

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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68044

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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W.C.C. File No. 0810152

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Patricia Fore, Employee,.....Appellant,

v.

Griffco of Wampee, Inc., Employer, and  
Chartis Claims, Inc., Carrier. .... Respondents.

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**MOTION TO STRIKE PORTIONS OF  
INITIAL BRIEF OF APPELLANT  
AND FOR CORRECTION OF  
APPELLANT'S DESIGNATION OF MATTER**

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Pursuant to Rules 208, 210 and 240, SCACR, Respondents Griffco of Wampee, Inc. and Commerce and Industry Insurance Company, c/o Chartis Claims, Inc. move this Court to order that portions of the Initial Brief Appellant of Patricia Fore be stricken. In her Brief, Appellant relies on and cites testimony that was proffered below but which was never admitted into the record before the Commission. (See (Exh. 1 (pages from transcript of September 27, 2011 hearing before Single Commissioner Bryan Lydon)). Despite the fact that the testimony of Mr. Tony Owens was never admitted into the record, Claimant improperly cites and relies on it for the substance of his testimony.

Respondents therefore move that the following be stricken from her Initial Brief:

1. Page 10, first full paragraph;

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2. Page 27, the sentence starting on the fourth line down from the top of the page, that begins with, “Owens himself testified ...” and through the first full paragraph on that page, ending right before the beginning of Appellant’s argument 2.A.
3. Page 28, the words “both” and “and Tony Owens” from the sixth line from the beginning of the paragraph starting “The mere fact Fore helped out ...”;
4. Page 34, the last full sentence of the first full paragraph; and,
5. Page 37, all of the second paragraph following the sentence, “Owens’ testimony was relevant.”

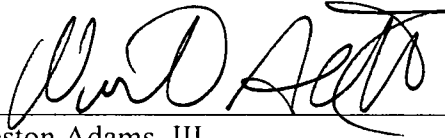
(Exh. 2 (marked pages of Claimant’s Brief to show proposed strikes)). Because this material was not received by the Commission below, Claimant may not rely on it on appeal and it should be stricken from her Brief. City of Greenville v. Bryant, 257 S.C. 448, 453, 186 S.E.2d 236, 238 (1972) (appellate tribunal cannot review evidence not considered below); *see also* Rule 208(b)(4), SCACR (briefs shall contain references to materials “which may be properly included in the Record on Appeal [see Rule 210(c)]”). Rule 210(c) specifies that the Record on Appeal “shall not ... include matter which was not presented to the lower court or tribunal.” Rule 210(c), SCACR.

In addition, Claimant has designated the “Transcript of Proffered Testimony before Single Commissioner G. Bryan Lyndon (September 27, 2011)” to be added to the Record on Appeal. (Exh. 3 (Claimant’s Designation of Matter, Item No. 10)). Pursuant to Rule 210 and for the same reasons the references and use of Mr. Owens’ testimony must be stricken from her Brief, his testimony may not be included in the Record on Appeal. It was not considered below and, therefore, should not be included in the Record on Appeal or considered by the reviewing court.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully submitted,

**McANGUS GOUDELOCK & COURIE LLC**

A handwritten signature in black ink, appearing to read "Weston Adams, III", written over a horizontal line.

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*Attorneys for Respondents*

April 15, 2013

# **Exhibit 1**

Tony Owens testified Fore was not physically able and capable of working as a bondsman.<sup>4</sup> He stated, "If she was, we would probably could have saved the office, and she could have worked down there and saved that office for me." He would have hired her, "if she could have. But, she wasn't in the shape to do it either." [Proffered testimony, Tr. page 9, lines 16-24].

At the time of the hearing, Fore rated her pain as 6 of 10. It gets worse if she does a lot of up and down. Dr. Wolgin wrote she is "unable to return to work until further notice." [APA p. 77]. He gave her specific restrictions to "sit or stand only for about 15 or 20 minutes at a time and unless employment is able to be found within those restrictions, functionally she is not able to participate in the workplace and will remain so until her condition changes or further notice." [APA p. 76]. Dr. Wolgin further wrote, "I think enough time has gone by that would make her a surgical candidate if she wanted to do an open revision of the L4 through S1 fusion." [APA p. 76].

Glen Adams performed a vocational assessment on Fore on September 7, 2011. Fore told Mr. Adams about her failed work attempt with ABC Bail Bonding. [APA p. 98]. Adams noted that even if Fore could perform sedentary duties – which he noted "is not supported by Dr. Wolgin's work statement – a transferable skills analysis revealed no sedentary occupations for which she qualifies." He opined she "is considered to be totally vocationally disabled."

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<sup>4</sup>The Single Commissioner sustained Respondents' motion to exclude the testimony of Owens on the grounds that he was not listed on the original pre-hearing brief. He was listed on the supplemental pre-hearing brief as a rebuttal witness. The supplemental brief was filed after Claimant learned of the Commission's *ex parte* communication with the Carrier and Steve McGowan. Owens' testimony was proffered. [Tr. page 65, line 3-page 69, line 5].

reasons. However, this was not a real job and she never got paid a dime. Moreover, she did it for a short time -- only until Owens could hire and train an actual employee. Fore would have taken the job herself had she been able -- and "would have stayed with Steve [McGowan] if I could have physically done it." [Tr. page 33, line 4-page 35, one 21]. Owens himself testified she was not

physically able and capable of working as bondsman. He stated, "If she was, we would probably could have saved the office, and she could have worked down there and saved that office for me." He would have hired her, "if she could have. But, she wasn't in the shape to do it either." [Proffered testimony, Tr. page 9, lines 16-24].

In August, Owens hired Mary Weaver to be his bondsman. Weaver's duties were well beyond anything Fore did. Fore did no more than go to the jail and actually bond someone out. Tony Owens testified, that Weaver was "doing more than Patricia was doing. . . . She's responsible for taking down all the information, writing up the whole contract on the bond, getting all the information for it, bonding them out, and following up with the people. And if they don't show up, she's got to go get them herself. . . . She's a full employee." [Proffered testimony, Tr. page 14, line 25-page 15, line 11].

A. Permanent and Total Disability under § 42-9-10.

The evidence is overwhelming that Fore is permanently and totally disabled under S.C. Code Ann. § 42-9-10 (2007). The legal test for total disability is the inability to perform services other than those that are "so limited in quality, dependability, or quantity that a reasonable stable market for them does not exist." See, e.g. Wynn v. Peoples Natural Gas Co., 238 S.C. 1, 118 S.E.2d 812 (1961). The test applied by the Single Commissioner ("I think she can work.") is not the law.

Our supreme court laid down the essential premise over fifty years ago:

“Total disability” in compensation law is not to be interpreted literally as utter and abject helplessness. Evidence that claimant has been able to earn occasional wages or perform certain kinds of gainful work does not necessarily rule out a finding of total disability nor require that it be reduced to partial. \* \* \* An employee who is so injured that he can perform no services other than those which are so limited in quality, dependability, or quantity that a reasonably stable market for them does not exist, may well be classified as totally disabled. Colvin v. E.I. DuPont De Nemours Co., 227 S.C. 465, 88 S.E.2d 581 (1955).

The mere fact Fore helped out Tony Owens by signing 19 bonds over eight months does not disqualify her from receiving total and permanent disability benefits. See Stephenson v. Rice Servs., Inc., 323 S.C. 113, 116, 473 S.E.2d 699, 700 (1996)(The ability to perform limited tasks for which no stable job market exists does not prevent an employee from proving total disability). This cannot be considered evidence that she can work a proper job – not when her doctor wrote her out during the failed work attempt; and not when both Fore and Tony Owens testified she is unable to do the full job required of a bail bondsman. Moreover, even during the four-month period when she worked for Steve McGowan before Dr. Wolgin took her entirely out of work, Fore only earned \$1,244.00. [Form 18]. See Colvin v. E.I. Du Pont De Nemours Company, 227 S.C. 465, 88 S.E.2d 581 (1955)(“Evidence that the claimant has been able to earn occasional wages or perform certain kinds of gainful work does not necessarily rule out a finding of total disability or require that it be reduced to partial.”). To use this failed work attempt against her “would punish an employee for merely exploring the chance of overcoming an unanticipated injury by exploring other possible career options.” Hutson v. South Carolina State Ports Authority, Op. No. 27171 (S.C.Sup.Ct. filed September 19, 2012)(Shearouse Adv.Sh. No. 33 at 15).

The Appellate Panel found as a fact that Fore’s treating doctor, Dr. Wolgin, assigned a “36% impairment rating with restrictions of ‘unable to return to work.’” [FC page 5, Finding of Fact 6].

[Claimant's Exhibit 1]. In short, she made no attempt to defraud anyone.<sup>11</sup>

As to the assistance she provided to Tony Owens, she was exceptionally forthcoming about that as well. She never once denied she had helped him out. She produced the official records from the jail proving the number of bonds she actually did for Owens and when she did them. [Claimant's Exhibit 2]. She even brought Mr. Owens to the hearing so he could testify to the arrangement.

Although not considered by the Single Commissioner, Owens was respectful, cooperative and forthcoming during his testimony. [Proffered testimony, tr. pages 3-24].

Finally, one cannot overlook what she actually did – which was to find work supposedly within her restrictions and to attempt it even after her doctor took her back out of work. See Mann v. Travelers' Ins. Co., 176 S.C. 198, 179 S.E. 796 (1935) (“The conduct of the plaintiff is highly commendable, as he showed that he was doing all he could to minimize the liability of the defendant. If the fact that the insured undertook to do his regular work, even when his final recovery was doubtful, would preclude recovery, it would encourage less scrupulous people to refuse to work so long as they could draw disability compensation.”). These are the acts of a credible person – the kind of hard working individual the workers' compensation system is designed to protect. She should not be punished because her former employer has a personal grievance with his competitor.

The credibility findings in the Order should be reversed or vacated.

**4. Fore is entitled to lifetime medical treatment.**

As to additional medical treatment, the Single Commissioner ordered “that Defendants shall

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<sup>11</sup>At the hearing, Fore admitted she had answered “no” to a question in her deposition where she was “asked if you had earned any money since some point in time.” [Tr. page 36, line 23-page 37, line 10]. She clarified that she had earned money from Steve McGowan. The deposition transcript itself is not in evidence.

content of the evidence to be presented; (3) the nature of the failure to identify the witness; and (4) the degree of surprise to the other party.” Kramer v. Kramer, 323 S.C. 212, 217, 473 S.E.2d 846, 848 (Ct. App. 1996).

Unfortunately, it appears that the case had already been decided by the improper injection of the so-called ongoing fraud investigation, such that nothing Tony Owens could say would eliminate the unfair prejudice created by the *ex parte* communication. Smith v. South Carolina Dep't of Mental Health, 329 S.C. 485, 498, 494 S.E.2d 630, 636-7 (1997) (finding commissioner erred by admitting irrelevant testimony, but then refusing to continue hearing to elicit relevant testimony; commissioner allowed attorneys to proffer their evidence, but refused to consider it).

Owens' testimony was relevant. Owens was able to explain how it came about that Fore did five bonds for him in July 2011 and 12 in August – and why she only did one bond in March 2011. He further explained that he did not pay her and she was not his employee. He explained that she only helped him during a period of his own ill health and only until he could hire an actual employee. His testimony was critical to Fore's disability claim as Owens testified that he would have hired her but she was unable to perform the regular duties of a bail bondsman. Lastly, Owen's testimony was critical in giving perspective to McGowan's testimony and showing the underlying reasons for McGowan's obvious bias and lack of credibility.

As such, it was error for the Commission to exclude Owens' testimony. If the Court does not outright reverse and find Fore totally and permanently disabled, the Court should find Fore was deprived of a fair trial by the improper and prejudicial exclusion of the witness's testimony. The case should be remanded for a *de novo* trial before a circuit court judge or a deputy Commissioner unfamiliar with the case who will not be exposed to the spurious fraud allegations.

# **Exhibit 2**

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
COLUMBIA, SOUTH CAROLINA  
WCC FILE NO. 0810152

EMPLOYEE/CLAIMANT: PATRICIA FORE

EMPLOYER: GRIFFCO OF WAMPEE, INC.

INSURER: COMMERCE & INDUSTRY INSURANCE COMPANY



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SOUTH CAROLINA WORKERS' COMPENSATION HEARING

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PURSUANT TO NOTICE OF WORKERS' COMPENSATION  
HEARING, THE WITHIN HEARING WAS TAKEN ON THE 27TH DAY OF  
SEPTEMBER, 2011, COMMENCING AT THE HOUR OF 11:39 A.M., IN  
MYRTLE BEACH, SOUTH CAROLINA, BEFORE THE HONORABLE BRYAN  
LYNDON, ATTENDED BY COUNSEL AS FOLLOWS:

JAN L. WHITWORTH  
VERBATIM REPORTER

---

JAN L. WHITWORTH  
COURT REPORTING SERVICES  
POST OFFICE BOX 551  
ROEBUCK, S.C. 29376

APPEARANCES

STEPHEN B. SAMUELS, ESQUIRE, OF THE FIRM  
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COLUMBIA, SOUTH CAROLINA 29250

ATTORNEY FOR THE EMPLOYEE/CLAIMANT,

JAMES H. LICHTY, ESQUIRE, OF THE FIRM  
McANGUS, GOUDELOCK & COURIE, LLC  
POST OFFICE BOX 12519  
COLUMBIA, SOUTH CAROLINA 29211

ATTORNEY FOR THE EMPLOYER/INSURER.

I N D E X

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PROFFERED TESTIMONY ATTACHED OF MR. TONY LEE OWENS (25 PAGES)

1 RE-CROSS EXAMINATION BY MR. LICHTY:

2 Q. MS. FORE, YOU'VE GOT -- YOU INDICATED HERE THAT  
3 JANUARY 21ST WAS THE DAY THAT YOU GOT SO BAD YOU  
4 COULDN'T WORK?

5 A. IT HAD GOTTEN A LONG TIME. THAT'S ALL I COULD  
6 TOLERATE. I COULDN'T TAKE THE PAIN NO MORE.

7 Q. WOULD YOU AGREE THAT BY FEBRUARY 5TH, YOU WERE BACK  
8 PERFORMING THE SAME WORK FOR TONY?

9 A. I TOOK ONE BOND TO THE JAIL WHEN I SWAMPED OVER THE  
10 LICENSE, MY BONDING CERTIFICATE IN HIS NAME.

11 BY MR. LICHTY:

12 THAT'S ALL I HAVE.

13 BY COMMISSIONER LYNDON:

14 ALL RIGHT. THERE'S A CHAIR BEHIND YOU.

15 BY MR. SAMUELS:

16 LET ME MOVE HER OVER HERE, BECAUSE THOSE  
17 CHAIRS... PATRICIA SIT HERE.

18 BY COMMISSIONER LYNDON:

19 SHE MAY WANT TO STAND.

20 BY MR. SAMUELS:

21 YEAH, IF YOU WANT TO STAND.

22 BY THE WITNESS:

23 YEAH, I NEED TO STAND JUST A MINUTE.

24 BY MR. SAMUELS:

25 WHEN YOU DO SIT DOWN AGAIN, JUST SIT IN THAT

1 CHAIR OVER HERE. I WILL BRING THIS CHAIR OVER HERE  
2 FOR ME TO SIT IN, AND WE'LL GET THE NEXT WITNESS WHO  
3 IS -- THE CLAIMANT CALLS TONY OWENS, YOUR HONOR.

4 BY MR. LICHTY:

5 I OBJECT. TONY OWENS WASN'T NOTICED.

6 BY COMMISSIONER LYNDON:

7 IF HE'S NOT NOTICED, I DON'T PUT THEM UP.

8 BY MR. SAMUELS:

9 OH, YOUR HONOR, HE WAS NOTICED IN OUR  
10 SUPPLEMENTAL APA. THAT WAS AFTER MR. LICHTY  
11 INTRODUCED ALL THIS EVIDENCE AND PUT US ON NOTICE  
12 THAT THERE WAS A FRAUD ISSUE AND NOTICED STEVE  
13 MCGOWAN. SO, HE'S ESSENTIALLY A REBUTTAL WITNESS TO  
14 STEVE MCGOWAN. I CAN CALL HIM AFTER STEVE MCGOWAN  
15 IN REPLY IF YOU WOULD PREFER.

16 BY COMMISSIONER LYNDON:

17 WELL, I MEAN, I DON'T KNOW THAT I HAVE EVER  
18 VARIED FROM IT. NOW, IF YOU SAY THERE WAS AN  
19 AMENDED 58. BUT IF THE INDIVIDUAL IS NOT LISTED.

20 BY MR. SAMUELS:

21 HE WAS LISTED ON THE AMENDED 58.

22 BY COMMISSIONER LYNDON:

23 AND WHY WOULD YOU OBJECT IF HE WAS LISTED ON  
24 THE AMENDED 58, BECAUSE IT WASN'T TIMELY?

25 BY MR. LICHTY:

1 RIGHT.

2 BY COMMISSIONER LYNDON:

3 SEPTEMBER 27TH, LET ME SEE.

4 BY MR. SAMUELS:

5 YOUR HONOR, I WOULD NOTE THAT MR. LICHTY HAS  
6 HAD THE OPPORTUNITY TO SPEAK WITH MR. OWENS, AND MR.  
7 OWENS HAS COOPERATED WITH HIM AS FAR AS SPEAKING TO  
8 HIM ON THE TELEPHONE. SO, IT'S NOT AS IF MR. LICHTY  
9 HAS NOT HAD AN OPPORTUNITY TO CONDUCT DISCOVERY ON  
10 THIS WITNESS.

11 BY COMMISSIONER LYNDON:

12 YEAH, BUT THE BRIEF IS DATED SEPTEMBER -- THE  
13 CERTIFICATE OF SERVICE IS SEPTEMBER THE 20TH.

14 BY MR. SAMUELS:

15 WE WOULD AGREE IT WAS NOT WITHIN THE 15 DAYS.

16 BY COMMISSIONER LYNDON:

17 RIGHT.

18 BY MR. SAMUELS:

19 BUT AGAIN, THIS WITNESS IS SPECIFICALLY A  
20 REBUTTAL WITNESS TO STEVE MCGOWAN WHO WE HAD NO  
21 EXPECTATION AND NO IDEA HE WOULD BE CALLED, NOR DID  
22 WE HAVE ANY IDEA THAT THE CARRIER WAS HAVING  
23 COMMUNICATION WITH OUTSIDE PARTIES, NOR DID WE HAVE  
24 ANY IDEA THAT THE ALLEGATIONS, THE VERY SERIOUS  
25 ALLEGATIONS OF FRAUDULENT CONDUCT, WERE BEING MADE

1            THAT WE'VE ALREADY OBJECTED TO. SO, WE NEED...

2            BY COMMISSIONER LYNDON:

3            WELL, I ---

4            BY MR. SAMUELS:

5            THIS IS AN IMPORTANT WITNESS TO RESPOND TO THE  
6            ALLEGATIONS THAT WE ANTICIPATE MR. MCGOWAN IS GOING  
7            TO MAKE. SO, I CAN CALL HIM AFTER MR. MCGOWAN  
8            TESTIFIES.

9            BY COMMISSIONER LYNDON:

10           WELL, YOU STILL DON'T WANT HIM REGARDLESS,  
11           RIGHT?

12           BY MR. LICHTY:

13           I'LL STILL OBJECT TO HIM.

14           BY COMMISSIONER LYNDON:

15           OKAY. AND IN THAT CASE, I WON'T ALLOW HIM TO  
16           TESTIFY.

17           BY MR. SAMUELS:

18           I WOULD NEED TO PROFFER HIS TESTIMONY THEN,  
19           YOUR HONOR.

20           BY COMMISSIONER LYNDON:

21           OKAY. THEN I NEED TO LEAVE THE ROOM. SO, MAKE  
22           IT QUICK. IN FACT, WHAT I MAY DO ---

23           BY MR. LICHTY:

24           DO YOU WANT TO LET MY GUY GO? BECAUSE I'M  
25           GOING TO HAVE ONE WITNESS UP HERE, AND THEN WE'RE

1 GOING TO REST, AND HE'S GOING TO PROFFER TESTIMONY.  
2 SO, WE CAN DO THAT, AND I DON'T KNOW IF YOU CAN FIND  
3 A ROOM TO DO WHATEVER ELSE YOU NEED TO DO.

4 BY COMMISSIONER LYNDON:

5 YEAH, WHAT I WAS GOING TO DO IS LET Y'ALL CLEAR  
6 THE TABLE OFF, BRING THREE OTHER PEOPLE IN HERE, AND  
7 COME BACK THIS AFTERNOON. I DIDN'T HAVE ANY IDEA --  
8 THIS SEEMED LIKE SUCH A -- I WORKED THE CASE UP, AND  
9 WE'RE ON THE RECORD. I SAW 36-PERCENT IMPAIRMENT  
10 RATING. I HAD NO CLUE THAT WE WERE GOING TO GET IN  
11 THIS TANGLED MESS THAT WE'RE IN. IF I HAD KNOWN  
12 THAT, YOU KNOW, YOU SHOULD HAVE ASKED FOR THREE  
13 HOURS OR SOMEBODY, BUT YOU DIDN'T. THAT'S WHY I  
14 DON'T WANT TO PUT THE WITNESS UP, BUT IF HE WANTS TO  
15 PROFFER THE TESTIMONY, THAT'S FINE. I'LL LEAVE THE  
16 ROOM WHILE HE TESTIFIES. SO, DO YOU WANT ---

17 BY MR. LICHTY:

18 DO YOU WANT TO DO IT NOW OR LATER? I WAS JUST  
19 THROWING THAT OUT THERE AS AN OPTION.

20 BY COMMISSIONER LYNDON:

21 WE CAN PUT YOUR WITNESS UP NOW, YOU MEAN, AND  
22 LET HIM GO?

23 BY MR. LICHTY:

24 THEN I'M GOING TO REST.

25 BY COMMISSIONER LYNDON:

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IS THAT FINE?

BY MR. SAMUELS:

THAT'S FINE WITH ME, YOUR HONOR. I JUST HAVE TO HAVE MR. OWENS' TESTIMONY IN THE RECORD, PARTICULARLY AFTER MR. MCGOWAN TESTIFIES.

BY COMMISSIONER LYNDON:

ALL RIGHT. GO AHEAD AND PUT YOUR WITNESS UP.

BY MR. LICHTY:

OKAY.

BY COMMISSIONER LYNDON:

HOW DO YOU DO, SIR. IF YOU WOULD STATE YOUR FULL NAME FOR THE RECORD.

BY THE WITNESS:

STEVE -- HENRY STEVEN MCGOWAN.

BY COMMISSIONER LYNDON:

AND SPELL YOUR LAST NAME.

BY THE WITNESS:

M-C-G-O-W-A-N.

BY COMMISSIONER LYNDON:

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

THE WITNESS WAS DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH CONCERNING THE MATTER HEREIN:

HENRY STEVEN MCGOWAN

BEING FIRST DULY SWORN, TESTIFIED ON HIS OATH AS FOLLOWS:

# **Exhibit 3**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM SOUTH CAROLINA  
Workers' Compensation Commission

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WCC File No. 0810152

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Patricia Fore, Employee ..... Appellant,

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

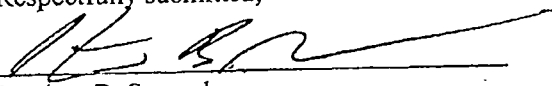
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Appellant proposes the following be included in the Record on Appeal:

1. Form 50 (May 13, 2009)
2. Form 50 (June 27, 2011)
3. Form 51 (July 27, 2011)
4. Claimant's Form 58 and Notice of Witnesses (September 12, 2011)
5. Claimant's Form 58 and Notice of Witnesses (September 19, 2011)
6. Claimant's Supplemental Form 58 and Notice of Witnesses (September 20, 2011)
7. Hearing Commissioner Decision and Order (October 13, 2009)
8. Hearing Commissioner Decision and Order (January 18, 2012)
9. Transcript of Hearing before Single Commissioner G. Bryan Lyndon (September 27, 2011)
10. Transcript of Proffered Testimony before Single Commissioner G. Bryan Lyndon (September 27, 2011)
11. Transcript of Hearing before Appellate Panel (June 18, 2012).
12. Claimant's APA submissions 1-7.
13. Claimant's Exhibits 1-5.
14. Defendants' Exhibit 1.

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

Respectfully submitted,



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Columbia, South Carolina  
January 14, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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v.

Griffco of Wampee, Inc., Employer, and  
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**PROOF OF SERVICE**

I certify that on the 15<sup>th</sup> day of April 2013, I served the **Respondents' Motion to Strike Portions of Initial Brief of Appellant and for Correction of Appellant's Designation of Matter** on Patricia Fore by depositing a copy of it in the United States Mail, postage prepaid, addressed to her attorneys of record:

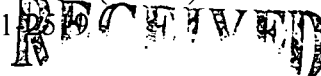
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APR 15 2013

**SC Court of Appeals**