

FORM 18
PETITION FOR A WRIT OF CERTIORARI TO THE
SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM COLUMBIA COUNTY
Court of Appeals

S.C. SUPREME COURT

Thomas C. Huff, Judge
Paula H. Thomas, Judge
John D. Geathers, Judge

Appellate Case No. 2021-001182

Alicia M. Ruffin,

Petitioner,

Builders First Source,
Liberty Mutual Insurance Corporation,
Amanda Neely, Esquire
Mary-Kate Littlejohn, Esquire

Respondent.

PETITION FOR A WRIT OF CERTIORARI

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CERTIFICATE OF COUNSEL

Petitioner certifies that Petition for Rehearing was made and finally ruled on by the Court of Appeals on September 13, 2021.

QUESTIONS PRESENTED

1. Did the Court of Appeals err in deciding that Attorney Amanda Neely was not properly and timely serve?
2. Did the Court of Appeals err that material fact or principle of law had not been overlooked or disregarded by the Workers' Compensation Commission?

STATE OF THE CASE

On September 13, 2021, the Court of Appeals denied the Petitioner's request for a Re-hearing because the Respondent, Atty. Amanda Neely stated to the Court of Appeals that she was not properly served in a timely manner. On October 12, 2021, The petitioner received a Motion Request to Certify Form 19, that was submitted to the Worker's Compensation Commission. In the motion, was an award check that was printed to: "(Alicia Ruffin) (C/O WJC&B-Mary Kate Littlejohn) (P.1). Mary-Kate Littlejohn was the attorney the petitioner served to request a Re-hearing, because Mary-Kate Littlejohn informed the petitioner by email that Amanda Neely was out on maternity leave (P.3); these are changes that should have been revealed to court as well as the Petitioner. All email communications was conducted between the Paralegal for Mary-Kate Littlejohn (Geri Lell), Attorney Mary-Kate Littlejohn and the Petitioner only. On October 19, 2021, Atty. Neely submitted to the Workers Compensation Commission an Amended Motion to Certify Form 19 and in it she included an email as evidence that appeared to be altered to include her name header "**Amanda E. Neely**" (P.4) and in the email address caption, "**To:**" The email domain for Geri Lell is missing. <gllell@wjcblaw.com> (P. 5-6) In order for Geri Lell to receive an email from the Petitioner; her email must be included or the email is undeliverable. Other evidence in the past has been altered by Atty. Neely; she was allowed to shrink evidence to the smallest font to be given to Petitioner. In order to obscure evidence.(P.7-12)

The Discharge Instruction Receipt on pg. 9 is enlarged and is on pg.10. The Petitioners medical record information has been attached to her daughter's signature. Statement is on page 12. Also, note at the bottom of page 10. That evidence was "Prepared in December 12, 2011". Atty. Neely was in law school in Florida in 2011. The Subpoena states that the evidence was requested on October 10, 2019.(P.12) According to the Greenville County Index, those records were destroyed on May 19,2016.(P.13) The only other person that had this information was Atty. Neely's Co-Counsel Atty. Kyle Thompson. He was serving the interests of Gieco in a 2011 MVA; while working for a Clawson and Staubes, LLC of Greenville, SC. Without my permission, those records were given to Atty. Neely.

At the January, 6, 2021 Pre-Hearing before Commissioner Barden, of 203 pages of evidence (P.14-17); 200 pages was either missing doctor's signatures, attestation statements, or had additional writing that was not initialed or dated and/or have the appearance of being cut and pasted together. This was reported to the Commission and the evidence was still allowed.

Atty. Amanda Neely is currently In Contempt of the December 10, 2020 order by Workers' Compensation Commission, Commissioner T. Scott Beck. Atty. Neely waited until after the September 13, 2021 decision from the Court of Appeals to mention the check awarded to the Petitioner; after the check was voided due to it's expiration.

The reason the Petitioner requested a Re-Hearing was for the Workers Compensation Commission violation of Procedural Due Process. (P.18-20) Please note the date of the "Denial" (____,2020) According to the statement, (P.18) that the Petitioner received the "Motion for Reinstatement" was denied before it was sent to the Commission on January 22, 2021, the request was denied without written reason or cause for the decision. According to the Executive Director, Gary Cannon,(P.20) "The Order you received denying your Motion for Reinstatement is the only document issued by the Commission in this matter. There are no documents that are associated with the Judicial Conference Decision and Order in this Matter."

ARGUMENT

1. DID THE COURT OF APPEALS ERR IN DECIDING THAT ATTORNEY AMANDA NEELY WAS NOT PROPERLY AND TIMELY SERVED?

Under Professional Responsibility Rule 4.3, "When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding." The Petitioner has not received any emails or correspondences from Attorney Neely since 2020. The Rebuttal to Petitioner's "Motion for Reinstatement" was by Mary-Kate Littlejohn. The enclosed emails and notice of Atty. Neely's Maternity Leave was by Mary-Kate Littlejohn and her Paralegal, Geri Lell. Liberty Mutual insurance company for Builders Firstsource acknowledged who or whom was representing their interests at the time in question and printed the name of the individual serving their interests. And at no time did they see the need to re-print the award check. No efforts were attempted to clarify this matter. Allowing the Court of Appeals to be misled to believe, that Attorney Neely was not properly served.

2. DID THE COURT OF APPEALS ERR THAT MATERIAL FACTS OR PRINCIPLES OF LAW HAD NOT BEEN OVERLOOKED OR DISREGARDED?

Under Section 16-9-10 (A)(1) and Section 16-9-10 (A) (2). “It is unlawful for a person to willfully give false, misleading, or incomplete testimony under oath in any court of record, judicial, administrative, or regulatory proceeding in this State.” By altering the evidence as identified as “Exhibit A”, this act should be acknowledged as “Tampering with Evidence” in order to mislead the court, into not granting the Petitioners request for a Re-hearing. It was reported to the Commission on September 15, 2020 of Attorney Neely, tampering with evidence prior to the September 16, 2020 hearing; by deliberately (shrinking) the Petitioner’s copy of evidence to obstruct/conceal evidence from viewing. **(P.21)**

Petitioner would like to place on record that from April 2020 until August 2020; the assistant to Commissioner T. Scott Beck, Mrs. Shawnee Debruhl continuously gave orders directing the Petitioner to appear in Court in Rock Hill, SC **(P.22-27)**. During this time was close to the beginning of the COVID-19 out break. The Petitioner gave medical reasons as to why she would not be able to make the trip to Rock Hill. CRPS has an autoimmune component where the patient can be immunocompromised. The Petitioner symptoms displayed that possibility during Physical Therapy treatment with Garber Physical Therapy. The Petitioner developed very painful skin lesions, severe swelling and flu-like symptoms **(Pictures enclosed)** after heavy exertion and treatment. The Petitioner made repeated requests for the hearing venue to remain in Spartanburg, where the Pre-Hearing took place on January 6, 2020. Scheduling for the Commissioners as to where they will be presiding; happens 2 -3 months in advance. The Petitioner was told July 2020, that the hearing was still going to be conducted on August 28, 2020 in Rock Hill, SC. But Commissioner Beck was scheduled to preside in Orangeburg, SC; on August 28, 2020. After, Petitioner appealed to the attention of all the Commissioners by way of email asking the reason for scheduling someone disabled to travel to Rock Hill, SC; while the Commissioner is presiding in Orangeburg, SC. The venue was finally scheduled for video conference on September 16, 2020. In violation of Canon 2 Code of Judicial Conduct, “A judge shall perform the duties of judicial office impartially,* competently, and diligently.” The actions of the Commissioner served the interest of the Defendant; since she was the only one that expressed that she could attend the hearing in Rock Hill.

The violation of SC Section Code 42-15-70, “liability of employer for medical treatment, effect of malpractice.” On 04/12/2019, Petitioner suffered injury by PA, William Sean Irving. Dr. David Mitchell was the supervising physician. PA Irving forcefully jerked the Petitioner’s neck towards her right shoulder during an exam and failed to document it.**(P.28-31)** Petitioner had to go to the ER. **(P.31-39)** Dr. David Mitchell documented the removal of the collar in the office on 05/01/2019 **(P.40-42)** And on June 6/19/2019, the Petitioner was injured by the EMG study performed by Dr. Matthew Terzella from Piedmont Physical Medicine & Rehabilitation, PA. The Petitioner was (Zapped) twice by electricity. **(P.43-44)** After the doctor ran into the hallway and cried leaving the patient alone with her husband and 3 grandchildren. The husband found another patient in the hallway to help the Petitioner in the car for my husband to take her to the ER. All the muscles on the left side of the Petitioners body had severely contracted and locked. To the point, she was in so much pain; she passed out. **(P.45-55)** The ordering physician, Dr. Sung Han had said about the test, “Could not tolerate EMG. It was very incomplete.”**(P.56)**

On July 26, 2019, the Insurance Adjuster for Liberty Mutual, Marie Warner-Smith was interested in a settlement agreement. August 25, 2020, the Petitioner received an email from Mr. Jimmy Winders, Insurance Regulatory Analyst for the South Carolina Department of Insurance, that he spoke with Mrs. Honna Williams, Claims Team Manager for Liberty Mutual and (P.57). According, to his statement, "it appears there is disagreement over the severity of your injuries and the amount to settle your claim. On (P.58-60) Honna Williams, the Claims Team Manager states, "Mrs. Ruffin sustained a compensable injury to her lower back and her cervical spine when the truck she was driving, hit a pothole going through a rough area." Honna Williams, Claims Team Manager from Liberty Mutual, told Mr. Winders, that the (Petitioner) said she was injured when the EMG was administered. She indicated she was placed at MMI by Dr. Mitchell and Dr. Han." Mrs. Williams email dated August 27, 2020 says, "You were correct when you stated Dr. Mitchell did not place you at MMI".(P.61-63) Marie Warner-Smith, Claims Adjuster for Liberty Mutual, stated "However, because you are pro se, before we can get into mediation, we will need to obtain Maximum Medical Improvement from both Dr. Mitchell and Dr. Han....Dr. Kanos has already address MMI in his report." To date neither Dr. Mitchell or Dr. Sung Han; both authorized treating physician has provided the courts or the Petitioner with a 14 B statement, both have refused. Dr. Han's stated, "Dr. Kanos put her at MMI and performed an impairment rating....At MMI per Dr. Kanos, status post impairment rating. (P.64)

SC Code Section 17-30-30 (C) "It is lawful under this chapter for a person not acting under color of law to intercept a wire, oral, or electronic communication where the person is a party to the communication or where one of the parties to the communication has given prior consent to the interception. After PA, Irving jerked the Petitioners neck and failed to document the event, sending the Petitioner to the ER for treatment. After he forcefully jerked the Petitioners neck towards her right shoulder, it swelled and went numb. The Petitioner saw the need to protect herself by recording future doctors visits. Since South Carolina, is a one party-state and the petitioner was included in the recording, the petitioner recorded the 07/26/2019 office visit with Dr. David Mitchell (**Recording enclosed-compare to Drs. Notes 65-67**). Dr. Mitchell alleged that "Her husband became very abusive, and complained, raising his voice. The Petitioner begged for Dr. Mitchell to stop the exam, because it was hurting. But he would not stop. The Petitioner began crying, and Dr. Mitchell dismissed the Petitioner as a patient. The Petitioner BP elevated to 199/120. Dr. David Mitchell documented the Petitioner as Disabled and a Fall Risk. Dr. Mitchell did provide the Petitioner with a referral to see a Neurologist. (P.68) On January 15,2019, Dr. David Mitchell provided the Petitioner's previous Attorney, Attorney Mitchell Byrd with a Deposition detailing the Petitioner's condition. (P.70)

On July 22, 2019, the IME doctor, Dr. Charles Kanos of Southeastern Neurosurgical and Spine Institute performed the IME exam without an MRI scan or other imaging. (P.65-78) The Petitioner suffered more in the IME exam than when she broke her wrist in 2 different places. 02/18/2018 (P.79) Dr. Kanos stated on his 14 B statement that the Petitioner could not return to work. (P.80-81) On February 17, 2020, without the Petitioner present Dr. Kanos re-canted his statement at a deposition.

The Petitioner deeply apologizes for the condition of the transcript of the Deposition from Dr. Charles Kanos, but this was the copy given to the Petitioner by Attorney Amanda Neely. (P. 82-85). Based, on what could be possibly seen, Clinical nor medical reason was given during the February 17, 2020 deposition, to re-cant September 26, 2019 14 B-statement.

On October 1, 2019, Dr. Laura Mason from Advent Health Neurology diagnosed the Petitioner with CRPS (Chronic Regional Pain Syndrome), Algoneurodystrophy and Cervical Myelopathy.(P.86-90) Petitioner is a patient of Pain Management Solutions and has been since December 18, 2019.(P.91-94) The Petitioner provided the Workers' Compensation Commission documented proof (recording and medical records) of injuries that occurred by the authorized treating physicians for Liberty Mutual. The Workers' Compensation

Commission's final decision did not acknowledge any injuries caused by their physicians, although it was reported and documented in detail.

CONCLUSION

The Petitioner suffered a work-related injury, that was exacerbated by Liberty Mutual's treating physicians that has evolved to an Occupational Disease (CRPS and Algoneurodystrophy). The Petitioner was also diagnosed with Major Depressive Disorder by Dr. James Way on November 13, 2020 by order of the Social Security Administration. (P.95-96)The Petitioner did not have a prior medical history of these diseases. The Petitioner is unemployable; Pain Management is the only course of treatment for her chronic disease; medication treatment causes impairment. The Petitioner can not afford treatment for the Major Depressive Disorder; and suffers from depression that results in concentration deficits and decreased energy levels. On June 17, 2019, Petitioner was terminated from Builders Firstsource.(P.97) Due to the Petitioner's disability; the Petitioner did not qualify for unemployment.(P.98-100) The Petitioner's TTD checks stopped on November 30, 2020, before Commissioner T. Scott Beck rendered his December 10, 2020 decision. Liberty Mutual has been allowed to provide the Petitioner with less than sub-standard treatment; thus acting in Bad Faith. On June 12, 2020, the Petitioner requested medical records from Carolina Orthopaedic & Neurosurgical Associates; enclosed with her medical records were those of Mr. Timothy C. Green. (P.101-104)The 58 year old Caucasian male presented lower rate of pain (2/10). Low BP (139/84). Walking unassisted; without cane or rollator. Not a Fall Risk. Not Disabled. Taking less medication. With very similar diagnosis (*Cervical degenerative disk disease and cervical spondylosis and mild cervical foraminal stenosis. The patient also has neck pain.*) The patient was granted surgery and has returned to his full-time employment at BMW. Attorney Neely's Claim is the Petitioners pain is mild. (The Petitioners MRI P.104) the Petitioner begs the court to reconsider the decision for a Rehearing and request for Total Temporary Disability checks to resume and be retro-active from November 30, 2020 (P.105) to current; until after the Re-hearing decision.

Oath

I, Alicia M. Ruffin, submit that; I am the Petitioner and representing myself *Pro-Se* in the Appellate Case No.: 2021-001182. I hereby submit that all information in the above case matter is TRUE to the best of my knowledge.

Alicia M. Ruffin

Petitioner, *Pro-Se*

10/27/2021

Date

Under the State of South Carolina

Signed and sworn to [~~or affirmed~~] before me on 30 October, 2021
by Alicia M. Ruffin (Alicia M. Ruffin) is making the above state or
statements.

[Signature]
(Notary's official Signature)

Notary Public
(Title of Office)

16 Aug 2026
(Commission Expiration)

