

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

95889

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2021-000303
WCC File No. 1704918

RECEIVED

MAR 25 2022

SC Court of Appeals

Raquael Cunningham, Employee..... Appellant,

v.

BMW Manufacturing Corp., Employer and
Hartford Accident & Indemnity Company, Carrier..... Respondents,

**MOTION FOR CORRECTION OF RECORD ON APPEAL, OR IN THE
ALTERNATIVE, DISMISSAL OF APPELLANT'S APPEAL**

Pursuant to Rules 209, 210 and 240, *SCACR*, Respondents, BMW Manufacturing Corporation, LLC, Hartford Accident & Indemnity Company, and Sedgwick Claims Management Services, Inc., hereby move this Court to order Appellant to correct the Record on Appeal served on Respondents' attorney on March 21, 2022.

Pursuant to Rule 209, *SCACR*, Respondents timely filed and served upon Appellant Designation of Matters to be Included in the Record on Appeal. (Exhibit 1). In particular, Respondents designated the following be included in the Record on Appeal.

1. Appellate Panel Decision and Order dated March 10, 2021.
2. Defendants' APA Submissions [Nos. 1 – 5].

3. Exhibits including Facebook photo of September 28, 2019 and a SLED Report, dated March 11, 2019.
4. Form 30 Appeal to Full Commission, dated April 27, 2020.
5. Appellants' Brief to Workers' Compensation Full Commission dated May 29, 2020 and attachments.
6. Motion to Certify Form 19.
7. Form 19.

The Record on Appeal filed by Appellant does not include any of the aforesaid matters and is not properly numbered. Thus, the Record on Appeal is incomplete and is not in compliance with the Appellate Court Rules.

Accordingly, Respondents request Appellant promptly correct the Record on Appeal by including the aforesaid previously designated matters with proper pagination.

In the alternative, because of the number of extensions Appellant has been granted and her continued failure to comply with the Rules of the Court with respect to perfecting her appeal and timely serving opposing counsel with such, that the Appeal be dismissed.

Respectfully submitted,



Vernon F. Dunbar
McAngus Goudelock & Courie, LLC
55 East Camperdown Way
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Attorney for Respondents

March 22, 2022

EXHIBIT 1

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2021-000303
WCC File No. 1704918

Raqual Cunningham, Employee.....Appellant,

v.

BMW Manufacturing Corp., Employer and
Hartford Accident & Indemnity Company, Carrier Respondents,

DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

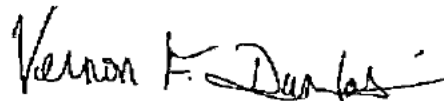
Respondents, BMW Manufacturing Corporation and its workers' compensation insurance carrier, Hartford Accident & Indemnity Company, propose the following matters be included in the record on appeal:

1. Appellate Panel Decision and Order dated March 10, 2021.
2. Hearing Commissioner's Order dated April 23, 2020.
3. Hearing Commission Transcript dated March 5, 2020.
4. Defendants' APA submissions:
 1. BMW Industrial Health Services, 5/06/15-6/19/17, pp. 1-32;
 2. Kathleen Mitchell, PA, Greenville Health System, 5/03/17, pp. 33-38;
 3. Michael Tollison, MD, Piedmont Orthopedic Associates, 8/29/17-1/05/19, pp. 39-51;

4. Stephen Pill, MD, Steadman Hawkins Clinic, dated 2/14/19-12/26/19, pp. 52-112;
5. ATI Physical Therapy, 10/07/19, p. 113;
- Exhibits:
 - B, SLED report, 3/11/19;
 - D. Facebook photo, 9/28/19.
5. Form 30 Appeal to Full Commission Panel, dated April 27, 2020.
6. Appellants' Brief to Workers' Compensation Commission Appellate Panel dated May 29, 2020 and attachments.
7. Motion to Certify Form 19.
8. Form 19.

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

Respectfully submitted,



Vernon F. Dunbar
McAngus Goudelock & Courie, LLC
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Attorney for Respondents

October 20, 2021

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Appellate Case No. 2021-000303
WCC File No. 1704918

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SC Court of Appeals

Raqucal Cunningham Appellant,

v.

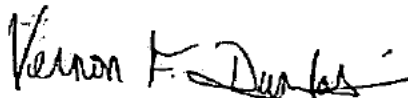
BMW Manufacturing Corporation, Employer and
Hartford Accident & Indemnity Company, Carrier Respondents,

PROOF OF SERVICE

I hereby certify that I have this 22nd day of March 2022, caused to be served a Motion for Correction of Record on Appeal, Or in the Alternative, Dismissal of Appellant's Appeal, to Appellant Raqucal Cunningham, by mailing a copy of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

Raqucal Cunningham
114 Vermillian Drive
Spartanburg, South Carolina 29306

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



Vernon F. Dunbar
McAngus, Goudelock & Courie LLC
Post Office Box 2980
55 East Camperdown Way, Suite 300 (29601)
Greenville, South Carolina 29602
(864) 239-4000
Attorneys for Respondents

Reply To
VERNON F. DUNBAR
Direct Dial: (864) 239-6735
vernon.dunbar@mgclaw.com

March 22, 2022

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SC Court of Appeals

VIA MAIL

V. Claire Allen, Deputy Clerk
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Raqucal Cunningham v. BMW Manufacturing and Hartford Accident
& Indemnity Company c/o Sedgwick Claims Management Inc.
Date of Accident: May 2, 2017
WCC File No.: 1704918
Appellate Case No. 2021-000303
Our File No.: 20194.21241


Dear Ms. Allen:

Please find attached herewith a Motion for Correction of Record on Appeal, along with the \$50 filing fee check.

By copy of this letter to Raqucal Cunningham, Appellant, I am apprising her of my communication with the Court and serving a copy of the attached Motion upon her.

With kind regards, I am

Very truly yours,



Vernon F. Dunbar

VFD/tls
Enclosure

cc: Raqucal Cunningham, Pro Se Claimant

mgc

**INSURANCE
DEFENSE**

POST OFFICE BOX 2980
GREENVILLE, SC 29602

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20194.21241/VFD/tls

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
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SC Court of Appeals

29211-162929

