

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Kenneth L. Barr, Claimant, ..... Appellant,

v.

Darlington County School District, Employer, and  
S.C. School Boards Insurance Trust, Carrier, ..... Respondents.

Appellate Case No. 2018-001237

Appeal From The Workers' Compensation Commission

Opinion No. 5815 Heard February 2, 2021 – Filed April 7, 2021

**MOTION OF AMICUS CURIAE INJURED WORKERS' ADVOCATES  
FOR LEAVE TO FILE AMICUS BRIEF**

Injured Workers' Advocates (IWA) hereby files this Motion for Leave to File Amicus Brief pursuant to Rule 213, SCACR. IWA also conditionally files its Brief pending the Court's decision on this motion.

As grounds for granting the Motion, IWA would respectfully show Court of Appeals issued a decision in Barr v. Darlington County School District, Op. No. 5815 (S.C. Ct. App, Filed April 7, 2021) (Shearouse Adv. Sh. No. 12 at 17). As more fully explained in the Brief, the Court's decision at pages 25-28 fundamentally alters the Legislative intent underlying a key evidentiary provision in workers' compensation, specifically § 42-15-95. It did so by giving the Commission discretion to admit medical evidence tainted by prohibited *ex parte* communication with a medical provider, despite the Legislative pronouncement that "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.” S.C. Code Ann. § 42-15-95(C)(2007). The opinion renders these statutory protections completely ineffective.

Injured Workers Advocates (IWA) is a nonprofit association of attorneys who are dedicated to protecting and advancing the rights and legal remedies for South Carolina workers who are victims of occupational injury or disease. IWA works to achieve these goals by advocating for the rights of the injured worker through education, litigation, and communicating with others concerning goals and issues important to the protection of workers’ rights in the state of South Carolina. This case is critically important to the constituency served by IWA.

Therefore, IWA requests the Court grant the Motion for Leave to File Amicus Brief and accept the Brief conditionally filed with this Motion.

Respectfully Submitted,



Stephen B. Samuels  
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Attorney for Amicus Curiae  
Injured Workers’ Advocates

Columbia, South Carolina  
May 17, 2021

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May 17 2021

SC Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
Workers' Compensation Commission

Appellate Case No. 2018-001237

Kenneth L. Barr, Claimant, ..... Appellant,

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PROOF OF SERVICE

I certify that I, Wanda Powell, Paralegal for the Samuels Reynolds Law Firm, LLC, have served the **Motion of Amicus Curiae Injured Workers' Advocates for Leave to File Amicus Brief** and **Brief of Amicus Curiae Injured Workers' Advocates** upon counsel for the parties and the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on May 17, 2021 and Via Email, addressed as follows:

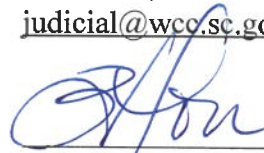
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ATTORNEY FOR RESPONDENTS

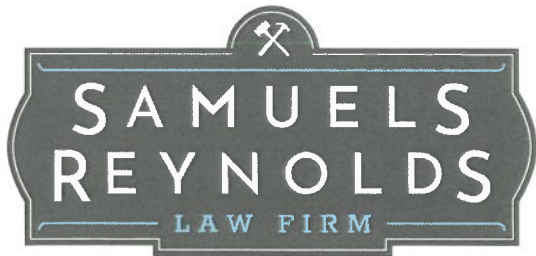
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May 17, 2021  
Columbia, South Carolina

  
Wanda Powell, Paralegal



STEPHEN B. SAMUELS  
P. JASON REYNOLDS  
ATTORNEYS AT LAW

May 17, 2021

**RECEIVED**

**May 17 2021**

**SC Court of Appeals**

*Via Hand Delivery*

*Via email: ctappfilings@sccourts.org*

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RE: Kenneth L. Barr v. Darlington County School District  
Appellate Case No.: 2018-001237

Dear Ms. Kitchings:

Enclosed for filing please find attached our **Motion Of Amicus Curiae Injured Workers' Advocates For Leave To File Amicus Brief** in the above-referenced appeal along with our firm's check in the amount of Fifty Dollars (\$50.00) Dollars as payment of the required filing fee for the motion.

By copy of this letter and enclosure(s), we are serving a copy of our **Motion Of Amicus Curiae Injured Workers' Advocates For Leave To File Amicus Brief** and **Brief Of Amicus Curiae Injured Workers' Advocates** upon the counsel of record in this matter as indicated by the attached Affidavit of Service.

Thank you for your consideration in this matter. Please contact us with any questions or if further information is needed from our office.

With kindest regards, I am

Yours very truly,

Stephen B. Samuels

SBS/wp

Enclosure (s)

cc w/encl.: Kirsten L. Barr, Esquire  
Gerald Malloy, Esquire  
Preston F. McDaniel, Esquire

Amy Bracy, SC Workers' Compensation Commission  
WE WORK FOR THE PEOPLE WHO WORK