will produce to this Court. Rules 9(a) & (b), SCACR (emphasis added). In addition, Respondents seek clarification that the only medical records and/or medical bills that may be designated and included in the Record on Appeal are those that were submitted to the Commission in this matter. *See* Rule 210(c), SCACR (the Record on Appeal “shall not ... include matter which was not presented to the lower court or tribunal”).

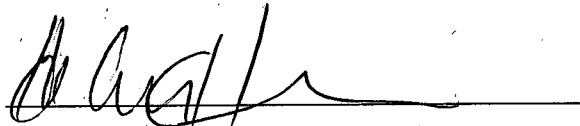
#### CONCLUSION

For the reasons stated herein, Respondents move this Court to strike any material from Appellant’s Designation that was not presented to the Commission, and to order Appellant to clarify her Designation regarding items that are insufficiently identified therein.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC

November 13, 2019



Helen F. Hiser, S.C. Bar No.: 76124  
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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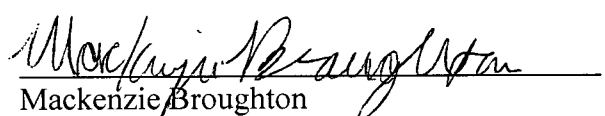
v.

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 13th day of November 2019, I served the Respondents' **Motion to Strike and/or Clarify Appellant's Designation of Matter** 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  
735 Johnnie Dodds Blvd., Suite 200  
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

November 13, 2019

**VIA U.S. MAIL**

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

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' Motion to Strike and/or Amend Appellant's Designation of Matter, 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. Also enclosed is our firm's check in the amount of \$50 for filing the motion.

If you have any questions, please do not hesitate to contact me.

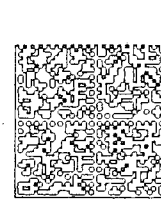
Yours truly,

  
Helen F. Hiser

Attachments

cc: Christine Bradley, *Pro Se*

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**SC Court of Appeals**

**20216.11055/HFH/mtb**

The Honorable Jenny Abbott Kitchings  
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