

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM FAIRFIELD COUNTY  
Court of Common Pleas

Brooks P. Goldsmith, Circuit Court Judge

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Trial Court Case No. 2011-CP-20-0436  
Appellate Case No.: 2012-212898

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James Clark, Jr.,

Respondent,

v.

Pyramid Masonry Contractors, Inc., and  
Hartford Accident Insurance Company

Appellants.

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**DESIGNATION OF MATTER TO BE INCLUDED IN THE  
RECORD ON APPEAL BY RESPONDENT**

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Pursuant to Rule 209, SCRAP, the Respondent designates the following  
matter to be included in the Record on Appeal:

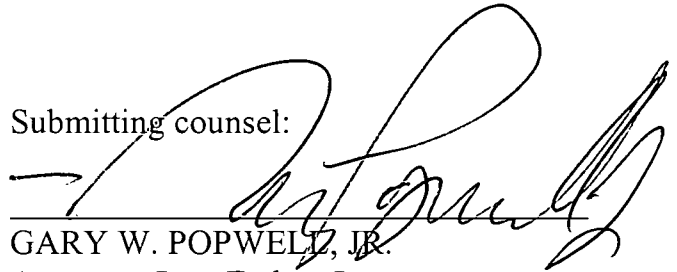
1. Record on Appeal, South Carolina Court of Appeals, Clark v. Pyramid Masonry Contractors, Inc., Case No.: 07-CP-20-150, pages 2 - 152;
2. Decision of the Court of Appeals, Clark v. Pyramid Masonry Contractors, Inc., Unpublished Opinion No. 2010-UP-332, filed June 28, 2010;
3. Transcript of Hearing before Single Commissioner, held October 25, 2010;

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4. Decision and Order of the Single Commissioner, dated March 7, 2011;
5. Form 30, dated March 18, 2011;
6. Transcript of Oral Argument before Full Commission Appellate Panel, held June 20, 2011;
7. Decision and Order of the Full Commission Appellate Panel, dated October 14, 2011;
8. Appeal from Workers' Compensation Commission to the Court of Common Pleas, Sixth Judicial Circuit, dated November 3, 2011;
9. Transcript of Oral Argument before Circuit Court, held June 7, 2012;
10. Order Affirming The South Carolina Workers' Compensation Commission As To Finding of Compensability And Remanding The Case For A Specific Finding As To Temporary Total Disability, dated July 5, 2012;
11. Motion to Alter or Amend Judgment Pursuant to SCRCP 59(E), dated July 13, 2012;
12. Order Denying Defendants' Motion To Alter Or Amend Judgment, dated August 3, 2012;
13. Notice of Appeal, filed September 4, 2012;
14. Claimant's APA Submissions, Notice of Witnesses and Medical Reports or Other Evidence, dated October 6, 2010, submitted at October 25, 2010 hearing;
15. Brief of Claimant/Respondent Clark to the Single Commissioner on remand dated November 5, 2010;
16. Brief of Respondent to Circuit Court on remand dated June 6, 2012.

The undersigned certifies that the Designation contains no matter which is irrelevant to the appeal.

Submitting counsel:



GARY W. POPWELL, JR.  
Attorneys Lee, Eadon, Isgett,  
Popwell & Reardon, P.A.  
P.O. Box 1505  
Columbia, South Carolina 29202  
Telephone (803) 799-9811

Attorney for Respondent

March 28, 2013.

THE STATE OF SOUTH CAROLINA  
In The Appeals Court

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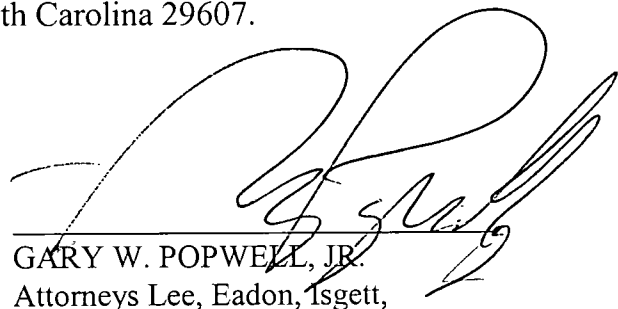
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**PROOF OF SERVICE**

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I certify that I have served on Appellants a copy of Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on March 28, 2013, addressed to their attorney of record, Mitchell K. Byrd, Jr, Esquire, at Willson, Jones, Carter & Baxley, P.A., 872 S. Pleasantburg Drive, Greenville, South Carolina 29607.

March 28, 2013.



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March 28, 2013

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**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
CLERK, S.C. COURT OF APPEALS  
1015 Sumter Street  
Columbia, South Carolina 29201

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**Re: James Clark, Jr. -vs- Pyramid Masonry Contractors, Inc. SC Court of Appeals  
and Hartford Accident Insurance Company  
Trial Case Nos. 2011-CP-20-0436  
Appellate Case No.: 2012-212898**

Dear Ms. Kitchings:

Please find enclosed for filing the Initial Brief of Respondent and Designation of Matter to Be Included in the Record on Appeal, along with Proofs of Service, in the above-referenced matter.

Please return clocked-in copies with my courier.

By copy of this letter and as evidenced by the attached Proofs of Service, I am serving a copy of the Initial Brief of Respondent and Designation of Matter to Be Included in the Record on Appeal on opposing counsel.

With best regards,

Respectfully yours,

GARY W. POPWELL, JR.

GWPIr/gsr  
Enclosures

cc: Mitchell K. Byrd, Jr., Esquire (w/encls.)