

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION

Appellate Panel, S.C. Workers' Compensation Commission

APPELLATE CASE NO. 2017-002396

RECEIVED

MAR 30 2020

SC Court of Appeals

Gennette Sowell,

Claimant/Respondent,

v.

Piggly Wiggly,

Employer,

And

Auto Owners Insurance Inc.,

Carrier/Appellants.

APPELLANTS' RESPONSE TO RESPONDENT'S MOTION FOR RULE TO  
SHOW CAUSE HEARING AND ORDER FINDING APPELLANTS IN  
CONTEMPT FOR FAILURE TO PROVIDE MEDICAL CARE PURSUANT  
TO THE AWARD OF THE COMMISSION DURING THE PENDENCY OF  
THE APPEAL AND FOR AN ORDER OF THE COURT REQUIRING  
IMMEDIATE COMPLIANCE WITH THE PROVISIONS OF MEDICAL CARE  
DURING THE PENDENCY OF THE APPEAL AS PROVIDED FOR IN  
SOUTH CAROLINA CODE §42-17-60 AND FOR PENALTIES, FINES,  
INTEREST AND ATTORNEYS FEES PURSUANT TO SOUTH CAROLINA  
CODE OF LAWS

Respondent filed a Motion requesting a Rule to Show Cause Hearing  
before a Judge of the Court of Appeals or of the Fourth Judicial Circuit pursuant  
to S.C. Code Ann. §42-17-60, §42-17-70, §14-8-280, §42-5-520 and §15-35-180  
on March 6, 2020. Appellants hereby respond to the Respondent's Motion as

follows:

1) The South Carolina Workers' Compensation Commission filed an Order awarding the Claimant permanent and total disability benefits on October 17, 2017.

2) Appellants timely filed a Notice of Appeal to the South Carolina Court of Appeals on November 16, 2017.

3) Rule 205 of the South Carolina Appellate Court Rules provides that “[u]pon service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal . . . . Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.”

4) Similarly, South Carolina Appellate Court Rule 241 establishes the general rule that filing a notice of appeal automatically stays matters decided in the order, judgment, decree or decision on appeal and automatically stays the relief ordered in the appealed order, judgment, decree or decision on appeal. Moreover the general rule establishes “the lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal *including the authority to enforce any matters not stayed by the appeal.*” (Emphasis added). Rule 241 further details that Worker’s compensation awards, as referenced in S.C. Code Ann. §42-17-60, are a specific exception to the general rule, and therefore, the South Carolina Worker’s Compensation Commission retains jurisdiction over such matters.

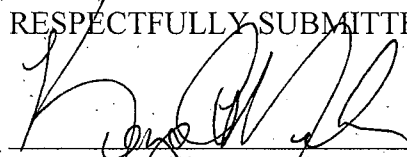
5) Based on Rule 205 and Rule 241 of the South Carolina Appellate

Court Rules, the South Carolina Worker's Compensation Commission has jurisdiction over the subject matter of Respondent's Motion.

Based on the above, the Court of Appeals does not have jurisdiction to hear the Motion filed by the Respondent. As such, Appellants respectfully request the Court deny and/or dismiss the Motion in its entirety.

6) To the extent that the Court Appeals proceeds with addressing the merits of the underlying Motion, Appellants maintain that great efforts have been taken to obtain the necessary medical bills, records, Form 1500s and other information needed to render payment to medical providers. However, despite repeated requests and pending subpoenas, Appellants have not been provided the required documentation and billing information from providers with the exception of MUSC Physicians for which payment was been duly rendered. Specifically, Dr. Alhourny, Dr. Dyce and Dr. Mendez have failed to properly respond to duly-served subpoenas and multiple requests, thereby making it impossible for Appellants to issue payments.

RESPECTFULLY SUBMITTED,



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Kenya C. Miller, Esq. (SC Bar No: 72634)  
**DICKIE, McCAMEY & CHILCOTE, P.C.**  
P.O. Box 2046  
Lancaster, South Carolina 29721  
(803)285-0004  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)  
Attorney for Appellants

March 26, 2020

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION

Appellate Panel, S.C. Workers' Compensation Commission

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Appellate Case No. 2017-002396

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Gennette Sowell,

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**RECEIVED**  
**MAR 30 2020**  
**SC Court of Appeals**

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AFFIDAVIT OF KENYA C. MILLER,  
ATTORNEY FOR APPELLANTS

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Having been duly and properly sworn, I do depose and state that I am counsel for the Appellants in the above-referenced matter. In an effort to comply with the provisions of medical care and pursuant to South Carolina Code §42-17-60, Appellants have worked diligently to obtain the necessary medical bills, records, Form 1500s and other information needed to render payment to medical providers. The pertinent actions taken in this regards are as follows:

1. December 19, 2017 – Appellants through counsel requested that Respondent identify the treating physicians so that medical records and bills could be subpoenaed. (See Ex-

- 1).
2. December 22, 2017 – Respondent provided Appellant a list of three treating physicians including Dr. Hournay, Dr. Dyce and Dr. Mendez. (See Ex-2).
3. January 2, 2018 – Appellants through counsel served subpoenas to the treating physicians as provided by Respondent. (See Ex-3 to Ex-14).
4. January 31, 2018 – Dr. Dyce provided four pages of medical records (without summaries) and included no medical bills or Form 1500s.
5. February 1, 2018 – Dr. Hournay provided a medical report dated December 12, 2017, but provided no medical bill or Form 1500.
6. February 7, 2018 – Dr. Mendez’s office provided records through January 16, 2017, thereby suggesting that Respondent was no longer treating with this provider. Additionally no medical bills were provided.
7. July 3, 2018 – Due to Dr. Dyce’s insufficient response to the subpoena of January 2018, a follow up letter and medical questionnaire was sent to his office advising that Appellants would be accepting financial responsibility of Respondent’s treatment relating to her occupational asthma. Appellants also discussed the matter directly with Dr. Dyce’s office and clarified that medical bills and corresponding medical records showing that the treatment was for occupational asthma were needed so that payment could be rendered. (Ex-15 to Ex-21).
8. July 11, 2018 – Appellants informed Respondent that since Dr. Dyce was providing treatment for multiple purposes, the medical records and bills would need to be reconciled to ensure accurate payment of medical bills. (See Ex-22 to EX-23).
9. July 18, 2018 to July 19, 2018 – Appellants corresponded with Respondents numerous

times in an effort to obtain medical records, billing statements/Form 1500s and information from the treating physicians confirming treatment being rendered for occupational asthma. (See Ex-24 to Ex-36).

10. July 19, 2018 - Due to Dr. Mendez's insufficient response to the subpoenas of January 2018, a follow up letter, subpoena and medical questionnaire was resent requesting medical records/bills and advising that Appellants would be accepting financial responsibility of Respondent's treatment relating to her occupational asthma. (See Ex-37 to Ex-39).
11. July 20, 2018 - Due to Dr. Alhourany's insufficient response to the subpoenas of January 2018, a follow up letter, subpoena and medical questionnaire was sent to this provider again requesting medical records/bills and advising that Appellants would be accepting financial responsibility of Respondent's treatment relating to her occupational asthma. (See Ex-40 to Ex-47).
12. July 20, 2018 - Due to Dr. Dyce's insufficient response to the subpoenas of January and July 3, 2018, a third request for medical records/bills and other information was submitted. (See Ex-48 to Ex-55).
13. August 8, 2018 - Appellants notified Respondents that Dr. Alhourany would not accept workers compensation. (See Ex-56).
14. August 13, 2018 - Due to Dr. Dyce's insufficient response to prior subpoenas a fourth request for medical records/bills and other information was submitted. (See Ex-57).
15. August 14, 2018 to September 21, 2018 - Appellants notified Respondent that efforts were being made to identify another pulmonologist. Specifically Appellants offered to schedule an appointment with a pulmonologist located in Monroe, North Carolina. In

response, Respondent informed of a preference to use a pulmonologist at MUSC located in Charleston. However, the specific pulmonologist was not identified to Appellants, nor were the Appellants informed of Respondent's scheduled appointments. (See Ex-63 to Ex-69).

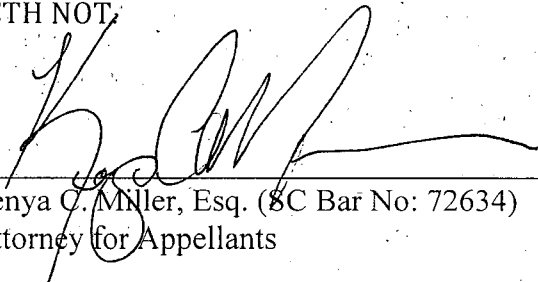
16. May 29, 2019 – Due to Dr. Mendez's insufficient response to prior subpoenas, Appellants served another subpoena requesting medical records/bills. (See Ex-59 to Ex-62).
17. May 29, 2019 – Due to Dr. Dyce's insufficient response to prior subpoenas, Appellants served another subpoena requesting medical records/bills. (See Ex-70 to Ex-73).
18. June 20, 2019 – Dr. Mendez office responded to the subpoena of 2018 indicating that no records could be found. Additionally no billing records were provided. (See Ex-74).
19. June 28, 2019 – Dr. Dyce provided 11 additional pages of medical records, but again no billing records.
20. June 28, 2019 – Appellants contacted Respondent informing of challenges/difficulties in obtain medical records from Dr. Dyce and Dr. Mendez. (See Ex-75)
21. November 12, 2019 – Due to Dr. Alhourany's and Dr. Dyce's insufficient responses to prior subpoenas, Appellants served additional subpoenas requesting medical records/bills. (See Ex-76 to Ex-83).
22. November 12, 2019 - Appellants contacted Respondent requesting confirmation and/or identification of providers. (See Ex-84)
23. January 15 2020 – Respondents identified the medical providers as being Dr. Méndez, Dr. Dyce, Dr. Cox and Palmetto Infusion. However, Dr. Mendez previously responded that no records could be found; Dr. Dyce has yet to provide all information needed for payment of invoices; and Dr. Cox and Palmetto Infusion were providers unknown to

Appellants until very recently and specifically January 15, 2020. (See Ex-85 to Ex-86).

24. February 27, 2020 & March 12, 2020 – Appellants rendered payment to MUSC for medical treatment rendered to Respondent. (See Ex-87).

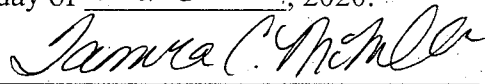
To date, medical providers to include Dr. Hournay, Dr. Dyce, Palmetto Infusion and Dr. Mendez have not provided proper documentation such that payments can be issued.

FURTHER THE AFFIANT SAYETH NOT:



Kenya C. Miller, Esq. (SC Bar No: 72634)  
Attorney for Appellants

SWORN TO BEFORE ME this 26  
day of March, 2020.



Notary Public for South Carolina  
My Commission Expires: 10/24/2023

## Miller, Kenya

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**From:** Miller, Kenya  
**Sent:** Wednesday, July 18, 2018 1:28 PM  
**To:** 'rose@pfmcdlaw.com'; Gerald Malloy; gelliotte@bellsouth.net; Carver, Tamra; Denise; Cross, Kristian  
**Subject:** FW: Gennette Sowell [DMC-MAIN.FID307503]

Btw...here is the email I sent in December 2017 asking for a list of doctors for which we never received from your office...

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

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**From:** Miller, Kenya  
**Sent:** Tuesday, December 19, 2017 11:09 AM  
**To:** 'Sabrina Kelley'; Carver, Tamra; Gerald Malloy; gelliotte@bellsouth.net; Denise  
**Subject:** RE: Gennette Sowell [DMC-MAIN.FID307503]

Hi Sabrina!

I hope all is well. Could you be so kind as to inform Preston that my client is now in agreement to begin weekly TTD benefits from the date of the Full Commission Order (October 17, 2017) while the appeal is pending. In that regard, please advise to whom the lump sum payment should be made payable. Also, we ask that you please confirm Ms. Sowell's mailing address for ongoing payments. Additionally, my client is also in agreement to provide ongoing medical treatment. Preston and I discussed this issue several weeks ago and I believe he was going to follow up with Ms. Sowell to identify the physicians she is currently treating with. Therefore, once you guys have that information, I ask that you please inform my office so that we may subpoena updated medical records/bills and proceed with notifying the providers that we will be directing care. Thanks so much and let me know if you have any questions. Have a great day!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

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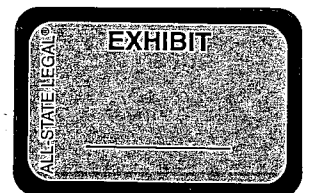
**From:** Sabrina Kelley [mailto:sabrina@pfmcdlaw.com]  
**Sent:** Monday, December 18, 2017 5:27 PM  
**To:** Miller, Kenya; Carver, Tamra; Gerald Malloy; gelliotte@bellsouth.net; Denise  
**Subject:** Gennette Sowell

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This message originated from outside your organization

Please see attached from Preston which we filed today

Thanks,



**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax

[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com) | [Bio/vCard](#)

<image0aedfb.JPG>

NOTICE: You have received an e-mail from [kmiller@dmclaw.com](mailto:kmiller@dmclaw.com). The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you have received a message in error, please notify the sender immediately by replying to the message and delete the message from your computer.

**From:** Greta Elliotte [<mailto:gelliotte@bellsouth.net>]  
**Sent:** Friday, December 22, 2017 11:31 AM  
**To:** Miller, Kenya  
**Cc:** Preston Mcdaniel; Sabrina Kelley; Carver, Tamra  
**Subject:** Genette Sowell

This message originated from outside your organization

Hey Kenya and Tamra,

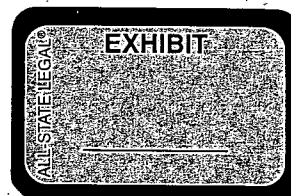
I talked with our client Genette Sowell and confirmed the physicians she is seeing. They are as follows: 1. Dr. Ramzy Hournay (lung specialist), Carolinas Pulmonary, Pamplico Highway, Florence 2. Dr. Orville Dyce (ENT) Blackcreek Medical Associates, Carolina Ave., Hartsville 3. Dr. Mendez, Hartsville Medical Associates

Let me know if you have any questions or need further information. I hope you have a very Merry Christmas!

Greta R. Elliotte  
Paralegal

**Gerald Malloy**  
**Attorney at Law**  
P.O. Box 1200  
Hartsville, South Carolina 29550  
843-339-3000  
843-332-4646 (Facsimile)

<image0aedfb.JPG>



Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

January 2, 2018

**VIA REGULAR MAIL**

The Medical Group  
701 Medical Park Drive, Suite 207  
Hartsville, SC 29550

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell from 1/1/2016. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

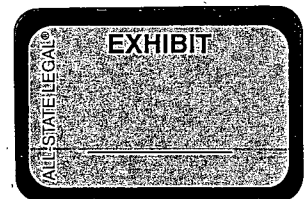
**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,

  
Kenya C. Miller, Esquire

KCM:tcm  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)





Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - - Work Phone: ( ) - - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: (803) 285 - 0004

### SUBPOENA

To: The Medical Group c/o Dr. Luz Mendez

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: \_\_\_\_\_ ROOM: \_\_\_\_\_  
DATE AND TIME: \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from 01/01/2016 to present and continuing.**

PLACE: Kenya C. Miller, Esquire DATE AND TIME: \_\_\_\_\_  
Dickie, McCamey & Chilcote  
PO Box 2046  
Lancaster, SC 29721 January 12, 2018

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

ISSUING OFFICER'S SIGNATURE AND TITLE \_\_\_\_\_ PHONE NUMBER (803) 285 - 0004 DATE January 2, 2018

Serve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

**SECTION 42-15-95.** Release of medical records; communication of medical history by health care provider.

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

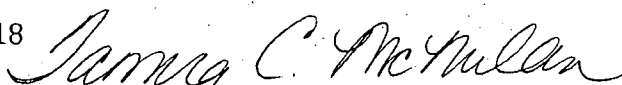
Defendants.

**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons; pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Attention: Medical Records  
The Medical Group  
701 Medical Park Drive, Suite 207  
Hartsville, SC 29550  
  
Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201  
  
Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551  
  
DOCUMENT: Form 27 - Subpoena

DATE OF MAILING: January 2, 2018

  
\_\_\_\_\_  
Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

January 2, 2018

**VIA REGULAR MAIL**

Black Creek Medical Consultants  
149 East Carolina Avenue  
Hartsville, SC 29550

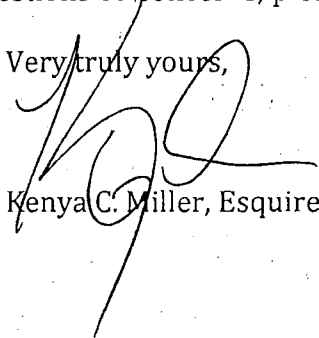
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell from 1/1/2016. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,

  
Kenya C. Miller, Esquire

KCM:tcm  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)



Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - - Work Phone: ( ) - - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: (803) 285 - 0004

**SUBPOENA**

To: Black Creek Medical Consultants

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

**PLACE OF TESTIMONY:** \_\_\_\_\_ **ROOM:** \_\_\_\_\_  
**DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

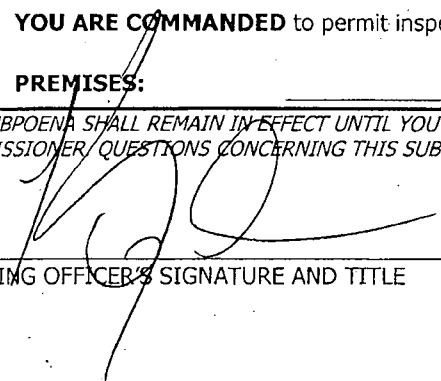
**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from 01/01/2016 to present and continuing.**

**PLACE:** Kenya C. Miller, Esquire **DATE AND TIME:** \_\_\_\_\_  
Dickie, McCamey & Chilcote  
PO Box 2046  
Lancaster, SC 29721 **January 12, 2018**

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

**PREMISES:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

 (803) 285 - 0004 January 2, 2018  
ISSUING OFFICER'S SIGNATURE AND TITLE PHONE NUMBER DATE

Serve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

**SECTION 42-15-95.** Release of medical records; communication of medical history by health care provider.

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

CERTIFICATE OF SERVICE

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Attention: Medical Records  
 Black Creek Medical Consultants  
 149 East Carolina Avenue  
 Hartsville, SC 29550

Preston McDaniel, Esquire  
 McDaniel Law Firm  
 1315 Elmwood Avenue  
 Columbia, SC 29201

Gerald Malloy, Esquire  
 Malloy Law Firm  
 PO Box 1200  
 Hartsville, SC 29551

DOCUMENT: Form 27 - Subpoena

DATE OF  
MAILING:

January 2, 2018

*Tamra C. McMillan*

Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

January 2, 2018

**VIA REGULAR MAIL**

Carolinas Pulmonology  
805 Pamplico Highway  
Medical Mall B- Suite 300  
Florence, SC 29505

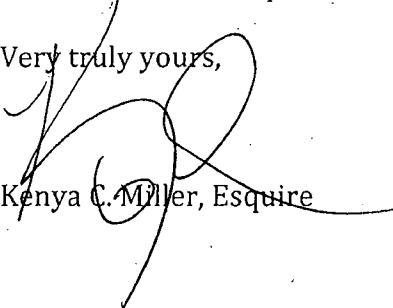
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,

  
Kenya C. Miller, Esquire

KCM: tcm  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)



Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) Work Phone: ( ) Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: (803) 285 - 0004

**SUBPOENA**

To: Carolinas Pulmonology

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

**PLACE OF TESTIMONY:** \_\_\_\_\_ **ROOM:** \_\_\_\_\_  
**DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from 01/01/2007 to present and continuing.**

**PLACE:** Kenya C. Miller, Esquire **DATE AND TIME:** \_\_\_\_\_  
Dickie, McCamey & Chilcote \_\_\_\_\_  
PO Box 2046 \_\_\_\_\_  
Lancaster, SC 29721 **January 12, 2018**

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

**PREMISES:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

[Signature] (803) 285 - 0004 January 2, 2018  
ISSUING OFFICER'S SIGNATURE AND TITLE PHONE NUMBER DATE

Serve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

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(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

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HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

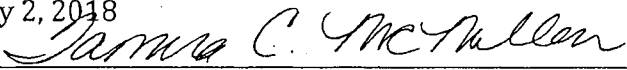
Defendants.

**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Attention: Medical Records  
Carolinas Pulmonology  
805 Pamplico Highway  
Medical Mall B- Suite 300  
Florence, SC 29505  
  
Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201  
  
Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551  
  
DOCUMENT: Form 27 - Subpoena

DATE OF MAILING: January 2, 2018

  
\_\_\_\_\_  
Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

July 3, 2018

**VIA FACSIMILE (843) 383 -4516**

Dr. Orville Dyce  
Black Creek Medical Consultants  
149 E. Carolina Avenue  
Hartsville, SC 29550

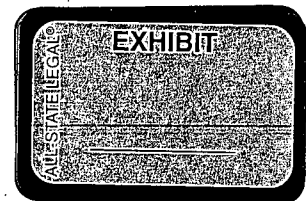
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

Dear Dr. Dyce:

This firm has been retained to represent the Employer in the above-referenced matter. As you are aware, Ms. Genette Sowell (**DOB: 03/11/1950**) allegedly sustained occupational asthma as the result of her employment with Piggly Wiggly. It is my understanding that you continue to provide Ms. Sowell medical treatment with regards to this injury/condition. That being said, in response to our subpoena, dated January 12, 2018, only four (4) pages of medical records were submitted to my office. Attached please find a copy of the medicals previously sent to my office.

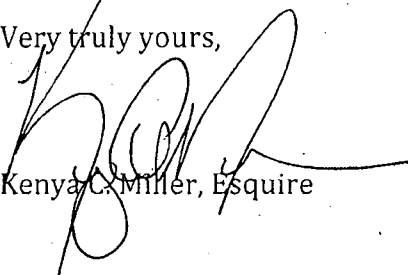
At this point, my client, Piggly Wiggly by and through its workers compensation carrier, Auto-Owners Insurance, has agreed to assume care of Ms. Sowell's medical treatment; specifically any treatment causally-related to occupational asthma. **Please be advised, however, that Auto-Owners will only accept financial responsibility for authorized treatment.** In that regard, enclosed please find a medical questionnaire for your completion. Once we receive all medical records from your office and the completed questionnaire, we will contact you for further instructions so that we may proceed with directing care.

By copy of this letter to Preston McDaniel, Esquire, attorney for the Claimant, we are advising him of same. Should you have any questions concerning this request or require additional information, please do not hesitate to contact me.



Orville Dyce, M.D.  
July 3, 2018  
Page 2

Very truly yours,



Kenya C. Miller, Esquire

KCM:

Preston McDaniel, Esquire (via email)  
Ryan Hall (Auto-Owners Insurance)

Orville Dyce, M.D.  
July 3, 2018  
Page 3

**MEDICAL QUESTIONNAIRE**

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

1. Has the Claimant reached maximum medical improvement with regards to her occupational asthma?

\_\_\_\_\_ Yes \_\_\_\_\_ No

2. If the Claimant has NOT reached maximum medical improvement, what medical treatment does the Claimant continue to need in order to lessen her period of disability?

\_\_\_\_\_  
\_\_\_\_\_

3. If the Claimant has reached maximum medical improvement, what, if any, medical treatment does the Claimant need in the future for her occupational asthma?

\_\_\_\_\_  
\_\_\_\_\_

4. Please identify the medical treatment you are currently providing to the Claimant for occupational asthma?

5. Are your opinions stated to a reasonable degree of medical certainty?

\_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
Orville Dyce, M.D.

\_\_\_\_\_  
Date

NAME: Gennette Sowell DOB: 3/11/50 PHONE: \_\_\_\_\_

CHART #: \_\_\_\_\_ MD: Dyce INSURANCE: \_\_\_\_\_

MIXED 1-26-17

DATE	DOSE (cc)	REACTION	INITIALS
2-28-17	.30 L		SR
3-7-17	.40 (P)		CH
3-14-17	.50 (P)		SR
3-21-17	.50 (P)	PT test	SC
3-28-17	.50 (P)	o	CH
4-4-17	.50 (P)	=	CH
4-11-17	.50 (P)	=	CH
4-18-17	.50 (P)	=	CH
4-25-17	.50 (P)	=	CH
5-2-17	.50 (P)	o	CH
5-9-17	.50 (P)	o	CH
	.50		

Vial Test A 0.02  
11  
R

MIXED 1-26-17

DATE	DOSE (cc)	REACTION	INITIALS
2-28-17	.30 R		SR
3-7-17	.40 (P)		CH
3-14-17	.50 (P)		SR
3-21-17	.50 (P)	PT test	SC
3-28-17	.50 (P)	o	CH
4-4-17	.50 (P)	=	CH
4-11-17	.50 (P)	=	CH
4-18-17	.50 (P)	=	CH
4-25-17	.50 (P)	=	CH
5-2-17	.50 (P)	o	CH
5-9-17	.50 (P)	o	CH
	.50		

Vial Test B 0.02  
11  
L

MIXED 4/21/17

DATE	DOSE (cc)	REACTION	INITIALS
5-8-17	.30 (P)	LBR	HG
5-25-17	.40 (P)	LBR	CH
6-6-17	.50 (P)	LBR	HG
6-13-17	.50 (P)	LBR	HG
6-20-17	.50 (P)	LBR	HG
6-27-17	.50 (P)	LBR	HG
7-4-17	.50 (P)	LBR	HG
7-11-17	.50 (P)	LBR	HG
7-18-17	.50 (P)	LBR	HG
7-25-17	.50 (P)	LBR	HG
8-1-17	.50 (P)	LBR	HG
	.50		

Vial Test A 0.02m 10 LBR

MIXED 4/21/17

DATE	DOSE (cc)	REACTION	INITIALS
5-8-17	.30 (P)	LBR	HG
5-25-17	.40 (P)	LBR	CH
6-6-17	.50 (P)	LBR	HG
6-13-17	.50 (P)	LBR	HG
6-20-17	.50 (P)	LBR	HG
6-27-17	.50 (P)	LBR	HG
7-4-17	.50 (P)	LBR	HG
7-11-17	.50 (P)	LBR	HG
7-18-17	.50 (P)	LBR	HG
7-25-17	.50 (P)	LBR	HG
8-1-17	.50 (P)	LBR	HG
	.50		

Vial Test B 0.02m 10 LBR

MIXED

DATE	DOSE (cc)	REACTION	INITIALS
8-15-17	.30 L	LBR	HG
8-22-17	.40 (P)	LBR	KC
8-29-17	.50 (P)	LBR	KC
9-5-17	.50 R	LBR	HG
9-12-17	.50 L	LBR	HG
9-19-17	.50 R	LBR	HG
9-26-17	.50 L	LBR	HG
10-3-17	.50 R	LBR	HG
10-10-17	.50 L	LBR	HG
	.50		
	.50		
	.50		

Vial Test A 0.02m 10 R HG

MIXED

DATE	DOSE (cc)	REACTION	INITIALS
8-15-17	.30 R	LBR	HG
8-22-17	.40 (P)	LBR	KC
8-29-17	.50 (P)	LBR	KC
9-5-17	.50 L	LBR	HG
9-12-17	.50 R	LBR	HG
9-19-17	.50 L	LBR	HG
9-26-17	.50 R	LBR	HG
10-3-17	.50 L	LBR	HG
10-10-17	.50 R	LBR	HG
	.50		
	.50		
	.50		

Vial Test B 0.02m 10 L HG

NAME: Gennette Sowell DOB: 3/11/1950 PHONE: \_\_\_\_\_

CHART #: \_\_\_\_\_ MD: O. Duce INSURANCE: \_\_\_\_\_

VIAL TEST DATE: 4/19/10 RESULT: 7  
 Mixed 4/14/10 0.02mm (A)  
 BOTTLE # or COLOR: A

VIAL TEST DATE: 4/19/10 RESULT: 7  
 Mixed 4/14/10 0.02mm (C)  
 BOTTLE # or COLOR: B

DATE	DOSE (cc)	REACTION	INITIALS
4-26-16	.05 (C)	0	CH
5-3-16	.10 (C)	0	CH
5-10-16	.15 (C)	0	CH
5-17-16	.20 (C)	0	CH
5-24-16	.25 (C)	0	CH
5-31-16	.30 (C)	0	SM
6-7-16	.35 (C)	0	CH
6-14-16	.40 (C)	0	CH
6-21-16	.45 (C)	0	CH
6-28-16	.50 (C)	0	CH
7-5-16	.50 (C)	0	SM
7-12-16	.50 (C)	0	CH
7-19-16	.50 (C)	0	CH
7-26-16	.50 (C)	0	SM
8-2-16	.50 (C)	0	CH

DATE	DOSE (cc)	REACTION	INITIALS
4-26-16	.05 (C)	0	CH
5-3-16	.10 (C)	0	CH
5-10-16	.15 (C)	0	CH
5-17-16	.20 (C)	0	CH
5-24-16	.25 (C)	0	CH
5-31-16	.30 (C)	0	SM
6-7-16	.35 (C)	0	CH
6-14-16	.40 (C)	0	CH
6-21-16	.45 (C)	0	CH
6-28-16	.50 (C)	0	CH
7-5-16	.50 (C)	0	SM
7-12-16	.50 (C)	0	CH
7-19-16	.50 (C)	0	CH
7-26-16	.50 (C)	0	SM
8-2-16	.50 (C)	0	CH

VIAL TEST DATE: 8/9/14 RESULT: 9  
 Mixed 7/14/14 0.02mm (D)  
 BOTTLE # or COLOR: A

VIAL TEST DATE: 8/11/14 RESULT: 9  
 Mixed 7/14/14 0.02mm (D)  
 BOTTLE # or COLOR: B

DATE	DOSE (cc)	REACTION	INITIALS
8-16-16	.05 R	0	SS
8-23-16	.10 (C)	0	SS
8-30-16	.15 (C)	0	SM
9-6-16	.20 L	0	CH
9-13-16	.25 (C)	0	CH
9-20-16	.30 L	0	SS
9-27-16	.35 R	0	SS
10-4-16	.40 (C)	0	SS
10-11-16	.45 R	0	SS
10-18-16	.50 L	0	SS
10-25-16	.50 R	0	SS
11-1-16	.50 (C)	0	CH

DATE	DOSE (cc)	REACTION	INITIALS
8-16-16	.05 L	0	SS
8-23-16	.10 R	0	SS
8-30-16	.15 (C)	0	SM
9-6-16	.20 R	0	SS
9-13-16	.25 (C)	0	CH
9-20-16	.30 R	0	SS
9-27-16	.35 L	0	SS
10-4-16	.40 (C)	0	SS
10-11-16	.45 L	0	SS
10-18-16	.50 R	0	SS
10-25-16	.50 L	0	SS
11-1-16	.50 (C)	0	CH

VIAL TEST DATE: 11-8-16 RESULT: 5 R  
 Mixed 11-3-16 0.02mm  
 MAINTENANCE VIAL  
A

VIAL TEST DATE: 11-8-16 RESULT: 9 L  
 Mixed 11-3-16 0.02mm  
 MAINTENANCE VIAL REFILL  
B

DATE	DOSE (cc)	REACTION	INITIALS
11-15-16	.05 L	0	SS
11-22-16	.10 .05 RA	0	SM
11-29-16	.15 .10 30	0	SM
12-6-16	.20 .15 40	0	SM
12-13-16	.25 .20 40	0	SM
12-20-16	.30 .25 50R	0	SM
12-27-16	.35 .30 50L	Left before time	RA
1-3-17	.40 .35 50R	Left before time	RA
1-10-17	.45 .40 50L	0	RA
1-17-17	.50 .45 50R	Left before time	RA
1-24-17	.50 .50 50L	Left before time	CH
1-31-17	.50 .50 50R	Left before time	CH
2-7-17	.50 .50 50L	Left before time	CH
2-14-17	.50 .50 50R	Left before time	CH

DATE	DOSE (cc)	REACTION	INITIALS
11-15-16	.05 R	0	SS
11-22-16	.10 .05 L B	0	SM
11-29-16	.15 .10 R	0	SM
12-6-16	.20 .15 L	0	SM
12-13-16	.25 .20 R	0	SM
12-20-16	.30 .25 L	0	SM
12-27-16	.35 .30 R	Left before time	RA
1-3-17	.40 .35 L	Left before time	RA
1-10-17	.45 .40 R	Left before time	RA
1-17-17	.50 .45 L	Left before time	CH
1-24-17	.50 .50 R	Left before time	CH
1-31-17	.50 .50 L	Left before time	CH
2-7-17	.50 .50 R	Left before time	CH
2-14-17	.50 .50 L	Left before time	CH

NAME: Kennette Sowell DOB: 3/11/80 PHONE: \_\_\_\_\_

CHART #: \_\_\_\_\_ MD: O. Dylce INSURANCE: \_\_\_\_\_

VIAL TEST DATE: 12/2/14 RESULT: 5  
 mixed 11/24/14 BOTTLE # or COLOR: A 0.02mm Ⓛ

DATE	DOSE (cc)	REACTION	INITIALS
12-9-14	.05 (R)	0	CH
12-16-14	.10 (L)	0	CH
1-1-15	.15 (R)	0	CH
1-13-15	.20 (L)	0	CH
1-27-15	.25 (R)	0	CH
1-29-15	.30 (L)	0	AB
2-13-15	.35 (R)	0	OB
2-18-15	.40 (L)	0	CH
3-2-15	.45 (R)	0	CH
3-10-15	.50 (L)	0	UP
3-17-15	.50 (R)	0	CH

VIAL TEST DATE: 3/24/15 RESULT: 9  
 mixed 3/23/15 BOTTLE # or COLOR: A 0.02mm Ⓛ

DATE	DOSE (cc)	REACTION	INITIALS
3-31-15	.05 (R)	0	CH
4-7-15	.10 (L)	0	CH
4-21-15	.15 (R)	0	CH
4-28-15	.20 (L)	0	AB
5-5-15	.25 (R)	0	OB
5-12-15	.30 (L)	0	AB
5-19-15	.35 (R)	0	AB
5-26-15	.40 (L)	0	CH
6-7-15	.45 (R)	0	CH
6-9-15	.50 (L)	0	CH
6-16-15	.50 (R)	0	CH

VIAL TEST DATE: 6/23/15 RESULT: 5  
 mixed 6-12-15 BOTTLE # or COLOR: A 0.02mm Ⓛ AB

DATE	DOSE (cc)	REACTION	INITIALS
6-30-15	.05 (R)	0	CH
7-14-15	.10 (L)	0	CH
7-21-15	.15 (R)	0	OB
8-4-15	.20 (L)	0	OB
8-11-15	.25 (R)	0	OB
8-18-15	.30 (L)	0	OB
8-25-15	.35 (R)	0	CH
9-1-15	.40 (L)	0	CH
9-8-15	.45 (R)	0	CH
9-15-15	.50 (L)	0	SM CH
10-2-15	.50 (R)	0	SM CH
10-13-15	.50 (L)	0	SM CH
10-20-15	.50 (R)	0	SM CH

VIAL TEST DATE: 10/27/15 RESULT: 11  
 mixed 10-2-15 BOTTLE # or COLOR: A 0.02mm Ⓛ

DATE	DOSE (cc)	REACTION	INITIALS
11-3-15	.05 (R)	0	SM
11-17-15	.10 (L)	0	CH
11-24-15	.15 (R)	0	SM
12-1-15	.20 (L)	0	SM
12-8-15	.25 (R)	0	CH
12-15-15	.30 (L)	0	SM
12-22-15	.35 (R)	0	SM
12-29-15	.40 (L)	0	SM
1-5-16	.45 (R)	0	SM
1-12-16	.50 (L)	0	SM

A VIAL TEST DATE: 1/19/16 RESULT: 7  
 mixed 12-29-15 BOTTLE # or COLOR: A 0.02mm Ⓛ

DATE	DOSE (cc)	REACTION	INITIALS
1-29-16	.05 (L)	0	SM
2-2-16	.10 (R)	0	SM
2-9-16	.15 (L)	0	CH
2-16-16	.20 (R)	0	CH
2-23-16	.25 (L)	0	CH
3-1-16	.30 (R)	0	SM
3-8-16	.35 (L)	0	CH
3-15-16	.40 (R)	0	CH
3-22-16	.45 (L)	0	CH
4-5-16	.50 (R)	0	SM
4-12-16	.50 (L)	0	CH

B VIAL TEST DATE: 1/19/16 RESULT: 7  
 mixed 12-29-15 BOTTLE # or COLOR: A 0.02mm Ⓛ

DATE	DOSE (cc)	REACTION	INITIALS
1-29-16	.05 (R)	0	SM
2-2-16	.10 (L)	0	SM
2-9-16	.15 (R)	0	CH
2-16-16	.20 (L)	0	CH
2-23-16	.25 (R)	0	CH
3-1-16	.30 (L)	0	SM
3-8-16	.35 (R)	0	CH
3-15-16	.40 (L)	0	CH
3-22-16	.45 (R)	0	CH
4-5-16	.50 (L)	0	SM
4-12-16	.50 (R)	0	CH



## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Wednesday, July 11, 2018 3:01 PM  
**To:** 'sabrina@pfmtclaw.com'; Carver, Tamra  
**Cc:** Gerald Malloy; gelliotte@bellsouth.net; Denise; Bell, Kristian  
**Subject:** RE: Gennette Sowell v. Piggly Wiggly; WCC File No. 1408826

Thanks Kim,

In response to Mr. McDaniel's correspondence dated July 10, 2018, please advise Mr. McDaniel that the purpose of the medical questionnaire provided to Dr. Dyce is to assist with obtaining the pertinent information needed to comply with the terms of the Commission's order pending the appeal. As you all may recall, on December 19, 2017 I emailed your office and informed that my client is in agreement with your request to provide ongoing medical treatment to Ms. Sowell. Since that time, my office has submitted several subpoenas to Ms. Sowell's treating physicians in order to determine the posture of care. In that regard, we have had a difficult time getting complete medical records and it does appear that Ms. Sowell's has ceased treatment with at least two prior physicians. That being said, based on the medical reports recently provided by Dr. Dyce, it appears that all of Ms. Sowell's medical needs are being provided by Dr. Dyce. Specifically, Dr. Dyce is prescribing Ms. Sowell 18 different medications to address 12 different medical conditions; which includes treatment for gastroesophageal reflux, hypertension and hypersomnia. Therefore, unless you are asserting that the Defendants' obligation to provide care extends to any and all conditions/treatment being provided by Dr. Dyce, including hypertension, ect, then I would hope you understand why it is pertinent that we distinguish the non-related treatment from that which is related. Furthermore, I believe the most efficient means of obtaining this information would be via a medical questionnaire as opposed to a deposition. However, I am open to other suggestions that you may have, such as a joint conference call. Therefore, upon return from your vacation, please feel free to contact me should you wish to discuss it further.

Again, it was my understanding that Ms. Sowell wishes for my client to provide her with medical treatment, for which my office has gone through great lengths to reconcile this issue since December 2017. Therefore, in the interest of moving forward with the parties' desire for the carrier to assume responsibility of Ms. Sowell's medical treatment, your assistance and cooperation is appreciated. In the meantime, I hope that you enjoy vacation. Take care!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

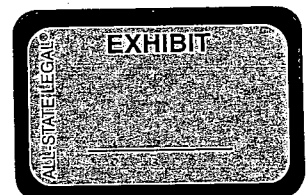
---

**From:** Kim's Mailbox [mailto:[kim@pfmtclaw.com](mailto:kim@pfmtclaw.com)]  
**Sent:** Tuesday, July 10, 2018 5:03 PM  
**To:** Miller, Kenya; Carver, Tamra  
**Cc:** Gerald Malloy; gelliotte@bellsouth.net; Denise  
**Subject:** Gennette Sowell v. Piggly Wiggly; WCC File No. 1408826

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---

Thank you,



Kimberley T. Hinkle, Paralegal  
McDaniel Law Firm  
1315 Elmwood Ave  
Columbia, SC 29201  
Telephone : (803) 771-7211  
Fax : (803) 252-0709

Please "Reply to All" when responding

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## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Wednesday, July 18, 2018 1:00 PM  
**To:** Rose Thielke  
**Cc:** gmalloy@bellsouth.net; gelliotte@bellsouth.net; Denise Chavis; Cross, Kristian; Carver, Tamra  
**Subject:** Re: Gennette Sowell v. Piggly Wiggly; WCC File No. 1408826

Ok. I have no questions. Let me know when you confirm the doctors, get the records/bills and are ready to coordinate times to meet with the physicians.

Sent from my iPhone

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

On Jul 18, 2018, at 12:46 PM, Rose Thielke <[rose@pfmcdlaw.com](mailto:rose@pfmcdlaw.com)> wrote:

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Dear Kenya:

In response to your email:

First, this is the first knowledge I have had of Ms. Sowell not seeing any of the doctors referred to in the Order from either you, anybody with your office, and/or Ms. Sowell or otherwise. By copy of this email, I am asking Greta to get with Ms. Sowell and go over the doctors she is seeing and if not, why she is not seeing her family doctor and/or not seeing Dr. deDios. If Dr. deDios is the doctor you refer to as having moved, then we all need to know who is her new pulmonologist.

Second, I would first ask you to look at your Questionnaire which refers to MMI and other issues such as that which is totally irrelevant to what you are trying to get at. I agree that your carrier is responsible for her occupational asthma and all causally related medical care. I agree that you have the right under SC Code §42-15-95 to ask whether or not any medical care, (not specifically awarded as being a condition that is specifically listed and awarded in the Order, is causally related in any way to those medical conditions and problems awarded. Of course, any medical condition that is aggravated, accelerated, triggered or caused to become symptomatic due to an awarded condition and/or its aftermath or is due to treatment necessary to treat that condition is compensable as part of lifetime causally related medical care. However, I think the best way to address those issues would be for us to meet with the doctors personally to determine and address those issues.

Third, I specifically remember advising your office that if they were having problems getting records, we would be glad to assist, and also letting your office know that we did not know, from your office, of any problem with getting records for a long, long, long period of time after we thought you were getting those records and were paying for care.



Finally, either your client doesn't administer very many claims in South Carolina, or is hell-bent on trying to avoid payment on this case. At this point, until a final decision is made on appeal this is a claims administration issue under §42-15-60 as any final Award. I have numerous adjusters that send me a copy of medical requests they send in lifetime medical awards for PTD, not their lawyer, as to whether or not peripheral, and I will refer to it that way, conditions are related to the main condition for which they are responsible. Sometimes we have to explain the law to the doctor's office, but generally there is no problem. I cannot understand for the life of me why there is such a problem in this case except for your client trying to continue to deny or struct this medical care. I believe an Award is enforceable under §42-3-175 during the appeal. Attached is P54 of the Order.

As soon as Greta gets back with me, I will get back with you and we will get this straight.

Finally, this matter is on appeal and not final. I will again be glad to check with Ms. Sowell as to whether or not her condition has changed in reference to being able to obtain her medical care so that she could conceivably let the carrier out of the medical care but for an amount that we originally discussed. I would also remind your clients of my original letter to you in reference to me following up on insuring your clients pay for all the back due medical care.

I will be back in touch unless you have any questions or want to talk to me about this further once I hear from Greta. I assume also that the one person within the chain within your insurer client is still the problem in reference to all of this. That person's decision contrary to the advice of all of the lawyers is costing your clients a lot of money and my client a lot of agony.

Preston

Kimberley T. Hinkle, Senior Paralegal  
to Preston F. McDaniel  
McDaniel Law Firm  
1315 Elmwood Ave  
Columbia, SC 29201  
T: (803) 771-7211  
F: (803) 252-0709

Please "Reply to All" when responding

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<SCAN18071812290.pdf>

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 9:46 AM  
**To:** Greta Elliotte  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

Yep. And those were the providers subpoenas were sent to but there was no treatment beyond February 2017 and Mendez and Hournay are no longer there. From what I can tell the only treatment since that time has been with Dyce but please let me know if you have something different in your end.

Sent from my iPhone

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

On Jul 19, 2018, at 9:22 AM, Greta Elliotte <[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)> wrote:

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See below e-mails.

thanks,

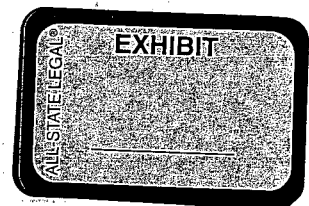
Greta R. Elliotte  
Paralegal

**Gerald Malloy**  
**Attorney at Law**  
P.O. Box 1200  
Hartsville, South Carolina 29550  
843-339-3000  
843-332-4646 (Facsimile)

----- Forwarded Message -----

**From:** "Miller, Kenya" <[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)>  
**To:** 'Greta Elliotte' <[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)>  
**Cc:** Preston Mcdaniel <[preston@pfmcdlaw.com](mailto:preston@pfmcdlaw.com)>; Sabrina Kelley <[sabrina@pfmcdlaw.com](mailto:sabrina@pfmcdlaw.com)>; "Carver, Tamra" <[tcarver@dmclaw.com](mailto:tcarver@dmclaw.com)>  
**Sent:** Friday, December 22, 2017 2:50 PM  
**Subject:** RE: Genette Sowell

Thanks Greta! Should the lump sum check be made payable to you just Ms. Sowell?



## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 10:31 AM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell

If you guys can get them to send you any bills that would be great as well. We have asked from them and sent subpoenas but we still do not have them. Thanks!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Greta Elliotte [mailto:gelliotte@bellsouth.net]  
**Sent:** Thursday, July 19, 2018 9:49 AM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

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O.K. I'll call her today and see if I can get it clarified.

thanks!

Greta R. Elliotte  
Paralegal

### Gerald Malloy

#### Attorney at Law

P.O. Box 1200  
Hartsville, South Carolina 29550  
843-339-3000  
843-332-4646 (Facsimile)

---

**From:** "Miller, Kenya" <kmiller@dmclaw.com>  
**To:** Greta Elliotte <gelliotte@bellsouth.net>  
**Cc:** "Carver, Tamra" <tcarver@dmclaw.com>; Preston Mcdaniel <preston@pfmcdlaw.com>; Kim Hinkle <kim@pfmcdlaw.com>  
**Sent:** Thursday, July 19, 2018 9:45 AM  
**Subject:** Re: Genette Sowell

Yep. And those were the providers subpoenas were sent to but there was no treatment beyond February 2017 and Mendez and Hournay are no longer there. From what I can tell the only treatment since that time has been with Dyce but please let me know if you have something different in your end.

Sent from my iPhone

**Kenya C. Miller, Esquire**

Shareholder in Charge - Lancaster

803-285-0004 Office

803-285-0042 Fax

kmiller@dmclaw.com | [Bio/vCard](#)



ATTORNEYS AT LAW

NOTICE: You have received an e-mail from [kmiller@dmclaw.com](mailto:kmiller@dmclaw.com). The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you have received a message in error, please notify the sender immediately by replying to the message and delete the message from your computer.

On Jul 19, 2018, at 9:22 AM, Greta Elliotte <[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)> wrote:

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See below e-mails.

thanks,

Greta R. Elliotte

Paralegal

**Gerald Malloy**

**Attorney at Law**

P.O. Box 1200

Hartsville, South Carolina 29550

843-339-3000

843-332-4646 (Facsimile)

----- Forwarded Message -----

**From:** "Miller, Kenya" <[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)>

**To:** 'Greta Elliotte' <[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)>

**Cc:** Preston Mcdaniel <[preston@pfmcdlaw.com](mailto:preston@pfmcdlaw.com)>; Sabrina Kelley <[sabrina@pfmcdlaw.com](mailto:sabrina@pfmcdlaw.com)>; "Carver, Tamra" <[tcarver@dmclaw.com](mailto:tcarver@dmclaw.com)>

**Sent:** Friday, December 22, 2017 2:50 PM

**Subject:** RE: Genette Sowell

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 10:36 AM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell

I personally called them on July 2<sup>nd</sup> and was told and was told otherwise. The only provider who said she was still treating was Doctor Dyce's office. Do you have a contact name and number for Hourany and Mendez? Thanks again!

### **Kenya C. Miller, Esquire**

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Greta Elliotte [mailto:gelliotte@bellsouth.net]  
**Sent:** Thursday, July 19, 2018 10:31 AM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

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---

Dr. Ramzy Al Hourany, 805 Pamplico Highway, Medical Mall B, Suite 300, Florence, SC 29505  
Dr. Yolanda Mendez, Hartsville Medical Associates, 206 Swift Creek Road, Hartsville, SC 29550  
Dr. Orville Dyce, Black Creek Medical Associates, 149 E. Carolina Avenue, Hartsville, SC 29550

She has seen all of these doctors regularly and recently (last month or so).

Thanks,

Greta R. Elliotte  
Paralegal

### **Gerald Malloy**

#### **Attorney at Law**

P.O. Box 1200  
Hartsville, South Carolina 29550  
843-339-3000  
843-332-4646 (Facsimile)

**Miller, Kenya**

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 10:43 AM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell  
**Attachments:** Medical Records Received - Black Creek Medical Consultants.PDF; Medical Records Received - The Medical Group.PDF

These are the medicals they sent us which is less than helpful in reconciling all of this. Do you guys have anything else?

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Greta Elliotte [mailto:gelliotte@bellsouth.net]  
**Sent:** Thursday, July 19, 2018 10:31 AM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

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---

Dr. Ramzy Al Hourany, 805 Pamplico Highway, Medical Mall B, Suite 300, Florence, SC 29505  
Dr. Yolanda Mendez, Hartsville Medical Associates, 206 Swift Creek Road, Hartsville, SC 29550  
Dr. Orville Dyce, Black Creek Medical Associates, 149 E. Carolina Avenue, Hartsville, SC 29550

She has seen all of these doctors regularly and recently (last month or so).

Thanks,

Greta R. Elliotte  
Paralegal

**Gerald Malloy**  
**Attorney at Law**  
P.O. Box 1200  
Hartsville, South Carolina 29550  
843-339-3000  
843-332-4646 (Facsimile)

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 10:46 AM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell

I just called the Medical Group again and the automated system doesn't list Dr. Mendez as a physician. Is she sure it's Dr. Mendez?

### **Kenya C. Miller, Esquire**

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Greta Elliotte [mailto:[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)]  
**Sent:** Thursday, July 19, 2018 10:31 AM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

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---

Dr. Ramzy Al Hourany, 805 Pamplico Highway, Medical Mall B, Suite 300, Florence, SC 29505  
Dr. Yolanda Mendez, Hartsville Medical Associates, 206 Swift Creek Road, Hartsville, SC 29550  
Dr. Orville Dyce, Black Creek Medical Associates, 149 E. Carolina Avenue, Hartsville, SC 29550

She has seen all of these doctors regularly and recently (last month or so).

Thanks,

Greta R. Elliotte  
Paralegal

**Gerald Malloy**  
**Attorney at Law**  
P.O. Box 1200  
Hartsville, South Carolina 29550  
843-339-3000  
843-332-4646 (Facsimile)

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 12:02 PM  
**To:** 'Rose Thielke'  
**Cc:** gmalloy@bellsouth.net; gelliotte@bellsouth.net; 'Denise Chavis'; Carver, Tamra; Cross, Kristian; kim@pfmcdlaw.com  
**Subject:** RE: Gennette Sowell [DMC-MAIN.FID307503]  
**Attachments:** Letter to Dr. Mendez- Medical Questionnaire.DOCX; Letter to Dr. Hourany - Medical Questionnaire.DOCX

Hi Preston,

As always it is such pleasure working with you. An explanatory letter from the adjuster is unnecessary and will not be forthcoming. Subpoenas were sent out in December 2017, but the records requested were apparently incomplete and to date no bills have been received despite requests from my office. I am working on getting the information we needed to direct care, but this is such a tedious process especially since we do not have the benefit of contacting Ms. Sowell directly; and thus any assistance your office can provide would be great. In an effort to expedite the process and obtain the information we need to direct care and pay the medicals, I was about to send updated subpoenas and letters to Dr. Hourany, Dr. Mendez, and Dr. Dyce (I have attached the proposed letters). However, I propose that I just withdraw all the subpoenas and allow your office to coordinate gathering this information. This will probably lessen the confusion/miscommunication and eliminates the need for any further discussions with the doctors on my end. Therefore, I ask that you please send me the following for these physicians so that we may proceed further:

- 1) All medical records from January 6, 2014 to date
- 2) All medical billing statements from January 6, 2014 to date and completed Form 1500s
- 3) A list from the doctors identifying treatment causally related to occupational asthma.

As the Form 1500s, the billing statements and medical records are received in my office I will submit same to Auto-Owners for prompt payment. In the meantime, please let me know if you want me to send the letter to the providers informing that Auto-Owners will be responsible for directing care. Thereafter, I will stand back and await receipt of the appropriate documentation to be submitted for payment. Thanks!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Rose Thielke [mailto:rose@pfmcdlaw.com]  
**Sent:** Thursday, July 19, 2018 11:38 AM  
**To:** Miller, Kenya  
**Cc:** gmalloy@bellsouth.net; gelliotte@bellsouth.net; 'Denise Chavis'; Carver, Tamra; Cross, Kristian; kim@pfmcdlaw.com  
**Subject:** RE: Gennette Sowell [DMC-MAIN.FID307503]

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Dear Kenya,

I knew I was correct and we did not drop the ball. I would appreciate an explanatory email or letter from your client, preferably from the adjuster that has been assigned to this file, explaining the failure to authorize medical care between the date of Greta's email on December 22<sup>nd</sup> and your request for assistance on medical records in late June/July. Please let me know within 5 days whether or not that will be forthcoming, so I know whether to file.

On a side note and by the way, since there is no litigation pending, why and how is a subpoena appropriate and also since an "award" has been made, why is the questionnaire appropriate. We are no longer, "claiming" compensation, Ms. Sowell has been, "Awarded" compensation and medical care for her life; and your clients are paying pursuant to Statute under that Award, subject only to it being reversed on appeal.

Further, I understand from Greta that somebody has not been telling you the truth because Ms. Sowell has seen all of her doctors within the last month and I understand even though y'all have all the addresses under the APA's and you took Dr. Mendez's deposition, that Greta has done your carrier's work and will be providing you with all their addresses. Funny we can't get it done in a day, why is it taking 7 months to authorize care.

This is a claims administration issue and adjusting a claim and a claims administration issue is handled by the Commission, but also by the SC Insurance Commission. I look forward to hearing from your client and you.

Sincerely,

Preston

**From:** Rose Thielke [mailto:rose@pfmcdlaw.com]

**Sent:** Thursday, July 19, 2018 8:52 AM

**To:** 'Miller, Kenya' <kmill@dmclaw.com>

**Cc:** gmalloy@bellsouth.net; gelliotte@bellsouth.net; 'Denise Chavis' <cdenise@bellsouth.net>; tcarver@dmclaw.com; 'kcross@dmclaw.com' <kcross@dmclaw.com>

**Subject:** RE: Gennette Sowell [DMC-MAIN.FID307503]

Kenya,

First, I am asking Greta by copy of this email to get with Ms. Sowell as soon as possible to get the information on the doctor she is seeing, and the other issues as referred to in my email.

Second, it appears that you are taking the position that we dropped the ball, which I really don't understand since we received the lump sum payment and Ms. Sowell is getting weekly checks, and further the order sets out who the doctors are and the adjuster should have their records, so I see no reason why the adjuster could not have sent a letter to them way back in December or January at the latest.

Finally, your clients are not directing care. The Order specifically provides for the doctors that are designated to provide care and for, "such other medical providers as they deem appropriate". If there is any change in doctors, it will be up to those doctors.

I look forward to hearing from Greta and meeting with the doctors.

Sincerely,

Preston

**From:** Miller, Kenya [mailto:kmill@dmclaw.com]

**Sent:** Wednesday, July 18, 2018 1:28 PM

**To:** 'rose@pfmcdlaw.com' <rose@pfmcdlaw.com>; Gerald Malloy <gmalloy@bellsouth.net>; gelliotte@bellsouth.net;

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 12:45 PM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell

Hi Greta!

I had spoken to Candice at Dr. Al Hourany office and Stephanie at Dr. Mendez office and they were going to get me additional medicals and the billing statements after I sent them updated subpoenas. I did not get a chance to contact Dr. Dyce office again to follow up on the bills I requested back on July 2<sup>nd</sup>. I believe the person I was working with as Angie. However, in light of Preston's objections to the subpoenas I am going to stand back. Can you reach out to these ladies to get this information? Once I have the records, statements and the Form 1500s I can send it to the adjuster for payment. In the meantime, I will try to get you the medicals I do have in a format you can open. Thanks so much!

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Greta Elliotte [mailto:[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)]  
**Sent:** Thursday, July 19, 2018 10:58 AM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

This message originated from outside your organization

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Hartsville Medical Associates in Hartsville, South Carolina

### **Hartsville Medical Associates in Hartsville, South Carolina**

By Hartsville Medical Associates

Hartsville Medical Associates is a group of Family Practice Medical Physicians serving Hartsville, SC and surrou...

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Greta R. Elliotte  
Paralegal

**Gerald Malloy**  
**Attorney at Law**  
P.O. Box 1200

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

July 19, 2018

**VIA FACSIMILE (843) 917-4590**

Attn: Stephanie  
Dr. L. Yolanda Mendez  
Hartsville Medical Associates  
206 Swift Creek Road  
Hartsville, SC 29550

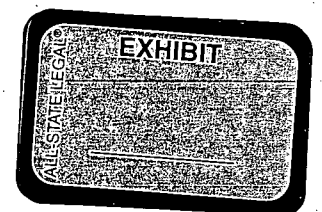
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

Dear Dr. Mendez:

This firm has been retained to represent the Employer in the above-referenced matter. As you are aware, Ms. Genette Sowell (**DOB: 03/11/1950**) allegedly sustained occupational asthma as the result of her employment with Piggly Wiggly. It is my understanding that you continue to provide Ms. Sowell medical treatment with regards to this injury/condition.

At this point, my client, Piggly Wiggly by and through its workers compensation carrier, Auto-Owners Insurance, has agreed to assume care of Ms. Sowell's medical treatment; specifically any treatment causally-related to occupational asthma. **Please be advised, however, that Auto-Owners will only accept financial responsibility for authorized treatment.** In that regard, enclosed please find a medical questionnaire for your completion requesting that you list the treatment relating to occupational asthma. Furthermore, **I ask that you please forward all medical records and bills so that we may proceed further.**

By copy of this letter to Preston McDaniel, Esquire, attorney for the Claimant, we are advising him of same. Should you have any questions concerning this request or require additional information, please do not hesitate to contact me.



L. Yolanda Mendez, M.D.

July 19, 2018

Page 2

Very truly yours,



Kenya C. Miller, Esquire

KCM:

Preston McDaniel, Esquire (via email)

Ryan Hall (Auto-Owners Insurance) (via email)

L. Yolanda Mendez, M.D.  
July 19, 2018  
Page 3

**MEDICAL QUESTIONNAIRE**

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

Please identify the medical treatment you are currently providing to the Claimant for occupational asthma?

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\_\_\_\_\_  
L. Yolanda Mendez, M.D.

\_\_\_\_\_  
Date

7447445.1

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

July 20, 2018

**VIA FACSIMILE (843) 673 -7532**

Attn: Candice Lane  
Dr. Ramzy Hourany  
805 Pamplico Highway  
Medical Mall B, Suite 300  
Florence, SC 29505

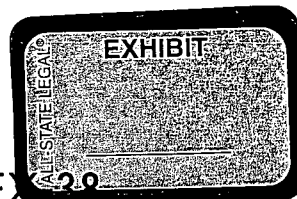
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

Dear Dr. Hourany:

This firm has been retained to represent the Employer in the above-referenced matter. It is my understanding that you continue to provide Genette Sowell (**DOB: 03/11/1950**) medical treatment for occupational asthma.

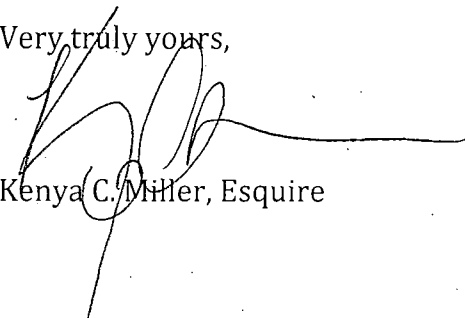
Please be advised that my client, Piggly Wiggly by and through its workers compensation carrier, Auto-Owners Insurance, has agreed to assume care of Ms. Sowell's medical treatment; specifically any treatment causally-related to occupational asthma. **Please be advised, however, that Auto-Owners will only accept financial responsibility for authorized treatment that is causally-related to occupational asthma which will provide relief or effect a cure of Ms. Sowell's disabling symptoms.** In that regard, enclosed please find a medical questionnaire for your completion requesting that you list the treatment relating to occupational asthma. Furthermore, **I ask that you please forward all medical records, billing statements and completed CMS 1500 claim forms as soon as possible so that we may proceed further. Upon receipt of this information, Auto-Owners will submit prompt payment.**

By copy of this letter to Preston McDaniel, Esquire, attorney for the Claimant, we are advising him of same. However, I am also providing you with a subpoena should you need this in order to forward the requested information. Should you have any questions concerning this request or require additional information, please do not hesitate to contact me.



Ramzy Hourany, M.D.  
July 20, 2018  
Page 2

Very truly yours,



Kenya C. Miller, Esquire

KCM:

Preston McDaniel, Esquire (via email)  
Ryan Hall (Auto-Owners Insurance) (via email)

Ramzy Hourany, M.D.

July 20, 2018

Page 3

**MEDICAL QUESTIONNAIRE**

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

Please identify the medical treatment that is causally-related to occupational asthma which will provide relief or effect a cure of Ms. Sowell's disabling symptoms.

---

---

---

\_\_\_\_\_  
Ramzy Hourany, M.D.

\_\_\_\_\_  
Date

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

July 20, 2018

**VIA FACSIMILE - (843) 673-7532**

Carolinas Pulmonology  
805 Pamplico Highway,  
Medical Mall B, Suite 300  
Florence, SC 29505

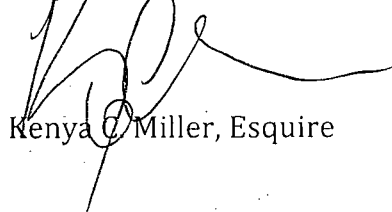
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,



Kenya C. Miller, Esquire

KCM:tcm  
Enclosures

cc: Preston McDaniel, Esquire (via fax)  
Gerald Malloy, Esquire (via fax)  
Ryan Hall, Auto Owners (via email)



Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - - Work Phone: ( ) - - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: ( 803 ) 285 - 0004

**SUBPOENA**

To: Carolinas Pulmonology c/o Dr. Ramzy Hourany

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

**PLACE OF TESTIMONY:** \_\_\_\_\_ **ROOM:** \_\_\_\_\_  
**DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

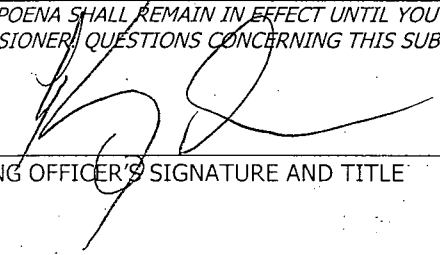
**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, billing statements and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950)**

**PLACE:** Kenya C. Miller, Esquire **DATE AND TIME:**  
Dickie, McCamey & Chilcote  
PO Box 2046  
Lancaster, SC 29721 July 30, 2018

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

**PREMISES:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

 ( 803 ) 285 - 0004 July 20, 2018  
**ISSUING OFFICER'S SIGNATURE AND TITLE** **PHONE NUMBER** **DATE**

erve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Departmen  
t 803-737-5675.

**SECTION 42-15-95.** Release of medical records; communication of medical history by health care provider.

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

**CERTIFICATE OF SERVICE**

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO:

VIA FACSIMILE - (843) 673-7532

Carolinas Pulmonology  
805 Pamplico Highway,  
Medical Mall B, Suite 300  
Florence, SC 29505

VIA FACSIMILE - (803) 252-0709

Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201

VIA FACSIMILE - (843) 332-4646

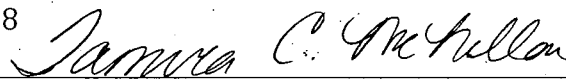
Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551

DOCUMENT:

Form 27 - Subpoena

DATE OF  
MAILING:

July 20, 2018



Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

**FACSIMILE**

**Dickie McCamey**

**PLEASE HAND DELIVER, AS SOON AS POSSIBLE, THE FOLLOWING FACSIMILE TRANSMISSION TO:**

NAME:	Candice Lane	DATE:	7/20/2018
COMPANY:	Carolinas Pulmonology	PHONE NO.:	(843) 673 - 7529
FAX NO.:	(843) 673-7532	RE:	<b>Gennette Sowell vs. Piggly Wiggly Claim No: 36-1835-2014</b>
CC:	Preston McDaniel (803) 252-0709 Gerald Malloy (843) 332-4646	FROM:	Tamra Caver-McMillan
		TOTAL NUMBER OF PAGES (including cover sheet):	8

Please deliver this information immediately upon receipt to the person named above.  
If you do not receive all the pages, please call DMC at (803) 285-0004.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

**EX-45**

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

July 20, 2018

**VIA FACSIMILE (843) 383 -4516**

Dr. Orville Dyce  
Black Creek Medical Consultants  
149 E. Carolina Avenue  
Hartsville, SC 29550

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

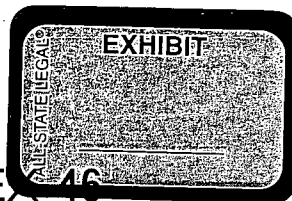
Dear Dr. Dyce:

**THIRD REQUEST**

In follow up to my letter of July 3, 2018, the purpose of letter is to inform that we have not received completed documentation requested in our subpoena of January 2, 2018. As previously informed, Auto-Owners Insurance, has agreed to assume care of Ms. Sowell's medical treatment; specifically any treatment causally-related to occupational asthma. As of today, we have received medical records dated June 7, 2018, June 12, 2018, June 19, 2018 and June 21, 2018, and no billing statements. In order to fulfill this obligation, **I ask that you please forward all medical records, billing statements and completed CMS 1500 claim forms as soon as possible so that prompt payment can be made.**

That being said, it is my understanding from discussions with your office that the medical records are extensive in this case, and thus, additional time will be needed to compile the records. Therefore, if you would be so kind as to prioritize this request by focusing on the records dating from October 17, 2017 to date and continuing, such would be greatly beneficial and appreciated.

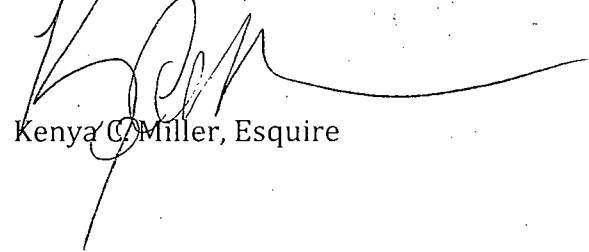
In that regard, attached please find a **revised medical questionnaire** for your completion requesting that you list the treatment relating to occupational asthma. I am also providing you with an updated subpoena should you need this in order to forward the requested information **Upon receipt of this information, Auto-Owners will submit prompt payment.**



Orville Dyce, M.D.  
July 20, 2018  
Page 2

By copy of this letter to Preston McDaniel, Esquire, attorney for the Claimant, we are advising him of same. Please be advised that my client will be responsible for any costs associated with providing this information. Should you have any questions concerning this request or require additional information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kenya C. Miller', with a long horizontal flourish extending to the right.

Kenya C. Miller, Esquire

KCM:

Preston McDaniel, Esquire (via email)  
Ryan Hall (Auto-Owners Insurance)

Orville Dyce, M.D.  
July 20, 2018  
Page 3

**MEDICAL QUESTIONNAIRE**

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

1: Please identify the medical treatment that is causally-related to occupational asthma which will provide relief or effect a cure of Ms. Sowell's disabling symptoms.

---

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---

\_\_\_\_\_  
Orville Dyce, M.D.

\_\_\_\_\_  
Date

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

July 20, 2018

**VIA FACSIMILE - (843) 383-4516**

Dr. Orville Dyce  
Black Creek Medical Consultants  
149 East Carolina, SC 29550  
Florence, SC 29550

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,

  
Kenya C. Miller, Esquire

KCM:tcm  
Enclosures

cc: Preston McDaniel, Esquire (via fax)  
Gerald Malloy, Esquire (via fax)  
Ryan Hall, Auto Owners (via email)



Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - Work Phone: ( ) - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: ( 803 ) 285 - 0004

**SUBPOENA**

To: Black Creek Medical Consultants c/o Dr. Orville Dyce

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

**PLACE OF TESTIMONY:** \_\_\_\_\_ **ROOM:** \_\_\_\_\_  
**DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

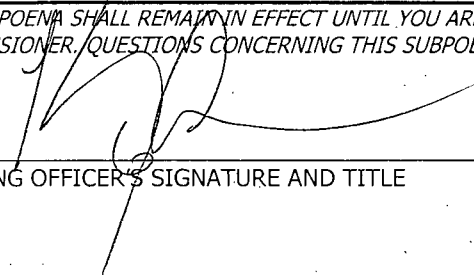
**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, billing statements and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950)**

**PLACE:** Kenya C. Miller, Esquire **DATE AND TIME:** \_\_\_\_\_  
Dickie, McCamey & Chilcote **TIME:** \_\_\_\_\_  
PO Box 2046  
Lancaster, SC 29721 **July 30, 2018**

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

**PREMISES:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

  
ISSUING OFFICER'S SIGNATURE AND TITLE \_\_\_\_\_ ( 803 ) 285 - 0004 July 20, 2018  
PHONE NUMBER DATE

**SECTION 42-15-95.** Release of medical records; communication of medical history by health care provider.

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

- (1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;
- (2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and
- (3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

**CERTIFICATE OF SERVICE**

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO:

VIA FACSIMILE - (843) 673-7532

Dr. Orville Dyce  
Black Creek Medical Consultants  
149 East Carolina, SC 29550  
Florence, SC 29550

VIA FACSIMILE - (803) 252-0709

Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201

VIA FACSIMILE - (843) 332-4646

Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551

DOCUMENT:

Form 27 - Subpoena

DATE OF

MAILING:

July 20, 2018



Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire



## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Wednesday, August 8, 2018 1:03 PM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell

FYI – Dr. Alhouany's office just called to inform that he will not accept Workers Compensation. Therefore, I will get with the adjuster this week to see who he wants me to send her to. However, let me know if you have any suggestions.  
Thanks!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Miller, Kenya  
**Sent:** Thursday, July 19, 2018 12:45 PM  
**To:** 'Greta Elliotte'  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** RE: Genette Sowell

Hi Greta!

I had spoken to Candice at Dr. Al Hourany office and Stephanie at Dr. Mendez office and they were going to get me additional medicals and the billing statements after I sent them updated subpoenas. I did not get a chance to contact Dr. Dyce office again to follow up on the bills I requested back on July 2<sup>nd</sup>. I believe the person I was working with as Angie. However, in light of Preston's objections to the subpoenas I am going to stand back. Can you reach out to these ladies to get this information? Once I have the records, statements and the Form 1500s I can send it to the adjuster for payment. In the meantime, I will try to get you the medicals I do have in a format you can open. Thanks so much!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

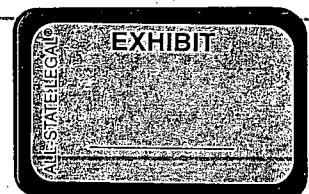
---

**From:** Greta Elliotte [mailto:[gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net)]  
**Sent:** Thursday, July 19, 2018 10:58 AM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; Preston Mcdaniel; Kim Hinkle  
**Subject:** Re: Genette Sowell

This message originated from outside your organization

---

Hartsville Medical Associates in Hartsville, South Carolina



Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

August 13, 2018

**VIA FACSIMILE (843) 383 -6501**

Attention: Buffy Clemmons  
Dr. Orville Dyce  
Black Creek Medical Consultants  
149 E. Carolina Avenue  
Hartsville, SC 29550

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

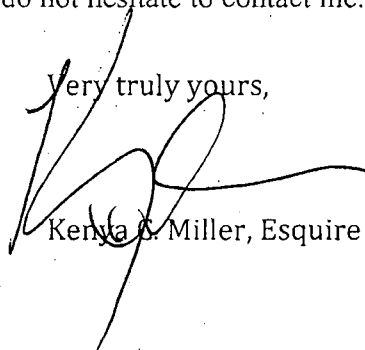
Dear Dr. Dyce:

**FOURTH REQUEST**

It is my understanding that your office is currently requesting authorization/approval for injections. In order to process this request as soon as practicable, we again ask that you please complete and return the attached **medical questionnaire** to my office.

By copy of this letter to Preston McDaniel, Esquire, attorney for the Claimant, we are advising him of same. Please be advised that my client will be responsible for any costs associated with providing this information. Should you have any questions concerning this request or require additional information, please do not hesitate to contact me.

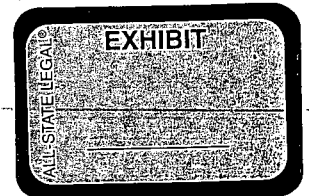
Very truly yours,



Kenya C. Miller, Esquire

KCM:

Preston McDaniel, Esquire (via email)  
Ryan Hall (Auto-Owners Insurance)



**MEDICAL QUESTIONNAIRE**

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

1. Please identify the medical treatment that is causally-related to occupational asthma which will provide relief or effect a cure of Ms. Sowell's disabling symptoms.

---

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Orville Dyce, M.D.

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Date

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

May 29, 2019

**VIA REGULAR MAIL**

The Medical Group  
701 Medical Park Drive, Suite 207  
Hartsville, SC 29550

RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell from **January 3, 2018 to present**. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,

  
Kenya C. Miller, Esquire

KCM:tcn  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)



Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - - Work Phone: ( ) - - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCarney & Chilcote Preparer's Phone #: ( 803 ) 285 - 0004

**SUBPOENA**

To: The Medical Group c/o Dr. Luz Mendez

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: \_\_\_\_\_ ROOM: \_\_\_\_\_  
DATE AND TIME: \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from 1/3/2018 to present and continuing.**

PLACE: Kenya C. Miller, Esquire DATE AND TIME: \_\_\_\_\_  
Dickie, McCarney & Chilcote  
PO Box 2046  
Lancaster, SC 29721 June 10, 2019

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

ISSUING OFFICER'S SIGNATURE AND TITLE \_\_\_\_\_ ( 803 ) 285 - 0004 \_\_\_\_\_ May 29, 2019 \_\_\_\_\_  
PHONE NUMBER DATE

Fill out this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

**SECTION 42-15-95. Release of medical records; communication of medical history by health care provider.**

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO:

Attention: Medical Records  
The Medical Group  
701 Medical Park Drive, Suite 207  
Hartsville, SC 29550

Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201


Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551

DOCUMENT:

Form 27 - Subpoena

DATE OF  
MAILING:

May 29, 2019



Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Tuesday, August 14, 2018 4:20 PM  
**To:** Rose Thielke  
**Cc:** georgiaworkcomp.clm@aoin.com; gmalloy@bellsouth.net; gelliotte@bellsouth.net; Denise Chavis  
**Subject:** Re: Gennette Sowell v Piggly Wiggly

Thanks Preston for taking care of that. Please let me know if you get a response. I found a pulmonologist a couple of weeks ago before I knew she had one but I can't recall who that was. I'm out of the office until tomorrow but will look into it tomorrow. Also, if Dr. Dyce completes your questionnaire can you get me a copy? I just need him to confirm that the injections are needed for the asthma so I can get it authorized. I have asked his office for this 4 times now. Thanks again!

Sent from my iPhone

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
kmiller@dmclaw.com | [Bio/vCard](#)



ATTORNEYS AT LAW

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On Aug 14, 2018, at 4:04 PM, Rose Thielke <[rose@pfmcdlaw.com](mailto:rose@pfmcdlaw.com)> wrote:

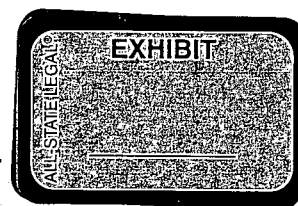
**This message originated from outside your organization**

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The attached letter is being sent at the request of Preston McDaniel.

Rose Thielke  
McDaniel Law Firm

<SCAN18081416001.pdf>



## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Friday, September 21, 2018 11:09 AM  
**To:** 'aham@pfmcdlaw.com'  
**Cc:** gmalloy@bellsouth.net; 'Greta Elliotte'; cdenisec@bellsouth.net; Carver, Tamra; 'Kim Hinkle'  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

Hi Preston!

The adjuster said that he would reach out to Dr. Mendez office again. He will also schedule Ms. Sowell for an appointment with a pulmonologist, but he is not in agreement to send her to Charleston. He was actually in the process of sending her to a pulmonologist in Monroe NC (Dr. Carl Smart) which is closer to where she lives, but I told him to hold off because I thought you were going to see if Dr. Hourany would reconsider continuing to treat her. At any rate, the MSA attorney is reviewing the file now to give us options so that we can potentially settle. The adjuster wants to know if you want him to hold off on paying for the injections as doing so will impact the MSA. I told him that would need to be your call. Just let me know one way or the other. Thanks!

### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Andrea Ham [mailto:[aham@pfmcdlaw.com](mailto:aham@pfmcdlaw.com)]  
**Sent:** Thursday, September 20, 2018 10:46 AM  
**To:** Miller, Kenya  
**Cc:** gmalloy@bellsouth.net; 'Greta Elliotte'; cdenisec@bellsouth.net; Carver, Tamra; 'Kim Hinkle'  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

**This message originated from outside your organization**

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Dear Kenya:

Thank you for your email and also to update you, Dr. Mendez has referred Ms. Sowell to a pulmonary specialist in Charleston because apparently Ms. Sowell's asthma is getting more uncontrolled. As you know there is not a pulmonologist in Hartsville right now and will not be one there until November. The costs are going to escalate.

Also, it appears that Dr. Mendez is still billing this under Medicare. I am not sure if that is their problem or from your side but I have told them to contact you and you might have the adjuster contact them again for billing to the adjuster.

Finally, in reference to the MSA, I just received an article and talked to John Cattie about something I never knew until this day. I am sure that your attorneys that are experts in the area of MSA know this but apparently, your clients do not have to fully fund an MSA or pay all of the money under the MSA to Medicare. John tells me that all of the experts in this area know this and for example you may have an MSA that comes back at \$200,000.00 and you can pay \$50,000.00 or even almost nothing or even nothing to CMS and pay the balance of the money directly to the Claimant directly and not payable into any Medicare set aside. He gave me as an example that the parties agreed to settle a case for

## Miller, Kenya

---

**From:** Miller, Kenya  
**Sent:** Friday, September 21, 2018 3:30 PM  
**To:** 'kim@pfmcdlaw.com'  
**Cc:** gmalloy@bellsouth.net; 'Greta Elliotte'; cdenisec@bellsouth.net; Carver, Tamra; Andrea Ham  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

I will let them know. Just for clarification: 1) do I tell the adjuster to pay for the injections are not and: 2) if the existing pulmonologist, Dr. Alhourany, will not accept comp, are you suggesting that the adjuster is required to send her to a pulmonologist that's literally 3 hours away as opposed to a pulmonologist that's less than one hour from her home? I don't recall the Order stating that and I certainly can't imagine why Ms. Genette would prefer to drive all the way to Charleston, but let me know before I have my paralegal send these medical records over. I honestly could care less one way or the other....just need to know where to send the medicals. Thanks!

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Kim's Mailbox [mailto:kim@pfmcdlaw.com]  
**Sent:** Friday, September 21, 2018 2:57 PM  
**To:** Miller, Kenya  
**Cc:** gmalloy@bellsouth.net; 'Greta Elliotte'; cdenisec@bellsouth.net; Carver, Tamra; Andrea Ham  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

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NOTE FROM PRESTON:

Dear Kenya:

I've got to get back to a 4<sup>th</sup> Circuit Court of Appeals Brief and Appendix, so I will try to make this short and sweet.

1. Please remind the MSA attorney that liability is on appeal and at this point your client is responsible for nothing other than payment pursuant to a statute during pendency of the appeal. At this point, you have no responsibility for payment pursuant to an Award, nor have you agreed to same. Therefore, there is no requirement for an MSA. If he says otherwise, I would request that he put it in writing with a copy to me. The MSA attorney stands to cost your clients millions. Please make sure your clients understand that. I know you will pass that along. Please tell him, time is of the essence.

2. Your adjuster doesn't understand that he does not control medical. Your clients are paying pursuant to the Order and Award of the Commission during the pendency of the appeal under

**From:** Miller, Kenya <kmiller@dmclaw.com>  
**Sent:** Friday, September 21, 2018 11:09 AM

To: 'aham@pfmcdlaw.com' <aham@pfmcdlaw.com>  
Cc: gmalloy@bellsouth.net; 'Greta Elliotte' <gelliotte@bellsouth.net>; cdenisec@bellsouth.net; Carver, Tamra <tcarver@dmclaw.com>; 'Kim Hinkle' <kim@pfmcdlaw.com>  
Subject: RE: Gennette Sowell v Piggly Wiggly

Hi Preston!

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**Kenya C. Miller, Esquire**

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---

**From:** Andrea Ham [<mailto:aham@pfmcdlaw.com>]  
**Sent:** Thursday, September 20, 2018 10:46 AM  
**To:** Miller, Kenya  
**Cc:** [gmalloy@bellsouth.net](mailto:gmalloy@bellsouth.net); 'Greta Elliotte'; [cdenisec@bellsouth.net](mailto:cdenisec@bellsouth.net); Carver, Tamra; 'Kim Hinkle'  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

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Dear Kenya:

Thank you for your email and also to update you, Dr. Mendez has referred Ms. Sowell to a pulmonary specialist in Charleston because apparently Ms. Sowell's asthma is getting more uncontrolled. As you know there is not a pulmonologist in Hartsville right now and will not be one there until November. The costs are going to escalate.

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this area know this and for example you may have an MSA that comes back at \$200,000.00 and you can pay \$50,000.00 or even almost nothing or even nothing to CMS and pay the balance of the money directly to the Claimant directly and not payable into any Medicare set aside. He gave me as an example that the parties agreed to settle a case for \$300,000.00 with \$100,000.00 being what Medicare says was needed to fund the MSA and then in that case, they paid CMS \$10,000.00 and the balance of the MSA went to the injured worker.

All of that is way above my pay-grade as it might be above yours (I phrase that that way because I am absolutely sure that you are a much smarter lawyer than I am and I am hoping I can just limp out of here before it get any more complicated. Ah! For the good old days – trial by ambush and insurance company sent you a check without a tax I.D. Haha!) but I think it is something that we need to get John Cattie on the phone with your experts to confirm so that your clients can understand exactly what he is talking about. John has agreed to only be paid if we agree on some kind of a resolution and then he will be glad to split it with your experts.

I look to hear from you.

Sincerely yours,  
Preston

Andrea Ham  
Legal Assistant  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201  
(803) 771-7211  
(803) 252-0709 fax

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**From:** Miller, Kenya <[kmill@dmclaw.com](mailto:kmill@dmclaw.com)>  
**Sent:** Monday, September 10, 2018 4:05 PM  
**To:** 'katie@pfmcdlaw.com' <[katie@pfmcdlaw.com](mailto:katie@pfmcdlaw.com)>; [georgiaworkcomp.clm@aoin.com](mailto:georgiaworkcomp.clm@aoin.com)  
**Cc:** [gmalloy@bellsouth.net](mailto:gmalloy@bellsouth.net); [gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net); [cdenisec@bellsouth.net](mailto:cdenisec@bellsouth.net); Carver, Tamra <[tcarver@dmclaw.com](mailto:tcarver@dmclaw.com)>; [kim@pfmcdlaw.com](mailto:kim@pfmcdlaw.com)  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

Hi Preston,

I hope all is well. I apologize for the delay in getting back to you. I had a minor surgery on the day you sent this email and was out of the office that entire week unexpectedly. Thus, I am still playing catch up. At any rate, the adjuster has informed that he is requesting an updated MSA to see if home office will extend settlement authority. Once I have that information I will forward same to you. Thanks!

**Kenya C. Miller, Esquire**  
Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmill@dmclaw.com](mailto:kmill@dmclaw.com) | [Bio/vCard](#)



ATTORNEYS AT LAW

NOTICE: You have received an e-mail from [kmiller@dmclaw.com](mailto:kmiller@dmclaw.com). The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient; you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you have received a message in error, please notify the sender immediately by replying to the message and delete the message from your computer.

**From:** [katie@pfmcdlaw.com](mailto:katie@pfmcdlaw.com) [<mailto:katie@pfmcdlaw.com>]

**Sent:** Monday, August 20, 2018 10:34 AM

**To:** Miller, Kenya; [georgiaworkcomp.clm@aoins.com](mailto:georgiaworkcomp.clm@aoins.com)

**Cc:** [gmalloy@bellsouth.net](mailto:gmalloy@bellsouth.net); [gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net); [cdenisec@bellsouth.net](mailto:cdenisec@bellsouth.net); Carver, Tamra; [kim@pfmcdlaw.com](mailto:kim@pfmcdlaw.com)

**Subject:** RE: Gennette Sowell v Piggly Wiggly

This message originated from outside your organization

---

From Preston

Kenya,

My receptionist who was trying to get everything out in a hurry, failed to note to send a copy to Tamra. Sorry about that. In reference to contacting your client, didn't look back at it, but I think the only thing we sent or should have sent was trying to get medical care in place as fast as possible and help you in that regard. I know you are as busy as I am and all over the place, but I will not communicate with your client any further.

However, I want to try to work together, but I find it perplexing whenever you send subpoena's and everything to the doctor, telling them to respond to you with the bill and then the doctor is giving the email and address for the adjuster. It is in no one's best interest to delay medical care and that is not properly providing medical care under the Act or the Award. The doctors should be dealing directly with the adjusters.

In reference to a pulmonologist, we checked with Ms. Sowell and Ms. Sowell is only seeing this current pulmonologist about every 3-6 months and therefore an immediate appointment is not urgent.

We have been advised by several local physicians, that there is a new pulmonologist coming with the medical group as of November, so there will be a local pulmonologist available to send Ms. Sowell to. It is my understanding that his name is Dr. Akerman. Those other authorized physicians are also giving us the name of other pulmonologist and I asked Dr. Dyce's office if they would check and see if Dr. Dyce, since there is a new pulmonologist coming into the area, would see her for any pulmonary needs in the interim.

Finally, and again I am not trying to be harsh, but please re-read the Award with your clients and look at the medical care that was being provided by Dr. Dyce, in particular, at the time of the Award. He is providing the same exact care now, in reference to her asthma, that he was providing back then and which the Commissioner specifically designated in an Order was to be provided. There is no statement needed that the injections are related, although it is my understanding that Dr. Dyce's office has given you that. Kenya, I am chomping at the bit to file a bad faith failure to pay benefits action against somebody in an accepted or awarded case, but I have no desire for it to be your client. We simply want the medical care provided in a timely fashion without disruption and without constant challenge.

I hope you understand, hope this finds you doing well, look to see you soon and glad we are getting everything moving.

Sincerely,

Preston

**From:** Miller, Kenya <[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)>

**Sent:** Wednesday, August 15, 2018 2:41 PM

**To:** 'Rose Thielke' <[rose@pfmtclaw.com](mailto:rose@pfmtclaw.com)>; [georgiaworkcomp.clm@aoins.com](mailto:georgiaworkcomp.clm@aoins.com)

**Cc:** [gmalloy@bellsouth.net](mailto:gmalloy@bellsouth.net); [gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net); 'Denise Chavis' <[cdenisec@bellsouth.net](mailto:cdenisec@bellsouth.net)>; Carver, Tamra <[tcarver@dmclaw.com](mailto:tcarver@dmclaw.com)>

**Subject:** RE: Gennette Sowell v Piggly Wiggly

Additionally, please remember to include my paralegal on all emails. Thanks so much!

**Kenya C. Miller, Esquire**

Shareholder in Charge - Lancaster

803-285-0004 Office

803-285-0042 Fax

[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com) | [Bio/vCard](#)

**Dickie McCamey**

ATTORNEYS AT LAW

NOTICE: You have received an e-mail from [kmiller@dmclaw.com](mailto:kmiller@dmclaw.com). The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you have received a message in error, please notify the sender immediately by replying to the message and delete the message from your computer.

**From:** Rose Thielke [<mailto:rose@pfmtclaw.com>]

**Sent:** Tuesday, August 14, 2018 3:57 PM

**To:** Miller, Kenya; [georgiaworkcomp.clm@aoins.com](mailto:georgiaworkcomp.clm@aoins.com)

**Cc:** [gmalloy@bellsouth.net](mailto:gmalloy@bellsouth.net); [gelliotte@bellsouth.net](mailto:gelliotte@bellsouth.net); 'Denise Chavis'

**Subject:** Gennette Sowell v Piggly Wiggly

**This message originated from outside your organization**

---

The attached letter is being sent at the request of Preston McDaniel.

Rose Thielke

McDaniel Law Firm

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

May 29, 2019

**VIA REGULAR MAIL**

Black Creek Medical Consultants  
149 East Carolina Avenue  
Hartsville, SC 29550

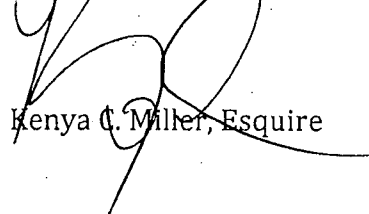
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell from **February 16, 2018 to present**. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

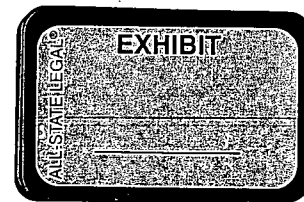
Very truly yours,



Kenya C. Miller, Esquire

KCM:tc  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)





Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - Work Phone: ( ) - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: ( 803 ) 285 - 0004

**SUBPOENA**

To: Black Creek Medical Consultants

YOU ARE COMMANDED to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: \_\_\_\_\_ ROOM: \_\_\_\_\_  
DATE AND TIME: \_\_\_\_\_

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

LIST OF DOCUMENTS: Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from 2/16/2018 to present and continuing.**

PLACE: Kenya C. Miller, Esquire DATE AND TIME: \_\_\_\_\_  
Dickie, McCamey & Chilcote  
PO Box 2046  
Lancaster, SC 29721 June 10, 2019

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

ISSUING OFFICER'S SIGNATURE AND TITLE \_\_\_\_\_ ( 803 ) 285 - 0004 \_\_\_\_\_ May 29, 2019  
PHONE NUMBER DATE

**SECTION 42-15-95. Release of medical records; communication of medical history by health care provider.**

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Attention: Medical Records  
 Black Creek Medical Consultants  
 149 East Carolina Avenue  
 Hartsville, SC 29550

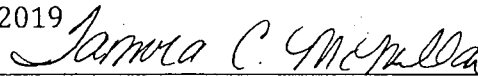
Preston McDaniel, Esquire  
 McDaniel Law Firm  
 1315 Elmwood Avenue  
 Columbia, SC 29201

Gerald Malloy, Esquire  
 Malloy Law Firm  
 PO Box 1200  
 Hartsville, SC 29551

DOCUMENT: Form 27 - Subpoena

DATE OF  
MAILING:

May 29, 2019



Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

June 12, 2019

DICKIE MCCAMEY & CHILCOTE  
PO BOX 2046  
Lancaster, SC 29721

Patient: GENNETTE SOWELL

Attention Requester:

We have received your request for copies of medical records on the above referenced patient. We are unable to complete processing of your request for the following reason(s):

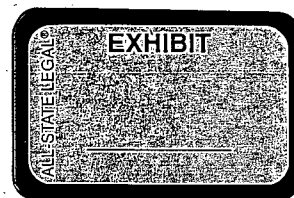
- We have no record of treatment for the **date(s) of service** you request.

If appropriate, please re-submit your request to:

CPRMC Clinics - Other - SC 005  
1304 W. Bobo Newsom Hwy  
Hartsville, SC 29550  
**FAX 8433394585**

Thank you,

Release of Information Services  
CPRMC Clinics - Other - SC 005



EX-72

## Carver, Tamra

---

**From:** Carver, Tamra  
**Sent:** Friday, June 28, 2019 11:17 AM  
**To:** 'kim@pfmcdlaw.com'  
**Cc:** gelliotte@bellsouth.net; Denise; Andrea Ham; Miller, Kenya  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

Hi Kim,

I hope you are doing well.

I've called and left a couple of messages so I wanted to follow-up with you regarding Ms. Sowell's MSA. I have been unable to obtain any updated medical records from Dr. Mendez or Dr. Dyce. Will you all please provide us with updated medical records and/or identify her current medical providers? We will also need to obtain a copy of her prescription history from her pharmacy for the medications prescribed within the past year.

Thanks,

### Tamra Carver-McMillan

Paralegal  
803-285-0004 Office  
803-285-0042 Fax  
[tcarver@dmclaw.com](mailto:tcarver@dmclaw.com)

**From:** Miller, Kenya  
**Sent:** Friday, September 21, 2018 5:40 PM  
**To:** 'kim@pfmcdlaw.com' <kim@pfmcdlaw.com>; Carver, Tamra <tcarver@dmclaw.com>  
**Cc:** Gerald Malloy <gmalloy@bellsouth.net>; gelliotte@bellsouth.net; Denise <cdenisec@bellsouth.net>; Andrea Ham <aham@pfmcdlaw.com>  
**Subject:** RE: Gennette Sowell v Piggly Wiggly

Not really, but I'll work on this next week (smile). I am not following the logic as to how we would be paying for the shots pursuant to a statute but not the Order, particularly when this is a denied claim, but again I am not handling the MSA. I will just forward this email to them as well and let the experts address it. From my perspective, I'll touch base with Dr. Mendez to see if it makes a difference one way or the other as to what pulmonologist she sees. I don't know anything about the doctor in Monroe, but I did tell the adjuster that Monroe would be more convenient for her. No worries. Prayers lifted for Ms. Genette!

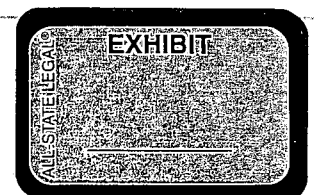
### Kenya C. Miller, Esquire

Shareholder in Charge - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmiller@dmclaw.com](mailto:kmiller@dmclaw.com)

---

**From:** Kim's Mailbox [<mailto:kim@pfmcdlaw.com>]  
**Sent:** Friday, September 21, 2018 5:09 PM

1  
EX-73



Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

November 12, 2019

**VIA REGULAR MAIL**

Carolinas Pulmonology  
805 Pamplico Highway,  
Medical Mall B, Suite 300  
Florence, SC 29505

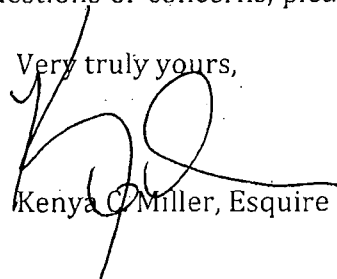
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell from **June 26, 2018 to present**. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

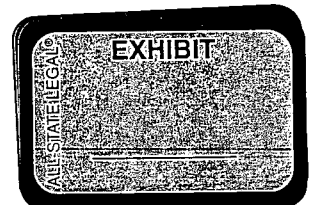
Very truly yours,



Kenya C. Miller, Esquire

KCM:tcm  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)





Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - Work Phone: ( ) - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: (803) 285 - 0004

**SUBPOENA**

To: Carolinas Pulmonology

**YOU ARE COMMANDED** to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

**PLACE OF TESTIMONY:** \_\_\_\_\_ **ROOM:** \_\_\_\_\_  
**DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

**PLACE OF DEPOSITION:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

**YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

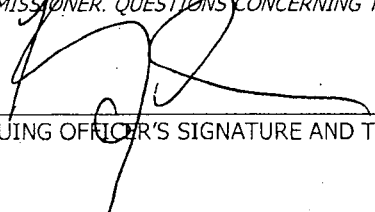
**LIST OF DOCUMENTS:** Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, billing statements and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from June 27, 2018 to present.**

**PLACE:** Kenya C. Miller, Esquire **DATE AND TIME:** \_\_\_\_\_  
Dickie, McCamey & Chilcote \_\_\_\_\_  
PO Box 2046 \_\_\_\_\_  
Lancaster, SC 29721 November 22, 2019

**YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

**PREMISES:** \_\_\_\_\_ **DATE AND TIME:** \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

 \_\_\_\_\_ (803) 285 - 0004 November 12, 2019  
ISSUING OFFICER'S SIGNATURE AND TITLE PHONE NUMBER DATE

Serve this form according to R.67-211(C). Refer to R.67-211 and R.67-214 for additional information. Procedural questions may be addressed to the Judicial Department at 803-737-5675.

**SECTION 42-15-95. Release of medical records; communication of medical history by health care provider.**

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

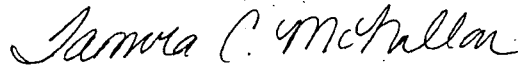
**CERTIFICATE OF SERVICE**

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO: Carolinas Pulmonology  
805 Pamplico Highway,  
Medical Mall B, Suite 300  
Florence, SC 29505  
  
Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201  
  
Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551

DOCUMENT: Form 27 - Subpoena

DATE OF MAILING: November 12, 2019



Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

November 12, 2019

**VIA REGULAR MAIL**

Black Creek Medical Consultants  
149 East Carolina Avenue  
Hartsville, SC 29550

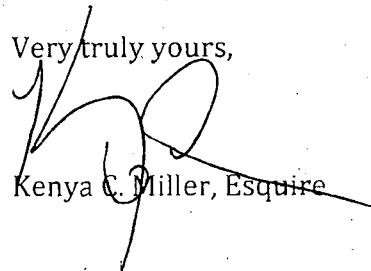
RE: Genette Sowell v. Piggly Wiggly  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No. 36-1835-2014

Dear Sir or Madam:

We represent the Defendants in the above-referenced workers' compensation case. We would appreciate if you would send us a copy of any and all medical records relating to the medical treatment of Genette Sowell from **June 22, 2018 to present**. For your files, I have enclosed a Subpoena Duces Tecum along with a copy of Section 42-15-95 of the South Carolina Workers' Compensation Act which permits the release of your records. **Please note that this is a workers' compensation case; therefore, it is excluded from HIPAA compliance. An authorization form is not required under state law.**

**If the cost of copying records exceeds \$150.00, please contact our office prior to processing this request.** If you have any questions or concerns, please do not hesitate to contact our office. Thank you.

Very truly yours,



Kenya C. Miller, Esquire

KCM:tcm  
Enclosures

cc: Preston McDaniel, Esquire (via regular mail)  
Gerald Malloy, Esquire (via regular mail)  
Ryan Hall, Auto Owners (via email)



Claimant's Name: Genette Sowell SSN: 248-92-8291 Employer's Name: Piggly Wiggly Central, Inc.  
Address: Route 3 Box 115 C Address: 415 North Salem Street  
City: Chesterfield State: SC Zip: 29709 City: Sumter State: SC Zip: 29150  
Home Phone: ( ) - Work Phone: ( ) - Insurance Carrier: Auto-Owners Insurance Company  
Preparer's Name: Kenya C. Miller, Esquire Law Firm: Dickie, McCamey & Chilcote Preparer's Phone #: ( 803 ) 285 - 0004

**SUBPOENA**

To: Black Creek Medical Consultants

YOU ARE COMMANDED to appear before the above-named Commission at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY: \_\_\_\_\_ ROOM: \_\_\_\_\_  
DATE AND TIME: \_\_\_\_\_

YOU ARE COMMANDED to appear at the place, date and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below.

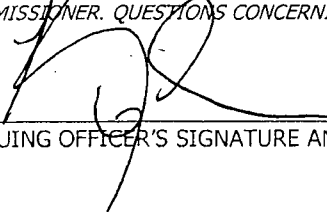
LIST OF DOCUMENTS: Any and all medical records including, but not limited to, all intake and/or history forms, hospital admission records and summaries, office and/or other narrative notes, incident reports, test results, medical records and/or the narrative reports of any diagnostic studies, including x-rays, CT Scans, MRI's, myelograms, EMG's, nerve conduction studies, neuropsychological evaluations, vocational assessments, etc., computer printouts, and correspondence regarding **Genette Sowell (SSN: 248-92-8291; DOB: 3/11/1950 from 6/22/2018 to present and continuing.**

PLACE: Kenya C. Miller, Esquire DATE AND TIME: \_\_\_\_\_  
Dickie, McCamey & Chilcote \_\_\_\_\_  
PO Box 2046 \_\_\_\_\_  
Lancaster, SC 29721 November 22, 2019

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES: \_\_\_\_\_ DATE AND TIME: \_\_\_\_\_

*THIS SUBPOENA SHALL REMAIN IN EFFECT UNTIL YOU ARE GRANTED PERMISSION TO DEPART BY THE COMMISSIONER OR AN OFFICER ACTING ON BEHALF OF THE COMMISSIONER. QUESTIONS CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO THE FOLLOWING ISSUING OFFICER.*

  
ISSUING OFFICER'S SIGNATURE AND TITLE \_\_\_\_\_ ( 803 ) 285 - 0004 \_\_\_\_\_ November 12, 2019  
PHONE NUMBER DATE

**SECTION 42-15-95. Release of medical records; communication of medical history by health care provider.**

(A) Any employee who seeks treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title shall be considered to have given his consent for the release of medical records relating to such examination or treatment under any applicable law or regulation. All information compiled by a health care facility, as defined in Section 44-7-130, or a health care provider licensed pursuant to Title 40 pertaining directly to a workers' compensation claim must be provided to the insurance carrier, the employer, the employee, their respective attorneys or certified rehabilitation professionals, or the South Carolina Workers' Compensation Commission, within fourteen days after receipt of written request. A health care facility and a health care provider may charge a fee for the search and duplication of a medical record in accordance with regulations promulgated by the Workers' Compensation Commission. Fee schedules established through regulations of the Workers' Compensation Commission shall apply only to claims under Title 42. If a health care provider fails to send the requested information within thirty days after receipt of the request, the person or entity making the request may apply to the commission for an appropriate penalty payable to the commission, not to exceed two hundred dollars.

(B) A health care provider who provides examination or treatment for any injury, disease, or condition for which compensation is sought under the provisions of this title may discuss or communicate an employee's medical history, diagnosis, causation, course of treatment, prognosis, work restrictions, and impairments with the insurance carrier, employer, their respective attorneys or certified rehabilitation professionals, or the commission without the employee's consent. The employee must be:

(1) notified by the employer, carrier, or its representative requesting the discussion or communication with the health care provider in a timely fashion, in writing or orally, of the discussion or communication and may attend and participate. This notification must occur prior to the actual discussion or communication if the health care provider knows the discussion or communication will occur in the near future;

(2) advised by the employer, carrier, or its representative requesting the discussion or communication with the health care provider of the nature of the discussion or communication prior to the discussion or communication; and

(3) provided with a copy of the written questions at the same time the questions are submitted to the health care provider. The employee also must be provided with a copy of the response by the health care provider.

Any discussion or communication must not conflict with or interfere with the employee's examination or treatment.

Any discussions, communications, medical reports, or opinions obtained in accordance with this section will not constitute a breach of the physician's duty of confidentiality.

(C) Any discussions, communications, medical reports, or opinions obtained in violation of this section must be excluded from any proceedings under the provisions of this title.

HISTORY: 1980 Act No. 318, Section 1; 1989 Act No. 186, Section 1, eff June 8, 1989; 1990 Act No. 476, Section 1, eff May 14, 1990; 1994 Act No. 468, Section 5, eff July 14, 1994; 2007 Act No. 111, Pt I, Section 29, eff July 1, 2007, applicable to injuries that occur on or after that date.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

W.C.C. FILE NO.: 1408826

GENETTE SOWELL

Employee,

Claimant,

vs.

PIGGLY WIGGLY

Employer,

AND

AUTO-OWNERS INSURANCE  
COPMANY,

Carrier,

Defendants.

CERTIFICATE OF SERVICE

**RECEIVED**

MAR 9 2020

**SC Court of Appeals**

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO:

Attention: Medical Records  
Black Creek Medical Consultants  
149 East Carolina Avenue  
Hartsville, SC 29550

Preston McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Avenue  
Columbia, SC 29201

Gerald Malloy, Esquire  
Malloy Law Firm  
PO Box 1200  
Hartsville, SC 29551

DOCUMENT:

Form 27 - Subpoena

DATE OF

MAILING:

November 12, 2019

*Tamra C. McMillan*

Tamra Carver-McMillan  
Paralegal to Kenya C. Miller, Esquire

## Carver, Tamra

---

**From:** Carver, Tamra  
**Sent:** Tuesday, November 12, 2019 11:24 AM  
**To:** 'Greta Elliotte'  
**Subject:** Gennette Sowell v Piggly Wiggly

Hi Greta,

I hope you are well.

Will you please confirm if Ms. Sowell is treating with any other providers other than Dr. Dyce and Dr. Hourany?

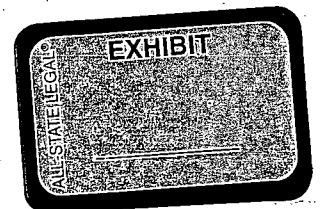
**Tamra Carver-McMillan**

Paralegal  
803-285-0004 Office  
803-285-0042 Fax  
tcarver@dmclaw.com

**Dickie McCamey**

ATTORNEYS AT LAW

NOTICE: You have received an e-mail from [tcarver@dmclaw.com](mailto:tcarver@dmclaw.com). The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you have received a message in-error, please notify the sender immediately by replying to the message and delete the message from your computer.



## Carver, Tamra

---

**From:** aham@pfmcdlaw.com  
**Sent:** Wednesday, January 15, 2020 3:31 PM  
**To:** Miller, Kenya  
**Cc:** Carver, Tamra; kim@pfmcdlaw.com; gmalloy@bellsouth.net; gelliotte@bellsouth.net; cdenisec@bellsouth.net; rose@pfmcdlaw.com  
**Subject:** RE: Gennette Sowell

**This Message Originated From Outside DMC**

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### NOTE FROM PRESTON:

Dear Kenya:

[Addendum: After reading this. Call me. Enough time on emails and delay. I need to file a Motion if we cannot get this straight.]

I received a copy of your January 9<sup>th</sup> note about settlement but our further response to our series of emails in December in reference to settlement and what your clients are willing or not willing to do was delayed because we had to get with Ms. Sowell to confirm what they were and/or were not paying. Bottom line is your clients are not paying anything. Subsequent to December 10<sup>th</sup>, we confirmed with Ms. Sowell who her current medical providers are and the following:

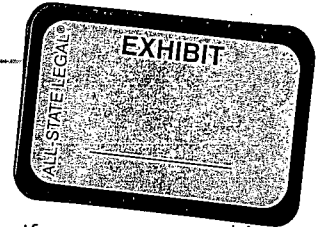
1. Dr. Mendez – family doctor, Hartsville, sees her every four months.
2. Dr. Orville Dyce – Hartsville, weekly for shots.
3. Dr. John Cox – MUSC (has seen him five times now and has had to pay something each time out of pocket).
4. Palmetto Infusion – Florence (has had to pay something out of pocket each time).
5. Dr. Mendez is the doctor who referred Ms. Sowell to Dr. Cox at MUSC. Her next appointment with Dr. Cox is in February.

[Ms. Sowell has confirmed to us that workers' compensation is not paying for any of the above referenced treatment.]

Kenya, it is well and good for your clients to say that they are willing to pay all past medical care and all continuing and future medical care and to pay for mileage but until they do and until they are paying for all of this medical care, there is no way we can agree to a settlement. Old truths: "Actions speak louder than words" and "the proof is in the pudding".

This is just my opinion but part of this is being caused because the adjuster is not directly working with the doctors. If the adjuster's name was on file with the doctors' offices like every other case then the adjuster would have known right away when Dr. Mendez who is an authorized treating physician under the Order referred Ms. Sowell to Dr. Cox at MUSC. Both of our offices had discussions with Dr. Orville Dyce and some of those were over billing information but yet it seems like that is not even getting paid now.

If your clients truly are willing to accept and pay for all past due medical care and all continuing and future medical care by these doctors and by the physicians they recommend and medical providers they recommend, then my suggestion is



to get a rehab nurse on the ground with instructions to go to these doctors, get everything set up billing-wise on her continuing medical care and then we can work everything out or we can fight over everything else. Again, there can be no settlement until this medical care is in place. I am sure you understand that and can agree with that.

**Finally please note**, some of your emails do not contain your paralegal's email whom you asked us to copy with everything, so I am going to go back and reference off of the email of December 10<sup>th</sup> at 5:07 p.m. from you which notes a copy was sent to Tamra Carver. I look forward to hearing from you or you can give me a call.

Sincerely,  
Preston

Andrea Ham  
Legal Assistant  
McDaniel Law Firm  
(803)771-7211  
(803)252-0709

♻️ Please consider the environment before printing this email.

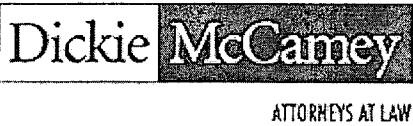
CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed and electronic copies. Nothing in this transmission is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

**From:** Miller, Kenya <kmill@dmclaw.com>  
**Sent:** Thursday, January 9, 2020 6:30 PM  
**To:** 'rose@pfmcdlaw.com' <rose@pfmcdlaw.com>  
**Cc:** kim@pfmcdlaw.com; aham@pfmcdlaw.com; gmalloy@bellsouth.net; gelliotte@bellsouth.net; cdenisec@bellsouth.net  
**Subject:** RE: Gennette Sowell

Hi Gerald and Happy New Year to all!

Just wanted to follow up to see if you had a demand to resolve the indemnity only. My client is in agreement to pay Ms. Sowell mileage as well as past and future medicals. Thanks so much!

**Kenya C. Miller, Esquire**  
Managing Attorney - Lancaster  
803-285-0004 Office  
803-285-0042 Fax  
[kmill@dmclaw.com](mailto:kmill@dmclaw.com) | [Bio/vCard](#)



NOTICE: You have received an e-mail from [kmill@dmclaw.com](mailto:kmill@dmclaw.com). The e-mail message and all attachments transmitted with it are intended solely for the use of the intended recipient and may contain legally privileged and confidential information. If you are not the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of the message or its attachments is strictly prohibited. If you

**Miller, Kenya**

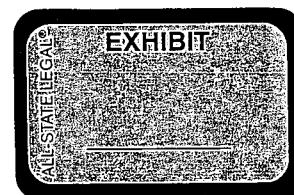
**From:** Torain, Kim <Torain.Kim@aoins.com>  
**Sent:** Thursday, March 26, 2020 2:19 PM  
**To:** Miller, Kenya  
**Subject:** 36-1835-2014 GENETTE SOWELL

**This Message Originated From Outside DMC**

PT	Pmt Date	Payee Name	Pmt Num	Dates of Service	Paid
	Amount				
61	03/12/20	MUSC Physicians	902162058	02/06/2019-07/17/2019	23.00
61	02/27/20	MUSC Physicians	902159273	07/17/2019-07/17/2019	144.50
61	02/27/20	MUSC Physicians	902159272	02/06/2019-02/06/2019	143.50
62	02/03/20	Medical University H	902153980	10/01/2018-10/01/2018	472.60
18	07/08/19	CIOX HEALTH	358335916	06/22/2019-06/22/2019	29.16
20	02/02/18	CIOX			
HEALTH	356890023	01/20/2018		31.46	
18	05/25/16	HEALTHPORT	355335791	05/13/2016	72.31
18	05/13/16	CVS PHARMACY INC	355309610	05/05/2016	25.00
18	05/13/16	MEDICOPY SERVICE INC	355309569	05/09/2016	58.00
18	05/10/16	MEDICOPY SERVICE INC	355298529	05/03/2016	103.50
18	05/10/16	HEALTHPORT	355298125	04/30/2016	16.93
18	05/10/16	MCLEOD PULMONARY	355298111	05/05/2016	20.70
PT	Pmt Date	Payee Name	Pmt Num	Dates of Service	Paid Amoun
18	05/03/16	IOD INC	355281796	04/28/2016	16.1
18	10/20/14	HEALTHPORT	353981535	09/20/2014	475.0

Kim Torain APL AIC AIS  
georgia work comp representative |  
branch  
Auto-Owners Insurance  
p: 770.237.5841, ext. 55873  
f: 517.886.8742

***Auto-Owners***  
**INSURANCE**  
LIFE • HOME • CAR • BUSINESS



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION  
COMMISSION

Appellate Panel, S.C. Workers' Compensation Commission

Appellate Case No. 2017-002396

Gennette Sowell,

Claimant/Respondent,

v.

Piggly Wiggly,

Employer,

And

Auto Owners Insurance Inc.,

Carrier/Appellants.

CERTIFICATE OF SERVICE

The undersigned certifies that she is an employee Dickie, McCamey & Chilcote, P.C. and that she has served, on the date set forth below, a copy of the document described below, in the above entitled action to the following persons, pursuant to Section 15-9-930 and Section 15-9-940 of the Code of Laws of South Carolina, 1976, as well as Rule 203 and Rule 262 of the SCACR, by depositing a copy of same in the United States Mail, postage prepaid, addressed to:

TO:

VIA REGULAR U.S. MAIL  
Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

VIA REGULAR U.S. MAIL  
Preston F. McDaniel, Esquire  
McDaniel Law Firm  
1315 Elmwood Ave  
Columbia, SC 29201

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MAR 30 2020  
SC Court of Appeals

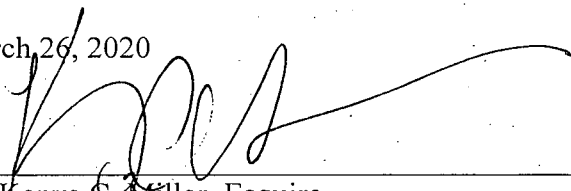
VIA REGULAR U.S. MAIL

Gerald Malloy, Esquire  
Malloy Law Firm  
108 Cargill Way  
Hartsville, SC 29551

DOCUMENT: APPELLANTS' RESPONSE TO RESPONDENT'S MOTION FOR A RULE TO SHOW CAUSE HEARING BEFORE A JUDGE OF THIS COURT OR A JUDGE OR THE FOURTH JUDICIAL CIRCUIT PURSUANT TO SOUTH CAROLINA CODE §42-17-60 AND 70; §14-8-280; §42-5-520; AND §15-35-180 AND OTHER APPLICABLE LAW FOR AN ORDER FINDING THE RESPONDENTS IN CONTEMPT FOR FAILURE TO PROVIDE MEDICAL CARE PURSUANT TO THE AWARD OF THE COMMISSION DURING THE PENDENCY OF THE APPEAL AND FOR AN ORDER OF THE COURT REQUIRING IMMEDIATE COMPLIANCE WITH THE PROVISION OF MEDICAL CARE DURING THE PENDENCY OF THE APPEAL AS PROVIDED FOR IN SOUTH CAROLINA CODE §42-17-60, AND FOR SUCH PENALTIES, FINES, INTEREST AND ATTORNEYS FEES AND SUCH OTHER REMEDIES AS THE COURT DEEMS JUST AND APPROPRIATE PURSUANT TO THE SOUTH CAROLINA CODE OF LAWS and AFFIDAVIT OF KENYA C. MILLER

DATE OF  
MAILING:

March 26, 2020



---

Kenya C. Miller, Esquire  
SC Bar #72634  
Dickie McCamey & Chilcote, P.C.  
115 West Gay Street  
P.O. Box 2046  
Lancaster, SC 29721  
Counsel for Appellants

Kenya C. Miller  
Attorney at Law  
Admitted in SC

803-285-0034  
Fax: 888-811-7144  
kmiller@dmclaw.com

March 26, 2020

**VIA U.S. MAIL**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RECEIVED

MAR 30 2020

SC Court of Appeals

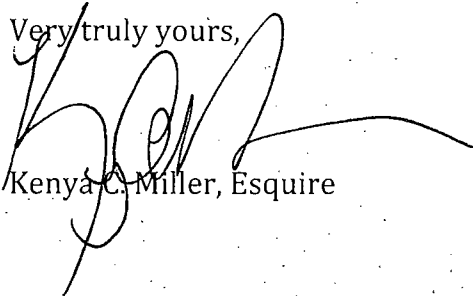
RE: Genette Sowell v. Piggly Wiggly  
**Appellate Case No. 2017-002396**  
Date of Accident: 1/6/2014  
WCC File No.: 1408826  
Our File No.: 0056461.0349337  
Claim No.: 36-1835-2014

Dear Ms. Kitchings:

Enclosed for filing please find one (1) original and six (7) copies of APPELLANTS' RESPONSE TO RESPONDENT'S MOTION FOR A RULE TO SHOW CAUSE HEARING BEFORE A JUDGE OF THIS COURT OR A JUDGE OR THE FOURTH JUDICIAL CIRCUIT PURSUANT TO SOUTH CAROLINA CODE §42-17-60 AND 70; §14-8-280; §42-5-520; AND §15-35-180 AND OTHER APPLICABLE LAW FOR AN ORDER FINDING THE RESPONDENTS IN CONTEMPT FOR FAILURE TO PROVIDE MEDICAL CARE PURSUANT TO THE AWARD OF THE COMMISSION DURING THE PENDENCY OF THE APPEAL AND FOR AN ORDER OF THE COURT REQUIRING IMMEDIATE COMPLIANCE WITH THE PROVISION OF MEDICAL CARE DURING THE PENDENCY OF THE APPEAL AS PROVIDED FOR IN SOUTH CAROLINA CODE §42-17-60 AND FOR SUCH PENALTIES, FINES, INTEREST AND ATTORNEYS FEES AND SUCH OTHER REMEDIES AS THE COURT DEEMS JUST AND APPROPRIATE PURSUANT TO THE SOUTH CAROLINA CODE OF LAWS and AFFIDAVIT OF KENYA C. MILLER in the above-referenced matter. A self-addressed stamped envelope is also included in order to receive a copy of the clocked documents from the Court. By copy of this letter, we are serving the Appellants' Response to Respondent's Motion via U.S. Mail to Respondent's attorney, Preston McDaniel, Esquire and U.S. Mail to Gerald Malloy, Esquire. Enclosed please find a certificate of service verifying same. Please feel free to contact me should you have any questions or concerns regarding this submission.

With kindest regards,

Very truly yours,

  
Kenya C. Miller, Esquire

KCM:tcn  
Enclosures

cc: Preston McDaniel, Esquire (via U.S. Mail)  
Gerald Malloy, Esquire (via U.S. Mail)  
Kim Torain, Auto-Owners Insurance (via email)

**Dickie McCamey**

DICKIE, McCAMEY & CHILCOTE, P.C.  
115 W. GAY STREET | LANCASTER, SC 29720-2421

NEOPOST  
53257020  
FIRST CLASS **\$010.20**  
ZIP 29720  
041110402370

**FIRST CLASS**

**Dickie McCamey**

DICKIE, McCAMEY & CHILCOTE, P.C.  
P.O. BOX 2046 | LANCASTER, SOUTH CAROLINA 29777

RECEIVED  
MAR 26 2020  
SC Court of Appeals

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211