

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS COMPENSATION

Full Commission

WCC File No. 1200349
Appellate Case No. 2018-000133

James Provins, Employee/Deceased,
Debra Provins, Alleged Dependents/Claimants,

Appellants,

v.

Spirit Construction Services, Inc., Employer,
And Insurance Company of the State of PA, Carrier,

Respondents.

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SC Court of Appeals

RECORD ON APPEAL

Volume III of III

September 12, 2018

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12 Q. Who do you do the majority of your work
13 for?

14 A : Well, I'm hired by attorneys who call
15 me. I do about 20 percent now, 10 to 20 percent
16 criminal work. That's becoming less common. So
17 for the 80 or 90 percent I am retained by
18 attorneys. At this point it's about 60 percent
19 defense attorneys and 40 percent plaintiff
20 attorneys.

(Ballenger Depo., p. 6, 15-23).

Total Identified Cases:

2001	23 cases	19 Defendants	2 Plaintiffs
2002	14 cases	11 Defendants	3 Plaintiffs
2003	20 cases	14 Defendants	6 Plaintiffs
2004	21 cases	19 Defendants	2 Plaintiffs
2005	25 cases	22 Defendants	3 Plaintiffs
2006	24 cases	22 Defendants	2 Plaintiffs
2007	20 cases	18 Defendants	2 Plaintiffs
2008	28 cases	24 Defendants	4 Plaintiffs
2009	23 cases	19 Defendants	4 Plaintiffs
2010	14 cases	11 Defendants	3 Plaintiffs
2011	28 cases	19 Defendants	9 Plaintiffs
2012	27 cases	23 Defendants	4 Plaintiffs
2013	18 cases	15 Defendants	3 Plaintiffs
2014	4 cases	4 Defendants	0 Plaintiffs
2015	13 cases	7 Defendants	6 Plaintiffs
2016	12 cases	7 Defendants	5 Plaintiffs
	314 cases	254 Defendants	58 Plaintiffs

81% of cases are Defendant

19% of cases are Plaintiff

Ballenger cases

	Attorney	Case	Plaintiff/Defense
2016	David Pearlman, Esq. Steinberg Law Firm PO Box 9 Charleston, SC 29401	Shirley M. Capers	Plaintiff
2016	Elizabeth Hyatt PO Box 2252 Lancaster, SC 29721	Michele Sember	Plaintiff
2016	Christy L. Scott PO Box 1515 Walterboro, SC 29488	Sheen v. Yemassee	Defense
2016	E-Lindsay Blanks 9217 University Place Suite 2A North Charleston, SC 29406	Lindslie & Cotton case	Plaintiff
2016	Thomas Stanley Eastham Watson Dale & Forney The Niels Esperson Building 808 Travis Street, Suite 1300 Houston, TX 77002	Lett v. Transocean	Defense
2016	Lynnley Ross, Esq. Willson Jones Carter & Baxley 421 Wando Park Blvd. Suite 100 Mount Pleasant, SC 29464	Generette	Defense
2016	James G. Long, III Nexsen Pruet 1230 Main Street Suite 700 Columbia, SC 29201	Wetherington v. Southern Health Partners, Inc.	Defense
2016	Molly Edwards, Esq. 2175 Ashley Phosphate Road, Suite F North Charleston, SC 29406	Natalie B. Dennis matter	Plaintiff
2016	Daryl Hawkins, Esq. 1331 Elmwood Avenue Suite 305 PO Box 11906 Columbia, SC 29211	Melinda Brouwer v. Ocean Plaza	Plaintiff
2016	Sally Purnell, Esq. Haynsworth Sinkler Boyd PO Box 2048 Greenville, SC 29602	Joslyn v. Dolinar, Pickens Hospital & Greenville Hlth Sys	Defense
2016	Malcolm Grosland, Esq. Steinberg Law Firm PO Box 9 Charleston, SC 29402	Engelbrecht	Plaintiff
2016	Yancey A. McLeod, III Leath Bouch & Seekings PO Box 59	Carter v. SC Cremation	Plaintiff

2016	Charleston, SC 29402 Amanda Pittman Willson Jones Carter & Baxley 872 S. Pleasantburg Drive Greenville, SC 29607	Provins v. Spirit Construction	Defense
2016	Dylan Bury Thomas Cook, Esq. New Orleans, LA	Glenn Bullock matter	Defense
2016	Lynley Ross, Esq. Willson Jones Carter & Baxley 421 Wando Park Blvd. Suite 100 Mount Pleasant, SC 29464	Generette matter	Defense
2016	Brent Halversen Halversen & Associates 171 Church Street Suite 330 Charleston, SC 29401	Theresa Marcotte Justin Weathers	Plaintiff
2016	James G. Long, III Nexsen Pruet 1230 Main Street Suite 700 Columbia, SC 29201	Lambert vs. Georgetown et al	Defense
2016	James G. Long, III Nexsen Pruet 1230 Main Street Suite 700 Columbia, SC 29201	Coleman v. South Health	Defense
2016	Benson H. Driggers Sweeny Wingate & Barrow PO Box 12129 Columbia, SC 29211	Hylemann v. Higgins	Defense
2016	David C. Cleveland, Esq. Clawson & Staubes 126 Seven Farms Dr. Suite 200 Charleston, SC 29492-8144	Johnson v. Hyatt	Defense
2016	E. Cavanaugh Sweeny Wingate & Barrow PO Box 12129 Columbia, SC 29211	Stewart v. Gregory Electric	Defense
2016	Ryan Smith, Esq. Kastner Westman Wilkins 3550 West Market Street Suite 100 Akron, OH 44333	Travis Roman matter	Defense
2015	James G. Long, III Nexsen Pruet 1230 Main Street Suite 700 Columbia, SC 29201	Bowman v. SHP & Massey	Defense
2015	Robert C. Rogers, Esq.	Frisch v. GMS Florida	Defense

	Gallivan White & Boyd PO Box 10589 Greenville, SC 29603	et al	
2015	Ryan K. Hicks, Esq. J. Lewis Cromer & Assoc. PO Box 11675 Columbia, SC 29211	Doe v. Sumter School District	Plaintiff
2015	Rhett Klok, Esq. Klok Law Firm 1002 Anna Knapp Blvd. Suite 103 Mt Pleasant, SC 29464	RE: Hopson v. Taylor & Taylor	Plaintiff
2015	Geoffrey A. Losee, Esq. Rountree Losee PO Box 1409 Wilmington, NC 28402	Bald Head Island M/V Adventure matter - Springmeier, Cockrell, Strickland	Defense
2015	James D. Nance, Esq. Nance McCants & Massey PO Box 2881 Aiken, SC 29802	Johnson v. Lawson	Defense
2015	Joel Hughes, Esq. Davidson & Lindemann PO Box 8568 Columbia, SC 29202-8568	Jane Doe v. SCDSS et al	Defense
2015	Gillian S. Crowl Associate Gallivan White & Boyd 6805 Morrison Blvd., Suite 200 Charlotte, NC 28211	Hessler case	
2015	Greg Horton, Esq. Womble Carlyle Sandridge & Rice 5 Exchange Street Charleston, SC 29401	Varella v. Publix & Wade Cobb	Defense
2015	Daryl G. Hawkins, Esq. 1331 Elmwood Avenue Suite 305 Columbia, SC 29201	JH lawsuit	Plaintiff
2015	Steve Moon Rogers Townsend & Thomas 220 Executive Center Drive Columbia, SC 29210	Mitchell v. Three Rivers	Defense
2015	David Pearlman, Esq. Steinberg Law Firm PO Box 9 Charleston, SC 29401	Mullins WC matter	Plaintiff
2015	Joel S. Hughes, Esq. Davidson & Lindemann PO Box 8568 Columbia, SC 29202-8568	Jane Doe v. SCDSS et al	Defense
2015	Shannon R. Simpson Cohen Clair Lans	Hepworth matter	Plaintiff

	Greifer & Thorpe 885 Third Avenue 32nd Floor New York, NY 10022		
2015	S. Shay Samples, Esq. Hare Wynn Newell & Newton 2025 Third Avenue North Birmingham, AL 35203	Busby v. Capital Care South	Plaintiff
2015	James D. Nance, Esq. Nance McCants & Massey PO Box 288 Aiken, SC 29802	Johnson v. Lawson	Defense
2014	Todd Smyth, Esq. Smyth Whitley 234 Seven Farms Dr. BB & T Plaza, Suite 215 Charleston, SC 29492	Brennan v. JPE et al	
2014	Earl Austin, Esq. Baker Botts 2001 Ross Avenue Dallas, TX 75201	AstraZeneca	Defendant
2014	Hal Hanlin, Esq. Director, Tax, Wills and Trusts, Corporate Law McDonnell and Associates, PA 2442 Devine Street Columbia, SC 29205	Bryant probate matter	
2014	Glen R. Stuart, Esq. Morgan, Lewis & Bockius 1701 Market Street Philadelphia, PA 19103-2921	Astra Zeneca	Defendant
2014	Tish Alleyne Attorney at Law Lourie Law Firm 1450 Harden Street Extension PO Box 1289 Columbia, SC 29211	Lighthouse matter	
2014	Kevin P. Ahearn, Esq. Pryor Johnson Carney Karr & Nixon 5619 DTC Parkway, Ste. 1200 Greenwood Village, CO 80111	Donabedian v. AFIC, et al	Defendant
2014	Karen Luchka Fisher & Phillips PO Box 11612 Columbia, SC 29211	Young v. Savannah River Nuc.	
2014	William A. Bryan, Jr. Collins and Lacy 11945 Grandhaven Drive Suite D Murrells Inlet, SC 29576	Woodard & Woodard v. Morris & First Tee Transport	
2013	Brad D. Hewett, Esq.	Gulledge v. Chesterfield County	

	The Mike Kelly Law Group PO Box 8113 Columbia, SC 29202	Schools	
2013	Timothy Domin, Esq. Clawson & Staubes 126 Seven Farms Dr., Ste. 200 Charleston, SC 29492	Carson v. Mento, et al	
2013	Todd Smyth, Esq. Smyth Whitley 234 Seven Farms Dr. BB & T Plaza, Suite 215 Charleston, SC 29492	Platt v. CVS	Defendant
2013	Scott Hall, Esq. Robert Klawetter, Esq. Eastham, Watson, Dale & Forney 808 Travis St., Ste. 1300 Houston, TX 77002	Ledesma matter	Defendant
2013	Scott Hall, Esq. Robert Klawetter, Esq. Eastham, Watson, Dale & Forney 808 Travis St., Ste. 1300 Houston, TX 77002	Gonzales matter	Defendant
2013	David Tyner Ford & Harrison 100 Dunbar St., Ste. 300 Spartanburg, SC 29306	Gentry v. Maggie Valley	Defendant
2013	Daniel Plyler, Esq. Davidson & Lindemann 1611 Devonshire Dr., 2nd Floor Columbia, SC 29204	Myers v. Jackson	??
2013	David Pearlman, Esq. Steinberg Law Firm 61 Broad Street Charleston, SC 29401	Sponseller matter	Plaintiff
2013	Chris Lam, Esq. Nexsen Pruet 227 West Trade St., Ste. 1550 Charlotte, NC 28202	Patterson v. Honda	Defendant
2013	Bobby Sessoms, Esq. Clawson & Staubes 126 Seven Farms Dr., Ste. 200 Charleston, SC 29492	Brown v. Aqua Pools	Defendant
2013	Kenneth Berger, Esq. Law Office of Kenneth Berger 5205 Forest Dr., Suite Two Columbia, SC 29206	RE: Wortman v. Kings Mtn Hosp.	Plaintiff
2013	David Tyner Grant Close Ford & Harrison 100 Dunbar St., Ste. 300 Spartanburg, SC 29306	Crenshaw v. Erskine College & David Norman	Defendant
2013	Christy Fagnoli	McMillan v. Harbor Pointe	Defendant

	Clawson & Staubes 126 Seven Farms Drive Suite 200 Charleston, SC 29492		
2013	Bob Conley, Esq. Cleveland Law 171 Church Street, Ste. 310 Charleston, SC 29401	Keith Elmore v. City of North Charleston	Defendant
2013	Bob Conley, Esq. Cleveland Law 171 Church Street, Ste. 310 Charleston, SC 29401	Zimmerman v. C of C	Defendant
2013	Alissa Fleming Barnwell Whaley Patterson & Helms PO Drawer H Charleston, SC 29402	Zimmerman v. C of C & Burnett	Defendant
2103	Heyward Clarkson, Esq. Clarkson Walsh 1164A Woodruff Road Greenville, SC 29607	Hicks v. Waterford/Deerfield	Defendant
2013	David Keller, Esq. Constangy Brooks & Smith 105 N. Spring Street Suite 105 Greenville, SC 29601	Finkel v. Chicos	Defendant
2013	Andrea Simpson Gibbes Burton 308 E. Saint John St. Spartanburg, SC 29302	Holliday v. MDTR Holdings & MacDonalds	Plaintiff
2013	Jim Dedman Gallivan White & Boyd PO Box 10589 Greenville, SC 29603	Singley v. Norfolk Southern	Defendant
2012	Todd Smyth, Esq. Smyth Whitley 234 Seven Farms Dr. BB & T Plaza, Suite 215 Charleston, SC 29492	Wells v. Widenhouse & Port City Plastic Surgery	Defendant
2012	Kirby D. Shealy, III, Esq. Ellis Lawhorne & Sims PO Box 2285 Columbia, SC 29202	Fairchild v. Palmer	Defendant
2012	Robert Klawetter, Esq. Eastham Watson Dale & Forney 808 Travis St., Ste. 1300 Houston, TX 77002	Giron v. Gulf Stream Marine	Defendant
2012	Bob Connelly Cleveland Law Firm 171 Church Street, Ste. 310 Charleston, SC 29401	Elmore v. City of N. Charleston, et al	Defendant

2012	Bob Connelly Cleveland Law Firm 171 Church Street, Ste. 310 Charleston, SC 29401	Zimmerman v. College of Charleston	Defendant
2012	Sally M. Purnell Haynsworth Sinkler Boyd PO Box 2048 Greenville, SC 29602-2048	Simons v. Greenville Hosp	Defense
2012	Todd W. Smyth, Esq. Smyth Whitley 234 Seven Farms Dr. BB & T Plaza, Ste 215 Charleston, SC 29492	Breenan v. JPE Healthcare	Defendant
2012	John Bradley, Esq. Moore Taylor & Thomas PO Box 5709 West Columbia, SC 29171	McMaster v. DeWitt	
2012	Marguerite S. Willis Nexsen Pruet, LLC 1230 Main Street, Ste 700 Columbia, SC 29201	Cameron & Cameron v. Camden Military Academy, et al	Plaintiff
2012	Angus Lawton Lawton Law Firm 496 Bramson Ct., Ste #100 Mount Pleasant, SC 29464	Mattila v. Luadzers	Plaintiff
2012	Elizabeth B. Luzuriaga Attorney at Law Luzuriaga Mims 50 Immigration Street, Ste 200 Charleston, SC 29403	Christie v. Santee-Cooper	Defendant
2012	J. Brandon Hylton Turner Padgett Graham & Laney PO Box 5478 Florence, SC 29502	Johnson v. Liberty Mutual Insurance	Defendant
2012	Duke Highfield Catherine Chase Young Clement Rivers 25 Calhoun Street, Ste. 400 Charleston, SC 29401	Miller v. Geddings	Defendant
2012	Julius W. McKay, III McKay Cauthen Settana & Stubley PO Box 7217 Columbia, SC 29202-7217	Cates v Hyde	Defendant
2012	James E. Parham, Jr. PO Box 1576 Irmo, SC 29063	Dawson v. SCDC & Higgins	Defendant
2012	Michael Henthorne, Esq. Littler Mendelson 1201 Main St., Ste 1930 Columbia, SC 29201	Pierce v. L-3 Services; D. Porter	Defendant

2012	Joseph G. Petrosinelli Attorney at Law Williams & Connolly 725 Twelfth St. NW Washington, DC 20005 Kimberly O. Branscome Attorney at Law Covington & Burling 1201 Pennsylvania Ave., NW Washington, DC 20004-2401 Andrew B. Johnson Attorney at Law Bradley Arant Boult Cummings One Federal Place 1819 Fifth Avenue North Birmingham, AL 35203-2119	Chantix litigation	Defendant
2012	Matt Henrikson, Esq. Clarkson Walsh Terrell & Coulter PO Box 6728 Greenville, SC 29607	Wrenn v. Alexander Farms	Defendant
2012	John D. Hudson, Jr., Esq. Gallivan White & Boyd PO Box 7368 Columbia, SC 29201	Mark Bounds v. Cruel	Defendant
2012	John D. Hudson, Jr., Esq. Gallivan White & Boyd PO Box 7368 Columbia, SC 29201	Linda Bounds v. Cruel	Defendant
2012	John D. Hudson, Jr., Esq. Gallivan White & Boyd PO Box 7368 Columbia, SC 29201	Robinson v. Cruel	Defendant
2012	Kathryn Williams, P.A. 619 North Main Street Greenville, SC 29601	Carpenter Worker's Comp. case	Plaintiff
2012	Thomas J. Keaveny, II, Esq. Keaveny Law Firm 445 Folly Road Charleston, SC 29412	Bryant v. Trexler	Defendant
2012	Charity Price, Esq. Odin Feldman Pittleman 9302 Lee Highway, Ste 1100 Fairfax, VA 22031-1214	Pierce v. InfoReliance	Defendant
2012	Dan McGrew, Esq. Mary Katherine Greene Carlock, Copeland, Semier & Stair PO Box 56887 Atlanta, GA 30343-0887	Watkins & Chirchirillio v. Eli Lilly & Dr. Davis	Defendant
2012	Russ Foster, Esq. Mike Kelly Law Group, LLC 500 Taylor St., Ste 400	Michael Gulleddge, Jr. matter	Plaintiff

Columbia, SC 29201		
2012 Todd W. Smyth, Esq. Smyth Whitley 234 Seven Farms Dr. BB & T Plaza, Ste 215 Charleston, SC 29492	Malphrus V. Hockman	Defendant
2012 Audrey Holzhausen Old Fort fire Department 4214 Ladson Road Ladson, SC 29456	Fitness for duty exam	
2011 Kathryn Williams, P.A. Attorneys at Law PO Box 10693 Greenville, SC 29603	K. Ridenhour Worker's Comp case	Plaintiff
2011 Lee Floyd, Esq. Collins & Lacy PO Box 12487 Columbia, SC 29211	Flowers v. Glasscock Co.	Defendant
2011 Lynnley Ross Attorney at Law Willson Jones Carter & Baxley 421 Wando Park Blvd., Ste 100 Mt Pleasant, SC 29464	Amerson v. Floyd's Fertilizer	Defendant
2011 Lee Bowers, Esq. Bowers & Siren PO Box 191 Bluffton, SC 29910-0191	Turner & Turner v. Gintz, et al	Plaintiff
2011 Diane Rodriguez Attorney at Law Bryan Law Firm PO Box 2038 Sumter, SC 29151-2038	Barwick/Hodges	Plaintiff
2011 Fred Manning, Esq. Fisher & Phillips 1901 Main St., Ste 1400 PO Box 11612 Columbia, SC 29211	Gardner v. PPG	Defendant
2011 Lee Floyd, III, Esq. Collins & Lacy PO Box 12487 Columbia, SC 29211	Garbett v. Farmer	Defendant
2011 David Pearlman, Esq. Steinberg Law Firm 61 Broad Street Charleston, SC 29401	Robinowitz case	Plaintiff
2011 Suzanne C. Ulmer, Esq. Kernodle Root & Coleman PO Box 13897 James Island, SC 29422	Fragoso case v. Builders Firstsource	Defendant
2011 Anne V. Noonan Attorney at Law Willson, Jones, Carter &	Shanks v. Sailer Stone & Stucco	Defendant

Baxley 421 Wando Park, Suite 100 Mt Pleasant, SC 29464		
2011 Diane Rodriguez	Smalls case	Plaintiff
Attorney at Law Bryan Law Firm PO Box 2038 Sumter, SC 29151-2038		
2011 Todd W. Smyth, Esq.	Malphrus v. Hockman	Defendant
Haynsworth Sinkler Boyd PO Box 340 Charleston, SC 29402		
2011 James E. Scott, IV, Esq.	Argabright v. GYN Chas. & Kreutner	Defendant
Young Clement Rivers PO Box 993 Charleston, SC 29402		
2011 Kathryn Williams, P.A.	JB Clark, Jr. v. Great Lakes Chemicals	Plaintiff
Attorneys at Law PO Box 10693 Greenville, SC 29603		
2011 Elizabeth VanDoren Gray	William A. Jordan	Plaintiff
Attorney at Law Sowell Gray PO Box 11449 Columbia, SC 29211		
2011 Matthew J. Story, Esq.	Drawdy v. White	Defendant
Clawson & Staubes 126 Seven Farms Drive Suite 200 Charleston, SC 29492		
2011 Julius W. McKay, II	Moore v. Samy L. Tawfik	Defendant
McKay Cauthen Settana & Stubley PO Box 7217 Columbia, SC 29202-7217		
2011 Michael S. Petit, Esq.	McCoy v. RB Forest Prod	Defendant
Willson Jones Carter & Baxley 421 Wando Park Blvd., Ste 100 Mt Pleasant, SC 29464		
2011 Stephanie Flynn	Mahaffey v. Loaiza	Defendant
Attorney at Law Gallivan White & Boyd PO Box 10589 Greenville, SC 29603		
2011 Shelton W. Haile, Esq.	Moore v. Malone	Defendant
Richardson Plowden PO Drawer 7788 Columbia, SC 29202		
2011 Stephanie Flynn	Ibekwe v. Cornerstone Properties	Defendant
Brittany F. Boykin Attorneys at Law Gallivan White & Boyd		

PO Box 10589
Greenville, SC 29603
RE: Ibekwe v. Cornerstone Properties,
2011 James B. Lybrand, Jr., Esq. Jacobs v. Thompson & JWS Logging Defendant
McDonald, McKenzie, Rubin,
Miller & Lybrand
Attorneys at Law
PO Box 58
Columbia, SC 29202

2011 Charity Price Pierce v. Info Reliance Corp Defendant
Attorney at Law
Odin Feldman Pittleman
9302 Lee Highway, Suite 1100
Fairfax, VA 22031-1214

2011 G. Shargel, Esq. US v. David Brooks Defendant in
Law Offices of Gerald Shargel criminal case
570 Lexington Ave., 45th Floor
New York, NY 10022

2011 Linda Kiser, RN Lumpkin v. Phoenix Children's Defendant
Lorie Matlick, RN Hospital
Nurse Consultant with Fennemore Craig Defendant
3003 N. Central Ave., Suite 2600
Phoenix, AZ 85012-2913

2011 Wallace Kleindienst US v. Loughner Criminal
Assistant US Attorney Prosecution
District of Arizona
Tucson Division
405 W. Congress St., Ste 4800
Tucson, AZ 85701

2011 Charles M. Love, IV, Esq. Estate of Berlin Fitzgerald Plaintiff
The Masters Law Firm (Medical Malpractice)
181 Summers Street
Charleston, WV 25301

2011 Brad D. Hewett, Esq. Beard v. SCDSS Plaintiff
The Mike Kelly Law Group
PO Box 8113
Columbia, SC 29202

2010 Andrew A. Protogyrou, Esq. Moore v. Capitol Finishes, Inc. Defendant
Protogyrou & Rigney
PO Box 3205
Norfolk, VA 23514

2010 Andrew A. Protogyrou, Esq. James v. Reighoffer Manufacturing Defendant
Protogyrou & Rigney
PO Box 3205
Norfolk, VA 23514

2010 Parker Poe Shekya Fields v. Jana Brands Defendant
Three Wachovia Center
401 South Tryon St
Ste 3000
Charlotte, NC 28202-1942

2010 Matt Henrikson, Esq. Hendrix v. Burton, et al. Defendant
Clarkson Walsh Terrell & Coulter

PO Box 6728 Greenville, SC 29607		
2010 Suzanne C. Ulmer, Esq. Kernodle Root & Coleman PO Box 13897 James Island, SC 29422	Fields v. Subway	Defendant
2010 Ashley Couch Paralegal to Catherine Wrenn Womble Carlyle Sandridge & Rice PO Box 10208 Greenville, SC 29603-0208	Normanly v. McSkip	Defendant
2010 Diane Rodriguez Attorney at Law Bryan Law Firm PO Box 2038 Sumter, SC 29151-2038	Estate of Michael Mandl	Plaintiff
2010 William Shaughnessy, Esq. Turner Padgett Graham & Laney PO Box 1509 Greenville, SC 29602	McNulty case	Defendant
2010 William Shaughnessy, Esq. Turner Padgett Graham & Laney PO Box 1509 Greenville, SC 29602	Hamby v. Bon Secours	Defendant
2010 Karen L. Gieselman Fisher & Phillips 1901 Main Street Suite 1400 PO Box 11612 Columbia, SC 29211	Consultation	Defendant
2010 Marvin S. Mayell, Esq. Kay Scholer LLP 425 Park Avenue New York, NY 10022-3598 & Glen R. Stuart, Esq. Morgan Lewis Counselors at Law 1701 Market Street Philadelphia, PA 19103-2921 RE: AstraZeneca case	Astra Zeneca	Defendant
2010 William Johnson, Esq. PO Box 137 Manning, SC 29102	Patrick Garneau	Plaintiff
2010 Raanon Gal, Esq. Ford & Harrison 271 17th St. NW Suite 1900 Atlanta, GA 30363 RE: Smith v. Gurganious et al	Smith v. Gurganious & Southeast Airlines	Defendant
2010 Stephan Futeral Thomas Nelson, Esq.	Prophete case	Plaintiff

Futeral & Nelson 1004 Anna Knapp Blvd. 2nd Floor Mount Pleasant, SC 29464		
2009 Jonathan G. Roquemore	Jurga & Jurga v. Robin Blake-Neal	Defendant
Turner Padgett, Graham & Laney PO Box 1473 Columbia, SC 29202		
2009 Daniel L. Prenner	Helms v. Helms	Domestic case
90 Queen Street Charleston, SC 29401		
2009 Julius W. McKay, II	Sears v. Dennenberg	Defendant
McKay, Cauthen, Settana & Stublely PO Box 7217 Columbia, SC 29202		
2009 Robert Klawetter	Captain Kern v. Sanco Sea	Defendant
Eastham Watson Dale & Forney 20th Floor The Niels Esperson Bldg 808 Travis Houston, TX 77002-5769		
2009 Patrick E. Knie	Nathan H. Kelley	Plaintiff
Magnolia Street Spartanburg, SC 29306		
2009 Julius W. McKay, II	McKnight/Thomas v. SCDC	Defendant
McKay, Cauthen, Settana, & Stublely PO Box 7217 Columbia, SC 29202-7217		
2009 Lynnley D. Ross	Libby v. Coastal Turf	Defendant
Young Clement Rivers PO Box 993 Charleston, SC 29402		
2009 E. Courtney Gruber	Wall v. Linear	Defendant
Young Clement Rivers PO Box 993 Charleston, SC 29402-0993		
2009 Mitch Griffith	Woods v. Clarks Transport	Defendant
Griffith, Sadler & Sharp, PA PO Box 570 Beaufort, SC 29901		
2009 Donnell Jennings	Sabrien Hay v. Rent-a-Center	Defendant
Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202		
2009 David Tyner	Wells v. R. & J Investments of Eden	Defendant
Ford & Harrison 100 Dunbar St., Ste 300 Spartanburg, SC 29306		
2009 Catharine Garbee Griffin	Cherry v. Heritage Park Properties	Defendant
Baker Ravenel Bender		

PO Box 8057 Columbia, SC 29202		
2009 Stanley Rodgers 100 Queen St., Suite 200 Charleston, SC 29401	Anderson v. Ladson	Plaintiff
2009 Caroline Cleveland Cleveland Law 171 Church Street, Ste. 310 Charleston, SC 29401	Raven Ray v. C of C	Defendant
2009 Charles F. Turner, Jr. Turner Padgett Graham & Laney PO Box 1509 Greenville, SC 29602	Fogle v. Newberry College	Defendant
2009 Mark Barrow Sweeny Wingate & Barrow PO Box 12129 Columbia, SC 29201	Polston v. Borucki, Williams, etc.	Defendant
2009 Leslie M. Whitten Young Clement Rivers and Tisdale 25 Broad Street PO Box 993 Charleston, SC 29402-0993	Manor v. Townsend Trucking	Defendant
2009 Russell W. Harter, Jr. Chapman Harter & Groves PO Box 10224 Greenville, SC 29603	Blackwell v. Muller Cons.	Defendant
2009 Julius W. McKay, II McKay, Cauthen, Settana, & Stublely PO Box 7217 Columbia, SC 29202-7217	Moore v. Tawfik	Defendant
2009 Catharine Garbee Griffin Baker Ravenel Bender PO Box 8057 Columbia, SC 29202	Alford v. Walmart	Defendant
2009 Weldon Johnson, Esq. Barnes Alford Stork & Johnson PO Box 8448 Columbia, SC 29202-8448	McBryde v. Davidson	Defendant
2009 Eric R. Tonnasen Gallivan White & Boyd PO Box 10589 Greenville, SC 29603	Stanley & Stanley v. Home Depot	Defendant
2009 Stephan Futeral Thomas Nelson, Esq. Futeral & Nelson 1004 Anna Knapp Blvd. 2nd Floor Mount Pleasant, SC 29464	Montgomery v. Wachovia	Plaintiff
2009 Natalie Byars Fisher Clawson & Staubes 126 Seven Farms Dr, Ste 200	White v. M & K	Plaintiff

2008	Charleston, SC 29492-8144 Julius W. McKay, II McKay, Cauthen Settana & Stubley PO Box 7217 Columbia, SC 29202-7217	Snead v. Nelson	Defendant
2008	Caroline Cleveland Attorney at Law Cleveland Law 171 Church Street, Ste. 310 Charleston, SC 29401	Natale v. Richmond	Defendant
2008	Shadonna Hale, Esq. Wilson Elser Moskowitz Edelman & Dicker 200 St. Paul Place, Ste 2530 Baltimore, MD 21202	Hammons v. Ross	Defendant
2008	Jim Myrick, Esq. Buist Moore Smythe & McGee PO Box 9999 Charleston, SC 29402	White case	Plaintiff
2008	Weldon Johnson, Esq. Barnes Alford Stork & Johnson PO Box 8448 Columbia, SC 29202-8448	Conrad & Conrad v. Columbia HCA	Defendant
2008	Curtis Ott, Esq. Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Brooks & Brooks v. Zeigler	Defendant
2008	Elbert Dorn Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Celestine Jefferson v. Ford	Defendant
2008	Michael Mosher, Esq. 50 North Main Street Paris, TX 75460	Hammons v. Kaiser	Defendant
2008	Rob Varnado, Esq. Kernodle Taylor & Root PO Box 13897 Charleston, SC 29422-3897	Swygert case	Defendant
2008	Lynnley D. Ross Attorney at Law Young Clement Rivers PO Box 993 Charleston, SC 29402	Brisbon v. Condustral	Defendant
2008	Caroline Cleveland Attorney at Law Cleveland Law 171 Church Street, Ste. 310 Charleston, SC 29401	Ziegler v. Gold	Defendant
2008	Heather Crouch Attorney at Law Cleveland Law	Varner v. City of N. Charleston	Defendant

	171 Church Street, Ste 310 Charleston, SC 29401 RE: Varner v. City of N. Chas.		
2008	William H. Nixon, Jr., Esq. 53 Broad Street PO Box 331 Charleston, SC 29402	State v. Mickey, III	Defendant - Criminal prosecution
2008	Roy F. Laney, Esq. Riley Pope & Laney PO Box 11412 Columbia, SC 29211	Cleveland Sanders v. SC Dept. of Corrections	Defendant
2008	Matthew O. Riddle, Esq. Young Clement Rivers PO Box 993 Charleston, SC 29402-0993	Coelho v. Pires/AC Construction	Defendant
2008	Karen Tyner Ford & Harrison 100 Dunbar St., Ste 300 Spartanburg, SC 29306	Moore v. Henderson Cnty Hospital	Defendant
2008	April Byrd** Dechert LLP Princeton Pike Corporate Center 997 Lenox Dr., Bldg 3, Ste 210 Lawrenceville, NJ 08648-2317 **Original attorney contact was Michelle Silverman	Astra Zeneca	Defendant
2008	Janet Self Montgomery Rennie & Jonson 36 East Seventh Street Suite 2100 Cincinnati, OH 45202-4452	Reimer et v. Lamers Bus Lines et al	Defendant
2008	John G. Bruton, Jr. Haynsworth Sinkler Boyd, PA PO Box 11889 Columbia, SC 29211-1889	Miller v. Joyner Sports Medicine	Defendant
2008	Todd W. Smyth Haynsworth Sinkler Boyd, PA PO Box 340 Charleston, SC 29402	Cifuentes v. Ward	Defendant
2008	Paul Tinkler 154 King St., 3rd Floor Charleston, SC 29401	Andrew Geils	Plaintiff
2008	Randy Hoath Galloway Johnson Tompkins, et al 701 Poydras St., Ste 4040 New Orleans, LA 70139	Lester Bivens	Defendant
2008	Kirby D. Shealy, III Baker Ravenel Bender PO Box 8057 Columbia, SC 29202	Burdette & Burdette v. Cantrell	Defendant
2008	Diane Rodriguez Bryan Law Firm Bahmüller Goldman McElveen...	Kim Pham Glahn	Plaintiff

PO Box 2038 Sumter, SC 29151-2038		
2008 R. Scott Wallinger Jr. Clawson & Staubes, LLC 126 Seven Farms Dr. Ste 200 Charleston, SC 29492-8144	Corley & Eddy v. Mixson D/B/A Tiger Express	Defendant
2008 Leslie M. Whitten Young Clement Rivers PO Box 993 Charleston, SC 29402	Baxley v. Chas. County Schools	Defendant
2008 Darlene Brill Claims Supervisor Gallagher Bassett Serv. 8210 University Exec. Park Dr. Suite 250 Charlotte NC 28262	Worker's Comp. case Al Campbell	Plaintiff
2008 Joseph G. Eaton Barnes & Thornburg 11 South Meridian Street Indianapolis, IN 46204-3535 and Carl Epps Nelson Mullins Meridian, 17th Floor 1320 Main Street Columbia, SC 29201	Creaturo v. Chas. County Schools	Defendant
2008 Daniel R. Settana, Jr., Esq. McKay Cauthen Settana & Stublely PO Box 7217 Columbia, SC 29202-7217	David v. S & S Charter & E. Kennedy	Defendant
2007 Janet Self Montgomery Rennie & Jonson Suite 2100 36 East Seventh Street Cincinnati, OH 45202-4452	William C. Sheene v. D.D. Jones, Inc	Defendant
2007 UNUM Provident 1 Fountain Square 15C16 Chattanooga, TN 37402	Cheryl Joyner Worker's comp. evaluation	
2007 Bradley L. Lanford Baker Ravenel Bender PO Box 8057 Columbia, SC 29202	Courtney v. Wolf, Wolf & Wolf	?
2007 Matthew Hubbell 7 State Street Charleston, SC 29401	Tom Leoncyck	Defendant (criminal)
2007 Roopal R. Samuels Haynsworth, Sinkler Boyd, PA PO Box 11889 Columbia, SC 29221	Southerland v. E. Stewart	Defendant
2007 Solicitor W. Giese 1701 Main Street Columbia, SC 29201	State of SC v. Dewain Herring	Prosecution (Murder trial)

2007	Malcolm M. Crosland, Jr. The Steinberg Law Firm PO Box 993 Charleston, SC 29402-0009	Albert Jackson v. Worker's Comp	Plaintiff
2007	Sean Scoopmire James Walsh Clarkson, Walsh, Rheney & Terrell PO Box 6728 Greenville, SC 29606	Wrenn v. Alexander Farms	Defendant
2007	Shadonna Hale Wilson, Elser Moskowitz Edelman & Dicker	Hammons v. Ross	Defendant
2007	Susan S. Quist Nelson Mullins 151 Meeting St. Sixth Floor Charleston, SC 29401-2239	Martin v. Kinmartin	Defendant
2007	Darryl D. Smalls Nelson Mullins 1320 Main St., 17th Floor Columbia, SC 29201	Charlotte Ryner v. Waffle House	Defendant
2007	Solicitor W. Giese 1701 Main Street Columbia, SC 29201	State of SC v. Filyaw	Prosecution
2007	Elbert Dorn Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Celestine Jefferson v. Ford	Defendant
2007	Julius W. McKay, II McKay, Cauthen, Settana, & Stabley PO Box 7217 Columbia, SC 29202-7217	June w. Snead v. Larw. Nelson, MD	Defendant
2007	David S. Cox Buist, Moore, Smythe, & McGee PO Box 999 Charleston, SC 29402	Phillip K. Perry & Patricia Perry v. Palmetto Lowcountry Behavioral Health & Peter J. Sukin, MD	Defendant
2007	Caroline Cleveland Cleveland Law 171 Church St. Ste. 310 Charleston, SC 29401	Natale v. Richmond	Defendant
2007	William P. Steinhaus, Esq. Ogletree, Deakins, Nash Smoak & Stewart 600 Peachtree St., NE Suite 2100 Atlanta, GA 30308	Milliken v. Stephens	Defendant
2007	Johnston Cox, Esq. Ellis Lawhorne & Sims 1501 Main Street 5th Floor Columbia, SC 29201	Anderson v. Belonolskaya	Defendant

2007	Michelle Seldin Silverman, Esq. Dechert LLP Princeton Pike Corporate Center 997 Lenox Dr., Bldg 3, Ste 210 Lawrenceville, NJ 08648-2317	Astra Zeneca	Defendant
2007	Josie De Gennaro SC Board of Medical Examiners PO Box 11329 Columbia, SC 29211-1329		
2007	Curtis Ott, Esq. Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Brooks & Brooks v. Zeigler	Defendant
2007	Weldon Johnson, Esq. Barnes Alford Stork & Johnson PO Box 8448 Columbia, SC 29202-8448	Conrad & Conrad v. Columbia HCA	Defendant
2007	Thomas Nelson, Esq. Futeral Law Firm PO Box 1543 Mt Pleasant SC 29464	Stanton case	Plaintiff
2007	Jim Myrick, Esq. Buist Moore Smythe & McGee PO Box 9999 Charleston, SC 29402	White case	Plaintiff
2006	Samuel R. Clawson Clawson & Staubes, LLC 126 Seven Farms Dr. Ste 200 Charleston, SC 29492-7595	Campbell v. Wrenn	Defendant
2006	Caroline Cleveland Cleveland Law 171 Church St. Ste 310 Charleston, SC 29401	Woodall v. Public Works of the City of Charleston	Defendant
2006	Michael Bogle Womble Carlyle Sandridge & Rice 550 South Main St., Ste 400 Greenville, SC 29601	Forrester v. APAC-Southeast	Defendant
2006	Paul Tinkler 154 King St., 3rd Floor Charleston, SC 29401	Harth v. Harth	Divorce case
2006	Julius W. McKay, II McKay, Cauthen, Settana, & Stublely PO Box 7217 Columbia, SC 29202-7217	John Doe #11 v. SCDJJ	Defendant
2006	Julius W. McKay, II McKay, Cauthen, Settana, & Stublely PO Box 7217 Columbia, SC 29202-7217	Thomas v. Heath & Three Rivers Behavioral Health Sys	Defendant
2006	Todd W. Smyth Haynsworth Sinkler Boyd, PA	Murphy & Murphy v. Palmetto Lowcountry Behavioral Health	Defendant

PO Box 340 Charleston, SC 29402-340	Fermo & Lopez	
2006 David Mauldin PO Drawer 2247 Aiken, SC 29801	State v. William Adams	Defendant (Criminal murder trial)
2006 Thomas Nelson Futeral Law Firm 1004 Anna Knapp Blvd. 2nd Floor Mt Pleasant, SC 29464	Rhonda Graham	Plaintiff
2006 Lt Col. Eric J. Roth Department of the Air Force 4FW/JA, 4th Fighter Wing 1540 Goodson St., Ste 100 Seymour Johnson AFB, NC 27531-2427	Howell v. Dept. of Air Force	Defendant
2006 Kirby D. Shealy, III Baker Ravenel Bender 3710 Landmark Dr., Ste 400 Columbia, SC 29204	Fairchild & Fairchild v. SC Dept of Transportation, Palmer, et al	Defendant
2006 Charles H. Gibbs, Jr. Haynsworth Sinkler Boyd, PA PO Box 340 Charleston, SC 29402-0340	Schantz & Schantz v. Republic Parking, City of Charleston, Bennett-Hofford, etc.	Defendant
2006 Ruskin C. Foster McCutchen Blanton Johnson & Barnette PO Drawer 11209 Columbia, SC 29211-1209	Sam Altman	Plaintiff
2006 Arthur C. Pelzer Barnwell Whaley Patterson & Helms PO Drawer H Charleston, SC 29402-0197	Baker v. Arpaio & the Citadel Kana v. Arpaio, et al	Defendant
2006 Roy F. Laney Riley Pope & Laney PO Box 11412 Columbia, SC 29211	John Doe #7 v. SCDJJ	Defendant
2006 Patrick Frawley, Esq. Nicholson, Davis, Frawley, PO Box 489 Lexington, SC 29071-0489	John Doe #4 v. SCDJJ	Defendant
2006 Patrick Frawley, Esq. Nicholson, Davis, Frawley, PO Box 489 Lexington, SC 29071-0489	John Doe #3 v. SCDJJ	Defendant
2006 Julius W. McKay, II J. Eric Kaufmann McKay, Cauthen, Settana, & Stublely PO Box 7217 Columbia, SC 29202-7217	John Doe #16 v. SCDJJ	Defendant

2006 Brad B. Easterling Turner Padgett Graham & Laney PO Box 1509 Greenville, SC 29602	Manning v. Winn-Dixie	Defendant
2006 Todd W. Smyth Haynsworth Sinkler Boyd, PA PO Box 340 Charleston, SC 29402-340	Linog v. Yampolsky & Bradham	Defendant
2006 Elbert Dorn Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Lejoie v. Ford	Defendant
2006 Samuel C. Weldon Turner Padgett Graham & Laney PO Box 1509 Greenville, SC 29602	Dusty Ashley v. City of Anderson	Defendant
2006 John P. Meadors Deputy Solicitor 1701 Main Street Columbia, SC 29201	State of SC v. Robert David	Prosecution (Evaluation in murder trial - not tried)
2006 Joseph G. Eaton Barnes & Thornburg 11 South Meridian Street Indianapolis, IN 46204-3535 and Carl Epps Nelson Mullins Meridian, 17th Floor 1320 Main Street Columbia, SC 29201	Creaturo v. Chas. County Schools	Defendant
2006 Cherie W. Blackburn Nelson Mullins 151 Meeting St. Sixth Floor Charleston, SC 29401-2239	Tesar v. Potter, Postmaster Gen. US Postal	Defendant
2006 Paul Kuhnel Wooten Hart PO Box 12247 Roanoke, VA 24024-2247	Furr v. Plains Pharmacy	Defendant
2006 H. Michael Bowers Nexsen Pruet PO Box 486 Charleston, SC 29402	M. Moore v. R & L Transfer	Defendant
2006 Kathleen Cleary Deputy Public Defender One North Capitol, Ste. 800 Indianapolis, IN 46204	State of Indiana v. T. Pruitt	Defense (Criminal death penalty appeal)
2005 Roger L. Young Narron & Holdford, PA Attorneys and Counselors at Law 204 North Tarrboro St. Drawer 279 Wilson, NC 27894-0279	Steven Stogdale	Plaintiff
2005 Christopher M. Kelly, Esq.	McDaniel v. Curtin Trucking	Defendant

Gallivan, White & Boyd, P.A. P.O. Box 10589 Greenville, SC 29603		
2005	Leslie M. Whitten Young Clement Rivers and Tisdale Buick, etc. 25 Broad Street PO Box 993 Charleston, SC 29402-0993	Jones v. Harold Arnold's Sentry Defendant
2005	Steve Darling Haynsworth, Sinkler Boyd PO Box 340 Charleston, SC 29402-0340	Marek v. Bulldog Express Defendant
2005	John P. Meadors ** Deputy Solicitor 1701 Main Street Columbia, SC 29201 Phone 843-576-1800	State v. Pittman * note - originally worked with Solicitor Justice on this case, but case was tried by Sol. Giese and Meadors Prosecution (Criminal death penalty trial)
2005	H. Stanley Feldman 3691 Paramount Drive North Charleston, SC 29418	Whelchel Defendant (criminal)
2005	John P. Meadors Deputy Solicitor 1701 Main Street Columbia, SC 29201	State v. Quincy Allen Prosecution
2005	Patrick Frawley, Esq. Nicholson, Davis, Frawley, Anderson & Ayer, LLC PO Box 489 Lexington, SC 29071-0489	John Doe #1 v. SCDJJ Defendant
2005	Patrick Frawley, Esq. Nicholson, Davis, Frawley, Anderson & Ayer, LLC PO Box 489 Lexington, SC 29071-0489	RE: John Doe #13 v. SCDJJ Defendant
2005	E. Mitchell Griffith, Esq. Griffith, Sadler & Sharp, PA PO Drawer 570 Beaufort, SC 29901-0570	Sugarman v. Kelly Defendant
2005	Christopher M. Kelly, Esq. Gallivan, White & Boyd, P.A. P.O. Box 10589 Greenville, SC 29603	Gardner & Gardner v. Cardinal Transport, etc. Defendant
2005	Charles E. Hill Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Ingram v. Lancaster Hosp. Corp. Defendant
2005	Charles E. Hill Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Sherbondy & Sherbondy v. Michael Shride, DC & Northpointe Chiropractic Cntr Defendant
2005	Ruskina C. Foster McCutchen Blanton Johnson	J. Jacob v. SCDSS & A. Washington v. SCDSS Defendant

& Barnette PO Drawer 11209 Columbia, SC 29211-1209		
2005 Elbert Dorn	Henderson/Carolyn/Hailey v. Ford Motor Co. Hoffman Rental	Defendant
Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202		
2005 Ray P. McClain	Kinnally v. Marriott International	Plaintiff
38 Broad Street Third Floor Charleston, SC 29401		
2005 Julius W. McKay, II	M. Longway v. L.W. Nelson	Defendant
McKay, Cauthen, Settana, Martin & Addison PO Box 7217 Columbia, SC 29202-7217		
2005 Ronald J. Jebaily	D. Whaley v. Nan Ya	Plaintiff
Jebaily Law Firm PO Box 1871 Florence, SC 29503-1871		
2005 Elbert Dorn	Carla Laurie v. Ford Motor Co.	Defendant
Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202		
2005 Stuart Mauney	Hickman v. R. Goode & Waste Mgmt. of SC	Defendant
Gallivan, White & Boyd PO Box 10589 Greenville, SC 29601		
2005 Matthew R. Hubbell	William Coker	Defendant (criminal)
Seven State Street Charleston, SC 29401		
2005 Mary Katherine Greene	Watkins & Chirchirillo v. Eli Lilly & Dr. Davis	Defendant
Carlock, Copeland, Semier & Stair PO Box 56887 Atlanta, GA 30343-0887		
2005 Andrew S. Halio	Richard & Julie Fowler v. Wayne K. Kuenzi	Defendant
Halio & Halio PO Box 747 Charleston, SC 29402-0747		
2005 William P. Early	Latonia Wine, . . . N. Judge, Laquana Wine, Clarence Scott, v. Chas. County Housing & Redev. Authority & Eady Air Conditioning	Defendant
Pierce, Hennis, Sloan & McLeod 321 East Bay St. Charleston, SC 29401		
2005 Paul E. Hammack	Summey v. McCoy Coach Co	Defendant
Leatherwood Walker Todd & Mani & Myers 300 East McBee Ave, Ste 500 Greenville, SC 29601		
2005 Douglas L. Lineberry	Davis/Nelson v. Snelling	Defendant
Nelson Mullins Riley & Scarborough, LLP		

151 Meeting St. Sixth Floor Charleston, SC 29401-2239		
2005 Andrew S. Halio Halio & Halio PO Box 747 Charleston, SC 29402-0747	John & Jane Doe v. Samuel J. Annand	Defendant
2005 E. Mitchell Griffith Griffith, Sadler & Sharp, PA. 600 Monson Street PO Drawer 570 Beaufort, SC 29901-0570	Donald Gordon v. Edward Wright	Defendant
2004 The Honorable Diane S. Goodstein	Bruce Orr	IME completed for the court
2004 Frank Gibbes Haynesworth Sinkler Boyd PO Box 2048 Greenville, SC 29602-2048	Corey v. GE Medical Systems	Defendant
2004 E. Mitchell Griffith Griffith, Sadler & Sharp PO Drawer 570 Beaufort, SC 29901-0570	Sugarnan v. Paul George Kelly, Hilton Head Plantation, etc.	Defendant
2004 Curtis L. Ott Turner Padgett Graham & Laney PO Box 1473 Columbia, SC 29202	Southerland, Jr. v. Pursley	Defendant
2004 Todd W. Smyth Haynesworth Sinkler Boyd PO Box 340 Charleston, SC 29402-0340	Finnell v. CVS Pharmacy	Defendant
2004 J. Ben Alexander PO Box 2048 Greenville, SC 29602-2048	Beeco v. Greenville Hospital, etc.	Defendant
2004 John A. Heilig The Heilig Firm Halifax Bldg., Suite 325 6161 Kempsville Circle Norfolk, VA 23502	Threlkeld v. Riverside Reg. Hospital	Plaintiff
2004 Marya Hardee-Thomas 130 East Richardson Ave. Summerville, SC 29483	Joseph Weaver	Defendant (criminal)
2004 Johnnie W. Baxley, III Willson, Jones, Carter & Baxley 501 Wando Park Blvd., Ste 100 Mt Pleasant, SC 29464	Laurel King	Defendant
2004 T. David Rheney Clarkson, Walsh, Rheney & Turner, PA PO Box 6728 Greenville, SC 29606	McCurdy & McCurdy v. Swift Transportation, etc.	Defendant
2004 Wallace G. Holland Young Clement Rivers & Tisdale 28 Broad Street	case name???	?

2004	Charles B. McFadden, Jr. Haynesworth Sinkler Boyd PO Box 2048 Greenville, SC 29602-2048	Reece v. Greenville Hospital System	Defendant
2004	John R. Justice** Solicitor for the Sixth Judicial Court PO Box 607 Lancaster, SC 29721	State v. Pittman	Prosecution
2004	Andrew S. Culbreath Love Thornton Arnold & Thomason PO Box 10045 Greenville, SC 29603	Bethea v. Cox & Affiliated Counseling & Psychotherapy Centers	Defendant
2004	Todd W. Smyth Haynesworth Sinkler Boyd, PA PO Box 340 Charleston, SC 29402-0340	Robinson & Robinson v. Palmetto Plastic Surgery & R. Young, MD	Defendant
2004	Todd W. Smyth Haynesworth Sinkler Boyd, PA PO Box 340 Charleston, SC 29402-0340	Harmon v. Warner-Lambert Co. Pfizer, & Rooney, MD	Defendant
2004	Ronald J. Jebaily Jebaily Law Firm PO Box 1871 Florence, SC 29503-1871	Bray v. Marathon Corp.	Plaintiff
2004	Christopher M. Kelly Gallivan, White & Boyd, P.A. P.O. Box 10589 Greenville, SC 29603	McDaniel v. Curtin Trucking, Inc & Mack Gantt	Defendant
2004	Matthew J. Story Clawson & Staubes, LLC 304 Meeting Street Charleston, SC 29401	Wayne Wall v. Hill Electric	Defendant
2004	Ian Douglas McVey Riley Pope & Laney PO Box 11412 Columbia, SC 29211	John Doe #5 v. SCDJJ	Defendant
2004	William Shaughnessy Turner, Padgett, Graham & Laney, PA PO Box 1509 Greenville, SC 29602	Lindsey v. Donnelly	Defendant
2004	E. Mitchell Griffith Griffith, Sadler & Sharp 600 Monson Street Po Drawer 570 Beaufort, SC 29901-0570	Janet Miller v. Ferrellgas & Ellis	Defendant
2004	William Shaughnessy Turner, Padgett, Graham & Laney, PA PO Box 1509 Greenville, SC 29602	Smith v. Bon Secourse Hospital	Defendant

2004	Elbert S. Dorn Turner, Padgett, Graham & Laney, PA PO Box 1473 Columbia, SC 29202	Carter/Watson v. Ford Motor Co.	Defendant
2003	David H. Keller Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Teaster v. Overnight Transport	Defendant
2003	Steven M. Pruitt McDonald Patrick Tinsely Baggett & Poston 414 Main Street Greenwood, SC 29646	Sutton as PR of the estate of Michael D. VanGieson v. Piedmont Mental Health Ctr.	Defendant
2003	Russell W. Harter Chapman, Harter & Groves PO Box 10224 FS Greenville, SC 29603	Hilton v. LLra	Defendant
2003	Frederick Rom Womble Carlyle Sandridge & Rice PO Box 831 Raleigh, NC 27602	Thomas v. Novartis	Defendant
2003	Ronald H. Colvin 1208 John B. White, Sr. Blvd. Spartanburg, SC 29306	Smith v. Henderson, MD & Family Practice Center	Defendant
2003	James D. Nance Nancy & McGants 218 Newberry Street, NW Aiken, SC 29801	Hilton v. C & K Transporting	Defendant
2003	Frank Gibbes Haynsworth Sinkler Boyd, PA PO Box 2048 Greenville, SC 29602-2048	Brown v. Smith & Waters	Defendant
2003	James B. Maxwell Maxwell, Freeman & Bowman 2741 University Drive PO Box 52396 Durham, NC 27717-2396	Gary Title	Plaintiff
2003	Steven M. Pruitt McDonald Patrick Tinsely Baggett & Poston 414 Main Street Greenwood, SC 29646	Hong Thi Tuyet Ho v. SCDMH	Defendant
2003	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place 11th Floor PO Box 2048 Greenville, SC 29601-2130	Green v. Clinton High School/ Laurens County School Dist #56	Defendant
2003	James Craig Orr, Jr. Heygood, Orr & Reyes, LLP Brookhollow One	Jennifer Culver	Plaintiff

2301 E. Lamar, Suite 140 Arlington, TX 76006		
2003 Roger Young Narmon & Holdford, PA 204 North Tarboro St. PO Drawer 279 Wilson, NC 27789-0279	Medical Legal Review - Williams	Plaintiff
2003 Lucille Olejar Concentra Medical Examination 100 Willowbrook Rd, Bldg. #1 Freehold, NJ 07728	Donald Whitman (IME)	Defendant
2003 George L. Garrow, Jr. Garrow & Evans, LLP 1775 Pennsylvania Ave., NW Suite 400 Washington, DC 20006-4605	Wentz v. Cohen	Plaintiff
2003 John Heilig The Heilig Firm Halifax Bldg., Suite 325 6161 Kempsville Circle Norfolk, VA 23502	Belva Lewis v. First Hospital Corporation of Virginia Beach	Plaintiff
2003 Stephen D. Baggett McDonald Patrick Baggett Poston & Hemphill 414 Main Street Greenville, SC 29646	?	
2003 Amy E. Mathisen Young Clement Rivers & Tisdale 25 Broad Street PO Box 993 Charleston, SC 29402-0993	McManus v. Care Alliance Health Services	Defendant
2003 Paul E. Hammack Leatherwood Walker Todd & Mann 300 East McBee Ave, Ste 500 Greenville, SC 29601	case name???	?
2003 Chad J. McCutchen Hood Law Firm 172 Meeting Street PO Box 1508 Charleston, SC 29402	Lewis, Davis & Woods v. Superior Cranes	Defendant
2003 James Craig Orr, Jr. Heygood, Orr & Reyes, LLP Brookhollow One Arlington, TX 76006	John Earl Fisher, Jr.	Plaintiff
2003 Johnnie W. Baxley, III Willson, Jones, Carter & Baxley 501 Wando Park Blvd, Ste 100	Ruthie Gadsen	Defendant
2002 Henry M. Sackett, III Edmunds & Williams Suite 400, PO Box 958 Lynchburg, VA 24505-0948	Bohannon v. Sloan, etc.	Defendant
2002 Name of attorney?	Haley v. Giovenetti	?

Crews & Hancock, PLC Seven Hundred Building 700 East Main St., Suite 1015 PO Box 1474 Richmond, VA 23218-1474		
2002 Maibeth J. Porter Maynard, Cooper & Gale, PC 1901 Sixth Avenue North 2400 AmSouth/Harbert Plaza Birmingham, AL 35203-2618	Ennis v. American Home Products, Inc.	Defendant
2002 William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place 11th Floor PO Box 2048 Greenville, SC 29601-2130	Cambell v. Michelin	Defendant
2002 Jeffrey R. Gilbert Haynesworth Sinkler Boyd 75 Beattie Place 11th Floor PO Box 2048 Greenville, SC 29601-2130	Harnix v. Emitee	Defendant
2002 William K. Diehl James, McElroy & Diehl 600 South College Street Charlotte, NC 28202	Mitchener v. Mitchener	Plaintiff
2002 Terry Gaffney Womble Carlyle Sandridge & Rice 1401 Eye Street Washington, DC 20005	Alzheimer's v. MCI	Defendant
2002 David H. Keller Haynesworth Sinkler Boyd 75 Beattie Place 11th Floor PO Box 2048 Greenville, SC 29601-2130	Criddle v. Paralyzed Veterans of America	?
2002 Thomas M. Sears, Jr. Haynesworth Sinkler Boyd 75 Beattie Place 11th Floor PO Box 2048 Greenville, SC 29601-2130	Harvey v. Cisson Construction	Defendant
2002 Ronald L. Harrop Gurney & Handley, PA Two Landmark Center 225 East Robinson Street Suite 450 PO Box 1273 Orlando, FL 32802-1273	Deffenbaugh v. Shands	?
2002 D. Alan Rudlin Hunton & Williams Riverfront Plaza	Fertilizer Trial (actual name of case???)	Defendant

2002	East Tower 951 East Byrd Street Richmond, VA 23219 Tina Pomerleau C433 Unum Provident 2211 Congress Street Portland, Maine 04112	Name of case???	Plaintiff
2002	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place 11th Floor PO Box 2048 Greenville, SC 29601-2130	Norris v. Greenville Hospital	Defendant
2002	Thad H. Westbrook Nelson Mullins Riley & Scarborough, LLP Keenan Bldg, Third Floor 1330 Lady Street PO Box 11070(29211) Columbia, SC 29201	Jones v. TransSouth Citifinancial Mortgage	Defendant
2002	Kevin D. Phillips DeAntonio Law Firm, LLC 11 Broad Street Charleston, SC 29401	Vander Linde v. Haase	Defendant
2002	E. Mitchell Griffith Griffith, Sadler & Sharp PO Drawer 570 Beaufort, SC 29901-0570	Niepmann v. Russell & Downer Auto Transportation	Defendant
2002	Anthony S. Maska Galloway, Johnson, Tompkins, Burr & Smith One Shell Square 701 Poydras Street New Orleans, LA 70139	Nimmons et al v. estate of Khaleelah T. Bryant	?Plaintiff
2001	Russell W. Harter Chapman, Harter & Groves PO Box 10224-FS Greenville, SC 29603	Calenders v. Ellinberg	Defendant
2001	Bill Maynard Beirne, Maynard & Parsons 1300 Post Oak Blvd Suite 2500 Houston, TX 77056-3000	Boylan v. American Airlines	Defendant
2001	Robert J. Durant, Jr. 2800 Financial Plaza Providence, RI 02903-2499	Reine v. CVS	Defendant
2001	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Stansell v. Health Management Resources	Defendant

2001	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Keenan v. Hardees Food Systems, Inc.	Defendant
2001	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Stribling v. St. Frances	Defendant
2001	Bill Maynard Beirne, Maynard & Parsons 1300 Post Oak Blvd Suite 2500 Houston, TX 77056-3000	Koen v. American Airlines, Inc.	Defendant
2001	Conrad C. Baldwin Womble Carlyle Sandridge & Rice 200 West Second Street PO Drawer 84 Winston-Salem, NC 27102	Windorski Fenfluramine/ Dexfenfluramine	Defendant
2001	Conrad C. Baldwin Womble Carlyle Sandridge & Rice 200 West Second Street PO Drawer 84 Winston-Salem, NC 27102	Mooney Fenfluramine/ Dexfenfluramine	Defendant
2001	Wayne Bond Womble Carlyle Sandridge & Rice One Atlantic Center 1201 West Peachtree St. Atlanta, GA 30309	Huckeba v. Novartis	Defendant
2001	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Boston v. Michelin Tire Corp. & Cigna Property & Casualty	Defendant
2001	Tracy Welsh Tiddy Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Forrester v. Barker	Defendant
2001	William Shaughnessy Haynesworth Sinkler Boyd 75 Beattie Place, 11th Floor PO Box 2048 Greenville, SC 29601-2130	Davis v. Hitachi Electronic Devices	Defendant
2001	Ms. M. Lee Cheney Womble Carlyle Sandridge & Rice PO Box 13609 Research Triangle Park, NC 27709	Hittepole v. Christ Beach Pederson (UNC)	Defendant
2001	Derek Dean Simons & Keaveny 147 Wappoo Creek Dr., Ste 604	Conley v. Carmak	?

2001	Charleston, SC 29412 Roger Young Narron & Heoldford, PA 204 North Tarboro St Drawer 279 Wilson, NC 277894-0278	Princhas "Nields" Devere	Plaintiff
2001	Roger Young Narron & Holdford, PA 204 North Tarboro St Drawer 279 Wilson, NC 277894-0278	Pamela Jenkins	Plaintiff
2001	Lisa A. Thomas McCutcheon, McCutcheon & Baxter 208 Elm Street PO Box 1003 Conway, SC 29528-1003	Dumas as personal rep. of the estate of Patricia King v. D. Michael Woodward, MD Carolina Neurology & Sleep Disorders Ctr.	Defendant
2001	B. Brent Terry Misner, Scott & Grate 1050 Crown Point Parkway Suite 1010 Atlanta, GA 30338	Gentes v. Stone Mtn. Chevrolet	Defendant
2001	Charlie H. Gibbs, Jr. Sinkler & Boyd, PA 160 East Bay Street Charleston, SC 29401-2120	Royal Cup v. Thornley	Defendant
2001	John Heilig Heilig, McKenry, Fraim & Lollar Stoney Point Center 700 Newton Road Norfolk, VA 23502-3999	Haley v. Sentara Hospitals	Defendant
2001	Chip Breese Thompson & Knight 1200 San Jacinto Center 98 San Jacinto Blvd. Austin, TX 78701-4081	Wilson v. American Airlines	Defendant

3 Q. How much do you get paid for your
4 services?

5 A. I'm paid \$680 an hour in this case
and
6 in other cases.

7 Q. So how much does it add up to?

8 A. Actually, I don't know. I don't think
9 I've been paid except your retainer.

(Ballenger Depo. p. 18, 3-9).

Expert Witness Retention Contract

1. **Parties.** This contract is made between James C. Ballenger, M.D. ("Expert") and the Law Firm of Willson Jones Carter & Baxley ("Client") regarding the underlying legal matter of Provins v. Spirit Construction.
2. **Retention.** The parties agree that Expert will only become retained by Client once this contract has been mutually executed and Client has paid the initial non-refundable retention retainer specified in paragraph 4.b. Expert has no duties to Client until such time.
3. **Expert's Fees and Expenses.** The parties agree that the fee for all time Expert spends on the case will be compensated at a rate of \$ 680.00/hour. It is agreed that this specifically includes (but is not limited to) research, conferences, consultations with Client, reviewing documents, organizing documents, analysis, testing, responding to discovery requests, report writing, testifying, investigating, reading and signing deposition transcripts, local portal-to-portal travel, waiting time, preparing exhibits, preparing demonstrative aids, and preparation time for testifying at deposition, trial, hearing, arbitration or other venues. Expert's time will be tracked and invoiced to the nearest one quarter of an hour. Duties that reasonably require overnight travel will be billed at the hourly rate of \$ 680.00 to a maximum of \$ 8160.00/day. In any and all events, Client will be responsible for all reasonable out of pocket expenses including, but not limited to travel, testing, research, copying, storage of evidence or documents, etc.
4. **Payment Terms.**
 - a. All payments are to be made to: James C. Ballenger, M.D.
192 East Bay Street, Suite 204
Charleston, SC 29401
 - Expert's Taxpayer ID# (if applicable) is: 238-68-7661.
 - b. The retention retainer amount is \$5000.00. Expert will invoice against this retainer.
 - c. Expert agrees to invoice client no less frequently than monthly.
 - d. All invoices will be paid within 30 days - or sooner if so specified in this Contract.
 - e. Overdue invoices will accrue interest at a rate of 1.5% per month.
 - f. Fees for any time Expert is asked to reserve for testifying (at trial, hearing, deposition, arbitration or other venue) and preparation for said testimony must be paid in advance and in full 5 (five) business days prior to the time reserved for the scheduled testimony. Expert is under no contractual obligation to reserve the time or appear to testify and provide opinions unless Expert has received this payment in full at least 5 (five)

business days prior to the time reserved for the scheduled testimony. These same agreements apply to scheduled Independent Medical Exams (IME).

- g. Client is responsible for collecting any and all deposition fees owed by other lawyers or parties. In the event Expert's deposition fees are reduced by court order, Client shall still pay Expert's full fee specified in paragraph 3.
- h. Expert will invoice Client upon completion of Expert's report(s). All fees must be paid in full before a report is released to Client, other parties or anyone else. Expert is under no duty to release a report until Expert has been paid in full for all work performed to date.
- i. Expert will invoice Client before scheduled testimony for any outstanding fees and expenses for work performed to date. All such fees must be paid in full before Expert testifies. Expert is under no contractual duty to appear to testify and provide opinions until Expert has been paid in full for all outstanding services performed and expenses incurred on behalf of Client.

5. Fees for Late Notice Cancellation or Rescheduling of Testimony.

- a. Client understands that Expert will suffer damages from late notice cancellation or rescheduling of Expert's testimony and that since the precise amount of these damages would be difficult to determine, Expert shall instead be entitled to the cancellation and rescheduling fees specified in paragraphs 5.c and 5.d.
- b. The fees specified in paragraph 4.f. are 100% refundable to Client in the event Expert's scheduled testimony or Independent Medical Exam (IME) is cancelled or rescheduled with notice to Expert of 3 (three) or more business days.
- c. In the event Expert's scheduled testimony or IME is cancelled or rescheduled with 1 (one) or 2 (two) business days' notice, Expert may retain a cancellation fee of 50% the amount from paragraph 4. f. The remaining amount will at Client's option be applied to future testimony or refunded to Client.
- d. In the event of same day cancellation or rescheduling of Expert's Testimony (or IME) or if Expert's testimony (or IME) is completed in less time than was reserved pursuant to paragraph 4. f., Expert may retain 100% of the amount specified in paragraph 4.f.
- e. In the event of any cancellation or rescheduling of testimony, Client shall be responsible for all non-refundable out of pocket travel expenses incurred by Expert such as airline tickets and hotel rooms.

6. Duties of Client. The Client's duties specifically include, but are not limited to:

- a. Abiding by the applicable rules of professional conduct for attorneys.
- b. Making all payments as specified in Paragraphs 4 and 5 under the terms as specified in Paragraphs 4 and 5.
- c. Providing Expert with copies of or access to all non-privileged, arguably relevant documents, evidence and other materials in the underlying legal matter.
- d. Notifying Expert of all parties and attorneys in the case so that Expert can check for conflicts of interest.
- e. Where circumstances reasonably allow, providing Expert with prompt notice of any *Daubert* motions, *Frye* motions, motions in limine, or other pre-trial motions made by other parties or persons to restrict, exclude or in any way limit Expert's testimony or Expert's participation in the underlying legal matter.
- f. Obtaining Expert's advance approval (for accuracy) of the relevant portions of any and all answers to interrogatories, motions, expert designations or other documents which summarize Expert's qualifications, methodology, opinion(s) and/or anticipated testimony.
- g. Being available as reasonably requested to meet with Expert prior to anticipated testimony.
- h. Promptly notifying Expert of when and where Expert may be requested to appear to testify.
- i. Promptly notifying Expert of any issues related to paragraph 8.b. to which Client is or becomes aware of.
- j. Promptly notifying Expert of the settlement or final adjudication of the underlying legal matter.

7. Duties of Expert. The Expert's duties are:

- a. To truthfully represent Expert's credentials.
- b. To formulate with honesty and due care and truthfully express Expert's opinion(s) in those areas (and only those areas) where Expert feels qualified to render an opinion and where Client has requested an opinion. Client agrees that Expert's opinion(s) are not preordained, might be contrary to Client's position, and are subject to modification as a result of new or additional information.
- c. To cease work on the underlying legal matter and promptly inform Client whenever Expert has accrued unpaid fees and expenses totaling more than \$ 5000.00

In this event, Expert shall not perform further work on the underlying legal matter until approval is given by Client:

- d. Expert is under no duty to provide and express opinions if Expert is given time deadlines or cost-based or other restrictions by Client that would not reasonably allow Expert to in good faith formulate and express his opinions with reasonable care.
- e. Subject to paragraph 7.d., to prepare a written report if Client requests one.
- f. Subject to paragraph 7.d. and to circumstances beyond the Expert's control, to meet all reasonable deadlines requested by Client.
- g. To retain and preserve (during this engagement) all evidence provided to Expert from the underlying legal matter unless Client gives written permission for destructive testing or the like.
- h. To be available on reasonable notice to testify.
- i. To be available on reasonable notice to consult with Client. Expert's cellular number is 843-810-1382.
- j. To work exclusively with Client in the underlying legal matter unless the parties mutually agree in writing otherwise.
- k. Upon receipt from Client of the list of attorneys and parties specified in paragraph 6.d., to within 30 days check for conflicts of interest with due care and within the same 30 day period to notify Client of any conflicts of interest discovered that preclude Expert's further involvement in the underlying legal matter.

8. Expert's Right of Withdrawal From Case. Expert shall have the absolute right to withdraw, without any liability, from the case if Client violates any of the duties specified in paragraph 6 above or if:

- a. Expert discovers a conflict of interest which precludes Expert's further involvement in the underlying legal matter.
- b. Expert discovers that because of legal restrictions Expert's involvement or testimony in the case could reasonably be deemed to be practicing Expert's profession without a license.

9. Withdrawal. Notice of withdrawal under Paragraph 8 shall be in writing from Expert to Client. In the event of withdrawal, the parties agree that Client remains fully liable for all accrued but unpaid fees, expenses, and interest.

10. Termination. This contract shall be terminated upon written notice to Expert from Client at any time, by Expert's withdrawal pursuant to paragraph 8, at such time as Client is no longer

involved in the underlying legal matter, or upon the settlement or final adjudication of the underlying legal matter. In the event of termination Client is still responsible for all sums owed Expert.

- 11. Document/Evidence Retention.** Expert shall have no duty to retain any documents, reports, evidence, transcripts, exhibits, e-mails, electronic files or other materials from the underlying legal matter for more than 30 (thirty) days following the termination of this agreement. Expert shall return (at Client's expense) all records and evidence in the underlying legal matter to Client if a written request to do so is received by Expert within the 30 (thirty) days following the termination of this agreement.
- 12. Airline Flights.** All airline flights taken by Expert shall be direct, non-stop, coach class where possible.
- 13. Disputes.** Any controversy, claim or dispute arising out of or relating to this Contract, shall be resolved through binding arbitration conducted in accordance with the rules of the American Arbitration Association in the State in which the Expert is domiciled. The law of the State in which the Expert is domiciled will be the governing law. The arbitration award will be enforceable in any state or federal court. In any arbitration or court proceeding, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs. In addition, Client shall be responsible for payment of attorneys' fees and expenses associated with the Expert's efforts to collect monies owed under the terms of this Contract.
- 14. Miscellaneous.** Each party agrees that it may not assign its interest, rights or duties under this Contract to any other person or entity without the other party's prior approval. (Expert is under no duty to work for successor law firms on the underlying legal matter.) The performance of this contract by either party is subject to acts of God, death, disability, government authority, disaster or other emergencies, any of which make it illegal or impossible to carry out the agreement. It is provided that this contract may be terminated for any one or more of such reasons by written notice from one party to the other without liability. If either party agrees to waive its right to enforce any term of this contract, it does not waive its right to enforce any other terms of this contract. This written contract represents the entire understanding between the Expert and Client. The individual signing this contract on behalf of Client represents and warrants that he/she is duly authorized to bind Client.
- 15. Additional Provisions (check all those that apply).**

- a. ☐ **Expert Unavailable** Notwithstanding Paragraph 7 Expert is unavailable to perform obligations under this contract during the following time frame(s):

b. ☐ **Business Class Flights.** Notwithstanding paragraph 12, all flights taken by Expert longer than _____ hours shall be by business class, or first class if business class is unavailable.

c. ☐ **Split Hourly Rate.** Notwithstanding paragraph 3, the hourly rate for

shall be \$ _____ /hr.

d. ☐ **Scope of Work.** Client is requesting an opinion in the following area(s):

e. ☐ **Additional terms are attached to this contract as "Appendix A."**

f. ☐ **The following additional terms apply:**

i. ☐ _____

ii. ☐ _____

EXPERT, by

CLIENT, by

Signature

Signature

Print Name

Print Name

Date:

Date:

10 A. There's no record or evidence provided
11 to suggest that Mr. Provins suffered from ongoing
12 alcohol or mood-related issues and at the end of
13 the next sentence he reintegrated with his family
14 and the community unfettered by his 2009 bout with
15 alcohol.

16 Q. Right, which means he recovered and
17 kept on moving. Right?

18 Does that mean he stopped drinking
19 alcohol? It said that he wasn't getting in
20 trouble. Isn't that your perception?

21 A. No.

22 Q. Which record in there tells us he said
23 he stopped drinking?

24 A. Well, the totality of the evidence in
25 those two sentences tells me that. Dr. Martin's a
1 psychiatrist and he knows that Mr. Provins was a
2 longstanding severe alcoholic. So these sentences
3 convey clearly to me that he was saying that he was
4 not having any trouble with alcohol and he's really
5 implying he was not drinking.

6 Q. Okay. So you are reading into that?

7 A. Yeah. That's an expert

8 MR. KILLEN: Objection.

9 THE WITNESS: -- meaning of this.

Ballenger Depo., p. 10, 10-25; 11, 1-9).

19. Q. Between those bottom lines there what does
20. that say?
21. A. Three spells. Drinks beer. States
22. that his eyes roll back in his head. Refer to -
23. at the bottom it says he diagnosed syncope episode,
24. possible seizure disorder.
25. Q. It doesn't say anything about alcohol,

1 does it?

2 A. No. I mean, in the other note it
3 says syncope episodes, rule out seizures. Now,
4 this is what doctors do even though in my
5 reading -- again, I'm an addiction doctor. When
6 I read passing out three to five times and nsta
7 down for a minute or two and then I use the word
8 "blackout spells" it's most likely

9 It could be seizures for one reason,
10 one, because it could just be plain old seizures.
11 Two, alcoholics have seizures because of withdrawa
12 issues. It doesn't say except it does say -- to
13 it says it. If you want to be technical the docto
14 doesn't say he thinks these are related to.
15 He has said it by using the words "blackout
16 spells."

17 Q. Isn't the passing out, though,
18 proceeded by coughing where he's not being able to
19 breathe?

20 A. Sometimes. Sometimes. I mean, that's
21 in that handwritten note.

22 Q. What I'm showing you now is

23 A. You wouldn't call them blackout spells
24 from coughing from passing out from coughing.

25 Q. No?

1 A. You would call them

2 Q. Do you know him?

3 A. No. I'm just saying, the average
4 competent doctor wouldn't do that.

5 Q. So he would be incompetent from passing
6 out from a

7 MR. KILLEN: Objection.

8 THE WITNESS: I didn't say that.
9 saying he's probably competent because he calls
10 them blackouts.

(Ballenger Depo. P. 15. 19-25; 16, 1-25; 17, 1-10).

COMMONWEALTH OF KENTUCKY
Certificate of Marriage

This is to certify:

that on the 18TH day of AUGUST, 1987

JAMES CURTIS PROVITS age 26

obtained from the JEFFERSON County Clerk in LOUISVILLE,

Kentucky, a license to marry

DEBRA ANN GREGORY age 23

and that they were married by REVEREND JOHN W. RAYHILL

at LOUISVILLE, KENTUCKY

on the 4TH day of SEPTEMBER, 1987 in the presence of

JAMES GLEN GREGORY and JILLIE MARIE COYTS

The above appears in Marriage Book No. 1987 Page 544D

on file in the office of the JEFFERSON County Clerk

IN TESTIMONY WHEREOF, I hereby certify that the foregoing was copied from the records in my custody. This certificate contains only a partial transcription of information on the marriage license form and is not the official marriage license. Such license is on file in the issuing county clerk's office. I herewith set my hand and affix the Seal

of JEFFERSON County, this 21st day of SEPTEMBER, 1987

John W. Rayhill County Clerk

1792
1992
Kentucky

Registrar of Vital Statistics

Certified Copy



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND

COMMONWEALTH OF KENTUCKY DEPARTMENT FOR HEALTH SERVICES REGISTRAR OF VITAL STATISTICS CERTIFICATE OF LIVE BIRTH				FILE NO. 116	92 27971
Registration District No. 7 5 5				REGISTRAR'S NO. 7639	Primary Registration District No. 2 2 7 5
1. CHILD'S NAME (First, Middle, Last) JESSICA MAE PROVINS			2. DATE OF BIRTH (Month, Day, Year)		3. TIME OF BIRTH 2:48 P M
4. SEX FEMALE	5. CITY, TOWN, OR LOCATION OF BIRTH LOUISVILLE, KENTUCKY			6. COUNTY OF BIRTH JEFFERSON	
7. PLACE OF BIRTH: ☒ Hospital ☐ Freestanding Birthing Center ☐ Clinic/Doctor's Office ☐ Residence			8. FACILITY NAME (If not institution, give street and number) NORTON HOSPITAL		
9. MOTHER'S MAIDEN NAME DEBRA ANN GREGORY			10. SOCIAL SECURITY NUMBER		11. AGE (At time of this Birth) 28
12. BIRTHPLACE (State or Foreign Country) Kentucky		13a. RESIDENCE STATE Kentucky		13b. COUNTY Jefferson	13c. CITY, TOWN AND LOCATION Louisville
13d. STREET AND NUMBER 12511 OLD DIXIE HWY.		13e. INSIDE CITY LIMITS? (Yes or No) #119 NO		13f. MOTHER'S MAILING ADDRESS (If same as residence, enter Zip Code only) 40272	
14. FATHER'S NAME (First, Middle, Last) JAMES CURTIS PROVINS			15. SOCIAL SECURITY NUMBER		16. AGE (At time of this Birth) 31
17. BIRTHPLACE (State or Foreign Country) KENTUCKY			18. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief. Signature of Parent or Other Informant: DEBRA PROVINS		
19. I certify that this child was born alive at the place and time and on the date stated. Signature: Douglas O. Peeno, MD		20. DATE SIGNED (Month, Day, Year) 11/28/92		21. CERTIFIER'S NAME AND TITLE (Type/Print) Name: DOUGLAS O. PEENO ☒ M.D. ☐ D.O. ☐ Hospital Admin. ☐ C.N.M. ☐ Other Midwife	
22. CERTIFIER'S MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code) 601 SOUTH FLOYD ST. LOUISVILLE, KENTUCKY 40202					
23. REGISTRAR'S SIGNATURE Amanda Rice, Deputy Registrar				24. DATE FILED BY REGISTRAR (Month, Day, Year) AUG 3 1992	



THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

I, Robert N. Hurst III, State Registrar of Vital Statistics, hereby certify this to be a true and correct copy of the certificate of birth, death, marriage or divorce of the person therein named, and that the original certificate is registered under the file number shown. In testimony whereof, I have hereunto subscribed my name and caused the official seal of the Office of Vital Statistics to be affixed at Frankfort, Kentucky this 1 day of Oct, 1992.

Registrar of Vital Statistics

Certified Copy



THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND. NOT A WHITE BACKGROUND.

COMMONWEALTH OF KENTUCKY DEPARTMENT FOR HEALTH SERVICES REGISTRAR OF VITAL STATISTICS CERTIFICATE OF LIVE BIRTH

FILE NO. 116

96 05604

REGISTRAR'S NO.

1373

Registration District No.

7 5 5

Primary Registration District No.

2 2 7 5

1. CHILD'S NAME (First, Middle, Last)

AMANDA JEAN PROVINS

2. DATE OF BIRTH (Month, Day, Year)

9:40 A M

4. SEX

FEMALE

5. CITY, TOWN, OR LOCATION OF BIRTH

LOUISVILLE

6. COUNTY OF BIRTH

JEFFERSON

7. PLACE OF BIRTH ☒ Hospital ☐ Freestanding Birthing Center

☐ Clinic/Doctor's Office ☐ Residence

☐ Other (Specify)

8. FACILITY NAME (If not institution, give street and number)

AUDUBON REGIONAL MEDICAL CENTER

9. MOTHER'S MAIDEN NAME

DEBRA ANN GREGORY

10. SOCIAL SECURITY NUMBER

11. AGE (At time of this Birth)

32

12. BIRTHPLACE (State or Foreign Country)

KENTUCKY

13a. RESIDENCE STATE

KENTUCKY

13b. COUNTY

JEFFERSON

13c. CITY, TOWN AND LOCATION

LOUISVILLE

13d. STREET AND NUMBER

12511 OLD DIXIE HWY

13e. INSIDE CITY LIMITS? (Yes or No)

NO

13f. MOTHER'S MAILING ADDRESS (If same as residence, enter Zip Code only)

40272

14. FATHER'S NAME (First, Middle, Last)

JAMES CURTIS PROVINS

15. SOCIAL SECURITY NUMBER

16. AGE (At time of this Birth)

34

17. BIRTHPLACE (State or Foreign Country)

KENTUCKY

18. I certify that the personal information provided on this certificate is correct to the best of my knowledge and belief.

Signature of Parent or Other Informant

DEBRA PROVINS

19. I certify that this child was born alive at the place and time and on the date stated.

20. DATE SIGNED (Month, Day, Year)

2/8/96

21. CERTIFIER'S NAME AND TITLE (Type/Print)

Name GEORGE KUDMANI

☒ M.D. ☐ D.O. ☐ Hospital Admin. ☐ C.N.M. ☐ Other Midwife

☐ Other (Specify)

22. CERTIFIER'S MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)

9822 THIRD STREET ROAD, LOUISVILLE, KY 40272

23. REGISTRAR'S SIGNATURE

Debra P. Rice, Deputy Registrar

24. DATE FILED BY REGISTRAR (Month, Day, Year)

FEB 15 1996



THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW.

I, Barbara F. White, State Registrar of Vital Statistics, hereby certify this to be a true and correct copy of the certificate of birth, death, marriage or divorce of the person therein named, and that the original certificate is registered under the file number shown. In testimony thereof I have hereunto subscribed my name and caused the official seal of the Office of Vital Statistics to be affixed at Frankfort, Kentucky, this 4th day of Apr., 19 96.

The seal of the Commonwealth of Kentucky is a circular emblem. It features a central illustration of a Native American man in traditional dress standing next to a woman in a long dress. Above them is the motto "UNITED WE STAND" and below them is "DIVIDED WE FALL". The outer ring of the seal contains the text "COMMONWEALTH OF KENTUCKY" and is decorated with a wreath of grapes and leaves.

3908963

201412171

KENTUCKY CERTIFICATE OF DEATH

Amended: 04/20/2014 MH

1. DECEDENT'S LEGAL NAME (First, Middle, Last) (Include AKA's if any) James Curtis Provins		1. SEX Male	
2. ACTUAL OR PRESUMED DATE OF DEATH April 14, 2014		3. SOCIAL SECURITY NUMBER 42-4587-452	
4. PLACE OF DEATH (Check only one) ☐ Hospital ☐ Inpatient ☐ Outpatient ☐ Onsite on Arrival ☐ Other (Specify) Sis. Mary and Elizabeth Hospital		5. DATE OF BIRTH Jefferson	
6. PLACE OF DEATH (Check only one) ☐ Hospital ☐ Inpatient ☐ Outpatient ☐ Onsite on Arrival ☐ Other (Specify) Sis. Mary and Elizabeth Hospital		7. COUNTY OF DEATH Jefferson	
8. BIRTHPLACE (City and State or Foreign Country) Fort Knox, KY		9. MARITAL STATUS ☐ Married ☐ Widowed ☐ Divorced ☐ Never Married ☐ Separated	
10. DECEDENT'S USUAL OCCUPATION (Kind of work done during most or normal life) Iron Worker		11. SURVIVING SPOUSE (If alive, give name and last name) Debra Gregory	
12. RESIDENCE-STATE Kentucky		13. CITY OR TOWN, STATE AND ZIP CODE Louisville, Kentucky, 40215	
14. DECEDENT'S EDUCATION (Check the highest degree or degree in progress at the time of death) ☐ 8 th Grade or Less ☐ High School Graduate or GED Completed ☐ Some College Credit But Not Degree ☐ Associate's Degree (e.g., AA, AS) ☐ Bachelor's Degree (e.g., BA, BS) ☐ Master's Degree (e.g., MA, MS, MEng, MEd, MDiv, MFA) ☐ Doctorate (e.g., PhD, EdD) or Professional Degree (e.g., MD, DDS, DVM, LL.M., J.D.)		15. DECEDENT'S RACE (Check one or more races as indicated) ☐ White ☐ Black or African American ☐ Hispanic or Latino ☐ Asian Indian ☐ Chinese ☐ Japanese ☐ Korean ☐ Vietnamese ☐ Other (Specify)	
16. FATHER'S NAME (First, Middle, Last) J.C. Provins		17. MOTHER'S NAME (First, Middle, Last) Dorothy Cheser	
18. INFORMATION NAME Debra Provins		19. RELATIONSHIP TO DECEDENT Wife	
20. METHOD OF DISPOSITION (Check only one) ☐ Burial ☐ Cremation ☐ Donation ☐ Entombment ☐ Removal from State ☐ Other (Specify) Superior Crematory		21. PLACE OF DISPOSITION (City, Town and State) Charlestown, IN 47111	
22. DATE PRONOUNCED DEAD (Month/Day/Year) 04/14/14		23. ACTUAL OR PRESUMED TIME OF DEATH 09:30	
24. CAUSE OF DEATH ACUTE RESPIRATORY FAILURE		25. MEDICAL EXAMINER OR CORNER CONTACTED ☐ Yes ☒ No	
26. MANNER OF DEATH ☐ Natural ☐ Accident ☐ Suicide ☐ Pending Investigation ☐ Homicide ☐ Could not be Determined		27. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY Newcomer Funeral Home 10304 Dixie Highway Louisville, KY 40272	
28. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No		29. OLD TOBACCO USE CONTRIBUTED TO DEATH? ☐ Yes ☒ No	
30. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☐ Yes ☒ No		31. IF FEMALE ☐ Not pregnant with past year ☐ Not pregnant but pregnant 42 days to 1 year before death ☐ Pregnant at time of death ☐ Unknown if pregnant with past year	
32. DATE OF INJURY (Month/Day/Year) 04/14/14		33. TIME OF INJURY 09:30	
34. PLACE OF INJURY (e.g., Occupant's home, restaurant, vehicle, etc.) HOME		35. TRANSPORTATION INJURY, SPECIFY ☐ Driver/Operator ☐ Passenger ☐ Other (Specify)	
36. DESCRIBE HOW INJURY OCCURRED PNEUMONIA, ACUTE RENAL FAILURE, ALCOHOL ABUSE		37. DATE CERTIFIED (Month/Day/Year) 04/22/2014	
38. SIGNATURE (Print Name, Print Last Name) KAVITA YOTULA MD		39. LICENSE NUMBER LL 38-40	
40. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH STATE KAVITA YOTULA MD, 1850 BLUEGRASS AVE., LOUISVILLE KY 40215		41. TITLE OF CERTIFIER MD	
42. REGISTRAR'S SIGNATURE Paul J. Royce		43. DATE CERTIFIED (Month/Day/Year) APR 30 2014	

FORM 75 NO. 1-A
(REVISED 02/79) 91

THIS PAPER CONTAINS A GENUINE WATERMARK WHICH CAN BE VIEWED BY TRANSMITTED LIGHT

I, Paul F. Royce, Registrar of Vital Statistics, hereby certify this to be a true and correct copy of the certificate of birth, death, marriage or divorce of the person therein named; and that the original certificate is registered under the file number shown. In testimony whereof I have hereunto subscribed my name and caused the official seal of the Office of Vital Statistics to be affixed at Frankfort, Kentucky this 30th day of June, 1914.

Paul F. Royce

685

State Register
1021

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

James Provins,)
Claimant,)

**WAIVER OF POTENTIAL CLAIM OF
ALICE MARIE ZIMMERMAN**

vs.)

Spirit Construction Services, Inc.)
Employer,)

W.C.C. File No.: 1200349

And)

Insurance Company of the State of)
Pennsylvania,)
Carrier, Defendants.)

I, ALICE MARIE ZIMMERMAN, the undersigned, being the sister of the Claimant, James Provins, hereby waive, release, relinquish any and all rights to the proceeds that I may have as a result of the claim that James Provins had against Spirit Construction Services, Inc. and the Insurance Company of the State of Pennsylvania. I further state that Debra Ann Provins, wife of the Claimant, should be considered as the sole heir to the claim(s) of James Provins. It is my understanding and belief that the following individuals are the potential heirs of James Provins:

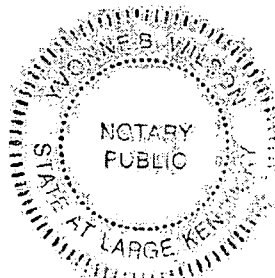
Debra Ann Provins (wife)
Jessica Mae Provins (daughter)
Amanda Jean Provins (daughter)
Alice Marie Zimmerman (sister)
David Kenneth Provins (brother)

DOB:
DOB:
DOB:
DOB:
DOB:

Alice Marie Zimmerman
Alice Marie Zimmerman

SWORN to and subscribed before me
this 23 day of July, 2014.

Marion B. Wilson
Notary Public for Kentucky
My Commission Expires: 4-3-2015



686

1022

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

James Provins,
Claimant,

WAIVER OF POTENTIAL CLAIM OF
JESSICA MAE PROVINS

vs.

Spirit Construction Services, Inc.
Employer,

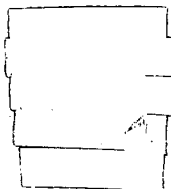
W.C.C. File No.: 1200349

And

Insurance Company of the State of
Pennsylvania,
Carrier, Defendants.

I, JESSICA MAE PROVINS, the undersigned, being the daughter of the Claimant, James Provins, hereby waive, release, relinquish any and all rights to the proceeds that I may have as a result of the claim that James Provins had against Spirit Construction Services, Inc. and the Insurance Company of the State of Pennsylvania. I further state that Debra Ann Provins, wife of the Claimant, should be considered as the sole heir to the claim(s) of James Provins. It is my understanding and belief that the following individuals are the potential heirs of James Provins:

Debra Ann Provins (wife)	DOB:
Jessica Mae Provins (daughter)	DOB:
Amanda Jean Provins (daughter)	DOB:
Alice Marie Zimmerman (sister)	DOB:
David Kenneth Provins (brother)	DOB:



Jessica Mae Provins
Jessica Mae Provins

SWORN to and subscribed before me
this 23 day of July, 2014.

William B. Wilson
Notary Public for Kentucky
My Commission Expires: 4-3-2015



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STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

BEFORE THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

James Provins,
Claimant,

**WAIVER OF POTENTIAL CLAIM OF
AMANDA JEAN PROVINS**

vs.

Spirit Construction Services, Inc.
Employer,

W.C.C. File No.: 1200349

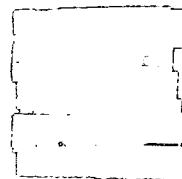
And

Insurance Company of the State of
Pennsylvania,
Carrier, Defendants.

I, AMANDA JEAN PROVINS, the undersigned, being the daughter of the Claimant, James Provins, hereby waive, release, relinquish any and all rights to the proceeds that I may have as a result of the claim that James Provins had against Spirit Construction Services, Inc. and the Insurance Company of the State of Pennsylvania. I further state that Debra Ann Provins, wife of the Claimant, should be considered as the sole heir to the claim(s) of James Provins. It is my understanding and belief that the following individuals are the potential heirs of James Provins:

Debra Ann Provins (wife)
Jessica Mae Provins (daughter)
Amanda Jean Provins (daughter)
Alice Marie Zimmerman (sister)
David Kenneth Provins (brother)

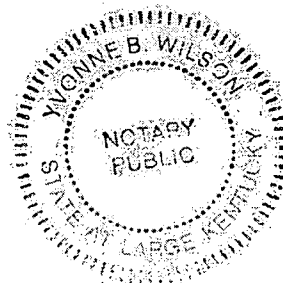
DOB:
DOB:
DOB:
DOB:
DOB:



Amanda Jean Provins
Amanda Jean Provins

SWORN to and subscribed before me
this 23 day of July, 2014.

Yvonne B. Wilson
Notary Public for Kentucky
My Commission Expires: 4-3-2015



688

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1 THE COURT: Okay. Very good. Is everybody
2 comfortable with that?

3 MR. LEWIS: (Counsel nods head.)

4 THE COURT: Mr. Smith, are you comfortable
5 that he's --

6 MR. SMITH: Yes.

7 THE COURT: -- appropriately sworn in?

8 MR. SMITH: Yes, sir.

9 THE COURT: All right. Mr. Lewis.

10 MR. LEWIS: All right. Thank you,
11 Commissioner. And I'm going to be brief.

12 DIRECT EXAMINATION

13 BY MR. LEWIS:

14 Q. Luis, do you remember working with Mr. Provins
15 on January -- around January 24, 2012?

16 A. Yeah.

17 Q. Okay. And that was like the first time you
18 really had worked with him, right, because he was usually
19 on another crew; is that correct?

20 A. Yeah.

21 MR. SMITH: Objection as to leading.

22 MR. LEWIS: I did lead. Let me ask him
23 another one.

24 BY MR. LEWIS:

25 Q. Did Mr. Provins typically work on your crew

1 with Shannon Clarke?

2 A. Yeah, he worked one day.

3 Q. So he worked one day with Shannon's crew?

4 A. Yeah.

5 Q. Okay. Now, when you and he -- did y'all drag
6 decking together?

7 A. No.

8 Q. You --

9 A. Yeah, we -- we were up in the decking.

10 Q. You and Mr. Provins were dragging decking,
11 correct?

12 A. Yeah.

13 Q. Did you ever drop your end of the decking?

14 A. No.

15 Q. Did he -- did Mr. Provins ever say anything to
16 you or indicate to you that you had dropped your end of
17 the decking?

18 A. No.

19 Q. Now, you're -- how old are you?

20 A. Twenty-three.

21 Q. And you're a pretty healthy guy. You work out
22 at the gym regularly?

23 A. Yeah, I go two, three, four days a week.

24 Q. Two or three or four days a week?

25 A. Yeah.

1 MR. LEWIS: That's all the questions I have,
2 Commissioner.

3 THE COURT: All right. Mr. Smith.

4 MR. SMITH: May it please the court.

5 CROSS-EXAMINATION

6 BY MR. SMITH:

7 Q. How many times did you have the opportunity to
8 work with Mr. Provins?

9 A. How many times what?

10 Q. How many times did you get to work with him?

11 A. How many times? No, just one. Just one time.

12 Q. Were you friends, amigos?

13 A. Yeah, friend. Well, I worked for -- when
14 my -- really were two friends and that's all.

15 Q. Where -- Mr. Provins, does he live in South
16 Carolina?

17 A. Who?

18 Q. Mr. Provins.

19 A. No.

20 Q. Where does he live?

21 A. I don't know.

22 Q. What did you talk about on the job?

23 A. Nothing. We working together. We didn't talk
24 nothing.

25 Q. Did he work hard?

1 A. Huh?

2 Q. Did he work hard?

3 A. Oh, yeah. When -- when we pick up the first
4 piece, he told me he --

5 MR. SMITH: Objection. I ask that he answer
6 the question.

7 THE COURT: He needs to answer the question he
8 was asked. If you want to come back and ask him that
9 question, you may.

10 THE WITNESS: Huh?

11 THE COURT: Please restate the question,
12 please, Mr. Smith.

13 MR. SMITH: I withdraw it.

14 BY MR. SMITH:

15 Q. If there's an accident at Spirit, what are you
16 supposed to do?

17 A. Just tell somebody else, my foreman or safety.

18 Q. Are you a foreman?

19 A. No.

20 Q. Mr. Provins, was he supposed to tell you
21 something?

22 A. No, he didn't tell me something with job.

23 Q. You still have a job with Spirit?

24 A. Huh?

25 Q. You still have a job with Spirit?

1 A. Yeah.

2 Q. A lot of people have been laid off?

3 A. Yeah, some people got laid off.

4 Q. How much -- how much experience do you have --
5 how long have you worked with Spirit?

6 A. Almost 15, 16 months.

7 Q. What is your position?

8 A. It's iron worker.

9 Q. Iron worker?

10 A. Yeah.

11 Q. And how long have you been an iron worker?

12 A. I work two years and a half, something.

13 Q. The people that have been laid off, how many
14 years have they been working?

15 MR. LEWIS: Commissioner, I'm going to object
16 to that. I mean, that's --

17 MR. SMITH: It's cross examination.

18 MR. LEWIS: Yeah, but that's not -- that's not
19 a legitimate question. Who is he talking about?

20 MR. SMITH: It goes to credibility.

21 MR. LEWIS: There's hundreds of people. How
22 does his seniority go to credibility?

23 MR. SMITH: He still has a job when you've
24 brought up the fact that there's 100 people now, not 300.

25 MR. LEWIS: He's in a different state now.

1 THE COURT: You opened that door.

2 MR. LEWIS: Okay.

3 THE WITNESS: I don't know how many got. Some
4 people.

5 BY MR. SMITH:

6 Q. Mr. Provins told you his shoulder was sore?

7 A. Huh?

8 Q. Mr. Provins told you his shoulder was sore?

9 A. Yeah, he told me. When we pick up the first
10 piece, he tell me that the shoulder hurt. But I don't
11 know.

12 Q. Did he do anything differently, I mean, or did
13 he do the same that you did? I mean, you were moving the
14 sheets, right?

15 A. Yeah. One time he said, My shoulder hurt. My
16 shoulder hurt. He never stopped if he had a problem.

17 Q. You started moving sheets first thing in the
18 morning?

19 A. We move like almost -- in the morning like ten
20 o'clock. We move one bundle, the decking bundle.

21 Q. How many are in a bundle?

22 A. Bundles are almost 13, 15 piece.

23 Q. And you started working doing that at eight
24 o'clock?

25 A. Yeah. We start -- when we -- when we worked

1 together, we start 10:00.

2 Q. What were you doing for the other two hours
3 before that?

4 A. Oh, we do everything. We do the decking.

5 Q. In order to move this deck, the sheets, takes
6 two people, right?

7 A. Yeah.

8 Q. And the two of you did the same job, right?

9 A. Yeah.

10 Q. Did he drop his end?

11 A. No. We never drop it because we never pick
12 up. When we work with him, we slide the piece. We never
13 pick it up. I don't know why he say I drop it.

14 Q. What?

15 A. I don't know why he say I drop the piece.
16 because we never -- we pick up the piece like this far.
17 We pick it up like this and we slide the piece. (Witness
18 indicates.)

19 Q. Have you talked to Ernie about this?

20 A. Yeah.

21 MR. SMITH: I have nothing further.

22 THE COURT: Mr. Lewis?

23 MR. LEWIS: No questions.

24 THE COURT: All right. Next witness. All

25 right, sir. I'm going to swear you in in just a moment.

Based upon the stipulations of the parties, the testimony and evidence received and produced at the hearing, as well as personal observation of the witnesses, the undersigned Commissioner makes the following findings of fact based upon a preponderance of the evidence:

1. All parties to this proceeding are subject to and governed by the terms and provisions of the South Carolina Workers' Compensation Act, as amended, with Claimant, James Provins, employee appearing with his counsel, Donald L. Smith, and Spirit Construction as employer and the Insurance Company of the State of Pennsylvania, as carrier, with J. South Lewis appearing on their behalf.

2. The Claimant suffered an accident and injury within the course and scope of his employment on January 24, 2012. This finding is supported by the greater weight of the evidence.

3. The case rests on the testimony of the Claimant and Luis Carrion, who were the only two witnesses to the event which involved moving sheets of steel decking. The Claimant asserts that while they were moving a sheet of decking, Mr. Carrion dropped his end which created a jarring effect on the Claimant's end that resulted in an injury to the Claimant's shoulder.

4. I found the Claimant to be very credible and believe that he suffered an injury by the mechanism which he described.

5. The witness, Ernest McDonald, who appeared for the Defendants, testified that he took the Claimant to the doctor after the Claimant reported the accident at work. He also testified that the Claimant was shaking so badly that Mr. McDonald had to sign the Claimant in once they arrived. This behavior is consistent with someone who has been injured, and not behavior that

[illegible]

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS COMPENSATION

Full Commission

WCC File No. 1200349
Appellate Case No. 2018-000133

James Provins, Employee/Deceased,
Debra Provins, Alleged Dependents/Claimants,

Appellants,

v.

Spirit Construction services, Inc., Employer,
And Insurance Company of the State of PA, Carrier,

Respondents.

CERTIFICATE OF COUNSEL FOR
RECORD ON APPEAL

I HEREBY CERTIFY that this Record on Appeal contains all materials proposed to be
included by the parties, and not any other material.

September 12, 2018



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Attorney for Appellants

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