

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

Appellate Case No. 2019-001361

RECEIVED

Jun 09 2020

SC Court of Appeals

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Corporation,

Respondents.

**REPLY TO RESPONDENTS'
MOTION FOR CORRECTION/AMENDMENT
OF RECORD ON APPEAL**

In reply to Respondent's Motion for Correction and/or amendment of Record on Appeal, Petitioner states that:

For their first ground, Respondents aver that the Record on Appeal did not contain the excerpts of Transcripts of the Deposition of Petitioner, taken on January 12, 2016 (item No. 14 of Respondents' Designation of Matter).

Petitioner admits that the designated Transcript has not been included in the Record on Appeal because the Petitioner is not, and has never been, in possession of the aforementioned document. Petitioner requested Respondents to provide a copy of the deposition which they took on January 12, 2016. Respondents furnished him with the condensed version. (Exhibit 1- Email Exchange with Counsel for Respondents). Petitioner attempted to contact Court Reporter Ms. Trisha G. Rarick to request for a full copy of the transcript. (Exhibit 2- Facebook Correspondence with Court Reporter). Petitioner has not received any response from Mr. Rarick to this date. To that end, if Respondents would provide a copy of the Transcript, they received following their deposition, Petitioner would be more than willing to incorporate it in the Record on Appeal.

For their second ground, Respondent identified Page 316 of the Record on Appeal as an

unidentified page, not having complied with Rule 210. The page is not offered as a separate transcript but as part of Plaintiff's APAs. An insertion of an annotation to said page would compromise the integrity of the entry. The page is a part of witness Velma Jones' deposition transcript, the cover page for which is found on page 174 of the Record on Appeal.

s/Donald L. Smith
Donald L. Smith (Bar No.:6699)
122 N. Main Street
Anderson SC 29621
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attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, South Carolina
June 8, 2020.

From: Helen Hiser <helen.hiser@mgclaw.com>
Sent: Thursday, March 5, 2020 1:27 PM
To: 'aisaford0302@gmail.com'; 'attorneydonaldsmith@gmail.com'
Cc: Mackenzie Broughton; Shayne Williams
Subject: RE: Courtney Mitchell v. UPS Appellate Case No.: 2019-001361
Attachments: Def APAs designated to ROA.pdf; CI Dep.pdf

Mr. Ford, I am responding to your email on behalf of my assistant, Ms. Broughton. While we are glad to assist you in compiling the Record on Appeal by providing items that we have, we would like to take this opportunity to again request a copy of the Brief allegedly filed on Mr. Mitchell's behalf with the SC Workers' Compensation Commission. To date, we have never received a copy even after advising Mr. Smith multiple times that we have never received it.

Attached are the Defendant's APAs that we designated for inclusion in the ROA. We assume you are in possession of the APAs filed by your office, including APA Nos. 156-181, 142-153, 184-199, 267-318 and 333-343 that we designated. If you are not in possession of those designated pages, please advise us at once, and we will be glad to send you those.

As for Mr. Mitchell's deposition transcript, we only have a condensed version, which the Court of Appeals will not accept. Rule 267(c), SCACR. However, the Court Reporter's information is on the last page of the attached. You can contact her and order a full-size version of the transcript.

Sincerely,
Helen Hiser

From: Aisa Ford <aisaford0302@gmail.com>
Sent: Thursday, March 05, 2020 12:32 PM
To: Mackenzie Broughton <mackenzie.broughton@mgclaw.com>
Subject: Re: Courtney Mitchell v. UPS Appellate Case No.: 2019-001361

Dear Ms. Broughton:

A pleasant day. I am assisting Attorney Don Smith in the preparation of the Record on Appeal for the above-mentioned case. Since I have been recently assigned to this case I discovered that we are not in possession of the Defendants/Respondents' APAs as well as the Transcript of Deposition of Courtney Ray Mitchell taken on January 12, 2016. I would like to request your help in this matter. Do you have a copy of these documents in pdf format?

Thank you and I am hoping for your kind consideration.

Very truly yours,
Aisabai A. Ford
Attorney Office of Donald L. Smith
122 North Main St.
Anderson, SC 29621
Tel. No: (864) 642-9284 Fax No: (864) 642-9285



Sender notified by
[Mailtrack](#) _____



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 *Please consider the environment before printing this email.*



Trisha Wolfe Rarick



Trisha Wolfe Rarick

Lives in Charleston, South Carolina

JUN 01, 12:32 PM

Ms. Rarick, my name is Don Smith and I defended a deposition taken of my client, Courtney Mitchell, at Ridgeland Correctional, on January 12, 2016. Shayne Williams took the deposition. Do you still have that deposition? Do you have his order for the deposition? Your help would be greatly appreciated.



**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

WCC File No.: 1322347
Appellate Case No.: 2019-001361

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Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Insurance Corporation,

Respondents.

PROOF OF SERVICE

Pursuant to Supreme Court of South Carolina's Amended Order 2020-05-29-02, I certify that I have served a copy of Appellant's Reply to Respondents' Motion for Correction and/or Amendment of Record on Appeal, and Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, and the Respondents, by and through their counsels of record, Ms. Helen F. Hiser, Esquire and O. Shayne Williams, Esquire, via electronic mail in the addresses as follows:

Ms. Jenny Abbott-Kitchings ctappfilings@sccourts.org
Ms. Helen F. Hiser, Esquire helen.hiser@mgclaw.com
Mr. Shayne Williams, Esquire Shayne.williams@mgclaw.com

The above-mentioned documents have been served on June 8, 2020.

s/Donald L. Smith

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Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

Anderson, South Carolina
June 8, 2020

FORM 8
LETTER TO THE APPELLATE COURT CLERK

June 8, 2020

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

**RE: Courtney Ray Mitchell v. United Parcel Service and
Liberty Insurance Corporation
WCC File No.: 1322347
Appellate Case No. 2019-001361**

RECEIVED

Jun 09 2020

SC Court of Appeals

Dear Ms. Kitchings:

Please find enclosed the following materials for filing:

- (1) One copy of Reply to Respondents' Motion for Correction and/or Amendment of Record on Appeal; and,
- (2) Proof of Service of same.

Sincerely,

s/Donald L. Smith
Donald L. Smith (Bar No.: 6699)
Attorney for Appellant
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Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Ms. Helen F. Hiser, Esquire
Mr. O. Shayne Williams, Esquire