

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jun 03 2020

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SC Court of Appeals

Appeal No. 2019-001361

Courtney Ray Mitchell, Employee,Appellant,

v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier, Respondents.

**MOTION FOR CORRECTION AND/OR AMENDMENT
OF RECORD ON APPEAL**

Pursuant to Rule 210, SCACR, Respondents United Parcel Service and Liberty Mutual hereby move this Court to order that the Record on Appeal filed and served by Appellant Courtney Ray Mitchell be corrected and/or amended as set forth below:

First, pursuant to Rule 210, SCACR, “[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209.” Respondents designated certain pages from the Transcript of the deposition of Courtney Ray Mitchell, taken January 12, 2016. (Item 14 on Exh. A). However, the Record on Appeal as served by Appellant does not contain any pages from that deposition. The Record on Appeal needs to be amended to include those pages.

Second, pursuant to Rule 210, SCACR, provides “[w]here witness testimony is included in the Record on Appeal, the first page of each witness's direct, cross, redirect

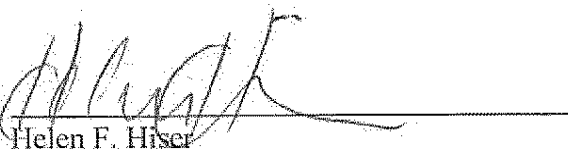
and recross examination must show the name of the witness, the phase of examination and the name of the counsel conducting the examination. If this information is not already reflected on the page, the top of the page shall be annotated with the required information in the following form: John H. Doe--Direct (Cross) (Redirect) (Recross) Examination by Mr. Smith." Page 316 of the Record on Appeal is an unidentified page from a deposition that does not comply with Rule 210.

Respondents further request this Court to order that the Final Briefs in this appeal will not be due until the Record on Appeal has been properly corrected and/or amended.

This motion conforms with Rule 240, SCACR.

Respectfully submitted,
MCANGUS GOUDELOCK & COURIE

June 3, 2020



Helen F. Hiser
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*Attorneys for Respondents United Parcel
Service and Liberty Mutual*

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FEB 14 2020

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SC Court of Appeals

W.C.C. File No.: 1322347

Courtney Ray Mitchell, Employee,Appellant,

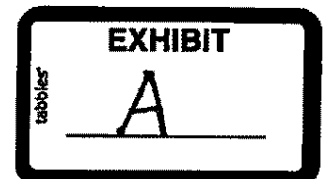
v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier, Respondents.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

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

1. Judicial Conference Decision and Order, filed July 15, 2019;
2. Administrative Order, dated May 23, 2020;
3. Decision and Order, filed Feb. 14, 2019;
4. Form 31 Briefing Schedule and Notice of Appellate Hearing, dated March 15, 2019;
5. Form 31 Briefing Schedule and Notice of Appellate Hearing, dated April 12, 2019;
6. Form 50, dated Dec. 23, 2014;
7. Form 50, dated Feb. 2, 2018;
8. Form 51, dated Feb. 6, 2018;
9. Form 30, dated Feb. 27, 2019;
10. Motion to Vacate, dated June 10, 2019;
11. Defendants' Reply to Claimant's Motion Reinstate Appeal, dated June 19, 2019;

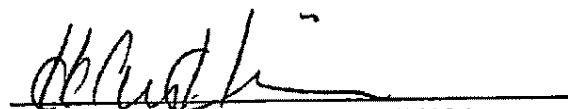


12. Nov. 5, 2019 email from Eugenia Hollmon to Aleigh Gunby, Shayne Williams, and Donald Smith;
13. Hearing Transcript dated November 2, 2018, pp. 6, 8-11, 13, 15-19, 25, 26, 28-31, 34, 40, 41, 43-49, 51-59, 61-65, 83-90, 92-94, 100, 106-110, 113, 117, 118;
14. Transcript Deposition of Courtney Ray Mitchell, taken January 12, 2016, pp. 7, 9-13, 22-38, 41-54, 72, 86, 88, 89, 103, 104;
15. Transcript Deposition of Reginald Owens, taken Oct. 15, 2105, pp. 13, 16;
16. Transcript Deposition of Sharon Mayes, taken Oct 15, 2015, pp. 12, 20-22;
17. Transcript of Deposition of Velma Gina Jones, taken April 13, 2018, pp. 6-8, 12-18; and,
18. APAs, pp. 156-181, 142-153, 184-199, 267-318, 333-343, 910-922, 1149, 1155-1158, 1284-1292, 1342, 1343, 1354-1355, 1358, 1359, 1361, 1421, 1460, 1469, 1502-1524, 1527-1534, 1536, 1539-1544, 1710-1711, 1719, 1721-1725, 1728-1731, 1736-1737.

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

McANGUS GOUDELOCK & COURIE, LLC

February 12, 2020



Helen F. Hiser, S.C. Bar No.: 76124
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*Attorneys for Respondents United Parcel Service and
Liberty Mutual*

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APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1322347

Courtney Ray Mitchell, Employee,Appellant,


v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier,..... Respondents.

PROOF OF SERVICE

I certify that on the 12th day of February 2020, I served the **Initial Brief of Respondents United Parcel Service and Liberty Mutual and Respondents' Designation of Matter to be Included in the Record on Appeal** on Courtney Ray Mitchell by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record as follows:

Donald L. Smith, Esq.
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson, South Carolina 29621
Counsel for Appellant
Courtney Ray Mitchel


Mackenzie Broughton
Legal Assistant to Helen F. Hiser
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Attorneys for Respondents United Parcel Service
and Liberty Mutual

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Courtney Ray Mitchell, Employee, Appellant,

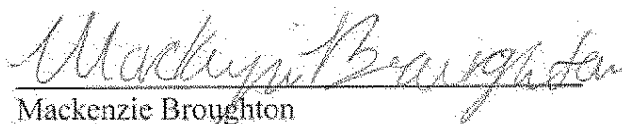
v.

United Parcel Service, Employer, and
Liberty Mutual, Carrier, Respondents.

PROOF OF SERVICE

I certify that on the 3rd day of June 2020, I served the Respondents' **Motion for Correction and/or Amendment of Record on Appeal** on Courtney Ray Mitchell by emailing it, addressed to his attorney of record as follows:

Donald L. Smith, Esq.
ATTORNEY OFFICE OF DONALD SMITH
122 N. Main Street
Anderson, South Carolina 29621
attorneydonaldsmith@gmail.com
*Counsel for Appellant
Courtney Ray Mitchel*



Mackenzie Broughton
Legal Assistant to Helen F. Hiser
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(843) 576-2900

*Attorneys for Respondents United Parcel Service
and Liberty Mutual*

**Reply To**

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

June 3, 2020

Via U.S. Mail & Facsimile

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

RECEIVED**Jun 03 2020****SC Court of Appeals**

RE: Courtney Ray Mitchell v. UPS and Liberty Mutual
Date of Accident: June 21, 2013
WCC File No.: 1322347
Our File No.: 2095.15004
Claim No.: WC555C6285
Appeal No.: 2019-001361

Dear Ms. Kitchings:

Enclosed please find Respondents' Motion Correction and/or Amendment of Record on Appeal, along with the the Proof of Service, in the above-referenced matter. Also enclosed is our firm's check in the amount of \$50 for filing the motion.

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

Sincerely,
McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: Donald L. Smith, Esq.

McANGUS GOUDELOCK & COURIE LLC

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FAX COVER SHEET

Reply to: Helen F. Hiser

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helen.hiser@mgclaw.com

TO: The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals

FACSIMILE NUMBER: (803) 734-1839

FROM: Mackenzie Broughton
Direct Dial: (843) 576-2935
mackenzie.broughton@mgclaw.com

TOTAL # OF PAGES INCLUDING COVER: 8

DATE: 6/3/2020

RE: Courtney Ray Mitchell v. UPS
Appeal No.: 2019-001361

COMMENTS:

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SC Court of Appeals

SHOULD YOU HAVE ANY PROBLEMS RECEIVING THIS FACSIMILE PLEASE CONTACT US AS (843)576-2900.

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