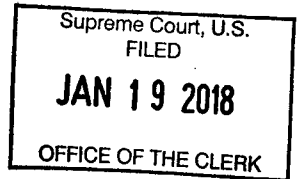


SUPREME COURT OF THE UNITED STATES



Armando Despaigne Zulveta

(Petitioner)

v.

No.: 17-7043

United states District court for the District of South Carolina

(Respondent).

## SUPPLEMENTAL

### PETITIONER'S RESPONSE TO RESPONDENTS' WAIVER RESPONSE

Defendants knowingly and willfully conspired and agreed among themselves to unconstitutionally dispose Petitioner's Lower court's Originated Civil Case No.: 6:15-cv-02880-HMH-KFM and South Carolina Workers Compensation (The Commission) Claim Armando Despainge Zulveta vs/ TC Unlimited Inc.. WCC File No.:1416780 DOI: 11/11/2014, Carrier: State Auto Insurance Company-Claim No: 452483, WJC7B File No: 0124.00065

Workers's Compensaion Laws were enacted so the "employee receives the righth to swift and sure compensation; the employer receives immunity from tort action by the employee. This quid pro quo approach to Workers' Compensation has worked to the advantage of society as well as the employee and employer". Parker v. William and Madjanik, Inc 275 S.C. 65, 70, 267 S.E. 2d 524, 526 (1980). The purpose of Workers' Compensation is to settle claims quickly and efficiently. Id. "One of the way the Legislature sought to ensure this result was by enacting statutes that require the exchange of medical information so that claims can be evaluated and settled in a timely matter". Physicians must be guided by their code of medical ethics.

A) HEREIN IN REFERENCE TO RESPONDENTS TIM CASE AND TC UNLIMITED INC., AND THEIR ATTORNEYS WESLEY J. SHULL, AND LAW FIRM WILSON JONES CARTER & BAXLEY, PA., ALSO RESPONDENTS IN THIS CASE.

SEE APPENDIX A #1-2, RESPONSE TO CLAIMANT FOR POSTPONEMENT/ADJOURMENT OF HEARING in which Section IV Respondents state that: Due to the collapse of the agreement, defense counsel (Respondent Shull) filed a Form 21 in June 10, 2015. Also,

Section V states: Claimant was represented when the Form 21 was filed. This Court Take Judicial Notice of the timing of June 10, 2015 in which Respondents Wilson Carter Carter & Baxley P.A., filed Form 21 with The Commission is coincidental with the apparent Obstruction of Justice that Petitioner, attorneys Harbin, and Respondents Philpot we have started also on June 10, 2015. See below related to Respondents Philpots.

In reference to Form 21 was forwarded by Respondents to the wrong address and Petitioner never had it (SEE APPENDIX B #1-2, FORWARDED AND UNCLAIMED FORM 21). At the time Petitioner's address on record was 24 Hollywood Circle instead of 247 Hollywood Ln.

In reference to Form 21 Respondents re-sent it on 06/23/2015 and Petitioner alleges that it was tampered (SEE APPENDIX B #3, FORM HAS NO NUMBER BEING FORM 21). See bottom of the form it states: I certify that I have served this document pursuant to R.67-212 by delivering a copy to: Irvin H. Philpot, III (my Attorney at the time by record). SEE what South Carolina Code of Regulations § 67-1701 regarding R.67-212 at the time states: "67-212. Repealed by State Register Volume 21, Issue No. 6, Part 2, eff. June 27, 1997".

(SEE APPENDIX B #4, HOW FORM 21 LOOKS LIKE). SEE what South Carolina Code of Regulations § 67-1701 regarding R.67-212 at the time states: I certify I have served this document pursuant to reg. 67-211 (no R.67-212 as above) by delivering a copy to...

Rule 3.3 Candor Toward The Tribunal (a)(1)(2)(3), (b), (c), and (d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

In addition, through Discovery Respondents Wilson Jones Carter & Baxley, and attorney Wesley J. Shull, are not able to produce Lower Court their medical provider Dr. Thomas E. Baumgarten's Form 14B Physician Statement. Petitioner alleges it is tampered since it took over Six (6) months to be signed by said doctor (SEE APPENDIX B #5, FORM 14B DR. OFFICE VISIT DATE ON: 3/19/15. SEE FORM 14B SIGNED ON: 9/28/15). (SEE RESPONDENTS APPENDIX B #6, Line 2. PIEDMONT ORTHOPAEDIC ASSOCIATES -THOMAS BAUMGARTEN, M.D. DATE OF REPORT: 03/19/15, PAGE 36-37 MEDICAL OPINION). (SEE APPENDIX B #7-8, PAGE 36-37 ONLY BAUMGARTEN RECORD RESPONDENTS HAVE PRODUCED IN DISCOVERY. WHERE IN THE RECORD IS DR. BAUMGARTEN'S PHYSICIAN

**STATEMENT FORM 14).**

In relation with Dr. Baumgarten's Medical Opinion dated 03/19/2015 Respondents had requested it on 03/12/2015 (SEE APPENDIX B #9-11, RESPONDENTS STATE AUTO'S PETITIONS). Petitioner never was informed neither of this Respondents' Petition nor Dr. Baumgarten's rendered Medical Opinion in violation of: South Carolina Code 42-15-95(1)(2)(3) the notification sent by Respondents, a) is ambigue, b) copy of written request were not provided to Petitioner, Respondents questions only were submitted to the health care provider, c) any discussion or communication must not conflict with or interfere with the employee's examination or treatment, d) 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.

In doing so, Respondents violated Petitioner's Civil Rights while prevented Petitioner to have a fair trial. While engage in violation of SECTION 16-13-230(A). Breach of trust with fraudulent intent. A person committing a breach of trust with a fraudulent intention or a person who hires or counsels another person to commit a breach of trust with a fraudulent intention.

In doing so, Respondents violated Petitioner's Civil Rights while prevented Petitioner to have a fair trial. While engage in violation of SECTION 42-19-30. Penalty for failure to make required reports. Any employer or insurance carrier who refuses or neglects to submit required forms, records, and reports as may be necessary for the proper handling or adjudication of a claim is liable for a penalty.

In doing so, Respondents violated Petitioner's Civil Rights when corruptly concealed a record, document, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding.

In doing so, Respondents violated Petitioner's Civil Rights when they failed to present Lower Court with a complete, reliable, accurate of Petitioner's Medical record.

In doing so, Respondents violated Petitioner's Civil Rights whne they failed to provide Petitioner adequate medical attention and therefore, a denial to Petitioner Workers' Compensation's benefit being at the time Petitioner an Injured Worker.

**SECTION 42-19-30. Penalty for failure to make required reports.**

Any employer or insurance carrier who refuses or neglects to submit required forms,

records, and reports as may be necessary for the proper handling or adjudication of a claim is liable for a penalty of not less than ten dollars nor more than one hundred dollars for each refusal or neglect. The fine provided in this section may be assessed by the commission with the right of review and appeal as in other cases.

In doing so, Respondents are in violation of South Carolina Appellate Court Rules 407 Rules of Professional conduct Rule 4.1: Truthfulness in statements to others.

In doing so, Respondents violated Rule 8.4:(a) Misconduct.

Respondents are in violation of THE ACT.

**B) HEREIN IN REFERENCE TO RESPONDENTS PHILPOT LAW FIRM, PA AND ATTORNEY IRVIN H. PHILPOT, III.**

Petitioner With no Avail tried to serve Service of Process as well as Fourth Circuit Court of Appeals' Orders and Instructions to Respondents'attorneys Turner Padget Graham and Laney. Said Law Firm stated that Respondents Philpot's attorney Eric K. Englebardt is no longer at their address (SEE APPENDIX C #1). This is the same disattention to Court legal matters that Respondents has shown since the begin of the case starting with Tim Case and TC Unlimited Inc., Default the same Respondents who had Petitioner's Civil Case dismissed with Prejudice (SEE LOWER COURT ENTRY 21-1 RESPONDENTS TIM CASE AND TC UNLIMITED INC., SHOULD BE ALLOWED LEAVE TO ANSWER).

In relation to Respondents, they were hired as attorneys by Petitioner on November 18, 2015 (SEE APPENDIX C #2). This Court take Judicial Notice that due to Respondents' Philpots' passive conduct towards Respondents, on March 27, 2017 Petitioner contacted South Carolina Workers Compensation (The Commission) with plenty of complaints over the subject above including, delay of paychecks benefits performed by Respondents (SEE APPENDIX C #3). This Court takes Judicial Notice that due to Petitioner's attorneys' passive conduct respondents felt safe to the point that they did not hire their attorneys until April 17, 2015 (SEE APPENDIX C #4) long after Petitioner complained to The Commission regarding my attorneys and prior to the Month of April, 2015, Petitioner's complaint had increased (SEE LOWER COURT ENTRY 40 PETITIONER COMPLAINT BEFORE APRIL 24, 2015).

In addition, by May 12, 2015 Petitioner formally had released attorneys Respondents Philpots of any responsibility derived from my civil case (SEE ON TOP PPENDIX A # 2, Section III). BY May 26, 2015 The Commission made aware Respondents Philpots that

there is mistake regarding Motion of Releasing Attorneys (SEE APPENDIX C #5). Meanwhile, rest of Respondents delay paychecks benefits, unauthorized phone calls of very unfair settlement intimidation or get nothing from Respondents Wilson Jones Carter & Baxley, etc. After unsuccessfully Petitioner contacted several attorneys having Philpot's interference of no releasing themselves from The Commission's attorneys record, on June 10, 2015 Attorney H. Chase Harbin's Paralegal Christine P. Lewis made a call to Respondents Philpot hoping to convince him to be released so they can be hired as Petitioner attorneys. On June 11, 2015 attorney Harbin addressed a letter to attorneys Philpot in which states Petitioner's efforts trying to obtain an attorney in order to Petitioner's paralyzed case in The Commission can continue (SEE APPENDIX C #6, ATTORNEY HARBIN,S LETTER). Next day on June 12, 2015 Petitioner personally took the letter to Philpot office and same day the obstruction of Justice blocking my assess to obtain an attorney ceased. Philpot that day produced Order of Releiving Counsel. And that is the relation June 12, 2015 has with June 10, 2015 Respondents' Response to Claimant Adjourn of Hearing. Date was concealed while trying to tamper with their original date filing with what it appears Obstruction of Justice (SEE APPENDIX C #7, ORDER RELIEVING COUNSEL).

In doing so, Respondents violated Petitioner' s Civil Rights while prevented Petitioner to have a fair trial. While engage in violation of SECTION 16-13-230(A). Breach of trust with fraudulent intent. A person committing a breach of trust with a fraudulent intention.

In doing so, Respondents violated Petitioner' s Civil Rights while prevented Petitioner to have a fair trial. While engage in violation of SECTION 42-19-30. Penalty for failure to make required reports. Any employer or insurance carrier who refuses or neglects to submit required forms, records, and reports as may be necessary for the proper handling or adjudication of a claim is liable for a penalty.

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In doing so, Respondents violated Petitioner's Civil Rights when they failed to present Lower Court with a complete, reliable, accurate of Petitioner's Medical record.

In doing so, Respondents are in violation of South Carolina Appellate Court Rules 407 Rules of Professional conduct Rule 4.1: Truthfulness in statements to others.

In doing so, Respondents violated Rule 8.4:(a) Misconduct.

Respondents are in violation of THE ACT.

In doing so, Respondents violated Petitioner's Civil Rights when they failed to provide Petitioner adequate medical attention and therefore, a denial to Petitioner Workers' Compensation's benefit Petitioner being at the time an Injured Worker.

**C) IN REFERENCE TO EMPLOYERS TC UNLIMITED, INC'S AND TIM CASE 'S RESPONDENT INSURANCE CARRIER STATE AUTO MUTUAL INSURANCE CO., AND THEIR MEDICAL PROVIDER DR. THOMAS BAUMGARTEN.**

On 3/23/2015 Dr. Baumgarten ordered Six (6) weeks of knee's therapy for Petitioner's knee and also ordered Anti-flamatory be used by Petitioner as needed (SEE APPENDIX B #8).

Dr. Baumgarten's ordered therapy became contraproductive to Petitioner's knee and for this reason on March 24, 2015 Petitioner sought medical treatment at Greenville Hospital System's Emergency Room whose Dr. Crumpler ordered following special instructions were given to call to schedule medical visit with primary Dr. Baumgarten (SEE APPENDIX D #1). Same date Petitioner contacted Case Manager Nurse Angel Bennett and asked to schedule an appointment with Dr. Baumgarten. Same date Insurance carrier abandoned petitioner and failed to comply with Dr. Cumpler's special instructions (SEE APPENDIX D #2).

Due to contra-productive therapy sesswions following week on May 01, 2015 therapist Brad Eggebraaten on his own supended remaining therapist sessions (SEE APPENDIX D # 3-4).

In doing so, Respondents Tim Case's, TC Unlimited Inc's, and State Auto's medical provider Dr. Baumgarten they are in violation of AMA CODE OF MEDICAL ETHICS' Opinion 8.11-Neglect of Patient. The physician should respond to the best of his or her ability in cases of emergency where first aid treatment is essential. Once having undertaken a case, the physician should not neglect the patient. (I,VI)

In doing so, Respondents Tim Case's, TC Unlimited Inc's, and State Auto's medical provider Dr. Baumgarten they are in violation of AMA CODE OF MEDICAL ETHICS' Opinion 8.115-Termination of the Physician-Patient Relationship. Physicians have an

obligation to support continuing of care of their patients.

In doing so, Respondents Tim Case's, TC Unlimited Inc's, and State Auto's medical provider Dr. Baumgarten they are in violation of AMA CODE OF MEDICAL ETHICS' Opinion 10.01-Fundamental Elements of the Patient-Physician Relationship (5). The Physician has an obligation to cooperate in the coordination of medically indicated care with other health care providers treating the patient. The physician may not discontinue treatment of a patient as long as further treatment is medically indicated, without giving the patient reasonable assistance and sufficient opportunity to make alternative arrangements for care.

In doing so, Respondents Tim Case's, TC Unlimited Inc's, and State Auto's medical provider Dr. Baumgarten they are in violation of AMA CODE OF MEDICAL ETHICS' Opinion 10.01-Fundamental Elements of the Patient-Physician Relationship (6). The patient has a basic right to have available adequate health care. Physicians should advocate for patients in dealing with third parties when appropriate. (I, IV, V, VIII, IX).

In addition, Petitioner was only seen once by Dr. Baumgarten on 03/19/2015. Subsequently after Six (6) months on 09/28/2015 Dr. Baumgarten rendered Physician Statement 14B in which it sustains that Petitioner had no impairment to Right Knee.

In doing so, Respondents are in violation of 42 CFR 482.24 - Condition of participation: Medical record services. (b)Standard: Form and retention of record. The hospital must maintain a medical record for each inpatient and outpatient. Medical records must be accurately written, promptly completed, properly filed and retained, and accessible. The hospital must use a system of author identification and record maintenance that ensures the integrity of the authentication and protects the security of all record entries.

In addition, In order for a claim to be valid, there must be sufficient documentation in the provider's or hospital's records to verify their services were performed, were "reasonable and necessary" and required the level of care that was delivered. Apparently, this was not the case according to Respondents's conduct regarding Dr. Lower Court Dr. Baumgarten's Physician Statement 14B which said Form unexpectedly they introduce at The Commission's hearing and won on December 09, 2015.

Petitioner Humbly requests and prays for this Honorable court to implement every portion of the relief request and in addition, whatever relief this Court may needs

necessary to implement deterring respondents from further similar behavior in and out of court.

On this day the 19th of January, 2018.

Respectfully Submitted;

 01/19/2018

Armando Despaigne Zulveta

SUPREME COURT OF THE UNITED STATES

Armando Despaigne Zulveta

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No.: 17-7043

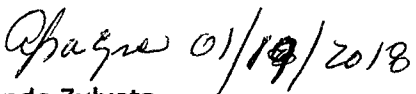
United states District court for the District of South Carolina

(Respondent).

CERTIFICATE OF SERVICE

This is to certify that a true copy of PETITIONER'S RESPONSE TO RESPONDENTS' WAIVER RESPONSE has been served upon United States Department of Justice's Solicitor general at: 950 Pennsylvania Ave., NW, Washington, DC 20530 by depositing in the US Mail with prepaid postage.

On this day the 19th of January, 2018

  
Armando Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

Phone No.: (864) 305-9480 Email: acere 1296@gmail.com

SUPREME COURT OF THE UNITED STATES

Armando Despaigne Zulveta

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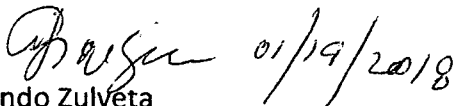
United states District court for the District of South Carolina

(Respondent).

CERTIFICATE OF SERVICE

This is to certify that a true copy of PETITIONER'S RESPONSE TO RESPONDENTS' WAIVER RESPONSE has been served upon Judge Henry M. Herlong, Jr., at: South Carolina Greenville District Courthouse 300 E. Washington St., Greenville, SC 29601, by depositing it in the US Post Mail with proper pre-page postage.

On this day the 19th of January, 2018

 01/19/2018  
Armando Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

Phone No.: (864) 305-9480 Email: acere 1296@gmail.com

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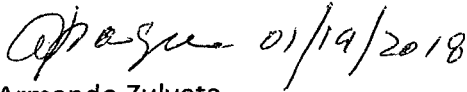
United states District court for the District of South Carolina

(Respondent).

CERTIFICATE OF SERVICE

This is to certify that a true copy of PETITIONER'S RESPONSE TO RESPONDENTS' WAIVER RESPONSE has been served upon Respondents State Automobile Mutual Insurance Co., Stephen R. Bruner, and Robert P. Restrepo's attorneys Gallivan White and Boyd, P.A., attorneys Nicholas A. Farr by depositing in the US Mail with prepaid postage at: One Liberty Square, 55 Beattie Place, Suite 1200, Greenville, SC 29601

On this day the 19th of January, 2018

 01/19/2018

Armando Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

Phone No.: (864) 305-9480 Email: acere 1296@gmail.com

SUPREME COURT OF THE UNITED STATES

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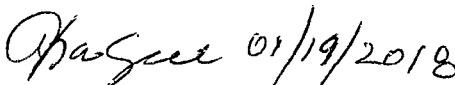
United states District court for the District of South Carolina

(Respondent).

CERTIFICATE OF SERVICE

This is to certify that a true copy of PETITIONER'S RESPONSE TO RESPONDENTS' WAIVER RESPONSE has been served upon Respondents WILSON S. SHELDON and J. ADAM RUSELL attorneys for defendants WILSON JONES CARTER & BAXLEY, PA, and WESLEY J. SHULL by DELIVERING VIA UNITED STATES POSTAL SERVICE with proper paid stamp at: 827 S. Pleasantburg Dr. Greenville, SC 29607.

On this day the 19th of January, 2018

 01/19/2018  
Armando Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

Phone No.: (864) 305-9480 Email: acere 1296@gmail.com

SUPREME COURT OF THE UNITED STATES

Armando Despaigne Zulveta

(Petitioner)

v.

No.: 17-7043

United states District court for the District of South Carolina

(Respondent).

CERTIFICATE OF SERVICE

This is to certify that a true copy of PETITIONER'S RESPONSE TO RESPONDENTS' WAIVER RESPONSE has been served upon Respondents Tim Case and TC Unlimited, Inc., by depositing it in the United States Post Office with properly postage mail at: Respondents Tim case and TC Unlimited, Inc., attorney Timothy Domin at: 126 Seven farms Dr., Suite 200 Charleston, SC 29492.

On this day the 19th of January, 2018

 01/19/2018

Armando Zulveta

P.O. Box 30361 Winston-Salem, NC 27130

Phone No.: (864) 305-9480 Email: acere 1296@gmail.com

**Additional material  
from this filing is  
available in the  
Clerk's Office.**