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Clark v. Cry Baby Foods, LLC Agency's Record v. 9 Dckt. 40016

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BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

LAW CLERK

JAMES W. CLARK,
Claimant-Appellant,

v.

CRY BABE FOODS, LLC, Employer
Defendant,

and

IDAHO STATE INSURANCE FUND,
Surety,
Defendant-Respondent.

Supreme Court Docket No. 40016-2012
Industrial Commission No. 2008-013505

AGENCY'S
AUGMENTED RECORD
VOLUME 1



BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

Claimant/Appellant Pro Se:

JAMES W. CLARK
3515 HARNEY ST
VANCOUVER, WA 98660

Defendant/Respondent:

IDAHO STATE INSURANCE FUND

Attorneys for Defendant/Respondent(s):

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AGENCY'S AUGMENTED RECORD, Volume 1 (Re: James Clark, Docket # 40016)

40016

COPY

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CLAIMANT’S RESPONSE TO VACATE HEARING OF AUGUST 20, 2012 AND OTHER MATTERS, (handwritten – 6 pages), filed August 16, 2012	1729, V2
CLAIMANT’S SECOND CORRECTION TO WORDINGS OF COURT RESPONSE TO ORDER REGARDING HEARING WORKSHEET AND OTHER MATTERS (10 pages), faxed August 29, 2012, hard copy filed September 4, 2012	1817, V2
DEFENDANTS’ MEMORANDUM IN OPPOSITION TO CLAIMANT’S REQUESTS FOR DELETION OF AGENCY RECORDS, filed August 13, 2012.....	1693, V2
DEFENDANTS’ NOTICE OF COMPLIANCE WITH INDUSTRIAL COMMISSION ORDER REGARDING HEARING WORKSHEET, filed August 16, 2012.....	1741, V2
DEFENDANTS’ WORKSHEET, filed August 16, 2012	1740, V2
LETTER FROM INDUSTRIAL COMMISSION TO JAMES W. CLARK (returning unfiled document), dated August 2, 2012.....	1628, V2
LETTER FROM INDUSTRIAL COMMISSION TO JAMES W. CLARK (returning unfiled document), dated August 6, 2012.....	1656, V2
LETTER FROM THE INDUSTRIAL COMMISSION TO JAMES W. CLARK (returning unfiled document), dated August 8, 2012.....	1668, V2
LETTER FROM THE INDUSTRIAL COMMISSION TO JAMES W. CLARK (returning unfiled document), dated August 14, 2012.....	1706, V2
MOTION FOR EXTENSION OF TIME BY CLERK OF ADMINISTRATIVE AGENCY, dated August 20, 2012.....	1743, V2
NOTICE OF COMPLETION OF AUGMENTED RECORD, dated September 7, 2012.....	1832, V2
NOTICE OF HEARING, filed August 9, 2012.....	1676, V2
NOTICE OF HEARING, filed August 22, 2012.....	1755, V2
ORDER DENYING APPELLANT’S REQUEST FOR ADDITIONAL RECORDS PURSUANT TO I.A.R. 29(a), filed August 1, 2012.....	1624, V2
ORDER DENYING REQUESTS FOR DELETIONS TO THE RECORD, filed August 24, 2012.....	1768, V2

ORDER GRANTING CLERK'S MOTION FOR EXTENSION OF TIME, dated August 23, 2012	1757, V2
ORDER REGARDING HEARING WORKSHEET, filed August 16, 2012.....	1736, V2
ORDER (Supreme Court), dated August 31, 2012.....	1829, V2
ORDER VACATING HEARING, filed August 16, 2012	1727, V2

AUGMENTED LIST OF EXHIBITS

REPORTER'S TRANSCRIPT: TAKEN AUGUST 23, 2012 RE: JAMES W. CLARK
TO BE LODGED WITH THE SUPREME COURT.

CLAIMANT'S EXHIBITS: None.

DEFENDANTS' EXHIBITS: None.

ADDITIONAL DOCUMENTS: None.

✓

July 30, 2012
Before The Industrial
Commission of The State
of Idaho

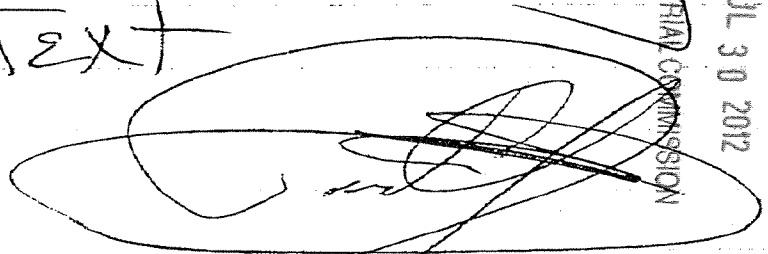
IC NO. 2008-013525

SC Doc. 40016-2012

The Claimant is Requesting
Mr Donahue Referee and The
Commission as a whole to
to Explain to The Idaho
State Court of appeal for The

Alterations of
This Report and
Other Medical Reports
in His finding of Facts and
Conclusion of Law
That did Change The Sounding
and The MEANING
of The Text

pg 1-3



Requesting service of Certificate
to all Party ~~WynnLaker~~, state fund. James W Clark

1395

INDUSTRIAL COMMISSION

JUL 30 2012

FILED

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

The Claimant is
ask you mr Donhan
~~to~~ ~~to~~ explain under
this Rule to the
Court of appsal,
you also said that- ms. Basket
misspoke is that what
you going to try and
say,

pg 2-3

1396

onions of dirt, leaves and excess outer layers. Corkscrew action of steel bands around the rollers guided the onions along the length of the roller machine. Claimant was assigned to keep the onions moving and, with a stick to poke clogs of debris down through the space between the rollers. Truck unloading and the roller machine work occurred outside. From there, onions went by conveyor belt inside the processing plant.

2. On that date Claimant's dominant right arm was drawn between a pair of rollers after his glove got caught in the machine. He suffered a crush injury to his forearm.

Medical Care

Immediate treatment: April 17 through May 2008

3. Claimant reported to the first-responding paramedics that he was caught for 15 minutes before the machine was turned off and stuck for another 15-20 minutes before the machine could be opened enough to extract his arm. Paramedics provided first aid, a morphine analgesic, and a splint against the possibility of a fractured bone. They considered the injury, together with ongoing neurologic symptoms to his hand from an old injury to his elbow, to qualify as potentially limb threatening and as requiring the attention of a trauma center and physician. Lifeflight was called. The Lifeflight physician was qualified as both an RN and EMT. He initially noted upon examination:

Patient is alert and oriented. Able to talk without difficulty. Skin is warm, dry and pink. Other than facial mask of pain, he is in no obvious distress or obvious life threatening situation upon initial exam. We do note that his right forearm has been splinted and bandaged.

The Lifeflight physician confirmed good pulses and blood/oxygen saturation in all fingers.

4. Claimant was initially seen at St. Alphonsus' ER by Po Y. Huang, M.D., examined, X-rayed for fracture, and referred to orthopedic surgeon Dominic L. Gross, M.D. Dr. Gross re-dressed the forearm wound, examined Claimant, and ordered more diagnostic

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 5

Pg 3-3

1397

Not a fact

July 30, 2012

Before The Industrial
Commission of The State
of Idaho

IC NO. 2008-013525

SC Doc. 40016-2012

The Claimant is Requesting
Mr Donahue Referee and The
Commission as a whole to
to explain to the Idaho
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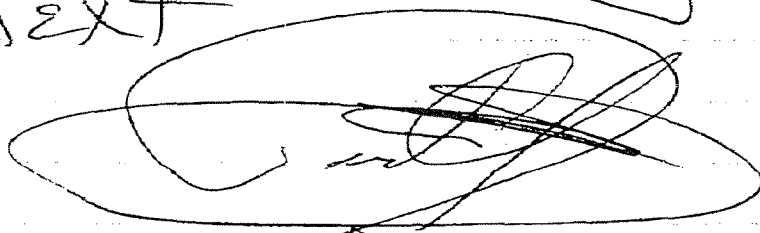
Alterations of
This Report and
other Medical Report.
in his finding of facts and
conclusion of law filed May 2, 2012
that did change the sounding
and the MEANING
of the text

INDUSTRIAL COMMISSION

JUL 30 2012

FILED

pg 1-3



Requesting service of Certificate
to all party Lynn Luker, state fund. James W Clark

398

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

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say,

pg 2-3

1399

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 5

Pg 3-3

1400



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

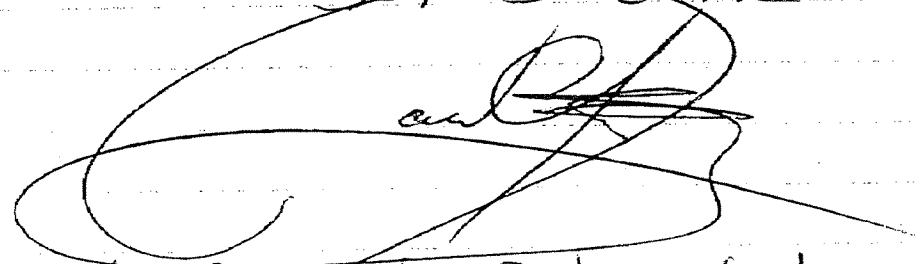
FILED
JUL 31 2012
INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

1401

on pp ~~42~~ 42 and p 1167
of the Arizona
Record

Mr Donohue will you
produce a Document from
Ken Adam Claimant Supervisor
and Boss at the time of injury
that in fact I walk of and quit
my job.

James Clark


if The Court of Appeals Rules That
This Bill was to be payed The
Claimant is asking for Interest
for there Courtinued Denial
of Payment in Regards to
Claimants Payment for Transportation
To Sargurton Jan 29, 2008
Feb 16, 2009

pg 2-2

1402

James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
CORRECTION OF FILING

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

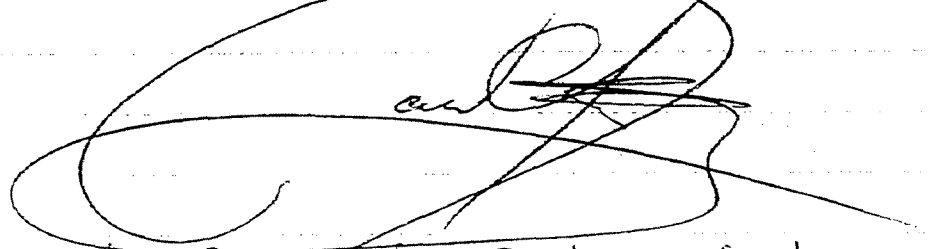
The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

1403

on pp ~~42~~ 42 and p 1167
of the original
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James Clark



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Feb 16, 2009

pg 2-2

1404



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
CORRECTION OF FILLING

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;


FILED
JUL 31 2012
INDUSTRIAL COMMISSION

1405

July 30, 2012

The Appellant Filed To The Industrial Commission on July 30, 2012.

The Appellant Claimant wrote the wrong IC no. and this is a filing for correction of the July 30, 2012 filing. Correction is on front page. Sorry for the inconvenience.


James Clark

The ~~claim~~ Appellant, claimant is ask for a Certificate of Service and for agency to sent a copie to The Idaho state insurance fund + Lynn Luker

pg 2-5

1406

July 30, 2012

Before The Industrial
Commission of The State
of Idaho

IC NO. ~~2008-013525~~ 2008-013505

SC Doc. 40016-2012

The Claimant is requesting
Mr Donahue referee and The
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State Court of appeal for the

Alterations of
This Report and
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that did change the sounding
and the MEANING
of the text

pg 1-3

pg 3-5 for correction of filings

Requesting service of Certificate
to all party Lynn Luker, state fund.

James W Clark

1407

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pg 2-3

pg 4-5

1408

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not a fact

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FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 5

Pg 3-3

Pg 5-5 - for correction of filing

1409



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

1410

pg 39 of finding of fact and
 pg 1164 agency Records

Dr Hansen felt there was
 no need for help regarding
 claimants surgery and followed
 it up with a letter.

But Mr Donohue is it not
 a fact that Dr Hansen letter
 to the Defendant ~~not~~ was after
 Dorothy Bauman took me
 to surgery.

Mr Donohue is it not a fact the
 on or around Jan 27, 2009 on
 pg 272 of agency Record Claimant
 signed a contract with the hospital
 for there Rule before surgery of
 Jan 29, 2009
~~fact~~

on pg 274 of the agencies ~~Record~~ ^{Record}
 clearly shows by letter sent thru
 the mail and fax to claimant
 the Defendant will ~~not~~ pay
 for transportation

pg 2-3

1411

and after my visit of Jan 29, 2008
 after arriving surgery was canceled
 Then on Feb 4, 2009 pg 273 of
 The agencies records claimant received
 letter from Mr Hull attorney for
 Defendants that they was only
 going to pay 700. and did not say hrs, amount
 it was not. Tell claimant said no
 you said you would pay and
 Then the Defendant sent a
 letter for His opinion
 Claimant did not sign a
 contract with Dr Hansen
 But In fact with a Hospital
 Rule and Regulation. Dr Hansen
 has no authority over Rules
 of the Hospital. So this
 Bill of 600.00. Dollar should
 be paid for this trip was
 performed twice and should
 be paid

Claimant is Requesting
 a Certificate of Services
 To all Parties.

~~James Clark~~
~~I call~~

1412



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

Pg 1-6

1413

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

Will you explain to the
Court of appeal why you
alter a Record that was
considered filed on
Jun 15 2012 and then
alter this Document to look
like it was not filed and
sent back to Claimant as
not filed. who is covering
what up?

26

1414

James W Clark
3515 Hamey street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

**STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS**

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

Pg 1-6

1415

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

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what up?

26

1416

JAMES W. Clark

515 HANLEY ST.
EMERSON WASH, 98060

PHONE NO. 1-360-258-1619

EX. NO. 1-360-258-1619

Claimant-Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

REQUEST FOR ADDITIONAL

And

RECORDS

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

31 1

3-6

1417

DATE: JUN 12 2012

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

CLAIM NO. 2008-013505

SECOND REQUEST FOR
EXTINTION OF TIME TO RESP
TO ATTORNEYS. LEIN

JAMES W CLARK,
Claimant,
✓
CRYBABY FOODS, LLC.

Employer,

The Idaho state insurance fun

surety.

Defendants,

The claimant feels he has every right to have time to review all items in records to the attorney lien. The Claimant should not be punish for the ill consideration and the lack of respect Lynn luker/attorney/legislator has for what the claimant must go through in such a short time. And not being an attorney or knowing how the law and rules work has compounded a lot of undo stress. And on top of that to fight Lynn luker/ attorney for twenty seven days by personal fax and through the commission for claimants sync contract. The claimant has done no wrong in trying to bring this issue to a final resolution.

pg 2 |

4-6

1418

Reason for extinction of time

On Jun 9 2012 claimant received a letter from commission to shorten time on response, and claimant also received letter from Lynn luker with some paper work. Based on those papers received in the mail on jun9 2012 from attorney so the claimant contacted the commission on Jun 11 2012 and requested the records of what Mr. Luker had filed in regards to him quitting on the claimant. The only thing claimant has received from attorney about him quitting was a letter with a statement saying;; if if anyone will take your case.... The document in question is the Dec 27 2010 AFFIDAVIT OF LYNN M LUKER IN SUPORT OF ATTORNEY'S LIEN AND MOTION FOR APPROVAL. This document caught my eye because the commission beginning page is different then what the affidavit was file on to the commission. The claimant has never seen this document before and claimant needs to look into this mater closer. Claimant may believe that this document was also filed in another court. And if so why was claimant not notified. The only person that is being affected in this delay is the claimant. Claimant option is this delay will not cause a financial hard ship for Mr. Luker. Claimant files he was not represented in his best interest and claimant be leaves that claimant has a right to proper time to respond. The claimant is asking for a dead line now that Lynn luker finally responded with claimant's motion for document to be filed no later than July 6 2012. The commission did give claimant one 28day restriction but lynn luker took 27 of those days to send claimants request.

Thank you for your time on this matter.

[Handwritten signature]
 James Clark

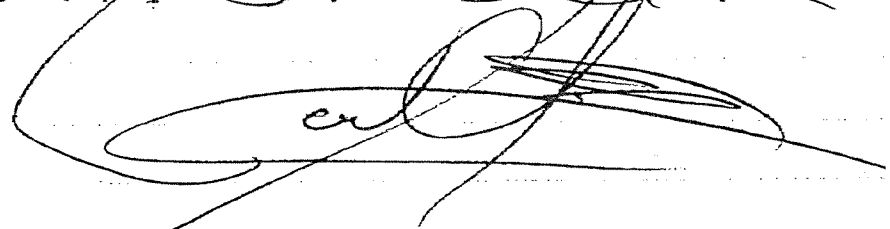
Jun 12, 2012
 5-6

Pg 3 | *[Handwritten initials]*

1419

Mr Donohue and
The Commission as a
hole.

This is the claimant's
Life that you have destroyed
By publishing these false
accusation that you have
said about me and I will
do under the law what
ever it takes to be heard
How the injured worker
was treated - and I will
hold each person accountable
for there action. James Clark



6-6

1420



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

1421

JAMES W. Clark
 3515 Harnely St.
 Vancouver Wash, 98660
 Phone NO. 1-360-258-1619
 Fax NO. 1-360-258-1619

Claimant-Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

REQUEST FOR ADDITIONAL

And

RECORDS

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

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2-6

Fig 1

Before The Industrial Commission
of The State of Idaho.

IC 2008-013505
Jun 14, 2012

Motion to
included in filing
to the court of
appeal.


ALL Records from ICRD
Consultant Sandy Baskett and
all Record from The Industrial
Commission Rehab Division in
Connection of Claimants Claim
2008-013505. Before hearing and
all records after hearing to be
added. The Claimant would also like
The Commission to forward The
Letter or Document That allowed
The Commission to make a statement
under The Finding of Facts
Pg 12)(31)

3-6

pg 1-2 2

In Late September, Claimant hired a Lawyer, Mr. Brown to help him with his workers' Compensation claim. That Relationship was unsatisfactory in Claimant's ~~own~~ opinion. He ~~was~~ Fired THE ~~Attorney~~ ~~Lawyer~~ and continued PROSE for several months.

The Claimant's opinion is this statement by the Commission was to help to benefit Lynn Luker Attorney / Legislator ~~and~~ ~~to~~ ~~be~~ ~~in~~ for attorney fee after Mr Luker had quit twice on Claimant within days of having to complete at least 5 depression and left his client to defend for himself for no one wanted to go behind Lynn Luker Attorney / Legislator.

James Clark


pg 2-23

4-6

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

5-6

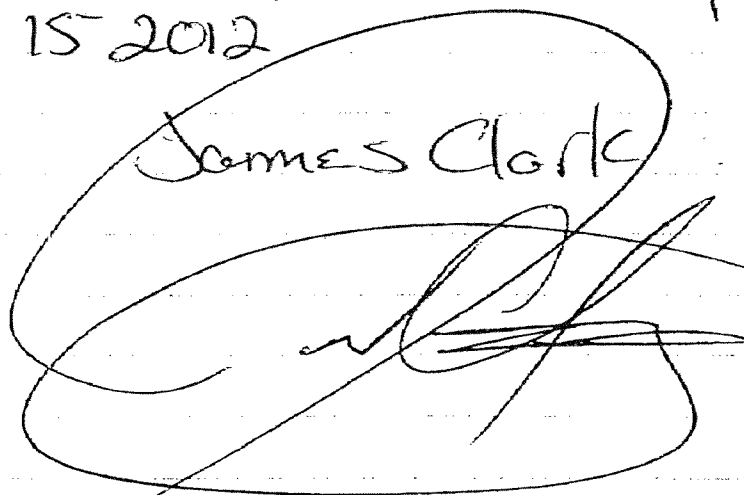
1425

Will you Mr Donohue
explain in this Rule or act

9-601
Explanation of alterations.

Mr Donohue will you explain
to the Court of appeal why
the Commission after a filed
document to appear none
filed and sent to claimant
as not filed but inspect
it had been filed and accepted
on Jun 15 2012

James Clark



6-6

1426



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

1427

Mr Donohue in your
finding of facts

On Page 12 and on pg 1137
 of agency's Record Section B1
 Claimant hired a Attorney
 Can you Mr Donohue and the
 Commission as a help prove
 This Letter to Be a Lie.

So Mr Donohue This Statement
 is a lie and was put in place
 for no other Reason but to
 Help Mr Lynn Hulez Claimants
 Two Time Owner of an attorney
 Lien With he also hired in
 and That did not fully respond
 to Claimant Request for Receipt of
 out of Pocket money That Mr Huber
 was claiming. But was awarded
 The Lien - even though I explained
 to the Commission that Claimant
 had no other choess but to respond.

James Clark

1428

pg 3



Goicoechea Law Offices
CHARTERED

October 15, 2008

JERRY J. GOICOECHEA
ROGER L. BROWN*

*Of Idaho & California Bar

James Clark
10402 Railroad Lane
Payette, Idaho 83661
(208) 405-9538 (H)
(208) 642-2810 (Msg.)

OP

Re: *Your Workers' Compensation Claim*
Date of Accident: April 17, 2008

St. Mary's Crossing
2537 W. State Street
Suite 130
P.O. Box 6190
Boise, ID 83707-6190

Boise
(208) 336-6400

FAX
(208) 336-6404

OTHER OFFICE LOCATIONS
Twin Falls - Burley
Idaho Falls

EIN 82-0366626

Dear Mr. Clark:

Thank you for contacting Goicoechea Law Offices, Chtd. regarding your workers' compensation claim. Unfortunately, I regret to inform you that our office is unable to represent you in this matter. As Paula mentioned to you this morning via telephone, my associate, Roger Brown, will be leaving our firm. As such, I will be taking over a portion of his current case load and will not have the time necessary to dedicate to your case.

You may wish to contact Idaho State Bar Referral Services at 525 West Jefferson, Boise, Idaho 83702, (208) 334-4500.

Thank you for contacting Goicoechea Law Offices and I wish you the best of luck in pursuing your claim.

Finally, I have enclosed all of the original documents that you provided to our office.

Sincerely,

GOICOECHEA LAW OFFICE, CHTD.

Jerry J. Goicoechea

LIMITED LIABILITY
PARTNERSHIP OFFICES

IDAHO
Nampa

RLB\psm
Enclosures

83-45

83-3

1429



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

Page 1 of 3

1430

Mr Donohue in your
finding of facts

On Page 12 and on pg 1137
of agency's Record Section B1
Claimant fired a Attorney
Can you Mr Donohue and the
Commission as a help prove
This Letter to Be a Lie.
So Mr Donohue This Statement
is a lie and was put in place
for no other Reason but to
Help Mr Lynn Lulez Claimants
Two Time Owner of an attorney
Lien which he also hired in
and that did not fully respond
to Claimant Request for Receipt of
out of Pocket money that Mr Lulez
was claiming. But was awarded
The Lien even though I explained
to the Commission that Claimant
had no other choice but to respond.

James Clark

pg 2-3

1431



Goicoechea Law Offices
CHARTERED

October 15, 2008

JERRY J. GOICOECHEA
ROGER L. BROWN*

*Of Idaho & California Bar

James Clark
10402 Railroad Lane
Payette, Idaho 83661
(208) 405-9538 (H)
(208) 642-2810 (Msg.)

SP

St. Mary's Crossing
2537 W. State Street
Suite 130
P.O. Box 6190
Boise, ID 83707-6190

Boise
(208) 336-6400

FAX
(208) 336-6404

OTHER OFFICE LOCATIONS
Twin Falls - Burley
Idaho Falls

82-0366626

Re: *Your Workers' Compensation Claim*
Date of Accident: April 17, 2008

Dear Mr. Clark:

Thank you for contacting Goicoechea Law Offices, Chtd. regarding your workers' compensation claim. Unfortunately, I regret to inform you that our office is unable to represent you in this matter. As Paula mentioned to you this morning via telephone, my associate, Roger Brown, will be leaving our firm. As such, I will be taking over a portion of his current case load and will not have the time necessary to dedicate to your case.

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Thank you for contacting Goicoechea Law Offices and I wish you the best of luck in pursuing your claim.

Finally, I have enclosed all of the original documents that you provided to our office.

Sincerely,

GOICOECHEA LAW OFFICE, CHTD.

Jerry J. Goicoechea

RLB\psm
Enclosures

LIMITED LIABILITY
PARTNERSHIP OFFICES

DAHO
Lampa

83-45

83-3

1432



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

2-8

1434

Jul 31 12 01:51p

James Clark

1-360-719-2581

p.3

Jun 15 12 01:04p

James Clark

1-360-258-1619

p.1
FLEX ON
Jun 22, 2
✓

JAMES W. Clark

3515 Harnely St.
Burien, Wash, 98660

Home NO. 1-360-258-1619

Cell NO. 1-360-258-1619

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

Claimant-Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

REQUEST FOR ADDITIONAL

And

RECORDS

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

3-8

291

06/15/2012 FRI 14:04 [TX/RX NO : 1435 1

07/31/2012 TUE 14:54 [TX/RX NO 8026] 003

Ju/31 12:01:51p

James Clark

360-719-2581

p.4

Jun 21 12:03:00

Jun 21

Print

1-360-258-1619

p.1

File by fax Jun 21

JAMES

3515

sf.

Vancouver wash 98660

Phone. 360-258-1619

Fax 360-258-1619

Date Jun 21, 2012

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

Motion to Amend Appeal to include

And

Records to Idaho state Court of Appeals

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

Pg 4-8

06/21/2012 THU 16:08 [TX/RX NO 76401] 001

1436 -

07/31/2012 TUE 14:54 [TX/RX NO 8026] 004



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

Mr Donohue in your finding of facts

On Page 12 and on pg 1137 of agencies Record Section 31 Claimant hired a Attorney. Can you Mr Donohue and the Commission as a help prove this letter to be a Lie.

So Mr Donohue This statement is a lie and was put in place for no other reason but to help Mr Lynn haker Claimants two time author of an attorney Lien which he also hired in.

Claimant is Requesting a Certificate of Service on all Parties

Lynn haker

James Clark

Anderson Juli and Hult
Defendants Attorney

pg 2-2

1438



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

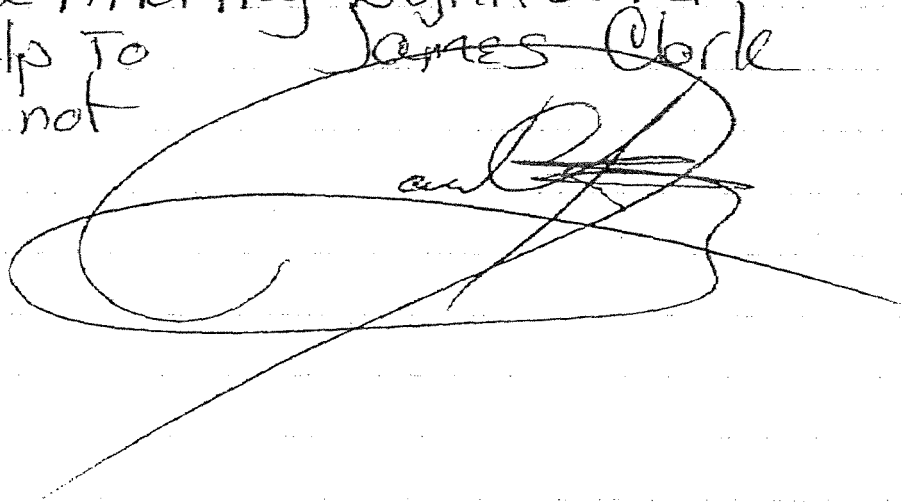
The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

1439

on pp ~~42~~ 42 and 1167
of ~~Binding~~ of fact of the original Record

Mr Donohue ~~g~~ will you
produce a Document from
Ken Adam Clamont Supervisor
and Ross, at the time of injury
that in fact I walk of and quit
my job. With my ~~2~~ Two Time
cutter of a Attorney Lynn Luker
would not help to James Clark
prove i did not



pa-2

1446



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

*Pa Can
This
IGIS*

1441

Jul 31 12:12:24p

James Clark

Jun 18 12:09:09a

James Clark

Jun 18

360-719-2581

p.2

1-360-258-1619

p.1

Fax on Jun 18,
08:47 AM

JAMES W. Clark
3515 HARNLEY St.
Everett Wash 98060
Phone NO. 1-360-258-1619
Fax NO. 1-360-258-1619

Claimant-Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W. CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

REQUEST FOR ADDITIONAL

And

RECORDS

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

Request for Additional Records. Pg 1

202

- 1.) Complete copies of Industrial commission agency's records, including all motions, pleadings, and/or hand written correspondence of claimant to commission for April 17 2008 through Jan 5 2010
- 2.) Claimants complaint filed July 9 2008 and complete copies of industrial commission agency's records, including all motion, pleading, and/or hand written correspondence for July 9 2008 through Jan 5 2010
-) Claimant transcript of November 18 2010

Lynn luker attorney for claimant

- 3.) Lynn lurker's motions, pleading and any correspondence made on claimant's complaint filed July 9 2008 from jan5 2010 through Dec 21 2010 before hiring Lynn luker.
- 4.) Lynn luker records of all motions, pleading, and correspondence made on claimants behalf between Jan 5 2010 through Dec 21 2010 about the state fund lying to the industrial commission between august 15 2008 through Oct 10 2009 about privet health records
- 5.) Lynn luker motion, pleadings, and correspondence made on behalf of claimant between Jan 5 2010 through May 2 2012 about being forced to return to work on Jun 5 2008 without seeing a doctor or having a jobsite evaluation full time 10 hrs. day four to five days a week witch was being addressed by the claimant to the industrial commission before the hiring of Lynn luker. And complete copies of industrial commission agency's records, including all motions, pleating's, and correspondence for Jan 5 2010 through May 2 2012.
- 6.) Pitchers of claimants arm when return back to work
- 7.) Pitcher of machine that almost took claimant life and/or arm.
- 8.) Claimant's transcript of hearing November 18 2010
- 9.) Post haring: jewel Owen transcript of deposition Dec 5 2010

Request for additional records pg 2

193

10.) Claimants life time work history from Social security that claimant had to find and send to the commission just before hearing for claimant's attorney Lynn luker did not want to.

) social security earning history

) claimants report from the social security administration on SSD that was ask about at claimant hearing of Nov 18 2010

11.) OSHA report of July 2 2008

Sandy Baskett with the industrial commission rehabilitation division

12.) Sandy Baskett notes/reports for Jun 6 2008 with the Industrial commission rehabilitation division

13.) Sandy Baskett notes/report of Jun 10 2008 with the industrial commission rehabilitation division

14.) Sandy Baskett notes/report of Jun 25 2008 with the industrial commission rehabilitation division

15.) Email from daughter filed to the Industrial commission by claimant

Claimant's privet health records

16.) Claimants privet heath record (*not related or link to injury of April 17 2008*) from holy rosary medical center/hospital out of Ontario or

17.) Claimants privet health records (*not related or link to injury of 2008*) from the Idaho department of correction

18.) Claimant privet health records (*not related or link to April 17 2008 injury*) from SAIF worker's compensation from Salem or.

19.) Claimants properly signed and dated authorization of medical release forms for privet health records (*not related to claimant injury of April 17 2008*) that was sent to claimant on august 15 2008 and not signed by claimant till May of 2009

Request for Additional Records. Pg 3

134

10.) Claimants life time work history from Social security that claimant had to find and send to the commission just before hearing for claimant's attorney Lynn laker did not want to.

) social security earning history

) claimants report from the social security administration on SSD that was ask about at claimant hearing of Nov 18 2010

11.) OSHA report of July 2 2008

Sandy Baskett with the industrial commission rehabilitation division

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14.) Sandy Baskett notes/report of Jun 25 2008 with the industrial commission rehabilitation division

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16.) Claimants privet heath record (*not related or link to injury of April 17 2008*) from holy rosary medical center/hospital out of Ontario or

17.) Claimants privet health records (*not related or link to injury of 2008*) from the Idaho department of correction

18.) Claimant privet health records (*not related or link to April 17 2008 injury*) from SAIF worker's compensation from Salem or.

19.) Claimants properly signed and dated authorization of medical release forms for privet health records (*not related to claimant injury of April 17 2008*) that was sent to claimant on august 15 2008 and not signed by claimant till May of 2009

Request for Additional Records. Pg 3

195

20) State insurance funds august 1 2008 letter and medical release form used by jewel Own to receive claimants privet health record from the Idaho Department of correction and all document received

21) state insurance funds august 7 2008 letter and medical release form used by jewel Owen with the state insurance fund to receive claimants privet health records from SAIF a workers comp claim from Salem Oregon. And all records received

22) State insurance funds august 11 2008 letter and medical release form used by jewel Owen to receive claimants privet health records from Holy Rosary medical center/ hospital in Ontario or. And all records received

23.) Claimants post hearing brief

24.) Lifeway's mental health report of DR. Si Steinberg for May 10 2010

25.) Lifeway's mental health notes of Dr. Si Steinberg for Jun 1 2010, of claimant's doctor.

26.) Lifeway's mental health report of Linda king PA. For March 15 2010

27.) Lifeway's mental health report of Linda king PA. Of march 23 2010

28.) Settlement offer of 478,788 thousand sent to state insurance fund by claimant's attorney Jun 11 2010

29.) State insurance funds letters faxed and sent by mail to claimant on Jan 27 2010 to pay claimant family members 150.00 for transportation and after care for surgical procedure

30) Goicoechea law office in Boise Idaho, letter filed with the commission in September 2009 to take claimants claim

31.) Goicoechea law office in Boise Idaho, letter to commission on reason of withdraw as counsel

Request for Additional Records pg 4

pg 6

1446

James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

85

1447

Mr Donchue on pg 44
of Finding of facts
Sect 163 and pg 1169 in agency's
Records These Phone Record
will prove that Claimant was
not lying to you in the
Phone conference which you
allowed. The State fund deny
Claimant any further pain management
until the pending the Commission
Finding of fact and conclusions
of Law. Because I was chasing my me
I was only doing what
was ask of me by James Clark
MBC Bar Attorney
for Defendants
so they would
not have to pay
for the 100 miles
plus to get me
there safely

P8

1448

Mr Donohue in your
Conclusion of Law
The State Insurance
Fund and there Attorneys
~~Mr~~ Anderson, Julian + Hut HLP
and MS O'Bar Attorney for
Defendant did no wrong.
The ~~S~~ Attorney for Defendant
sent these # phone conversation
that clearly if you read it as
a hole you can clearly hear
The abuse and the under
stress that MS O'Bar was
making the claimant not take
his med given by Dr Morland
with B. phone conversation in
London how MS O'Bar was
making me not to meds so i
can make it to doctor Morland
my pain Doctor that you
said the at time there were
no med at use time this is
why Mr Donohue as it told
you in the phone conversation

199

1449

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

5-6

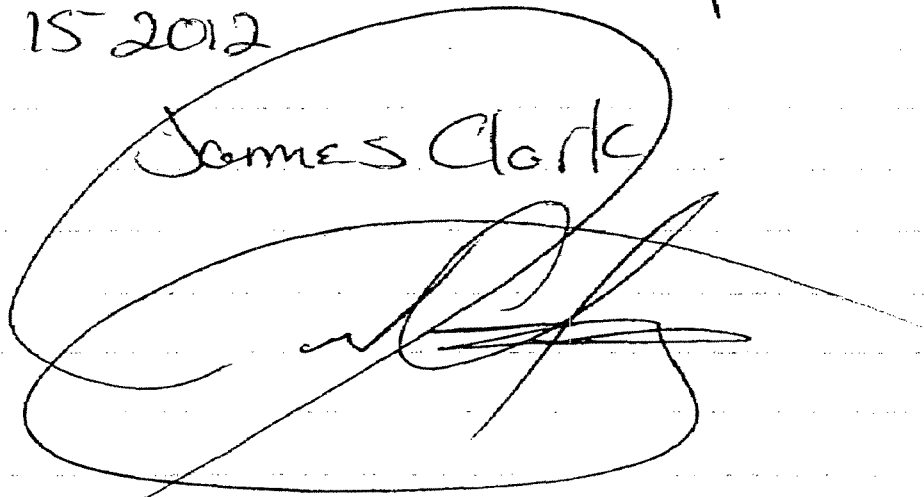
pg 10

1450

Will you Mr Donohue
explain in this Rule or act

9-601
Explanation of alterations.

Mr Donohue will you explain
to the Court of appeal why
the Commission alter a filed
document to appear none
filed and sent to claimant
as not filed but inspect
it had been filed and accepted
on Jun 15 2012

James Clark


6-6

pg 11

1451



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

Missed
Pg
1-8

1452

JAMES W. Clark
 3515 Harnsey St.
 Anacouver wash, 98060
 Phone NO. 1-360-258-1619
 Fax NO. 1-360-258-1619

Claimant-Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

REQUEST FOR ADDITIONAL

And

RECORDS

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

INDUSTRIAL COMMISSION

JUL 31 2012

FILED

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

101

2-8

Before The Industrial
Commission of The State of
Idaho.

James W Clark
Claimant, Appellant
City Baby Food LLC
Employer
and
Idaho State Insurance Board
surety
Defendants.

SC Docket NO
40016-2012
IC NO. 2008-013
Request for
additional
RECORDS

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

Claimant is Requesting for
all Records from Claimants Doctors
following Claimants hearing to
be added to Claimant motion
filed Before The Idaho State Court
of Appeal and This is to include
Records from Doctor Holt, Dr Beaver
Dr Wilson ~~Dr Stenberg~~, Dr S. Stine
Counselor Jay Whitcomb, Dr Hansen
and all Records of ~~Dr Stenberg~~ Claimant
This is to also include Claimants
Video of Claimant using his Left
arm and hands to operate a
tool in regards to the fine
motor skill.

Pg 2

3-8

1454

of Claimant, on NOV 17 2010
 To Be included in Claimant.
 Filing Befor The Appeal Court
 I hope This will help!
 The Claimant dose not now how
 The System works, or how The
 Rules Act or Law or? I was
 an average person I have Tried
 to follow The Commission web site
 but it still dose not ~~explain~~ explain
 to Claimant what is what is not or
 what Document is Considered This
 From That. The Claimant needs every
 Thing From Every Doctor every
 Person and every PEACE of
 Paper That was processed on
 Claimants Claim 2008-013505.
 To Prove Claimants Claim The
 Claimant needs all document all evidence
 all Report To Show The Paper Trail
 That Lead The Claimant To Binding
 The Idaho State Insurance Fund
 Had ~~violated~~ violated The Claimants
 Constitutional Rights, By Comitting
 Malis on The Claimant, and other
 Criminal Acts, on The Claimant
 To not Take Responsibility
 again I don't know howels

Pg 3

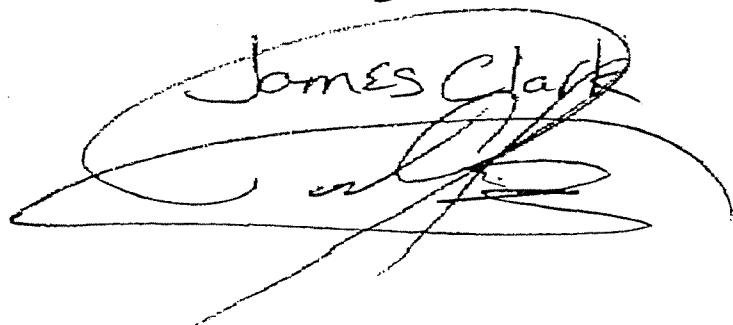
4-8

To Say it and Hope The Appeals Court can see what Claimant is trying to order to have included in Claimant appeal.

Claim needs every piece of artical EVERY piece of Document, motvengs EVENDANER, ever excibct. The Claimant need it all after hearing of NOV 18, 2008 and after Claimants hearing and this will include all Document The Claimant may have with results of medical records. To Be forwarded to The Appeal Court. if There is not a document That The Claimant cant Reference to The Claimant Can not Produce his Appeal properly.

The Claimant will also file what medical Reports That The Claimant has to Be forwarded to The Court of appeal from medical Doctors about there findings of fact and ~~the~~ Conclusions of Law about The Same medical Records Based on The Same injury. all Attorneys Record of filing is To Be Added.

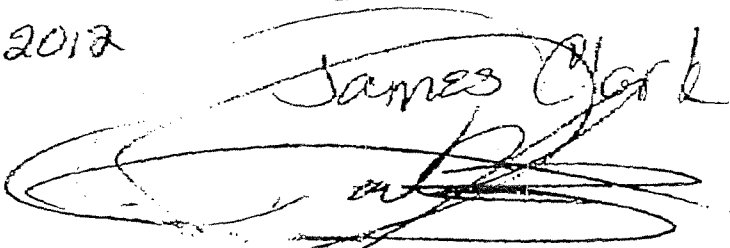
DG
Pg 4



5-8

The Appellant must show to
 the Court of Appeal the Decision
 by the Commission was not in
 the Best interest of fairness, and
 to accomplish this the Appellant
 need all record that the agency has!

~~12~~ Jun 14, 2012

James Clark


fg

pg 5

6-8

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance or alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

5-6

7+8

~~1910~~

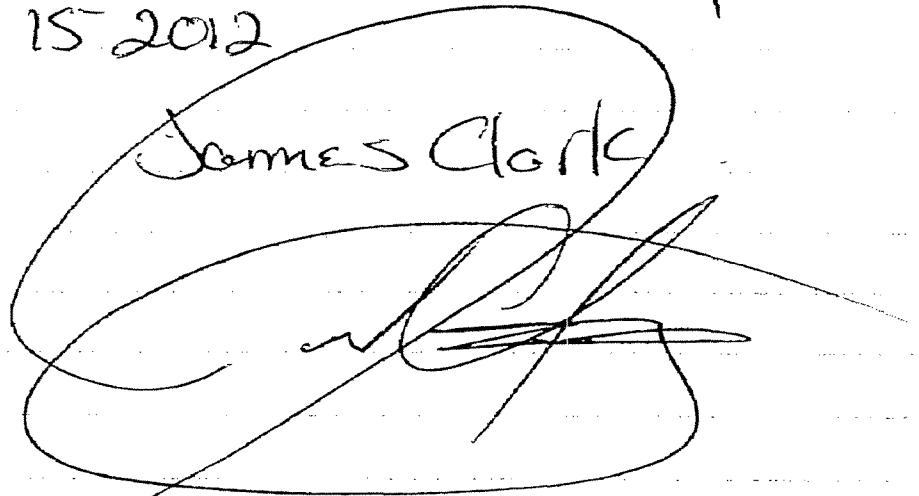
1458

Will you Mr Donohue
Explain in This Rule or act

9-601
Explanation of alterations.

Mr Donohue will you explain
to the Court of appeal why
The Commission after a filed
document to appear none
filed and sent to claimant
as not filed but inspect
it had been filed and accepted
on Jun 15 2012

James Clark



e-6

8-8



1459



Do to error
 on Claimant Side
 Claimant is Refaxing

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

1460

James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__ 1-360-719-2581

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

1461

9-601. Explanation of alterations. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the appearance of alteration. He may show that the alteration was made by another without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he do [does] that he may give the writing in evidence, but not otherwise

D-8

1467

Jul 31 12:01:56p

James Clark

360-719-2581

p.4

Jun 15 12:01:04p

James Clark

1-360-258-1619

p.1
fax on
Jun 22, 2012

JAMES W. Clark

3515 Harnely St.
Anacouver Wash 98060

Phone NO. 1-360-258-1619

Fax NO. 1-360-258-1619

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

Claimant-Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

REQUEST FOR ADDITIONAL

And

RECORDS

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

3-8

91

06/15/2012 FRI 14:04 [TX/RX N

1001

1463

07/31/2012 TUE 14:59 [TX/RX NO 8027] 004

James W. Clark
3515 Harney St.
Vancouver Wash 98660
Phone. 360-258-1619
Fax 360-258-1619

File by fax Jun 21

Date Jun 21, 2012

FILED

JUL 31 2012

INDUSTRIAL COMMISSION

Appellant, pro se,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES W CLARK

Claimant, Appellant

SC Docket No. 40016-2012

Vs.

I.C. No. 2008-013505

CRY BABY FOODS LLC, Employer,

Motion to
Amend Appeal
To Include in
Records to
Idaho State Court of Appeals

And

IDAHO STATE INSURANCE FUND,

SURETY

Defendants-Respondents

TO: THE ABOVE NAMED DEFENDANTS AND THE CLERK OF THE ABOVE ENTITLED ADMINISTRATIVE AGENCY

NOTICE IS HEREBY GIVEN, that claimant-appellant in the above entitled proceeding hereby request pursuant to Rule 19, I.A.R. the inclusion of the following material in the agency's records in addition to that required to be included by the I.A.R. and Claimant-Appellant's Notice of appeal:

Pg 4-8

Jul 31 12:01:56p

James Clark

1-360-719-2581

p.6

Jun 21 12:03:08p

James Clark

1-360-258-1619

p.2

Jun 18 12:10:50a

James Clark

S.C.O.A.

1-360-258-1619

p.3

- 1.) Complete copies of Industrial commission agency's records, including all motions, pleadings, and/or hand written correspondence of claimant to commission for April 17 2008 through Jan 5 2010
- 2.) Claimants complaint filed July 9 2008 and complete copies of industrial commission agency's records, including all motion, pleading, and/or hand written correspondence for July 9 2008 through Jan 5 2010
-) Claimant transcript of November 18 2010

Lynn Luker attorney for claimant

- 3.) Lynn luker's motions, pleading and any correspondence made on claimant's complaint filed July 9 2008 from Jan 5 2010 through Dec 21 2010 before hiring Lynn luker.
- 4.) Lynn luker records of all motions, pleading, and correspondence made on claimants behalf between Jan 5 2010 through Dec 21 2010 about the state fund lying to the industrial commission between august 15 2008 through Oct 10 2009 about private health records
- 5.) Lynn luker motion, pleadings, and correspondence made on behalf of claimant between Jan 5 2010 through May 2 2012 about being forced to return to work on Jun 5 2008 without seeing a doctor or having a jobsite evaluation full time 10 hrs. day four to five days a week which was being addressed by the claimant to the industrial commission before the hiring of Lynn luker. And complete copies of industrial commission agency's records, including all motions, pleading's, and correspondence for Jan 5 2010 through May 2 2012.
- 6.) Pictures of claimants arm when return back to work
- 7.) Picture of machine that almost took claimant life and/or arm.
- 8.) Claimant's transcript of hearing November 18 2010
- 9.) Post hearing: Jewel Owen transcript of deposition Dec 5 2010

*Request for additional records pgs 2
Amended Appeal - Jun 21, 2012*

19 5-8

05/18/2012 MON 11:49 [TX/RX NO 7583] 003

06/21/2012 THU 16:08 [TX/RX NO 1465] 02

07/31/2012 TUE 14:59 [TX/RX NO 8027] 006

Jul 31 12:01:57p

James Clark

60-719-2581

p.7

Jun 21 12:03:09p

James Clark

1-360-258-1619

p.3

Jun 18 12:10:50a

James Clark

1-360-258-1619

p.4

10.) Claimants life time work history from Social security that claimant had to find and send to the commission just before hearing for claimant's attorney Lynn laker did not want to.

) social security earning history

) claimants report from the social security administration on SSD that was ask about at claimant hearing of Nov 18 2010

11.) OSHA report of July 2 2008

Sandy Baskett with the industrial commission rehabilitation division

12.) Sandy Baskett notes/reports for Jun 6 2008 with the Industrial commission rehabilitation division

13.) Sandy Baskett notes/report of Jun 10 2008 with the industrial commission rehabilitation division

14.) Sandy Baskett notes/report of Jun 25 2008 with the industrial commission rehabilitation division

15.) Email from daughter filed to the Industrial commission by claimant

Claimant's privet health records

16.) Claimants privet heath record (not related or link to injury of April 17 2008) from holy rosary medical center/hospital out of Ontario or

17.) Claimants privet health records (not related or link to injury of 2008) from the Idaho department of correction

18.) Claimant privet health records (not related or link to April 17 2008 injury) from SAIF worker's compensation from Salem or.

19.) Claimants properly signed and dated authorization of medical release forms for privet health records (not related to claimant injury of April 17 2008) that was sent to claimant on august 15 2008 and not signed by claimant tell May of 2009

Request for Additional Records pg 3
Jun 21, 2012

pg 6-8

06/18/2012 MON 11:48 [TX/RX NO 75831] 004

06/21/2012 THU 16:08 [TX/RX NO 1466] 003

07/31/2012 TUE 14:59 [TX/RX NO 8027] 007

Jul 31 12:01:57p

James Clark

60-719-2581

p.8

Jun 21 12:03:09p

James Clark

1-360-258-1619

p.4

Jun 18 12:10:50a

James Clark

1-360-258-1619

p.5

20) State insurance funds august 1 2008 letter and medical release form used by jewel Own to receive claimants privet health record from the Idaho Department of correction and all document received

21) state insurance funds august 7 2008 letter and medical release form used by jewel Owen with the state insurance fund to receive claimants privet health records from SAIF a workers comp claim from Salem Oregon. And all records received

22) State insurance funds august 11 2008 letter and medical release form used by jewel Owen to receive claimants privet health records from Holy Rosary medical center/ hospital in Ontario or. And all records received

23.) Claimants post hearing brief

24.) Lifeway's mental health report of DR. Si Steinberg for May 10 2010

25.) Lifeway's mental health notes of Dr. Si Steinberg for Jun 1 2010, of claimant's doctor.

26.) Lifeway's mental health report of Linda king PA. For March 15 2010

27.) Lifeway's mental health report of Linda king PA. Of march 23 2010

28.) Settlement offer of 478,788 thousand sent to state insurance fund by claimant's attorney Jun 11 2010

29.) State insurance funds letters faxed and sent by mail to claimant on Jan 27 2010 to pay claimant family members 150.00 for transportation and after care for surgical procedure

30) Goicoechea law office in Boise Idaho, letter filed with the commission in September 2009 to take claimants claim

31.) Goicoechea law office in Boise Idaho, letter to commission on reason of withdraw as counsel

Request for Additional Records Pg 4

Jun 21, 2012

Pg 7-8

06/18/2012 MON 11:49 [TX/RX NO 7583] 005

06/21/2012 THU 16:08 [TX/RX NO 1467] 04

07/31/2012 TUE 14:59 [TX/RX NO 8027] 008

Mr Donohue and
The Commission as a
Hole

Will you under 9-601.

Explanation of alteration

Will you explain why ~~it~~
after The Industrial Commission
after Claimant filing this Request
for Records to added to the
agencys Record and excepted
and then later to alter the
Reviewing of this Request for
to look as it was not filed
But

In fact has
been filed

and The Commission as
a hole what everyone that
is Read there finding of
and Law The The claimant
is not guilty of

~~James Clark~~
1468 -



James W Clark
3515 Harney street
Vancouver wash
98660
Home Phone_1-360-258-1619
fax number__1-360-719-2581

Appellant,

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

JAMES CLARK,
Claimant, Appellant,
v.
CRYBABY FOODS, LLC, Employer,
And
IDAHO STATE INSURANCE FUND,
Surety,
Defendant, Respondent.

STATE COURT DOCKET NO. 40016-2012
INDUSTRIAL COMMISSION NO 2008-013505
REQUEST FOR
ADDITIONAL RECORDS

FILED
JUL 31 2012
INDUSTRIAL COMMISSION

The Appellant is asking that the Idaho state industrial commission to add in the agency's record to the supreme court of the state of Idaho and the supreme court of appeals is as follows;

M E M O

TO: File
FROM: RMO
DATE: March 5, 2012
RE: Clark v. Cry Baby Foods(638-271)
Telephone Conference with RMO

JC→James Clark

RMO→Rachael M. O'Bar

1. January 10, 2011 A.M.

RMO: This is Rachael.

JC: Yes, Ms. O'Bar, how are you today?

RMO: I'm great. How are you?

JC: Not too bad. Obviously, we are on a speaker phone. That's quite alright. Um, Ms. O'Bar, I just got off the phone with ah, Wal-Greens 'cause I was getting ah, my prescriptions refilled.

RMO: Mm-hmm.

JC: And ah, we have a problem on the Abilify and I was wonderin' if we can get that taken care of?

RMO: I will call-

JC: They've ah-

RMO: the Surety right away, ah, what's your normal prescription?

JC: Uh, it's the Abilify 20 mg. The only one that's not going through right now. All the rest are going through.

RMO: Okay. Who prescribes it for you?

JC: Uh, Dr. Si- Steinberg.

RMO: Si- Stein...Steinberg?

JC: Yes, Ma'am.

RMO: Out at Lifeways. Ok. I will go check on that right away. Getcha a call back. What's your phone number?

JC: Uh, my new number is ah, (208) 405-3744.

Updated February 23, 2011 - page 1

RMO: 3744. Uh, what ah, you said there was a couple of 'em, some have been okayed and some weren't? Uh...

BREAK IN TAPE (Phone lost power)

RMO: Hello? Oh, my phone! Sorry James wait a second, my phone just...I'm losing power up here for whatever reason. I was gonna ask -

JC: Quite alright.

RMO: You said the Abilify has been denied and ah, but- but something else was....

JC: Authorization. So that means, ya know.

RMO: Right, but which ones were approved?

JC: Uh...

RMO: Just so when I go back to the record and look at it, I'll know which ones are which.

JC: Okay.

RMO: Or did you just recently-

JC: the Plad, the Pladizon 5mg and there would be a 1mg. Those went through.

RMO: Okay.

JC: The Pustirone, p-u-s-t-i-r-o-n-e, 15mg, they went through.

RMO: Okay. And uh, this was Wal-Green's right?

JC: uh, the, um, I can't pronounce it 15 mg, they went through. Uh, everything went through expect for the Abilify 20 mg.

RMO: Okay, let me go give the Surety a call and ah, call you right back.

JC: Okay. I have one other issue, that maybe we can do so we don't waste anyone's time.

RMO: Sure.

JC: Um, hey, um, because of my financial, uh, area, where I'm at right now...

RMO: mm-hmm.

JC: My tags run out on my vehicle at the end of this month. Ya'll can verify that. Uh, I, I, I have no way of getting to my doctors. I was able to get ah, Dr. Steinberg this morning. Uh, I was able to get somebody to give me a ride. Uh, financially, I can't get to these appointments. And without being able to get these appointments, then I am being denied my medications, so I am hoping that

maybe we could work something out. 'Cause I only go and see the only one that I feel I really need help with, Ms. O'Bar, is the one over in Meridian.

RMO: Uh, is that Dr. Morland?

JC: To Dr. Morland.

RMO: Okay. Ummm,

JC: Here, but the ones here in, ah,

BREAK IN TAPE (Phone lost power)

JC: - for me until Dr. Hanson did that new impairment rating-

RMO: James, I am sorry my phone cut out again.

JC: Anyway...

RMO: The last thing you said that I heard was that ah, you need help getting to Dr. Morland's office.

JC: Correct.

RMO: Okay.

JC: So ah, if we can ah, check that out, I'd appreciate it. Ah, because I have no way of getting to any of my physicians, ah, that help and deal with, ah, this injury of mine. Because financially, I can't do it. My tags run out on my pickup at the end of this month. I'm not going to drive it and put my license or put my freedom at jeopardy 'cause I have to get to these appointments, I am not going to do that to myself, so I need rides back and forth again.

RMO: How much is your ah, car, ah, tag?

JC: My car....

BREAK IN TAPE (Phone lost power)

RMO: I'm sorry what was that?

JC: I think my car tags are like \$36 bucks.

RMO: 'kay.

JC: Did you get that?

RMO: Yeah, yeah, \$36 to renew your tags.

JC: Well, yeah, if we're talking about money, ah, you know I'm about ready to lose my storage unit that has everything I own in it. That's, ah, since, ya know that's \$55 bucks a month.

RMO: I can't help-

JC: I'm not being able to pay. And you guys are going to be-

BREAK IN TAPE (Phone lost power)

JC: -on the 21st because I can't pay on it. They gave me an extra time limit because I've been with them so long but, you know, I still can't come up with no money before the 21st unless they send me that money that they said they would pay me that I uncovered, that they, you know, I wrote it to them, I mean, you know, come on. You know give me a breather here, man. I'm, I'm broke. I need some help here. And my family and everyone's broke. It's a hard time, Ms., ah, Ms. O'Bar.

RMO: I understand James.

JC: Okay, so ah, I just want to bring this to an end. I wanted, you know we coulda did this...You know we could've...You know, I even got...I even got Mr. Luker to come back on board to try and go ahead and let me go on with my life because I contacted people to find out how I could get help if I accepted that settlement. You guys just, ah...You know, I was, I was willing to end it. And now you guys just put me through this. Made my attorney quit on me. Ah, I'm not gonna give up. I mean, I know what's happened to me. This is my life. Let me just go back on with my, an an and let me...allow me to try to learn how to deal with this new life that I have to go on. This new adventure in life. Ah, you know. Let's bring it to an end. Jesus. I mean, I already said that my attorney can, I'm not going to hold him back 'cause, he did a good job. It's just that, hey, the poor man had to take it all and I can understand, you know, him doin' what he did. But, it was when I found out about that other ah, impairment rating, that's what cost me my attorney. Because that impairment rating, Ms. Owen, should have been paid to me way back when I was representing myself and I was unaware that impairment rating had happened until I got Dr. Crum's report but I didn't notice it right off hand. I, you know, 'cause I've read that thing probably 100 times. But then one day, I was looking for something else and that caught my eye and I'm going "what the hell's this?" He did do that impairment. And look when he had did it. See I didn't learn that until I'd seen Dr. Crum's report but it was a while after that.

RMO: Unfortunately, I can't discuss the ratings with you because we are past the

hearing part. Ah, I, I can represent to you that they will keep that settlement offer open but it's, I understand it's not acceptable...

BREAK IN TAPE (Phone lost power)

RMO: I understand it's not acceptable

JC: Ms. O'Bar...

RMO: Sorry, I cut out there.

JC: As you know, ah, they would of came...it would have been frontforth, if it would have went against me...Let's just bring this to an end. I mean, I, I, requested a, ah, a one of those, ah whatcha' call its...

RMO: I, I don't

JC: Um, on the 5th, um, I did it on the 5th.

RMO: Yeah, I've got it in front of me here. Ah, you've got a Motion to have...

JC: Mediation. A mediation.

RMO: We can't go back to another mediation 'cause we've already done one. Because they not going to (*unintelligible*)...But you already know the offer, that's out there. So I mean, it will stay open.

BREAK IN TAPE (Phone lost power)

RMO: Sorry, cut out again.

JC: But, but I'm not going to take that offer, Ms. Owen.

RMO: Okay

JC: Ms. O'Bar.

RMO: Yeah and that's why there is no need-

JC: Because I don't even really know what the offer is 'cause I heard so many different stories.

RMO: Okay it's-

JC: I really don't know what it is. But, hey.

RMO: If you want to know what it is, it's the same \$120,000 only they back out, the take out the payment they have already made.

JC: And, and, you guys walk away with not paying me that 13 ah, that other 3% that Dr. Hanson did on me and tried to withhold that from me.

RMO: Ah.

JC: I put that before the Industrial Commission. I want them to take that in to consideration, since you all said that they would pay for it and then decided oh, no, we're not going to pay for it now. Even though that you made the statement...You did. They did. It doesn't matter but it's written...

RMO: And what-

JC: No.

RMO: What you're, you're failing to understand is that's included in there. Disability includes impairment. So doesn't matter if your impairment rating is 100% or 2% it's all included in the disability. And so that \$120,000 includes your disability. Which would, er, includes your impairment. Which would include that additional 2%.

JC: So you're only going to pay me \$20,000 on the medical part.

RMO: It doesn't-

JC: Because that, that's the way, I would understand from my attorney that I wish I still had that, but...

RMO: Well, here's how it works. When it all goes to you, you can do whatever you want with it. It can be, you know, \$50,000 medical and \$50,000 impairment or however you want to work it.

JC: Oh, no. No.

RMO: However you want to work it. So.....

JC: No. No. Or, or retrain- no.

RMO: It's however you, it's all semantics. The money is what the money is.

JC: That's right.

RMO: So, you know if you can call it your new car fund if you want to, it doesn't really matter. It's still just, the dollar figure is the same. So, we can change-

JC: Okay, well...

RMO: It up in the settlement paperwork how ever you want it. Ah, for all I know you've got it set up where you can have Medicare pay your medical and you don't have to put any of toward your medical. I don't know.

JC: When he first quit, it was because I didn't want the money.

RMO: I know.

1475

JC: But then I came back because I got to thinkin', I talked to, ah, to the Industrial Commission Vocational, they were willing to come forward to let me, show me how to get back into the workforce. 'Cause I was gonna take that settlement.

RMO: Cool.

JC: And you guys come back, and say, oh, oh, no, no, uh, now we're gonna deduct the \$27,000, and blah, blah, blah blah, on down, to where by the time to where by the time it gets into my hands what I get in my hands what I get \$60,000 to try to go on with the rest of my life. By my (unintelligible), by my attorney, cause I'm, 'cause he's put a lien on it. So it don't matter, he's gonna get his money no matter what.

RMO: Right.

JC: But you see, I know all this. So, you know, it's like ah, I'm not gonna walk out of here with \$50-\$60,000 and go on with the rest of my life.

RMO: Okay. And that's fine. That's why there is no mediation.

JC: And your client, and what your clients have done with me trying, with me trying to bring this to end. Well, what I would have done today, is called to find out about my transportation.

RMO: Okay.

JC: You guys are gonna deny me transportation and now I can no longer get to my physicians. That's what I have on the table now with you all to find out about my transportation.

RMO: Alright, I will find out-

JC: I've already contacted the Industrial Commission in regards to that. So,

RMO: Ok, I will call and see what we can do, see what's out there. I don't know about the Abilify. I will find out what's going on with that.

JC: Well that's the medication that they been payin' for, for..

RMO: Sure.

JC: Since, ah, Mark Jemsen

RMO: Well I will find out

JC: Even though you all said that you guys had never ah, denied it to me but you have. But that's another issue.

RMO: Ah.

JC: Oh. If you can give me a call back Ms. O'Bar, I'd appreciate it.

RMO: I will do that, I'll go make the call now.

JC: Okay. Thank you.

RMO: Thanks.

2. January 10, 2011 P.M.

JC: Hello.

RMO: Hi James, it's Rachael.

JC: Hi.

RMO: Ah, Wal-Green's, in the time that it took me to call the Surety, Wal-Green's had already called them and prescription was authorized for Abilify.

JC: Oh, okay.

RMO: So, they for certain prescriptions they have to call and get actual verbal authorization. That's all it took.

JC: Okay.

RMO: And so no problem with that at all. And um, what else. Ah, they can't advance for travel reimbursement. We've gone too far in the car- case. And so you have submit the normal form for the normal 45.5 cents per mile. You know, on the normal form that you always use.

JC: B...

BREAK IN TAPE (Phone lost power)

RMO: Sorry

JC: it won't be, ah, ah, tagged.

RMO: I'm sorry?

JC: My truck won't be tagged come the end of this month.

RMO: They can't pay for your truck tag and....

JC: I didn't ask for them to pay for my truck tag. You asked me what it would cost for my.....I didn't ask you.

RMO: I understand. I know.

JC: So let's get that straight now.

RMO: That's fine. But...

JC: Okay, ah..

RMO: They are just going to pay the normal travel reimbursement and they will not pay for a taxi because you have transportation available to you.

JC: I may have transportation but the tags run out at the end of this month and financially, I don't have the money. It's been sittin' for 3 days already, if you guys are out there watching. Ah, my truck hasn't moved for 3 days. I have no money, no gas. So are you saying that you're not gonna, that your clients are not gonna, ah, get Ida Ride to make sure that I can make it to Dr. Morland's office? To get my medication?

RMO: I am saying they will pay travel reimbursement per the statute.

JC: I do not have-

BREAK IN TAPE (Phone lost power)

JC: -to Ms. O'Bar. I'm tellin' you.

RMO: I'm sorry.

JC: I will not be able to run because on top of it, I have to pay insurance. Where am I gonna get money for the insurance.

RMO: I can't help you out.

JC: I have no money, I have to pay the insurance every month because of that incident over there on August, when I snapped over in ah, Ontario. I'm on high risk, so I have pay my insurance \$68 every month on time. Ah, or I lose it. That's on the 5th of every month. So guess what, guess what I didn't, didn't have the money to pay. So to me, as of right now, I can't even drive. But I know at the end of this month, my tags will also, and I'm not gonna jeopardize my, ah, driver's license. Driving when I can't drive. So, all I'm asking you all to do, is to go back to All-a-Ride or whoever they were, that were transporting me before, before you guys found out that Dr. Hanson upped his impairment rating, 'cause that's the same time you guys decided to cut me off of making sure I can get to my doctors' appointments, 'cause you were doing it once before. If you were doing it once before, there's no reason why you can't do it now. Especially in a

time that I can't drive. So, and plus the medication that I'm on, I've already presented to the Industrial Commission the risk that I am taking tha- and that you all are putting me, by allowing me to even drive that far under the circumstances and the medication that I'm on. I'm not even supposed to be drivin', in reality. And, I have doctors' reports to my attorney, I don't know what he did with them but I'm sure he forwarded them on. So in reality, I shouldn't even be drivin'. Because your clients asked my doctor to write a letter in regards to my medication and I had that done and I presented it again, while I was representing myself there at the end sometime in November of 2009 requesting that you guys continue my medications, my transportation due to the medication that I was on. And I sent to the Industrial Commission, the ah, well you all have the what I was on and what I am on, and the risk that I am taking to have to drive to get that medication that you all should be make sure that I make to safely. So again, I would appreciate, 'cause I have the one come up on ah, well, well, this has to be resolved before the 21st because I won't have phone. I won't be able to contact you. So I am trying to get this matter taken care because we need to move forward. I've already, you know. I've done what I could do on the 5th. I filed whatever, I am not going to argue with anybody. I am not gonna do anything. I just want to bring it to an end. And this is where I am at on the end. Okay.

RMO: Okay.

JC: You said that same thing was on the table. Well, I'll tell you what. 'Cause I'm not going to ask for anything more or anything less then what my attorney, so he can get his money for what he has done, what he suggested that we both have kinda agreed on while I was up in the mountains. It has already been presented to ya'all. That's what I would be willing to take to bring this to an end. Because it's something that my attorney, Lynn Luker, at the time presented to you all. And, ah, he told me that he did and he told how much it was over the top of what I wanted so that was okay. That's were I'm at. Let me just get on with my life because it's...You know come on! Yeah, it's your doctors against my doc...ah, my doctors. But you know these people have been with me from day one. They know what I have gone through. Your doctors are paid to try and do everything.

Let me put it this way Ms. ah, Ms. O'Bar. Let's get to the psychiatrists. Okay. Let me get those. Every psychiatrist, every one of those that is in the report in front of the Industrial Commission is while I was incarcerated in the Idaho Department of Correction. Every single one of those. I would like put clients to bring forth a document from a psychiatrist that I've seen, not other than the ones that I seen while incarcerated because ya see, while the Industrial Commission is lookin' at those, the Industrial Commission's not really puttin' together when I was in prison, what day I was in prison, what month I was in prison, what year I was in prison 'cause ya see, I do know. Every one of those psychiatrists reports because ya see, also, in the records as, as Mr. Hull put, I don't know how the system works when it comes to the insurance and paying for my medication. But I know how it works in the Idaho Department of Correction. If you do not follow the rules and regulations in there, you can be written up and put in the hole for denying your medication. That's how it works inside there. And I have denied my medication in there before. And I was put in the hole because of it. But I had to start back up again. I.

(phone cut out)

- Be honest with 'em, but what one doctor does is he goes back and looks at what another doctor has said and then puts it in his report so basically it's not that I'm saying the same thing, over and over and over, they're just writing what you know, it's just like when your doctors truly made the comment that I went to prison for selling methamphetamines. For selling, that is crucial. How dare somebody make that statement to me? I mean all these, all these doctors, all the psychiatrists that you have are ones from the Idaho Department of Correction. Even when I got out of the Idaho Department of Correction, you bet. I was seeing a doctor 'cause I was havin' we know what it's like to come off withdraw but during that time I wasn't even outta prison for one year before I went back in. Now if the Industrial Commission didn't know exactly when I got out or anything like that then they think that this isn't a thing. You show me anywhere before my injury in 1988 that I was seeing a psychiatrist. You show me anywhere from 1989 to 1996 before I went to

prison that I was seeing a psychiatrist. Nope. The only ones that you have are the ones from the Idaho Department of Correction, that's it Ms. O'Bar.

RMO: James, none of this matters, it's all-

JC: Oh you bet, it does, because it does.

RMO: It doesn't.

JC: Because it's supposed to be... well anyway.

RMO: So you had called and asked about travel reimbursement and I've answered saying they'll pay you your mileage per the statutory limit -

JC: Ok

RMO: For the statutory amount and that's all there
(phone cuts out)

JC: trying to bring it to your attention, I've brought it to the Industrial Commission so here I am, uh, sitting here no way of getting to my appointment because I'm financially broke. But I'm not giving up.

RMO: Ok.

JC: Like I said, I'll still go with what my attorney said back ah, few months back you know and uh, let me go on with my life. You guys wanna settle. But I'm not I'm not -

RMO: And we've declined. We've declined that settlement offer.

JC: Ok. Well I'm just letting you know Ms. O'Bar.

RMO: Ok.

JC: I'm not gonna argue. I called you guys to find out so I'll just let it go with the Industrial Commission.

RMO: Ok, good night James.

3. Message: 4:17 p.m. Friday January 14th

JC: Yes Ms. O'Bar, this is James Clark. Ah my side's being record as well and your side so I'm gonna let you know that I do have a right to assemble and my right to free speech. And I will be doin' that and I will be doin' it the injured worker on your corner thing. Because it's time for this to all be out in the open and not

behind closed doors anymore. I wanna know when I get there that I'm gonna be yellin' out, how can where's your right to violate me on August 1st of '08, August 7th of '08. I will also be asking about how you guys have lied on this, you guys have lied on that and how you and then how my attorney walks out on me. It's all gonna be out in the open, Ms. O'Bar. I'm up to my neck and I'm done. I have a free I, I have the right to assemble and I have a right to my free speech and it's time for me to do that. I'm not comin' over there to harm anybody, I'm just comin' over there for my free, for my right to free speech. I'm not gonna interrupt anybody goin' in or comin' out of wherever I'm at because there's one of three places that I'm gonna well I'm gonna do 'em all. Because, it needs to be known, what the state's trying to do to me. I'm gonna be bringing in Sandy Baskin's name, I'm gonna be bringing in Mr. Luker's name, how he just walked out on me, and why he walked out on me and at a time right now, because yeah it's all gonna be out. My right to assemble and my right to free speech. Thank you.

4. January 13, 2011

RMO: This is Rachael.

JC: Yes Ms. O'Bar, how are you this morning?

RMO: I'm great, how are you, James?

JC: Well, you know, I'm always thinkin' on how I'm gonna pay my bills.

RMO: Ok

JC: So, a., I'm uh, I'm calling to try to see if we can get one of these matters resolved

RMO: Ok

JC: So I could have some money to pay on some bills here. Now, what I could do, is I could go to Dr. Hansen and explain to him the whole story on why you guys requested that letter from him about uh, if I needed transportation home from the hospital after my surgery and uh, if I needed somebody to be there with me. Well, this is what I was trying to explain to my attorney too. You see, I signed a contract with the hospital, ok?

RMO: Uh-huh.

JC: What I had to do prior, and what I had to do while I was there. Now. My family, we know, went over there, twice. Once because, you know, yes, I cut my arm, it's done, it's over with. But the \$150.00 dollars isn't over with yet. So, um, what I could do is I could set up an appointment with Dr. Hansen and let him know the whole story on why you guys wrote that letter 'cause ya see, he doesn't know why you all wrote that letter. You all just wrote him a letter asking him if I needed this uh aftercare or any all this other stuff and he said no! But you see ya need to understand. It wasn't him that I signed that contract with. He can't overrule a hospital's contract I uh wrote with a uh with the hospital. So let's just get this matter out of the road, this way they don't have to pay for me, to go and set up an appointment to see Dr. Hansen about my arm and at the same time explain to him the whole situation and I betcha he will come back and say, you know, it may have been his opinion but, he can't overrule what a hospital tell you you have to do. You know, I mean you aren't gonna allow me after the surgery to uh, drive myself home. That's basically what that letter was saying to Dr. Hansen. But ya see, it was with the hospital. So I would just like to know and see if you'll go before you know I'm trying to do this pleasantly, go to the client and let's see if we can't get that \$150.00 taken care of. Or they could pay for a doctor's appointment, plus get a letter stating and I'll get it to the Industrial Commission, that, in reality, well you know what I'm trying to say, Ms. O'Bar.

RMO: I know what you're trying to say-

JC: Oh, ok so I, I don't wanna get, you know, so. Are you willing to go do that for me?

RMO: Here's what I need to tell you.

JC: Ok.

RMO: Um, we're after the hearing now, that's going to be-

JC: Oh oh oh! Lemme ask-

RMO: after-

JC: Whoa whoa whoa! Am I bein' recorded also?

RMO: Yes.

JC: Ok. Go ahead.

RMO: Ok, so this is after the hearing, we're not allowed to introduce evidence that comes in after the hearing. The depositions, even though they're after hearing you-

JC: What hearing?

RMO: The hearing we already had with Mr. Luker, that's the hearing on this case. And so anything that happens after that can't be used as evidence. Now, the depositions come in, but even the doctors are bound; they're not allowed to talk about anything that comes in after the hearing. It all had to be in existence before, and so -

JC: Well, this transportation thing is in the exhibit, from what I'm seeing.

RMO: Right, but you're talking about going and getting another statement, we've already had his deposition.

JC: Oh you can't! Well, big deal!

RMO: Well-

JC: I wasn't able to ask him a question! 'Cause I was told I couldn't do it but in reality I find out that I could've said something. Oh no, no, I've been robbed here. And it's gonna be known Ms. O'Bar.

RMO: Whatever. Um.

JC: Oh no, not what whatever. Oh, oh! You know what I will make the money to get my trailer over that way to Boise so I can be a little closer to make sure that I make it to all these depositions. Ok, um.

RMO: Fine.

JC: Uh, yeah, that is. No. You go ahead and record me, I'm trying to be cool.

RMO: The other things is-

JC: And I'm gonna find out through the Industrial Commission where I stand. Because I had no attorney, and, what I wrote before the Industrial Commission, it's not the 16%. No no no. That you guys tried to hide from me, are you recording this? That I uncovered. Uh, that he actually upped it. And my attorney didn't even come and let me know that it was done. That was done when I was representing myself and you guys withheld that again. You all withheld that from me and also, M-, eh, uh, oh no no no no. Ya see and then you almost had me

settle? Without me even knowing about this other impairment rating that your client said that they had no objection to? And now-

RMO: James-

JC: I uncover it? Now you have objection, or however you pronounce it? You see, no no no no no. I caught you guys again, Ms. O'Bar. Your clients.

RMO: No you didn't.

JC: Oh well, well then why was I not notified, when this was done for Hansen's impairment was done? On 1/10 of '09. Before I uh, hired my uh, I mean uh.

RMO: He-

JC: 1/10 of 09, before I hired my attorney.

RMO: If you had read your records-

JC: You didn't notify me.

RMO: If you had read your records Hansen came back and reduced it down to what the IME said so, you were paid 16% but he-

JC: Well well well no, he upped it to 18 Ms. O'Bar.

RMO: And then he reduced it to 4.

JC: When? When was that done?

RMO: Go look in your records.

JC: I don't have anything! I can't find it so, then send me a copy of Dr. Hansen's impairment rating that he did on 1/10 then, of '09. Since I can't find that, I'm requesting a copy of the full uh, the full one that he did on 1/10.

RMO: You've got-

JC: All I have is something from Dr. Crum's report stating that it had been done. 'Cause that's how I found out about it. I found out about it when I read Dr. Crum's report. I didn't notice it right off the bat, you know. But as I read it I did find it. So, you know, why did you not notify me? You, your client literally told the Industrial Commission in their depos- in in their letter that they would pay Dr. Hansen's impairment rating under the 5th or 6th Edition. They have no objection to it! So what Ms. O'Bar? Because it helped me, you guys withheld that? If it woulda hurt me you guys woulda -

RMO: There was no withholding.

JC: You guys would been on it like a rock!

RMO: There's no withholding James. It's all-

JC: Yes yes yes yes you did Ms. O'Bar.

RMO: It's all before the Commission now and they will decide what your impairment rating is. There will be no, no advances, no settling part of it. It's all or nothing, and that's where we are. So, I will call the Commission, schedule the phone conference so that we can schedule the rest of these depositions. We're taking just a few more and then the Commission will decide all the issues.

JC: Oh I think there's another ah, problem here ah, I don't think I got a fair deposition. I didn't know that was the hearing! I, you know, no.

RMO: You knew you were at a hearing, James.

JC: No, I thought I was at a deposition!

RMO: You knew at the Commission that it was the hearing, all your Lifeways records state that you knew that it was a hearing. And that's why you took medication to make sure you were under control at your hearing.

JC: That's right! At a deposition!

RMO: No.

JC: See I thought that was a deposition, not a hearing Ms. O'Bar. Ok.

RMO: You were fully represented; you're not going to change the rules now. So, I'm going to go, you can take it up with the Commission. We'll have a status conference to schedule the rest of these depositions.

5. January 14, 2011:

RMO: This is Rachael.

JC: Yes, Ms. O'Bar, how are you this morning?

RMO: I'm fine, how are you?

JC: Oh, one day at a time. Hey, um, I'd like to know about this food allowance that the insurance company could be givin' me because I no longer have any money.

RMO: There's no-

JC: Tell me about that.

RMO: There's no food allowance.

JC: They're not gonna give me a food allowance though that they have given food allowances to people when their money runs out in the past?

RMO: No, they, they don't give food allowances. That's not something that's permitted under the statute.

JC: You're lying to me, Ms. O'Bar because I know two people that have told me that they, that they were allowed food allowances because they ran out of money.

RMO: No, I'm not lying.

JC: Ok. Ok. Well that's, all I needed to know, Ms. O'Bar.

RMO: You're-

JC: Thank you.

(Hangs up).

6. January 14, 2011

RMO: This is Rachael.

JC: Yes Ms. O'Bar. Hey, I have a question for you in regards to transportation.

RMO: Yes sir.

JC: For the Industrial Commission. Um, hey I have a doctor's appointment with Dr. Morland on the 20th, at 11:15. Now what I usually do sometimes, because I have to drive it, and it's not safe for me to be driving on all that medication, I sometimes not take some of my medication so I know I can make it there and back safely.

RMO: Mm-hmm.

JC: But on this day, I'm not going to. I am going to take all the medication that I'm supposed to be taking on a daily base, and if anything happens because I put it before the Industrial Commission just this last time, and I've also brought it to the Industrial Commission back in '09 around October or so, for you all to pay for my transportation through the aging outfit, that you all were doing for me out of Ontario. Now if anything happens to me, or somebody else, because you guys continue to deny to help me make it to my appointment, and me driving under

these medications that have also been presented to you all by doctors that it is not safe for me to be driving on these medications. So if anything happens, who is gonna be held responsible? Me, or the Insurance Fund for refusing to help me get to my medi- to my places to get my medication that I am getting. I'm not gonna jeopardize my truck, my license because I got pulled over for being under the influence of the medication that I'm on. Dr. Steinberg on one of these medication for the anxiety told me, that bein' on that medication I can get a DUI. Now, because, all these medications that I'm on has a side effect, Ms. O'Bar. So I'm asking you one more time, and I know this is bein' recorded, and it's also bein' recorded on my side so that way it's all properate, again, I am begging and asking for help to get to Dr. Morland's office which I will have to travel 108 miles to do. So, I told them before the 20th of next week that you all will have something set up so I can make it safely to Dr. Morland's office 'cause I will no longer withhold my medication that I should be on on a daily base, just to make it over there, safely, and back.

RMO: What medication are you not supposed to drive with?

JC: All of them, Ms. O'Bar! All of them! All of them on the sides of the bottles say can cause drowsiness! You should not be driving any equipment or anything. And to get back to all this medication and this worker's comp, you see until this matter is resolved Ms. O'Bar, I can't get anybody to hire me because I'm dealing with a worker's compensation injury. So again, by you guys denying to follow through you, with your obligation that you all are willing to do when I hired, uh, Lynn Luker back on the 27th to go ahead and accept your settlement that you guys offered, and then you guys decided not to do it that way when I hired him back on the 27th so I could go on with my life. You see, it's you guys that are continuing to put me under this pressure because we coulda had it ended then, Ms. O'Bar. On the 27th when I hired Lynn Luker back, because obviously it's all about money 'cause you wouldn't help me throughout the rest of the 10 days that he had before everything had to be before - I'm also gonna withdraw that he's entitled to anything. I don't think that man's entitled to nothin'. He walked out on me. So. I need help, Ms. O'Bar, to get to these transportation. Are you all gonna help me

get to these because I, am not supposed to be driving under these conditions. Not my parents, not my family, you all. See, it's hard for everyone. The economy's got everyone. My mom don't have the money to make sure that I can get to these places 'cause I don't have relatives here. All I have is my stepmother that you guys also burnt so even for her to take me thinking you all might pay her for the mileage, well we already know how you guys lie about things like that. Because you stay, pay for that bill. So, again -

RMO: You're entitled to mileage.

JC: Asking you, are you all gonna help me get to my appointment with Dr. Morland on the 20th of January of 2011 and this right now, Friday the 14th that I'm asking for help to get me there on the 20th which is next week, next Thursday.

RMO: I will contact Dr. Steinberg and see what he recommends, and whether or not you're ok-

JC: Well and also look in the records of October of '09, records that-

RMO: Mm-hmm, and his reco-

JC: Was also done by Dr. Hansen and also done by Steinberg so yes, please do. Thank you. That's all I have to say.

(hangs up)

7. January 14, 2011 voice mail, 10:11 a.m.

JC: Yes Ms. Bar, this is James Clark. January the 14th, 2011, at 10:15, Ms. O'Bar I'm gonna go ahead and contact the police department and show 'em these medications that I'm on, and find out if I'm allowed to be driving while on these medications. Now they're the ones that could put me in jail for driving under the influence of narcotics. So I'm gonna ask them and then, I'll go from there. If you guys want to continue to deny me, to help me get to these, cause I'm on nine different kinds of medications. Thank you.

8. January 14, 2011 conversation

Updated February 23, 2011 - page 20

RMO: This is Rachael, I'm recording you Mr. Clark.

JC: That's quite alright. Uh, I called, I contacted a Detective Hansen from the Fruitland Police Department in regards to being on these medications while driving. I just wanted to let you know that I could be charged with a DUI if they pull me over and find out that I'm all on these medications. So now that I've actually put myself out on front street with you people to find out what I could be charged with by driving while under these medications, I could be charged with a DUI and of course, I will be found guilty because I will have these in my system. So that's where we stand at right now on trying to get transportation. 'Cause I'm not gonna get pulled over for a DUI 'cause I've never had one a day in my life and I'm not gonna have this happen to me either so they are also aware of all the medications I am on and now I'm scared to even get my vehicle now. Uh, because I put myself out on front street to try to help to try to get help to get to these doctors appointment. So what did you find out on your, on your side, in regards to these medications if I could be driving on 'em or not?

RMO: I will be talking to Mr. Steinberg, Dr. Steinberg at some point to find out whether or not it is ok for you to not be on these medications to get to and from your doctor appointment.

JC: No. Some of these medications I have to take on a daily basis, Ms. O'Bar.

RMO: I'm not arguing with you.

JC: And if you would like it, if you would, if I'm even on one of these medications I could be charged with a DUI. You can contact doc- ah Detective Hansen from the Fruitland Police Department that I just got off the phone with him, I can be charged with a DUI because these are in my system. Even if I don't take it for one day, it's still in my system Ms. O'Bar. So I'm needing help to get to these medicals appointments. Thank you.

9. January 14, 2011

RMO: This is Rachael.

JC: Yes, Ms. Bar what, have you found out anything yet?

RMO: I have not. I just gotta let you know at the beginning of each call that you're

being recorded.

JC: That's quite alright, I understand.

RMO: Ok, no, Dr. Steinberg has not called me back.

JC: Ok, so what you're trying to do is get ahold of Dr. Steinberg, to ask him if I can abuse my medication and not take it so I can get over to Meridian, maybe safely or maybe not. Is it not true then also what you're asking me to do is to violate a law, by driving while under the influence to make it to these doctors appointments. Is that what you're doing, Ms. O'Bar?

RMO: I am not asking you to do anything.

JC: So you're wanting me to not take medication, that's been given to me, to help me, deal with the psychological issues and the stress that I'm under because it's some of the stress that you all are putting me under, because of what I'm trying to get right now that you guys are responsible to make sure that I can get to these places, because I haven't had no income since October. But you all want me to have a family member take me? You've already blew that because you haven't paid them for the last time that you all said that you would pay them.

RMO: Mr. Clark, these calls are no longer productive.

JC: Well I'm trying to bring-

RMO: I'm not going to listen anymore.

JC: I'm not making no threats or nothin' Ms. O'Bar.

RMO: I don't have to listen though.

JC: Somethin' resolved here, is transportation. You're asking me to violate a criminal law and go out there and drive while I'm under the influence of these medications.

RMO: Mr. Clark-

JC: That's what your askin' me to do.

RMO: Mr. Clark I am not asking you to do anything-

JC: Well sure you are!

RMO: This call is over. You understand me?

JC: You're trying-

RMO: It's over.

10. January 20, 2011; approx. 2:30 p.m.

JC: last week trying to find out if you all are willing to help me get to my medical providers so I can continue treatment, the therapy ah, and things on my arm.

RMO: I have to let you know before we chat that you're being recorded.

JC: I understand and also my side is being recorded, that's why I won't leave anymore messages, I wanna speak in person. So, go ahead.

RMO: Ok, ah, we have- the court has responded to your request for transportation and denied it. Ah.

JC: Oh that was, that was for transportation to depositions if you read it correctly.

RMO: I did read it-

JC: They misunder- they also misunderstood that I was asking for transportation because I put it all on the same thing.

RMO: Right.

JC: Ah, they they thought I was asking for transportation to my deposition and so.

RMO: ok

JC: This is ah, this is in regards to, to getting medical treatment, 'kay? To Dr. Morland's office or to Lifeways in Ontario for continued treatment because I can no longer afford to do this and I no longer will have transportation to do it with.

RMO: Ah, we filed a response today with the Commission regarding transportation for medical treatment and we have denied that.

JC: Ok

RMO: We say that we are not required to do that. So you'll have a copy-

JC: Okay you're not, so you're not, you're not required if a person if an injured worker can't make it to any of his appointments, you guys are not obligated to make sure that he makes 'em to 'em.

RMO: I'm not gonna explain the law to you I'm simply gonna say that we're not-

JC: Okay well I am explaining the law to you by Dr. Han- I mean by ah Detective Hansen that while driving under the influence I could be arrested.

RMO: We'll let the Commission decide it then, James. I've-

JC: When I, when I drive outta her ah on Thursday Ms. Owens, I mean Ms. O'Bar,

when I drive out of here on the 20th of January, of o-eleven, I will be contacting the ah Fruitland Police Department to allow to let them know that I will be on the street under all this medication that you guys are ah, you know. So, have a good day!

11. Voicemail 9:45 a.m., January 20, 2011

JC: Yeah Ms. O'Bar this is James Clark, 208.405.3744. It's been so long since I've ah, sent in the ah, mileage reimbursement that I forget who I have to send these to, if I send them to you, so I need a fax number if you can ah get back with me. And I just wanted to let you know when we di- when we did ah, Larry Rob's deposition I noticed in the fi- in his when they opened up the file, I noticed that there were four pictures of my truck, that was full of cans. If you contact the Ontario Police Department you'll find out that I took those cans that truckload of cans to the Police Department to have them take pictures to show that, that in fact I was getting cans from somewhere else other than Red Apple. So, ah, I don't know what you're gonna do about those pictures but those pictures have nothing to do, because those pictures were for my defense, not for his defense. So I just wanted to let you know, and ah, but otherwise I just kind of ah need to know if ah what the ah fax number is that I need to fax. I appreciate it. Thank you.

12. Voicemail 1:08 p.m., January 20, 2011

JC: Yes Ms. Bar this is James Clark at 208.405.3744 if you could give me a call I'd appreciate it. Thank you, bye.

13. January 20, 2011 1:38 p.m.

JC: Hello?

RMO: This is Rachael, returning your phone call. I am recording.

JC: Yes, Ms. O'Bar. I was just calling to find out if ah you received my mileage reimbursement?

RMO: I did, yes.

JC: Okay, does everything look good on that?

RMO: I don't have it in front of me.

JC: Oh ok

RMO: But I'll look at it.

JC: And ah, did you get my message on those four pictures that were in ah, in um, Larry Rob's folder at his deposition?

RMO: Ah, I don't know about those pictures-

JC: Okay, ah, when you did the deposition with Larry Rob at my attorney's office well, that was my attorney, at Lynn Luker's office, ah, there was four photos in there of a Ford pickup truck, a gray Ford pickup truck full of cans in the back of the bed of the truck. Now, those pictures were taken for my defense so the, for whatever reason he has them in those folders for you all I have no idea other than to make you all believe that those were the cans that I was being blamed for stealing. So those were actually for my exhibit for my trial and not for his defense. I just wanted to let you all know.

RMO: Ok. They're not in evidence in this case so it doesn't really matter. They're not in our file and they're not in this case 'cause they're not admitted into evidence.

JC: But his deposition is, correct?

RMO: Yes, that's part of this case.

JC: Oh okay, great, great. Because if you remember right during his deposition he said that he was sued by the girl that I supposedly had this inappropriate relationship. Now I know why I was fired. Because I have documents here that I'm gonna figure out how I'm gonna present to the Industrial Commission to rebut and show why he will have, why he would be willing to do this for you all. Now I know why I was fired through Red Apple because he was sued by this girl's family for him not telling them that I was a registered sex offender that ah, worked there at ah, at his place. Because the documents that I have are from

ah, '05. And, and I wasn't fired until '06. So, ah, and I'm also gonna request because after today I can no longer make it to any way anywhere beyond my uh my living area. But my understanding is I can request the Industrial Commission to have the deposition held at my hometown because I- I would have to travel over 140 miles to do these depositions which financially I can't do. And will ha- and I should have the right to be able to have questions with whoever you guys are gonna call, ah, so I'll be sendin' that to the Industrial Commission today to try to see if ah all depositions can be held here at my hometown. So ah, ah because you guys, you know, well. That's that's all I have to say for now, I just wanted to let you know where I stood on Larry Rob. Now I know why I was fired to ah, 'cause I was always wonderin' why he really fired me 'cause all know it wasn't really about drugs ah, but that's what he made it out to believe. And, ah, so that's ah, that's where we stand with that so I'm gon' go ahead and send all this paperwork to the Industrial Commission to you all, the documents from Larry Rob's ah statement that he had made in '05 in regards to my employment, how he liked me, how I was doing such a wonderful job, how, how he trusted what you know all this kind of stuff. But then he got sued. I wasn't aware of that. But now I am. 'Cause like I've always said I don't throw paperwork away and when he made a comment there in his deposition Ms. Ah, Ms. O'Bar, I got to thinkin'. So I went home and ah, I went to my storage unit and ah, went through it all and I found that envelope. You see now, when he says that I came there and asked for my job back, that was false. Actually what it was is I had a police escort go over there to get the rest of my co- stuff from his store and he handed me this envelope. I think what he did is he handed me the wrong envelope but I held onto it for all these years and now I know where this envelope is gonna come in handy. Because he also lied to you all or he's lied to the Industria- well in his deposition which I will go ahead and fax these, there's like about 102 pages of ah, yeah, of his statements to the police department, and this so called girl that I had an inappropriate relationship, ah and all this kinda stuff, ah, that he said that because you see in reality, she was the one that was violating the rules because I went to- I went to Larry Rob. Because she is handicapped, and because I am a

registered sex offender, I don't need that kind of problem. So I even spoke with a police officer that used to work for Larry Rob and Larry Rob at the same time. Now, ah, so, Larry Rob, even in my, e-e-even in the statement that I have, Larry Rob told this girl that she is not allowed to go over to the can room anymore. But she continued to do it. So she got fired from her job but I kept my job because I went to my boss with that concern because I am a registered sex offender, since y'all wanna bring it out into the open. So, uhm, so that's where we're at on that. And in his statement, I I just couldn't believe what I read and then what he said in his deposition. So, and, if you guys are usin' him, he is part of safe (?) and he is part of my criminal history. Don't I have a right to see what- what document that you have that's gonna support him sayin' that I was accused over here in Oregon for a theft charge? Don't you guys – I mean don't I have that right Ms. Ow- Ms. O'Bar? Do you guys have documents from the Oregon Department Correction or anywhere with that theft charge that I'm being so called accused of doing during his deposition? Are you there?

RMO: I'm listenin'.

JC: I asked a question. No return?

RMO: No.

JC: Ok, that's what I thought, because you see I also called the Oregon Depart- I also called the Idaho Department of Correction to find out if you guys had used that ah, that that release form that I did for you guys that you guys fought with the Industrial Commission so hard to get me to get signed and that ain't been used because the only document that they still have in record, the last, the last entry that they have Ms. um, O'Bar, is when I contacted the Idaho Department of Correction to try to figure out how the heck they got my records without my authorization. But they wanted to charge me \$64.00. Now I don't have the 64, I didn't have the \$64.00. And I'll tell you another reason why I know that you haven't received them, or or, or actually, from the Oregon Department of Correction also, is because in those release forms it says to also send Mr. Clark a copy. And you all would pay for that. Now, they're last entry that they have of anything going on over there you know, because you see my attorney lied to me.

He withheld also Dr. Hansen's impairment from ah, second impairment rating from me. He also lied about the Social Security thing, because he wanted money out of it, so I'm setting here broke. You see, I have a lot of issues of what's going on and it's all gonna come out. Um, you know all I wanna do Ms. O'Bar is get on with my life. I was willing to take that \$120,000.00 settlement offer when I had, when I had Lynn Luker come back in to help me on the 27th to try to go on with my life. But you guys continue to just try to you know but now I have hired a, an attorney for my Social Security, now that I know for a fact that I can still get Social Security and still be fighting Worker's Comp which that's what my attorney was holding from me, ah, that information, uh, so you know I'm findin' out a lot of stuff here now and how dare him withhold that impairment rating from me as your client's did when Dr. Hansen did that impairment rating on 10/7 of 0-ten, I mean of '09. Ah, and then he turns around and withholds it. And then I find out about it after my hearing? That's uncalled for. Now everybody wonders why I have no trusting, I I have no trust in anyone. And here I finally thought I could believe in somebody because he sets up there on the district? He's lucky I'm not standing on the Capital's house, and screaming out his name sayin' hey! You know, ah. But I'm not because, I'm not out to cause harm, I just wanna be heard and that's my right. And I'm gonna fax this letter I got because I feel all depositions should be done here at my hometown because I can't make it over there and I won't be able to defend myself or ask questions because I won't be able to make it to those because financially I'm ruined. Thanks to my attorney, and thanks to you all. Because you guys are doing everything, Ms. O'Bar. Why you know another thing I don't understand. Here you guys will write a letter to Dr. Hansen because that's where I faxed my ah, ah, mileage reimbursement because Dr. Morland's fax didn't work but I had, I threw a little note in there to Dr. Hansen though to let him know that here you guys ask him for advice and then deny me on things but then you accept other things, that he says. You write him a letter stating that ah, can he have transportation does he need transportation, which wih- again the hospital that I signed the contract with on the ah, havin' to have after care and things but he doesn't know the whole story, but he will now.

Ah, so, so you know it it's like, like, like you don't wanna accept his impairment rating? That don't make a lot of sense to me but it does now. Now I'm checking on to a lot of other things. Why can't we just set down as humans, man? Isn't it under the law and under the constitution all people should be treated equally Ms. O'Bar? I mean, you know, I mean, I didn't ask for this accident to happen. It's not my fault. So, why why are we wastin' peoples time, peoples money, wasting my time to allow me to just work on the issue at hand, of trying to figure out how to deal with this life changing thing, Ms. O'Bar so I can get on with my life, man. Why you guys making this so hard. You know your company was guilty, their company was guilty of neglect, even under the OSHA law. And then they turn around and send me back to a place that wasn't even suitable for people to be working at, in the first place? I would just like to bring it to an end, Ms. O'Bar. I'm tired, I'm wore out. Truly, I am. I'm financially ruined, I'm broke, I haven't had any income since September since the last check. Even though that your client even said that they paid the 5th Edition or the 6th Edition, but because you withheld it from me and my attorney withheld it from me until after my hearing, when I finally found out about it, what now it's too late to have it brought up? And now it's too late to make y'all pay for it? No, it's not. So, why can't we just set down and let me get on with my life. Let's just accept what we did at the end there with Dr., when when it was with doc- what's his name, when Lynn Luker, so I can just go on with my life, because I'm not gonna go any lower, I'm not gonna accept any lower, 'cause you guys know that you guys already pulled one over on my eye on that, on that 6th Edition and everything else. Why make this hard? Why make me do things I don't wanna do, man? Like stick a gun to my head. Because if I, if I lose at any of this, what good am I gonna be to my family? No money, no way to work 'cause you all don't wanna take responsibility on something that was not my fault Ms. O'Bar. Please, man, I'm begging you guys man. What does a person have to how far can a man be pushed? I'm 52, Ms. O'Bar. I just wanna go forward with my life. I wanna go down there to Portland, be with my kid, be with my grandson and be with my other grandson that's on the way! I mean, that's all I want in life. Let me just please go on with my life. Why

don't you all just set down, figure something out Ms. O'Bar, 'cause I'm still gonna send this letter, because I feel that you all should be comin' here. 'Cause you know how I got that idea? When we were doin' Dr. Hansen's impairment, I mean Dr. Hansen's ah, ah, um, Dr. Hansen's ah, deposition, I was listenin' to how you all were talkin' 'bout how you all had to go all the way down to so and so, hundreds of miles or whatever or some other state to do a deposition for somebody. See, I listen. I listen hard when people talk. I may not say nothin', even though when, when he was, when Lynn was doin' something with Dr. Holt about how we both have a right to sit there and ask a question or whatever that was all about, well, it was kinda like, well I'm not bein' allowed to ask questions. I have to ask my attorney to ask it? But he ain't gonna ask it! 'Cause I've done it several times, he just blows me off like no I don't wanna bring that up because that's gonna make it last longer. Ya see everything was being rushed right now and then when I found, then when, then when Mr. Hull aksed[sic] Dr. Hansen if he knew if I had done any heavy duty manual work is when I blew up with my attorney. 'Cause see my attorney has refused to do anything, to call anything on my behalf as you guys did with this Larry Rob, that I'm gonna be able to prove lied in his deposition, and those pictures, you know, ah, were not part of his case. They were my case. That he made it look like to you guys that they were, what they caught me with. (laughs) They didn't catch me with it. Call up the Ontario Police Department and ask 'em when those pictures were taken. Ok, 'cause me and my lady, that was bein' doin' that since her boy was born, ya see, call up over there, the ah, at the recycling center and ask them how much they were getting per pound before I came into the picture. I did a lot for that man. And now I know why I was fired. Because of an allegation that wasn't true, because I was never arrested, because of what I read. I couldn't believe what was bein' said. But it wasn't her that was doin' it. It was her sister that was, that was pushin' all these issues. And her ma! Because I'm a registered sex offender and I get because Larry Rob didn't tell everybody that he had somebody that was a registered sex offender working there. Here I worked right caddy corner from the police station. I wasn't hiding. I worked right across the street from a school, the

high school. What? Was he supposed to be tellin' people that he had a registered sex offender working there because I was working so close to a school? I don't know. But that could've been the reason why he got sued. I have no idea why he got sued. But with the, with the report from from, from reports that were supposed to be kept confidential that he accidentally handed to me, which he had thought that he was handin' me a different envelope but instead he handed me the wrong envelope. And when I read all that, I mean, I was too embarrassed to even send it in to you all. But now that, but, but now I got to thinkin', I got to thinkin' about those four pictures that he threw into his little folder for you guys, which wasn't really for him, they were for me, that really pissed me off. But, you know, that's how people play the game. Ms. O'Bar, I haven't lied about one thing... about this injury. Nothin'. You all might think that I catastrophic things but in reality it's all comin' out to be true. Just like they all said that oh Mr. Clark bein' paranoid, that he's being watched by the Idaho State Insurance Fund and blah blah blah blah, it's just paranoia, but obviously Ms. O'Bar, it wasn't paranoia, was it. It was a fact. I was bein' watched. And if you really look at that picture, as I told Dr. Hansen in the letter, that all it really did is showed me usin' my left hand to undo all those bolts. Well you all were really disappointed if you didn't see me taking that air conditioner out on my left shoulder. That's what you guys didn't seem doin' too. 'Cause ya'll didn't even really see that air conditioner come out and go on anything. Mighta seen the back of the truck go down but otherwise ya didn't see nothin'. Did you see me ah, ah openin' and closin' the screen door? You bet I did. Was I doin' it repetitive. No, I wasn't. Come on, my cat can open that screen door. And if you look in the folder you notice there is a little hole down there in the screen 'cause when I was up in the mountains I kept wakin' up with my door wide open 'cause my cat was pushin' it open. So I decided to go ahead and cut that little hole for him to go in and out. But you know, I mean, Ms. O'Bar, let me go on with my life. Why waste all this money on people's time. Why won't you all just allow me to go on with my life and just move the heck outta here. The only real person that's in this town that I even have any care about in the world is my stepmom. That they took

advantage on, after me and you negotiated a deal and then for it not to happen? You know, you know and she's on a fixed income. We used her money, her gas, her time to get over there and back and then she doesn't get paid for it. How disrespectful is that. And then you guys say in these letters, one of 'em, oh! And I discovered and I think I, and I think I figured out why you all don't wanna use Dr. Holt either. Because if you look at all your other doctors that you guys have paid to try to discredit Dr. Hansen, which you take, which you accept some of his stuff, but not all of his stuff, because Dr. Holt used the word. Okay, the word major crush injury. Which all your other doctors that you're payin' to discredit my doctors are using the word mild crush injury. You see, I mean you guys are paying until you get what you want. I'm out here trying to go on with my life. That's all I'm trying to do, Ms. O'Bar. I mean, come. I mean, how long has this conversation been going on now, I don't know. But have I raised my voice? Have I yelled? Have I screamed? Have I cussed? Have I threatened anyone? No, Ms. O'Bar. 'Cause I'm done. Let me just go on with my life. That's all I'm askin' for. Give me what we all decided, because it was there. As a matter of fact, it was even there with \$3,000.00 to kinda help me out until that money came. Then ya'll backed outta that too. Seems every time I do decide to go ahead and accept something you guys are all f--- it. We'll just give somethin' lower now. Just wastin' more of my time. I could've, this could've already been before the Industrial Commis- well no no! What it coulda been, is I coulda had that money in my the bank, and doc- a-a-a-and Lynn Luker havin' his money, and then me findin' out later that I got screwed, but ya know, I could've already been down in Portland, enjoy myself with my grandkids. Do you have grandkids? I don't know. Does Mr. Hull have grandkids? I don't know. But I betcha if you all do, you all are enjoyin' your time with your grandkids at their birthday, at Christmas, at holidays. You know, I was, you know you've heard my story about what happened down there Ms. O'Bar. Believe it or not, okay. And for me to have a grandson now, an-and knowin' the whole truth, which was my whole truth all this time bein' up here, all I wanna do is to go and enjoy my time with my kid, that I found after fifteen years. See it wasn't about money to me! It was about

helping me get back to work! But I guess from what I have learned over the last week or so, that's all you guys got to offer is money. That's it. The only thing you guys have is money. 'Cause you guys still have to pay you know it's up to the Industrial Commission. And if they do and if he does oh! And ya see another thing. Lynn also withheld documents outta his files that he sent to me. And you know what withheld? Because I don't even know now if they were filed to you guys but that's okay. Because I got two pages. I page three and four that he probably wishes I didn't have in my hand, of our settlement offers to you all. I don't even know if they were even made. 'Cause I can't believe him now. Because they're not even in here. But is all that stuff in storage that I can't get to now, 'cause I am about to lose it on March 1st, and I pray to God it doesn't happen, is I do have two pages. Three and four, that literally puts out the \$478,000.00 and then when, a- you know, yeah. A-a-and what impairment rating a-an-and how I would be permanently impaired under this ARP or some damn thing, or WO whatever it was. I have to look at it again. Uh, 'cause right now the Social Security Administration lawyer has my paperwork because I can go on Social Security while fighting my worker's comp. But you see again, that's what Lynn Luker was withholding from me. And he wants to be a man because he sets up there on the capitol? I don't care who anybody is. I'm me. If you walk on my life I'm gonna say somethin' about it. I'm not scared to. You know, I, I just you know come on. Allow me to go on with my life. You know, I don't know why I keep hearing this ah, this noise in the background when I say certain things 'cause I don't know if you're just, if you're just recording certain parts of my conversation or the whole thing.

RMO: No, there's construction across the street, I'm just-

JC: Oh oh oh, okay. Y-y-you know, I, I, I just you know ah, God, Ms. O'Bar, what have I done to you? What have I done to Mr. Hull? I, I, I mean I'm being explained that it's your job. I understand that (flips tape) but it, but it's your job to try to, to try not pay out hardly anything but unfortunately, this is a serious accident that happened to me. And then, and I'm positive that the way that I was put to work is not the way, that it's supposedda been done. Because, when Sandy

Baskett gets up there because I'm letting you know, eh, uh, because as Mr. Long (?) it was said by the Industrial Commission, that they ?? show when the hearing is set for you know and as I wrote to the Industrial Commission yester- er the other day, yesterday, that you know, she's also to have a deposition to set forth. And I will get to straight to the fact on how if that if that way that she was to do her job to put me back to work without me knowin' it. You know I mean, I have no fear. I had to fight my whole life. Look at what I've had to go through since 1991 when this falsely charged I was on. I been through a lot, you bet. But I never let it get in my way of employment. As you guys are trying to make it out to be. If you look in your, you look in the report where ni- in my, in '96 in one of those statements in '96 from a doctor over here in Ontario that I had just been released outta prison oh, I was in prison for selling narcotics. Now, this is what I mean by, peop- people ah, people um, (laughs) the doctors what they do, is after they're done for the night or somethin' or whatever they do, they go back and try to remember everything, ok. Now, was I on probation, you bet. Was I taken from the hospital by my parole officer over to Intermountain Hospital in '96? Yes I was. But had I been in prison for selling narcotics? I wouldn'- I didn't know that statement had been made back in '96. Ms. O'Bar, I wasn't in prison in '96, '95, '94, '93, '92, '91, '90, '89, '88, '87, '86, '85, '84, '83. '82, '81. Ya see. I wasn't in prison. So that was a false statement that this gentleman made that you guys are trying to use against me to try to make it out like I'd been prison all my life. You see, I wasn't in prison! For selling narcotics in '96. I was found guilty of it. But I was never in prison for selling narcotics. That gentleman is lucky that I didn't catch that when I did. 'Cause that's defamatory! But you know, but that's ok. Because it just shows how you guys are trying to do everything in your power to try to make it out like I'm a big ol' drug addict. But it ain't gonna work, Ms. O'Bar, because I'm not. Why don't you all please get ba- see I lose my phone tomorrow. Y'all are probably proud of- you guys are all probably cheerin' on that one. But I will. Because I can't go another month getting' these people to understand because for all they know I'm lyin too. But I've been broke with my phone company 'cause I been with 'em for so many years that they have worked

with me but I will lose it as tomorrow because I can't pay at least one month. See I'm three months behind. Yeah. How often can a person get three months behind on his bill and still have a phone. Not too many. But because of who I am, and then where I'm at right now, it's because (gibberish) these people know, they know who I am, as a person. They know that I'm not this person that you guys are tryin' to make me out to be. You know, i-i-i-it's ah, you know that just doesn't sound like it's construction outside but that's alright. But you know i-i-i-it's I'm just you know, I'm just dumbfounded why you guys just won't let me just go on and go out and get on with my life. I mean, have I tried to commit suicide before you bet. I mean I lost my kids, I was falsely accused of somethin' man, I've gotta live that life, and you know, you'll know I know I been guilty, but not now. 'Cause my daughter backed my story up that I been sayin' for fifteen years by her statement. So you see, I have a lot more to live for now. I have my kids to live for. I have my grandkids to live for. I love to be there, for them. Finally. You know, my ex-wife told them a lotta bullshit. But now that I run into 'em now they know. See they didn't even know that she even got \$8,000.00 outta my settlement that I got outta that arm thing! That I didn't ask for, they're the ones that wanted to pay me off on it. I was working. How can I be incarcerated in '96 when I made almost \$12,000.00 in '96. That's what's being said about me by Sandy Baskett. I was incarcerated in '96. I mean, 2006. I'm sorry let me rephrase that. In 2006. She says that I can't get work because ah, I can't be bonded. So that interferes with my work. I didn't know I couldn't be unbounded but supposedly I made these statements. I didn't make those statements man why would I make a statement like that. Why would I make a statement that oh! Ya see the Idaho State Insurance Fund ya see what they wanted to kinda hide is ya see now that I've uncovered it too, is ya see when I got slammed in the back by that cage, 3,000 pound cage working at Seneco over in Payette, and when, when there was a statement that you all made, I'm goin' now when was that. So I went over here to Dominican over here where I went to because you know, I went to a doctor, was off work for three days and went back to work. But guess who their insurance fund was? I mean their insurance company was. The Idaho

State Insurance Fund. And when he, and when Mr. Hull here we go was Mr. Hull asked him, asked my doctor if he known me anywhere that I have worked heavy duty manual work, and he said no. I told my attorney because he ain't been wantin' to holler at anybody or put anybody on on my defense. I told him that he was gonna get Barry, and he was gonna do a deposition on Barry. With Barry. Because Barry is the owner of American Staffing that I had worked with for years! And every single job that I been out on with Barry at American Staffing has been heavy duty manual work. 'Cause that's all I done all my life. But you guys, I don't know what you guys are trying to do. What, because I'm an ex-felon? Because I didn't really have an education because I was illiterate so you guys thought you all can just walk on me? I don't let nobody walk on me. I've had a hard life but I've overcome everything. Just like this Beck guy I seen on the news the other night. How he almost took his life, you know and all of that uh stuff. But he's a multimillion dollar man now. Because he overcome it. He went on with his life. He learned how to deal with these things. That's all I wanna do. But I can't even deal with this other issue about my arm Ms, uh, O'Bar until I can get you guys outta my life. Once you all are outta my life then I can concentrate on it. Because what I'm fighting for right now isn't for my doctors, I'm fighting right now the lies you guys are saying about me. Or, or, or, or the doctors that you guys are hiring to lie about me or try to twink words around or things like that from what other people have said. That's why I can't wait for Mr. Crumb, because if you look on his report ah, oh, ah, ah, oh. Ah, somebody else is trying to call in but anyway, ah, in his report he says, he says well it look like Mr. Clark worked at Little Kitchen for a while. But it looks like after that, he didn't-, well he didn't hold a job from about nineteen-whatever 'til nineteen-whatever due to jail! How dare him say ya see they're just throwin' shit in there. See, that's something I'm gonna confront him on! His opinion! There's anoth- I'm not gonna say anymore opinions that I'm gonna confront him on but I've said I just throw you one of the major ones! Possibly, due to drug addiction. Oh he was unemployed from 1991 to 1996 possibly due to drug addiction. How dare him. Where does he have the right to say things like that about me. I did nothin' to him. I don't

even know the gentleman. Why's he doin' this? Because you all are payin' him or payin' doctors until you get what you all want. And that's exactly what you did with Dr. Holt. Because ya see ya sent me to the same neurologist so I seen him twice in my life but ya didn't send me to Dr. Holt again. You sent me to a different one. See where I'm comin' from, Ms. O'Bar. I know what's goin' on and I'm gonna stand up for myself. I'm James Walter Clark, born 1958, Eureka, California. I'm not some Joe Blow that lives on the street that you all can just take advantage of. If my attorney wanted to quit and he quit. And that's just what he did! My attorney quit on me because I wanted him to finally do somethin' to defend me! And that was that I had done work. And I wanted him to de- I wanted him to do a deposition with Barry but he wouldn't f---in' do it. Whoops, sorry. Whoops. But he wouldn't do it. So, he quit. I didn't ask him to quit. But you know what, and then I found out he withheld uh, Dr. Hansen's second impairment rating from me also, because he just wanted it to blow over and blow off and try to get it all done before everything was to be before the Industrial Commission by January 5th so everything could be moved forward. How dare him. Ya see, now that impairment rating when it was lower, I know it for a fact that you all woulda been hittin' me like flies onna turd, but because in reality it went up, now you guys wanna try to dispute it and now that I found out about it. Ya see. I mean. And he'd even went up higher than a 4 or a 5. But he was tryin' to put it in that little category that I guess that you know and we didn't really touch base on the motor skills or the little things you know that I have to try to do, you know. Like, pick up a dime offa table, or pick up a pencil. Little things. That a person should be able to do at my age. And for my family. Ya see. So. You know. Why don't we all just sit down quit wastin' time, Ms. O'Bar. You know, I just wanna get on with my life. I wanna get on down there with my grandkid. I wanna get the hell outta dodge here. I have nothing here. The only thing I have here is bad memories. Because I almost lost my life on the job. Why don't you all stick your arm inna machine and see, you know and fight for your life for ten minutes until they shut sum'n off. And then knowin' at any second, because of the way that your arm was being pulled into that machine that if it woulda caught

my arm and my bone, my head woulda went first, Ms. O'Bar. That's right. My head, whooo, woulda went through those rollers. I betcha'll wish that would've happened. 'Cause then you wouldn't have to pay a dime out. 'Cause I didn't have no kid. That you guys would be responsible for. And if I take my life, yeah, again. You guys wouldn't be responsible for anything either. But I'm not going to. I have a lot to live for. So why don't we all just sit down like adults. Human beings. It's their fault, it happened, give me some little money so I can get on with my life, or. It, it, it's gotta come to an end, Ms. O'Bar. I'm just begging you all to please bring it to an end so it don't get outta hand. I don't want it to get outta hand. You all don't want it to get outta hand. And I ain't sayin' nothin' anymore than what I usually did because of what happened up there you know, I feel sorry for that, person, you know. But I'm not you know that lady that you know were what's 'er that lady on the comer ah, you know. That's why I won't go to there, I won't go and confront Lynn Luker because, because I don't wanna be looked at as that kind of a person. I'm a human being. You know I'm a really nice guy, Ms. O'Bar, if you guys really get to know me. I really am. I mean, I do things for the elderly people, I've always have, all my life. I donate my time. I donate money, but you guys don't know any of this stuff about me. I mean, I couldn't even get my attorney to even go around and just go to my town and ask questions about me! So he would know who I am as a person so he can defend me a little better. Y'all just don't know me. Just because I've had a rough life don't mean I'm a piece of shit. I'm not a piece of shit. I'm a human being. I put my shoes on, just like anybody else does. Except for women. I can't wear high heels. I have for Halloween a couple times but, nah. I don't know how y'all do it. But uh, anyway, I'll let you go, Ms. O'Bar. But you know, I'd just like to bring it all to an end. You know, I mean, I'm sure that's what we all want, isn't it, Ms. O'Bar.

RMO: The Commission has the case and we'll just let 'em go with it.

JC: What's that?

RMO: I said the Commission has the case, James and so we'll just let the Commission make the-

JC: But the, but! But! We could still settle, before the Commission. That's the thing.

If you all truly wanted to do it you guys can do it. 'Cause what is the difference, with or without an attorney. 'Cause we were still tryin' to do this settling while everything else was still going on. It's only because you guys think you're gonna pull a quick one. Y'all don't know what I have up my sleeve. And it's not a weapon! It's uglier.

RMO: Alright, I'm gonna go.

JC: As soon as these depositions come into play, because they're all gonna be comin' to my hometown, where I live!

RMO: Alright James, I'm gonna hang up now. 'Cause you're startin' to get repetitive, alright.

14. Telephone call, January 20, 2011, approximately 4.45

RMO: This is Rachael.

JC: Yes, Ms. O'Bar, I have an address change.

RMO: Oh! Hang on.

JC: Okay.

RMO: I'm, I'm recordin' ya but I need to find-

JC: That's okay, that's okay.

RMO: Okay, what's your address?

JC: okay, it's 10402 Railroad Lane, Payette, Idaho 83661.

RMO: 83661.

JC: Exactly. Now if you all send certified letters, you need to make sure that those certified letters request my signature only, Ms. O'Bar.

RMO: Ok.

JC: Okay, not i-, not that they get delivered here and somebody else signs for them. I will not accept that. Because I need to know that I'm getting them because I'm havin' problems with a relative that signed for two of 'em, Jodie Kuntz. She signed for two of my letters from you all, and I did not receive those letters. So I don't even know what those letters were, so I'm a little concerned about that. So, I need to maybe you guys need to back and look at those ah, two that were ah,

sent to me certified back when, that are in, that are in exhibits, and on file, ah, that were received by a Jodie Kuntz, that would be K-u-n-t-z.

RMO: Mm-kay, I'll check that out.

JC: Alrighty, ah, so that's all I have to say.

RMO: Ok, lemme make sure, 10402 Railroad Lane, Payette, Idaho 83661.

JC: Correct.

RMO: Ok, thanks.

JC: Thank you.

RMO: Buh-bye

15. Friday, January 21, 2011 at 10:56 a. m.

RMO: This is Rachael.

JC: Hi, Ms. O'Bar. Hey, um, I'll give you the exact dates on these uh, certified ah,

RMO: Oh thanks, that's great. I'm recording, but that just helps me.

JC: Yeah, that way, ah, I could see if I actually did receive these, because if I see 'em I'd know if I did.

RMO: Great, that'll really help me out.

JC: Okay, you bet, I'm trying to bring this to a conclusion, Ms. O'Bar.

RMO: Alright, what are the dates of the letters? Or the date of the-

JC: The date of the letter that it was received on was 6/17 of '09 and the other one is 8/29 of '09. So they were both done before my attorney.

RMO: Okay, so that was the little green card or the little, uh

JC: I have no i- oh well let me see here, lemme look at it again.

RMO: I was gonna say, where, where are the dates comin' from 'cause that'll help me. The letter's probably a couple days older than that, if that's the received date.

JC: Correct. Correct. That's what I was thinking too.

RMO: Ok.

JC: Uh, I think it, well, it, they're black and white, that, that that's in the exhibits here.

RMO: Oh, ok.

JC: Okay, it's certified mail receipt, um, oh yeah, well it was sent to my ah, it was

actually sent to my mom's new, uh, my address that I have now again.

RMO: The Railroad Lane? Ok.

JC: Correct. Let's see here. Yeah, it was uh, it was probably the green card, because there's two of 'em here. It looks like it was probably the one that was actually tore off the ah, ah certified mail receipt. And then -

RMO: Ok.

JC: It has another one on top of it, that shows her signature on it.

RMO: Ok. Ok. So there's two letters back from 2009 that were signed for by this other person; you wanna make sure you have the actual letters.

JC: Right. And that letter, in, in the, I, I'm not sure if I spelled her last name right but it was K-a-u-t-z.

RMO: Ok. I'll go ah, dig those out today.

JC: Ok. Thank you Ms. O'Bar.

RMO: You're wel- have a good weekend.

JC: Ah-huh, you too now, mm, buh-bye.

16. January 21, 2011, 1:13 p.m.

RMO: This is Rachael

JC: Hi Ms. O'Bar.

RMO: Hi.

JC: I-I'm just callin' just to see if you actually did find, find those documents and maybe we can just kinda go over the phone on what they would be that way we don't, ya know.

RMO: I haven't even looked for 'em yet, sorry.

JC: Oh, ok, ok. Well that way I don't have to know that I have to go out to my mom's and sit there and wait for it or anything and waste what gas I have.

RMO: No, in fact just call me Monday. That'll give me time to look at 'em.

JC: Oh ok. Ok, Ms. O'Bar I will do.

RMO: Alright, bye bye.

JC: Thank you, mmm-bye

17. January 27, 2011 at 3:54 p.m.

RMO: This is Rachael.

JC: Hi Ms. Bar. How are you today?

RMO: I'm good, just another warnin' that -

JC: Yeah I know, I'm bein' recorded that's fine. Hey, Ms. O'Bar I just wanted to direct you to, ah, Dr. Crum's report again, how inconsistent this is. Now I'm putting together some information for another issue with Social Security and, now I knew about this a while back, but I thought I'd bring it to your attention now that I just got off the phone with these people because it's something that I need to get from them. Now, in Dr. Crum's report on page 5...

RMO: Hang on, lemme go grab that James.

JC: Ok.

RMO: Hang on one second, I have somebody actually grabbin' it for me.

JC: Ok. Everybody gettin' ready for the Super Bowl next month.

RMO: I'm just not that jazzed about anything but college football. (JC laughs) College football does it for me but eh, national football's not my thing. Unless Denver's in it.

JC: Oh, I'd like to have seen Seattle in it but not this.

RMO: Nah, ok page five, where are ya.

JC: Ok, page five, top page, 11/05. Dr. Denekas' report on that date.

RMO: Ok, 11/18/05, gotcha.

JC: Ri- oh I'm sorry, there is a one behind it. My bifocals and glasses are getting out of shape here.

RMO: Ok.

JC: Ok. It says here and this is from Dr. Crum's report I guess and he took this off of ah, Dr. Denekas' report of 11/18/05

RMO: uh-huh

JC: Okay. And then, if you go to page six, of 7/6/06

RMO: Ok.

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JC: Now, heh, I only, I knew that I had went down there towards Eugene Portland ah, in ah, uh, on or around ah, ah 7/6/06 'cause on my way back because I was accused of theft, ah, through Larry Robb Enterprise there, that he did a deposition with.

RMO: Yeah.

JC: Ah, that you all I guess gonna use him. Ah, but now, I remember it because, I remember that particular day because coming back I got pulled over for not havin' a license plate light and I ended up goin' to jail because that day they happened to put a warrant out for my arrest because I guess I was transferring my mail to a PO box at that time and I didn't receive the letter but anyway. That's why I remember that day. And then when I, and then when I noticed it was on you know, page five, and I noticed that Crum did another report on 11/18/05 I'm goin', now, how in the heck could that be. Well, it can't be. Because, these people, ah, um, Dr. Denekas and then there was a mention of, ah, let's see here, let's see if they got his name into this particular diagnosis. Let's see here, well, I got his name, right here on this over here, ah, I seen Dr. Denekas and Dr. D-e-s-s-e-l-y, uh, at the same time 'cause it was a panel, somethin' like what you all sent me to.

RMO: Uh-huh

JC: Now, heh, that's way down towards Portland. So why is why, you know because you all are trying to stretch things out to make it look like I been goin' through this all my life now how, where did he get that 11/18/05 report because there isn't one. I was never there on, on ah, on 11/18/05. It was scheduled, but I never attended it.

RMO: I'll have to-

JC: So what I think he's done, to make it look like I've had it for a long time, I think what he did is he took some of the information from the 7/6/06 report and wrote it out as a 11/18/05 report. You see, again, that's where the inconsistent comes in on how Dr. Crum has made his report, or Dr., you know, everybody's usin' these reports that they have read from my past and even at, even at ah, even on that like I said on that 9/16 of ah, of, ah, '06, ah, you know, that doctor's quoting that I

was in prison for you know, for, having narcotics or something like that. Well, you know, if you contact my probation officer at that time, which would be Galloway, or Stoat out of well they're in Payette now, ah, they're the ones that took me from the hospital and took me to Intermountain Hospital at that time. So, and, since I, they were my parole and probation officer for the actual charge of possession of a controlled substance, ah, in, in '95, ah, it was go to jail or, or go be put in there for a couple days and then get back out. And that's what he did. I was transferred over from my, with my parole officer, from the hospital over to the ah, police station and then from there they took me to Intermountain Hospital back in '96. So you see, and see, so doctors and writing just set down that they really, they're you know, it's so inconsistent and throughout this whole ah, report of Dr. Crum. Again, I just wanted to bring that also to your attention. Again, inconsistent, because all you all have done is just taken reports from ah, you know, other medical people from past year or whatever, so, I just wanted to bring that to your attention Ms. O'Bar.

RMO: Ok.

JC: Ok.

RMO: It's been noted and I will take it into consideration.

JC: Alrighty. Ok, well you have a good day.

RMO: You too.

JC: Must be something that you'd like to speak about or anything.

RMO: No no, just plugging away today.

JC: Ok, have you guys set up any depositions yet or anything?

RMO: No, the Commission's gotta do it so we can do it with you on the phone and make sure everybody's on top-

JC: Oh ok.

RMO: We don't wanna do it without you

JC: Ok well I no longer have my phone because it's been shut off for non payment (unintelligible)

RMO: Oh, you know, we need to set up a time where you can call us and then we can conference in the Commission at the same time so we can set them and that way

you can be available.

JC: Ok, well I'll wait for my last motion to be filed and see what they have response on that before I set up anymore depositions or anything.

RMO: Is that the one that you just filed on the 26th?

JC: Uh, shoot, I don't know.

RMO: That woulda been Wed- Tuesday.

JC: Yes that wa-. Yes, it was. Yep.

RMO: Ok. Ok.

JC: Ok, thank you Ms. O'Bar.

RMO: Bye bye

JC: Bye.

18. January 31, 2011 at 11.30

RMO: Hi James, hang on, there you are.

JC: Ok, that's alright.

RMO: Had to get my tape set up, you know how it goes.

JC: Yeah, that's alright. Hey I'm just wonderin' where that mileage check is that ah, it getting' to me or what.

RMO: I have not even asked about it. I can go call about it-

JC: What do you mean I, I, I you know I faxed ya'll somethin' on the day that I went. I mean.

RMO: I have-

JC: I've already -

RMO: -doesn't mean it hasn't been cut. I will just simply find out about it from the Surety, for all I know it's on its way. I just don't know about it.

JC: Well I know I haven't received it yet or in the mail today. So, hey what's this letter that you all sent me certified.

RMO: That's the response to your last set of motions.

JC: Ok, well. Ok.

RMO: Ok. It was your motion from the 20th and two more ahead of that.

JC: Yeah. I don't care what it is. So.

RMO: You sound like you have a cold.

JC: I've been very sick and I can't even go buy medication because I'm on this other medication that's keepin' me from bein' able to get well! 'Cause I can't take medication, with the medication I'm taking. So I have to deal with it! (very agitated.)

RMO: Alright. I will go find out about your transportation check, do you need to call me back since you don't have your cell phone any more?

JC: yes I will call you back.

RMO: Ok. Give me 'til this afternoon please.

JC: Alright, thank you.

RMO: Thank you.

19. Voicemail, January 31, 2011 2.24 p.m.

JC: Yes Ms. Bar, this is James Clark. Can you give me a call at 208.37073211 uh, 'ppreciate it.

20. January 31, 2011 approximately 4:00 pm

RMO: Hi James, it's Rachael.

JC: Yes, ma'am. (coughing fit) yes, ma'am.

RMO: I'm sorry I couldn't call you back, the phone number came out garbled on my machine. It had one too many numbers on it.

JC: Oh. Ok.

RMO: Ok. I talked to the insurance adjuster and the check cut on Sunday and they mail Monday so she checked and it went out today.

JC: Ok. Ok, this is the letter that I just wrote to the Industrial Commission, I just faxed it to 'em so I'll just go ahead and read it to you, ok.

RMO: Sure.

JC: That way you know what's goin' on here too.

RMO: Ok.

JC: Before the Industrial Commission of the State of Idaho, Claim no. 2008-013505 I just got off the phone with the Commission to have Ms. Burke give me a call when she received it. I faxed it to 'em at ah, 'bout a couple minutes ago so it'd be about twenty to four, this is what it says. The Claimant again is asking the Commission to take what evidence that is with the Commission and move forward and to make determination of Claimant's disability due to Claimant's injury of April 17, 2008. The Claimant will not accept anymore letters from Defendants. The Defendants have lied to the Claimant and the Commission and continued to lie to the Claimant and for that I will no longer let the Defendants drag this on any more. So. That's where I'm at. Because, you know, just like that EMT thing that uh, my attorney wrote to you all that you shoulda paid me while I went and did that panel there all day long, that shoulda been paid to me and I don't know why you guys are continuing to not pay me that when I attended that so I shoulda been paid that. See that's something else that well this is (unintelligible) consideration of whatever you guys wanna say it is 'cause I ain't been paid that, because what, Lynn Luker told me and you guys still ain't paid for that. See money like that coulda cut me outta the hole, you see. You guys do nothin' but continue to lie and, I'm not gonna play the game anymore. I'm done. I'm broke. So, you know ah, there you are again because you know I just wanna make it clear that I returned your letter ah, that you sent me. As I had said along, I'm not longer gonna take anymore letters, I'm not gonna do anything else, to be brought to an end. And that's what I'm tryin' to do is to bring this to an end. So ah, matter of fact the Commission's waiting so thank you very much. Mm, bye.

21. February 8, 2011 at 3:44 p.m.

RMO: This is Rachael.

showed up for that panel. For that whole day. You see, that's something that my attorney brought to my attention if you guys had paid me that and I said no and this is why I know that I'm entitled to that for showin' up there, you know that I'm not even askin' about the one way back in in '08 when I ended up goin' over there also which I wasn't paid for but this is somethin' that you know was brought up by my attorney, to you all in a letter, so I'm just wondering if there's any way that they can go ahead and pay me for that, \$124 for showin' up to that panel almost a year, uh, you know back in April um, or are they gonna be that damn low and make me lose, everything that I've got in my storage.

RMO: I will forward your request over to the State Fund. Here is the argument just so you know why it was denied.

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the deposition because I wanna show the CD I my own way to your doctors so, you know.

RMO: I'm sorry, I.

JC: (unintelligible) go ahead.

RMO: I have to ask, are you asking for us to bring the surveillance video to the, to the depos 'cause that's fine I just need to know.

JC: Oh no, I'm bringin' it. Remember I have a copy of it 'cause I got all my attorney's stuff. All except for a couple things that he also withheld didn't think that ah, I'd catch on but I did. Yeah. Ok. He's settin' up there in the capital, (laughs) yeah. Ah, anyway. Um, I don't know.

RMO: Ok.

JC: I'm gonna bring it.

RMO: Ok.

JC: I only have to make sure that there's a video recorder there, I'll have to write it in writing and then just mail it to 'em that way, ah, it'll be ready 'cause I'm gonna show that video in my own way.

RMO: Ok.

JC: Instead of your own way.

RMO: I'll make sure there's a player.

JC: But you, know, but what I'm saying, let's get back to the mileage that in reality that you guys shorted me, so where's my money at. See, this phone here is minutes so every time I have to talk on it because it's borrowed it costs me minutes. It ain't like my old phone where I had unlimited so, I just can't make the calls that I, I'm used to. So, I just want you to know that I also got shorted back in '08 also and that \$72.00 was based on that thing on ah, with ah, ah, with the surgery. So, you see you guys are now tryin' to scam me again in another way. I'm not gonna waste my time, I was hoping that maybe they'd pay it, you know a little bit to try to give me the money that I'm entitled to ah, but you guys keeping wantin' to ah, buh buh buh buh, which I'm gonna also use that buh buh buh buh against your doctors so. That's all I have to say, is that \$72.00 had nothin' to do with my mileage over there or back or my whole day that I had to spend over

there that whole two days I had to spend over there because why would Lynn ask me if I was paid that if I wasn't entitled to that. Have a good day Ms. Mo, Ms. O'Bar.

25. Tuesday, February 15, 2011, at 1:35.

RMO: This is Rachael.

JC: Hi Ms. O'Bar how are you today.

RMO: Good.

JC: Ok, this bein' recorded.

RMO: Yes sir.

JC: Ok, did you all receive my letter recently that I filed with the Industrial Commission so I can get a copy of all these taped conversations.

RMO: ah, yes I did.

JC: Ok. Um, hey, hey, uh, ah, gah, now I think I almost forgot what I, oh! I, I noticed that see now, Lynn quit just shortly after, quit, that word, he quit, just shortly after Ms. O- Ms. Owens' ah, Ms. Jewel Owens' ah deposition.

RMO: Yeah

JC: Now, I didn't get a copy of the actual readout. It's nowhere in any of the files here.

RMO: Ok, just send it over

JC: Ah, ah, so I was wondering, is that something that I have to pay for? To get the actual transcript?

RMO: Ah, the Commission would never require you to pay for that, ah, they get a copy of it, you can request a copy from them. They will have to provide it to you as well as all the other post-hearing depositions.

JC: Ok.

RMO: So that includes-

JC: Now, now I'm just gonna put you on front street and then I'll let you all try to scramble to find out where that document's at but, if you remember right, in Mrs.

Jewel Owens' deposition, she told the Industrial Commission that they never
refused me medication and that it was a, a mess up with third-party solution.

Now you see this is where I was sitting upset with my attorney and this is why
he quit because I was gonna make him do his job. Now I knew somewhere in all
that paperwork and I tried to give him approximate date but he still just tried to
slide me under the radar and tried to end this without really bringing things
forward. All I have to say Ms. O'Bar, gotcha. 'Cause I found it.

RMO: Ok

JC: Right straight from where they said that they contacted ah, the claims adjuster in
regards to some medication but the claims adjuster she refused it and that you

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that was at my attorney's office ah, and, and then, you know, and then, yeah I have some things that are you know, I mean, I might have to bring a seat belt (laughs), to keep my butt in the chair, you know, 'cause I'm having to practice to try to be calm and cool because I'm sure, yeah. But ah, but I just was wonderin' about the deposition if I was entitled to that or how i would have to do it if I had to go through you or anything 'cause I didn't get ah, I got Dr. Hansen's but I can't figure out why I didn't get Jewel Owens'. I just wanted to make sure that I can go to that point so I just need to get it from the Industrial Commission, correct.

RMO: Yeah, um

JC: ok.

RMO: I'm trying to think

JC: Ok now what did you all come up with on that \$72.00. Remember, when I was asking about that 124 and you were saying well, it was already paid and that I had to remind you that it wasn't paid in my mileage because there's no way that that coulda been a mileage check because of where I went because I had to go

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guys are gonna try and use up as much time as you can because we, I think somewhere along the line before 2:00 we're gonna have to have a ah, a lunch break for everybody before we do his deposition.

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RMO: There would be-

JC: Now how, how long, now di-, now did Dr. Wilson ah, Doc, Dr. Crum now, even if this takes beyond two, does he have to wait until we're done and then have his?

RMO: Yes.

JC: Ok. Well, because you see, I could really care less about Dr. Wilson so, but, I will make that one short but it's the next two that I really want. So, because I was understand during Ms. Jewel Owens' deposition that I was only able to bring up what she had said in her, in her ah, her letters which, there's a lot more that my attorney wouldn't bring up because that means that woulda been money out of his pocket and things like that because I can't afford nothin', so. But that's ok. Ok, well then, ah, I'll see ya'll on the 24th Ms. ah, Ms. O'Bar.

RMO: Alright.

JC: Ok.

RMO: Bye.

26. February 23, 2011 at 8:30, Voicemail

JC: (background: I'll get you some food) Um, yes, Ms. O'Bar this is ah, James Clark, 208.40, sorry uh, Jim, um, Jim Clark, 208.707.3211. Ah, could you please give me a call, um at your convenience, I'd appreciate it. Thank you

27. February 23, 2011 at 9:35

JC: (unintelligible, answers phone)

RMO: Hi James, it's Rachael.

JC: Hi Ms. O'Bar how are you this morning.

RMO: I'm good, I'm recording just so you know.

JC: Oh yeah, that's ok.

RMO: What can I do for you?

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JC: Ah, well that's kind of part of the, ah, you know I, I'm sure I didn't file it in the proper way but I know you received it. Am I gonna get a copy of our ah, taped conversations by you all, other than mine?

RMO: Yes sir, uh, we're transcribing them. It's taking us a bit of time but yes you will get a copy.

JC: Oh, ok. Ok. I just checkin'.

RMO: Ok.

JC: Um, ah, what was the other one. Ah, oh! Um, during Lar- Larry Robb's deposition, ok.

RMO: Mm-hmm

JC: And, and I noticed that you all referenced ah, even though ah, Mr. Donahue, I mean ah, Mr. Hull didn't bring it up until page 84 of my hearing on November 18, ah, that there was somethin' done with Larry Robb. And of course, ok, noted, let's carry on. I, you know I mean, another reason why me and my attorney wasn't getting along because ah, I would like to know if ah, if those file, if those paperwork that, that was done at his deposition and since it is referenced now to the Industrial Commission about Larry Robb's deposition, did the Industrial Commission also have those, ah that paperwork that was in that folder.

RMO: We don't have a copy of whatever was in the folder; that was Mr. Robb's personal file. The only thing we have is what was attached to that depo and that should be in your hearing exhibits. It should be attached to the back of that deposition, that's everything that was admitted at the deposition.

JC: Well, believe it or not! I don't have Larry Robb's deposition.

RMO: It's not included in the hearing exhibits?

JC: Nope, not in my paperwork and ah, that's why I'm, I'm, I'm, I'm, I'm puzzled on everything with Larry Robb because I, there's nothing in here on Larry Robb's deposition. The only thing that I'm reading or even seeing and, and you know and I been through it all, um, 'cause my attorney also withheld our settlement offers out of ah, all these documents too which shoulda been left in my file. Um, now even, even with Dr. Hanson's deposition now, you know I'm bein' honest with ya. I, I, I don't know how di-, how his is, uh, how you all have it in your

exhibits but now when I got the file, all the files, Dr. Hanson's deposition was just laying on the top. It wasn't in anywhere. Does that make a difference when I come in, because... Because like I said, there was a folder that I was wonderin' why it was like it was and then I as I went on and I was trying to figure out where our settlement offers were, now I realize why that particular pleading file wasn't all together like it shoulda been is because there'd been things taken out of it on behalf of my attorney that me and him was doing, that you know, I don't know why he did it but ah, so I don't have Larry Robb's deposition and I really wish I did because, I mean it has a lot to do with our hearing tomorrow because Dr. Wilson has ah, referenced Larry Robb. So, I would like to have been able to review what Larry Robb had to say at his deposition because what he said in his deposition is part of a criminal case, out of Oregon. So, and you all say that ya'll don't have my Oregon Department of Correction records because they're also nowhere in any of these files, so I'm just, you know, I'm kinda left here in the cold unfortunately, because I'm not, I didn't ask to do this on my own, my attorney quit and it's left me no choice because I wanna bring it to an end and I can't get an attorney to help me.

RMO: Ok, Larry Robb's deposition was taken right before hearing because he wasn't available at the hearing and so the transcript was just filed with the Commission as if it were like the hearing exhibits, um, and so you can have a full and complete copy of that from the Commission just like you can Dr. Hanson's depo. Both of those were taken outside of the hearing and so they get filed separately and aren't included in the exhibits and so that's, we talked before that you're able to ask for any part of the hearing transcript or the things that are submitted to the Commission. That would include Larry Robb's deposition along with all the exhibits that were attached to that as well as Dr. Hansen's and Jewel Owens' deposition.

JC: So I have one day to try to get this and there's no way I'm gonna get it in one day.

RMO: Let me try and help you out on that.

JC: Ok, I apprec-, I, I appreciate it, I mean you know, I'm just tryin' to, you know. Um.

RMO: Now it's not gonna get to you today, obviously I can't mail it that quickly but we

can make sure it's available to you in the morning.

JC: Um, well I'll, I'll be headed outta here in the morning. Ah, um, ah, ah God, 'cause I wanted to try to get everything in my mind ah 'cause I don't wanna stum- ah, tryin' to figure out how I can just come, ah, now, could, could could you just go ahead and just, bring it, tomorrow and, and hand deliver it to me?

RMO: Or the Commiss-

JC: Since I'll be there about a half hour early and I can just kinda just scan through it real quick and just kinda, I don't you know, I don't even know if I'll be able to bring it up, you know, because even though that the things that were said there in his deposition is part of my argument with my attorney because of the things that Larry Robb was saying, and then what I, what I, you know, continua-, you know, continuation of production of documents and things that I went ahead and faxed to you all, that you I believe got recently, ah, doc, I mean um, see I was unaware of all this other stuff because you know like we all know that you know, I'm gonna get a hold of Doug Ross who was my ah, attorney on my, on that incident, and, ah, and ask for my record because I don't know what people are saying about me until now. So because I, don't even have his records. Now, I unfortunately ended up with all these records and I was able to read everything. So, I'm just, and, and, and because my attorney refused to bring these things up, they are a major issue. Just like in my hearing, nowhere before page 77 or 78 was there any, was there any, you know you show me anywhere before page 77 and 78 that there, there was an impairment rating discussed. And then on page 77 and 78 the only impairment rating that was discussed was the one that was done on April 17th, now, how come nobody wanted to bring to my attention that there was an impairment rating of a 5th Edition during my hearing? You know, because, you know? You didn't want to continue on because if I woulda found out about it, you woulda still been handling with me beyond the 5th of January which you wanted to be done with me but, you know, it, there's a lot involved here and because i- a lot of the stuff wasn't brought up and some of this stuff was held against me, even though I requested a, another hearing it was denied but, you know ah, when all this is said and done, and, if things don't, you know, I mean, I

still may end up havi- you know because we all knew about March 1st, which it ain't gonna happen now, so to me, it doesn't matter if I, you know because i-, you know if things don't work out right tomorrow, I might end up just gonna have to file an appeal on the whole process because, you know, ineffective assistance of counsel, withholding evidence, ah, even from me, ah, so he didn't have to deal with me, and when I asked him to do a deposition with ah, with ah, Barry over here at American Staffing because of what Mr. Hull has asked Dr. Hanson if he's known me to do any kind of heavy duty manual work. And when I heard that of course, ah, I jumped right on top, you know I jumped on Lynn Luker like hey, man, we have not done a deposition with nobody. You are just letting them call whoever they want and you're not presenting nobody on my behalf. So I was gonna make him do a deposition and, and, and pay out a little bit of money and, that's one of the, one of the ma-, reasons why he quit! Because I wanted him to do a deposition so I could prove to doc- to Mr. Hull and you all that I do, I have done heavy duty manual work because every job that I had through American Staffing was heavy duty manual labor. That's just like you know when he asked me in, in my hearing about Upson, uh, Upson. I couldn't remember who they were but you gimme time and I'll get to thinkin'. Upson Construction was a roofing company. Upson Construction in Nampa is, I put the, I put the ah, roofing on the birds of prey when that building out there for the ah, for the bird sanctuary was built back in '94. So, so you see and, you see, now I know who Upson Construction was. You know, so, so you know. These are the issues that I could not get my attorney to do anything on my behalf to show who I am as a person. You know. I'm not, I'm not gonna be just swept under the table because this is my life, and you know, and I'm supposed to be somebody intimidating or, or I'm making it out that I'm the victim (laughs), Ms. O'Bar, I am the victim here. I didn't ask for you know, for the job to not give their employees a safe work environment. I was doing my job that I was showed and trained to do. This wasn't my fault. So, am I a victim here? You bet I'm a victim and I will stand up to that 100% Ms. O'Bar, because they, did not have, a safe, a guard in place so this accident wouldn't happen. They wouldn't allow us to turn the machine off so we can ah,

clean those out properly. They gave us a little bitty thin stick that barely even fit through the rollers and at times didn't even grab the hold of the stick to pull it down and he had to pull it back up, you know because of a quarter inch. Have I used my right hand? Well you bet I have and we're gonna get to that too. But, you know, I, I, I need to try to figure out Larry Robb here because you guys are gonna use him and I'd like to know everything that was said because I remember some of the things that he had said that don't 'cause this is why (laughs) he's lucky, Ms. O'Bar. When I found out at, at his deposition now I, see I was always wondering why I got fired. Because I'd done so much for this guy. I mean, he even helped me break the news to my lady that I had to be a registered sex offender. That, I did, I did lots of work for this guy. I made almost \$6,000.00 in a year. Now if you (unintelligible) six, I mean \$16,000.00 in a year. But now, if you literally do eight hours a day, five days a week at \$7.50 an hour whatever I was getting paid, obviously it will show that I put in a lot of overtime in for that gentleman. 'Cause I did a lot of things and then for him to turn around and fire me in the way he did, I couldn't comprehend it! But now I know why. Because before I was fired, with those documents that I presented to you all, because he also turned around in late Novem- in late of '06, tried to go back before the, before their Commission in Oregon to try to not even take responsibility and try to make me out like I'm a thief, I'm this and I'm that. And, some of his statements he did at the deposition, totally counteract what he had said in that deposition and plus it counteracts what is said in, in that, in that paperwork that I sent. See now I wasn't aware of the full contents of that paperwork that I sent to you, Ms. O'Bar. I mean, the only reason that I, I ended up going to my storage unit and looking and 'cause I don't throw nothin' away. Now that's from '96 ya see, so, I mean 2006. So, and, and for him to say something at his deposition and then I run and I get these documents and I truly start readin' it, and goin' wow. See that's, that's what people like me have to go through when we're ah, when we have to register. People will do anything, you know, not take responsibility. Ah, you know I mean, the girl, I went to my boss, told 'im that they had to do something with this girl because she's slow, I'm a registered sex offender, I don't

want no problem. I'm the one that went to my boss. She's the one that was told to stay away. She's the one that continued to violate the rules, she's the one that got fired. So what happened. Now let me tell you what happened Ms. O'Bar. Ah, I may be saying this a little premature but I don't care, because it's tape recorded, I don't care, you know, because I'm not lying. Now, when, when, ah, when I looked at that and it said Nove- oh well, you know this is what us peo- I have to go through, because when her family found out after she had gotten fired who I was and what I had to do, if you truly read that report you'll see just exactly what Misty did, her sister. You know I know about the coaxing in or tryin' to do this or tryin' to do that. I mean if they truly felt that I had done something wrong, do you think that woulda just been written up as just a report. See I wasn't supposed to have that in my possession 'cause Larry Robb accidentally gave me that. I thought in that folder was just a bunch of shit that he was givin' to me because of what he pulled. Because those documents that he brought to you, and that's another reason why I was upset with my attorney. If you don't have it that's fine! But my attorney sure wasn't gonna look into it for me. He was just again, blowing me off, oh don't worry about it. Don't worry about it? The four pictures of the truck was my evidence. And for him to some reason to bring it in a file, like he did and then the documents in that file was part of a criminal case, no way am I gonna allow that to go through and just let the Industrial Commission think that that was part of the reason why I was fired because the ah, the pictures of that truck had all those cans so I'm guilty. Oh no no no no no, Ms. O'Bar. Those pictures were taken well after I was fired. But if you look at that, I was, that was bein' done in '05. In like, September, October of '05. And if you read the report. Even, even Larry Robb was on my side at first until I think if you really read it, I think that (unintelligible) were getting a little pissed off and then I found out that he was sued. Sued by the girl that he fired. Now why is that. Is it because he didn't notify people that, I was, that he had a sex offender working for him? He was aware of it. I have no idea but I know now the reason why I got fired. It was truly wasn't because what he, what I was accused of. Even though I was taken and found guilty at a trial but we know how I was ambushed there. Ah, you know,

I'm the victim, you bet, if you know the whole story. Which you know, that's where a lot of these little statements that I'm gonna be bringing up for Dr. Wilson is, come on. Aren't, isn't, isn't he supposed to be ah, you know I'm, I'm, this Larry Robb thing has got me pissed off. I mean here you guys are willing to, to, pay to have a deposition done by Larry Robb, an employer that got sued by a woman, by a, by a, by a family, by a lady's family member, why, and if he, has he had to pay out, I have no idea but boy you guys sure know exactly how much I got paid out on, on my elbow. I mean, ah, how come you don't talk about, you know I mean, the accuracy of these doctor report are gonna, the Industrial Commission's gonna determine if I am entitled to ah, determination of whether Claimant remains in period of recovery with his report, whether the claimant is entitled to temporary disability benefits by his report, ah, I have a lot on the stake with his report and wouldn't you think his report should be pretty accurate and truthful? I sure do. See this is the part where my attorney wouldn't do nothin', ok, Ms. O'Bar. I am me, and let me just go, you know, ah, I'm trying to bring this to an end. Well I already know, tomorrow is my last day. Ok, I'm bringin' my lady with me, yeah, she's gonna come with me. (laughs) So,

RMO: James, you do recall there is another depo next week as well?

JC: I'm under- I understand-

RMO: Ok

JC: But you know what Ms. O'Bar, when I'm done tomorrow, to me, I will feel as you all did, you all wasted the Industrial Commission's time for a year and a couple months 'cause you all tellin' the Industrial Commission oh how you can't receive these psychological reports or past medical history or ~~buh buh buh buh~~, until I sign these medical releases. I signed the medical releases and then we got to the Oregon Department of Correction and the Idaho Department of Correction. Now you guys continued to argue on that one with me but I was arguin' for a reason but I, had to learn over time, ok, it's been a learning process. Am I, am I gonna walk in there thinking I'm smarter than you all? Oh hell no. I mean, serious, there's no way. But, this is my life. I know everything that I've done in my life, ok. Now I-I-I-I-I-let me just go ah, to Dr. ah, uh, oh I gotta bring that file.

Uh, Dr. ah, Wilson's report, lemme ah, ok, just um, just gimme a second ah, let's see here, Dr. Wilson's report...

RMO: James, I, I can't continue on with the call, I've got another appointment at ten.

JC: Oh, oh, ok. Well.

RMO: Ok.

JC: Oh oh oh, ok.

RMO: I'm gonna print the depositions for you

JC: Ok, so you'll have that, do you think we can get together on that deposition tomorrow with Larry Robb and just hand it.

RMO: I will call the Commission and see if they will copy it and have it ready for you whenever you get there in the morning. If they won't I will.

JC: Ok, I'll call 'em and find out.

RMO: Ok.

JC: Ok, thank you Ms. O'Bar.

RMO: Bye.

28. March 3, 2011 at 9:13 a.m.

RMO: This is Rachael.

JC: Yes, Ms. O'Bar.

RMO: Hey James, I'm recording this.

JC: Huh? I know you're tapin' it. I don't give a shit.

RMO: Ok, I just have to give you notice.

JC: 'Kay, where I'm at here is I'm in regard to my medication. Everything's being done over here and now they're denying the Abilify so could you please contact the insurance company and let them know that the Abilify is not going through on my refills. I filed my police report, I did pick up my Hydrocodone last night because I had to have a family member give me the money to pay for it. Now are they gonna de- are they gonna tell me that oh well, you can't pick 'em up until next week like they're tellin' me on my hydrocodone so I had to go and have

somebody help me pay for 'em? Instead of making me wait until like tomorrow to get 'em? Can you explain that to me?

RMO: I can't explain anything right now-

JC: Oh of course.

RMO: I don't know what's going on.

JC: But you know what, when you put my son involved in this shit, I'm pissed. I asked the Commission yesterday, I don't care if this goes to the Commission. I asked the Commission yesterday a point blank answer if I was to file that complaint against you guys on that proper complaint form if that would delay my actions with you all and I still didn't get a yes or no question. Again. It was this kinda sent through, it will be filed Ms. O'Bar. How dare you guys. You guys aren't using anything from Safe Corporation. Why, because you had to return those things. You've got my Idaho Department of Correction records and all my other records in the same way that you got my but nobody and my attorney didn't wanna bring it up. Bull, Ms. O'Bar, I am upset. You guys wanna pull little scams because I talked to you before so you were all ready. You know what, I don't care Ms. O'Bar. I am pissed. I am a victim. So. If you could please get a hold of Ms. ah, the State Insurance Fund for me please, because my Abilify is being denied right now.

RMO: Where-

JC: Everything else, but everything else is bein' done.

RMO: What pharmacy are you at?

JC: The ones that you all told me I had to go to. That same place that I been fillin' my meds for the last four or five months now. Same place.

RMO: Where are you right now so I can...

JC: I'm at home. And by the way, I also lost my phone last night too. So, I have no phone, I'm calling from my mother's. So, whoops, I got a child in the house I gotta walk outside 'cause I'm not. . .

RMO: What number do I call you back at?

JC: 208.642.2810.

RMO: Alright. How much did you pay for the Hydrocodone last night?

JC: Ah, no they told me when I come in tomorrow, when it goes through I can reimburse my mo-, well I can reimburse the party that helped me get these last ah, last night.

RMO: Ok.

JC: So, that's, that's ok. 'Cause, and my mileage reimbursement, I keep forgetting about my mileage reimbursement to give to you all for when I went to see Dr. Morland. But I'm, I'm you know you need to understand. I'm so overwhelmed right now even though the last two times I meant to give it to you, I just, I, I keep forgetting to. Even though I was at the Commission I coulda handed it to you.

RMO: Ok.

JC: I don't have you know, I, so, I still have to go through those, you know, you know, to send you somethin' for the reimbursement, Ms. O'Bar.

RMO: Yes.

JC: That mileage.

RMO: Yes sir.

JC: Yes sir. Ok.

RMO: Ok, so you're at your mom's house at 642.2810 and you need Abilify which is prescribed by ah, Dr. Steinberg?

JC: Correctly

RMO: Ok.

JC: Now you see, lemme explain to you somethin' else that my attorney wasn't gonna do. On 3.15, lemme just tell you this. This is why I'm gonna go ahead and file my complaint against, ah, the, the insurance company. Because I went, I scanned through all the records and that's what I wanted to bring up yesterday but I keep getting stopped. Why I don't know. But you all can talk about things that have, that wasn't brought up at the hearing. Because I don't know what to object to or what not to object to. On 3.15 of o-ten, you looked at Linda King's statement where she was trying to get these medications filled that you guys were denyin' me that I wasn't able to bring up, well I'm gonna bring it up in my complaint. 3.15, Linda King was tryin' to get with Ms. Jewel Owen to get these prescriptions filled. And that was the same day that I snapped and went into the

hospital, because you guys were di- denyin' my medication but you guys say that you didn't deny it in, in Ms. ah, and there was other places where I can show where you guys were denyin' it so doctors had to give it to me until I could get matters taken care with the insurance company in regards to my medication. Yeah, right. Gotcha. Two thumbs up. I'll be waitin' for your call Ms. O'Bar.

29. March 3, 2011 at 9:57 a.m.

RMO: This is Rachael.

JC: Yes, Ms. O'Bar, wha- did you find out anything.

RMO: Not yet.

JC: I have an appointment this morning that's why I'm calling to find out 'cause I have to set here by my mom's phone here in order to ah, get my messages. I have one other question for you Ms. O'Bar ok, hey, whenever these doctors get these reports, don't they go through you first and then send 'em out for them t-, ah, write about?

RMO: I, I'm confused, what reports are you talking about?

JC: Any report. Any report that a doctor gets to take into consideration goes through you all first, 'cause it doesn't come directly from Lifeways, any record in relation to my injury is done through the attorney's office. And then the attorney's office or the insurance company reviews these records and they makes the decision on what to use or what not to use. So, this is where I'm at. I'm 'unna, at my meeting this morning at Lifeways, I'm gonna inform them, that the Idaho State Insurance Company and their attorney has violated the privacy act of a person that sets inside my room with me, to help deal with our problems of almost losing our lives, to, to use against me, because I'm gonna tell you something, I can guarantee for a fact, for a fact, that my son has never tried to commit suicide. Ok, I'm not happy on this.

RMO: Ok, not all medical records-

JC: Oh, so that's where we're at.

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RMO: -are siphoned through the attorneys

JC: They're gonna informed, be informed that you all or your client, through your attorney, through their attorney, has taken private information that another person has talked about in a group, to turn around and try to use it against me in a worker's compensation claim. That can never, be taken back. Have a good day.

30. Friday March 4 at 11:30

RMO: This is Rachael.

JC: Hi Ms. O'Bar, how are you today?

RMO: I'm good, just lettin' ya know I'm recording.

JC: That's quite alright. Hey, um, on this episode that happened the other day with my meds, ah.

RMO: Yes sir.

JC: Ah, yeah, Hydrocodone was sent in, the insurance company wouldn't release it until today. So what I did is I had my mom, give me the money so I could get 'em out the other day.

RMO: 'Kay.

JC: I was told that they were supposed to go through today, so I came back in with the receipt, you know, that I paid cash for 'em to be reimbursed on that 'cause they said that they were supposed to go through the insurance company being paid for by you all.

RMO: Right.

JC: As of today. So, how can we get this resolved because there's an issue here that it's not going through and so right now, I'm standing here trying to get refunded and I'm not getting it refunded.

RMO: Send it on and, I guess ah, we could just have the State Fund issue you payment for it instead of-

JC: Oh no, no no no. Ms. O'Bar let me tell you something. I know how it is when I have to wait for payment from you guys. I'm not gonna wait two months, three

months, four months down the road, Ms. O'Bar. Ok. I paid for this stuff out of my pocket, I want reimbursed right now through these people.

RMO: I don't, I don't know that they can do that. It's, that's their policy not ours.

JC: Well, well, what, what's supposed to be happening right now is they're supposed to be able to send this through right now based on the information that they received, ah, but, I mean, ah. . .

RMO: Wednesday.

JC: They, they had it, yeah, they had the ah, they had it here on ah, on the other night, on, on ah, Wednesday.

RMO: Mm-hmm.

JC: Ah, they said they were ready but, that I had to wait until they go through on Friday. But what I could do, is go ahead and pay for 'em outta my pocket then, then come in today when they're supposed to go through bein' paid by the insurance company that they would reimburse my money here to me now.

RMO: Ok.

JC: That's where I'm at. And that's what I need done Ms. O'Bar. I borrowed this money from my mother to get those medications.

RMO: Ok. Um-

JC: Ok, don't do this to her again.

RMO: When we talked, ah, yesterday morning the 3rd, you were having problems with Abilify but when I checked with the insurance company the authority for that was given out on Wednesday night. Did that get resolved?

JC: Yes.

RMO: Ok, so this is just, now they're waiting on the authorization from the Surety for the Hydrocodone?

JC: Correct.

RMO: Ok, I will make sure that-

JC: And it was 39, it was four, uh, I ah, uh, well I gotta ah, it was ah, \$49.48. I got 51 dollars, um, here let me tell you how much it was.

RMO: Ok.

JC: Ah. (talks in background: Miss? Miss? You took the ah, the amount that I paid.

How much was it? Out of pocket?) Ok, it was \$49.49.

RMO: \$49.49?

JC: Correct.

RMO: Ok. Ah, I have to, I will call and make sure the State Fund has communicated with the pharmacy the approval for the, for the payout.

JC: It, it, it's here that, I'm here at Walgreens so I'll wait to, and I'll expect, I'll wait.

RMO: Ok. Can you ask the pharmacist if, if they contacted the Surety on Wednesday and already got the approval?

JC: Yes, it was already approved but they wouldn't be released Ms. O'Bar, until today. But instead of me waiting until today, for the insurance to pay for 'em, I paid for 'em outta my own pocket so they're supposed to be goin' through today.

RMO: The-

JC: I paid for 'em.

RMO: Ok. Until-

JC: So, I mean you guys paying for these has nothing to do with me paying 'em outta cash.

RMO: I, I'm just confused. If they already provided the approval why did they, did they need to approve it again, or, I'm not-

JC: Right, exactly. It's gotta be approved again because it was denied and it wouldn't you know, because they wouldn't release it. Didn't make sense. They wouldn't release it even though it was approved to be filled but they wouldn't allow me to get it until Friday. Are you comprehendin' on that Ms. O'Bar.

RMO: I'm still confused, I can't figure out who wouldn't release it until Friday. The insurance-

JC: Whoever the insurance, whoever you people are that pays for the um, for the medication. Would not, it was, co- it was done but would not be cleared I tell you what.

RMO: Are you still there James?

JC: Yes, I'm waiting.

RMO: I couldn't tell, it got really quiet.

JC: It's alright, I didn't wanna, I didn't wanna interrupt ya. (background: Is that, are

you talkin' 'bout me? Yes, I came in, now wait a minute now. I came in yesterday, I mean ah-)

RMO: Wednesday.

JC: I'm talkin' to the lady here but you can listen too Ms. O'Bar.

RMO: Ok.

JC: (Background: My meds were taken and I filed a police report. Never had any problems with any of my meds, never lost a bottle in three years and they were all taken at once. I filed a police report. My doctor ah, well the insurance company or somebody whoever the insurance company people that they, that approves the ah, medication, ah, went ahead and filled it, Wednesday night for me. The pharmacy filled it, but there was a restriction to it that I could not, that they would not be actually approved, or I couldn't pick 'em up until today. So I was told by the gentleman (unintelligible) at two and I'm gonna be back at two. Otherwise (unintelligible) this is what happened, so this is what well, that's, this is their attorney right now I am my own attorney so that's what I'm tryin' to get taken care of right now because that money I paid out when these people shoulda paid for it. So what I did is I paid the cash for it instead and then I was supposed to come back today and they should go through today so the insurance paid for it and then I will be reimbursed with my receipt that I gave to you that I gave you that I paid cash for it instead of ah, the insurance. (pharmacist responds, unintelligible) O- ok, well then. (pharmacist, unintelligible). Oh if the prescription was made for like today it could be filed, I mean it can be billed to them. To them. (Pharmacist, unintelligible)). Oh you see what happened? Are you catchin' on now?

RMO: I actually can't hear 'em, James. All I can hear is you.

JC: Ok, well, well, what it is. . . Ok they're gonna call the insurance company.

RMO: Ok, do you need Jewel's direct line, or State Fund's-

JC: Oh ah, no they're calling whoever they take care of, Ms. ah, Ms. O'Bar.

RMO: Oh ok, good.

JC: I'm just standing here on the side waiting because they're gonna see what if they can now back bill it or something like that.

RMO: Ok, cool. Ah, I assume it's Stone River or whoever-

JC: No, it's not Stone River anymore. No, it's not Stone River. No it is not.

RMO: Thank goodness.

JC: No, it's not, trust me. I looked into that already Ms. O'Bar, for ah, for another reason so. Yeah because when the Ability was denied, I noticed that Stone River was also '08 denyin' that med.

RMO: Yeah, that's the, the-

JC: If that was, for that particular one has to be okay'ed. (Background: Ah, I have the card. I have the card out in my truck. (pharmacist responds). Oh ok well, the police officer ah, ah, gave me a card it's got the ah, like, when, some number and then it's got the ah-

RMO: It'll be the report number.

JC: (continues to pharmacist- yeah it's got the report number on it.) Thank you, Ms. O'Bar. ((pharmacist responds) it's ok, just another day.) So. So did you guys set up anything on ah, while I have you on the phone. Is there anything, do you guys know anything about ah, the depositions that take, I mean that take place?

RMO: Yeah, we're filing abeyances; we're not gonna take the depositions. It would take too much time for them to get all the way out here and back and, their records are pretty strong so we'll just leave 'em in evidence.

JC: Ok.

RMO: So the Commission will probably call you to set up the phone conference to set up the briefing schedule.

JC: Ok, I have to get with them because they don't, ah, I don't have that phone number anymore.

RMO: Ok.

JC: My lady took it back, we're not yeah. It's....

RMO: Ok.

JC: Don't wanna talk about it. 'Cause I don't have that problem anymore.

RMO: Ok.

JC: Sorry for the wait.

RMO: No, it's ok.

JC: I was just gonna come here at two o'clock and ah, and deal with it but.

RMO: They get pretty busy in the afternoon so it's probably better that you're there now.

JC: Yeah, well, I questioned, I even questioned what he was doing. I told him, you know, ok, well I'll be back two, you know, on Friday. What time do you work. He said two o'clock, I said alright, I'll be back. That way I know it would be done but I was in the neighborhood instead of wastin' gas and stuff I was just goin' ahead and ah, stop by now instead of two o'clock now I'm kinda glad I did 'cause yes, things get a little busier in the afternoons. Alright, Ms. O'Bar, can I talk (unintelligible) bill?

RMO: I'm sorry, what?

JC: Talk to you, can I talk to you about a medical bill?

RMO: Uh, I guess so.

JC: Uh, on 3/15, I was gonna try to bring up the other day, on 3/15 of '09, ah, I had went to Intermountain Hospital for the, you know the last time there.

RMO: Right, that would be 2010.

JC: Right.

RMO: Yeah, just this past year.

JC: Now, in, you know, I mean I'm not tryin' to start an argument but you know, the insurance company, the insurance companies, through you all, is tryin' to deny that bill and in Linda King's report ah, I wasn't able to get either, on 3/15 I was in her office because the state insurance company was denyin' the medication because they didn't wanna take responsibility for the psychological issue of this accident. Payette county paid that bill because of the call that was made and they did find me in my mom's house. The expedited/extradited ????? me, they went ahead and took me to Intermountain Hospital for a two week stay. Now, I could connect those two together to show that the insurance company should be responsible for that and the county should be reimbursed for what they paid because see that's a bill that's to me now, since I will have to I am, I am obligated to pay the county back for the services that they put out as I was in the hospital. So, um.

RMO: And that's kind of what the judge will decide, on whether or not those two bills,

there were two, there was one for ah, 2009 and one for 2010. And so Referee Donahue does have to make that determination as to those two bills whether they're related.

JC: Ok. Ok. I was just checkin', just seein'.

RMO: Yeah, that, that'll be one of his primary decisions.

JC: Wel, I I I I know it was never really put out as an issue, in, in my deposition or ah-

RMO: Yeah, it's specifically in there-

JC: Because-

RMO: It, it, it's specifically in and I'll make sure it's in our brief so the judge will have to answer that specifically.

JC: Ok. And I believe ah, due to the refusal also I was gonna be able to show how my medications were being also denied by a doctor through Dr. Hanson's ah, ah, physician assistant to where they also because of the insurance company would not pay for the meds 'cause they felt it was not related to my injury and ah, that, so he went ahead and filled a few pills to help me through until because he was told that the State Insurance Fund would no longer issue medication other than Dr. Hanson and Dr. Morland and I believe I received that letter from you all ah, and not through the Industrial Commission so the Industrial Commission doesn't have that letter. So ah, um, so and so in that in his report that was also in the documents that I was trying to bring forth um, that ah, that, that stay, on nine somethin' was also related because they were refusin' to pay for medication that handled the psychological part of this. I have now over, I have over time now have understood what you all fighting for, the psychological issue of me fighting for my life. Is there anyone there Ms. O'Bar is gonna say that I didn't fight for my life that day. You know, have you ever fought for your life? You would never know what I went through that day for ten minutes while I fought for my life. This is ah, you guys wanna try to say that the injury partly caused by my employer? No, it is 100%. They remodified that machine so they could produce their doc-production faster. They remodified it, took away the safety guard that shoulda been put in place.

RMO: Ok.

JC: Fought for my life. They are responsible.

RMO: I know and that's why-

JC: (difficult to understand; sounds like: They didn't hurt you did they)

RMO: I know what you're saying but that's all before the judge, ok.

JC: Well no, not really because some of this wasn't an issue because ah, my attorney quit so I'm you know, it's it's. I'm tryin' to talk to you in a reasonable way because you're (unintelligible) (to pharmacist: sorry, oh, ok where are we at? (pharmacist responds)). Ok, can you hear what they're saying?

RMO: I actually can't, James you'll have to tell me.

JC: Ok, just a moment (conversation with pharmacist)

WP: Hi, this is Elizabeth from Walgreen's Pharmacy.

RMO: Hi Elizabeth

WP: Hi, so what um, our corporate office told me is because they're not sure of payment so what they want um, Mr. Clark to do is turn in a copy of his receipt and the police report to the adjuster and then they adjuster would contact our corporate office and then if everything's approved then, they'll either send him a check in the mail or they will call us to um, do the reimbursement at the retail level. Most likely it will be a check because usually after a week it kinda leaves our, leaves the retail pharmacy.

RMO: Sure.

WP: But, that's what they're asking the patient to do. They're not going to provide an override at this time

RMO: Of course.

WP: 'Cause yeah, they're worried that um, they won't get paid.

RMO: Right, and he's also got the option of getting' the reimbursement directly from the insurance company instead of-

WP: Yeah, he could do that too, instead of through us. Either way'd be fine. But um, that's what he would need to do so unfortunately I won't be able to give him any reimbursement today at this time.

RMO: Ok. That's fi- I don't represent Mr. Clark, I'm with the insurance company so.

WP: Right. Ok.

RMO: It's up to him which way he wants to go.

WP: Ok, lemme go ahead and hand the phone back then.

RMO: Thank you.

JC: (To pharmacist: I appreciate it. Oh no, don't be sorry). Alright, Ms. O'Bar so where are we at now that you understand what's going on.

RMO: So either you can give them the receipt and th-

JC: Oh, Ms. O'Bar I'm not gonna wait, down the road and have it maybe not even ah, no. I should my my mom should you know my mom should not have to wait for for their corporate office to contact 'cause see now what I have to do is I have to wait for the actual police report, wait for it to come, no no no Ms. O'Bar.

RMO: Don't wait on the police report, just send me a copy of the receipt. I will try to expedite that for you.

JC: Well Ms. O'Bar you just got the receipt over the phone by the pharmacy.

RMO: No no, I have t-

JC: I'll send this to you.

RMO: I gotta have the paper copy. Have Walgreen's send it to me, I need the paper receipt-

JC: Ok, how bout if they fax it to ya.

RMO: Yeah that's fine. That's great.

JC: I'll have 'em do it right now.

RMO: Ok, lemme give you my fax number. It is 3-4-4

JC: Just a moment. 3-4-4?

RMO: Yep, 5-5-1-0.

JC: Alright.

RMO: I will turn around the minute that it comes in I will turn around and fax it to the State Fund and then they can, then I will call Jewel and see how they will handle it.

JC: What do you mean see how they're gonna handle it.

RMO: Well I don't know-

JC: Listen here Ms. O'Bar.

RMO: Don't start, we're all doin' great.

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JC: Oh I am starting.

RMO: No no, we're being very civil

JC: Out of my pocket, guys already screwed my mom once before on a bill you ain't gonna do it twice. I'm telling you that.

RMO: James, James. I have to have a copy of the receipt.

JC: You're gonna get a copy of the receipt right now.

RMO: Ok, and I will forward it to the State Fund.

JC: And I will hopefully expect a call from you some time today if I could please.

RMO: And where, what number do I call you at today?

JC: Oh.

RMO: Your mom's? I can't remember her number though.

JC: Ah, ah, I have another number.

RMO: Ok.

JC: Ah, but just a moment. You know what ah, I don't know, oh wait a minute it's in my wallet. Just a moment. Ok. You can contact me at this number. 2-0-8-4-7-7-7-9-2-1.

RMO: That's 7-9-2-1?

JC: Yes.

RMO: Ok. As soon as I get the ah, the pre-, the receipt ah. . .

JC: Alrighty.

RMO: And that's for Abilify prescribed by, no. That's for-

JC: ok-

RMO: Hydrocodone prescribed by Morland.

JC: The Hydrocodone by Dr. Morland.

RMO: Ok. So I will forward that on to the State Fund.

JC: Ok, thank you Ms. O'Bar.

RMO: Alright, bye bye.

31. March 4, 2011 at 1:30 p.m.

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Jewel Owens' deposition, she told the Industrial Commission that they never refused me medication and that it was a, a mess up with third-party solution. Now, you see this is where I was getting upset with my attorney and this is why he quit because I was gonna make him do his job. Now I knew somewhere in all that paperwork and I tried to give him approximate date but he still just tried to slide me under the radar and tried to end this without really bringing things forward. All I have to say Ms. O'Bar, gotcha. 'Cause I found it.

RMO: Ok

JC: Right straight from where they said that they contacted ah, the claims adjuster in regards to some medication but the claims adjuster, she refused it and that you all were gonna get in contact with me to let me know that you are refusin' it because you all were said it was back during Dr. Herisa visit time. About the time that I snapped because you guys withheld medication from me, ah, that they contacted her and she just flat out said that she ain't payin' for it because it's not related to my injury and which it was it just happened that Dr. Herisa moved on to better places which it was kind of a little joke during my deposition or whatever that was at my attorney's office ah, and, and then, you know, and then, yeah I have some things that are you know, I mean, I might have to bring a seat belt (laughs), to keep my butt in the chair, you know, 'cause I'm having to practice to try to be calm and cool because I'm sure, yeah. But ah, but I just was wonderin' about the deposition if I was entitled to that or how i would have to do it if I had to go through you or anything 'cause I didn't get ah, I got Dr. Hansen's but I can't figure out why I didn't get Jewel Owens'. I just wanted to make sure that I can go to that point so I just need to get it from the Industrial Commission, correct.

RMO: Yeah, um

JC: ok.

RMO: I'm trying to think

JC: Ok now what did you all come up with on that \$72.00. Remember, when I was asking about that 124 and you were saying well, it was already paid and that I had to remind you that it wasn't paid in my mileage because there's no way that that coulda been a mileage check because of where I went because I had to go

JC: Yes, Ms. O'Bar.

RMO: Hi James, I'm recording just so you know.

JC: Yes ma'am that's fine with me.

RMO: Ok, what can I do for you?

JC: Hey, yesterday I was trying to find out how I can you know, get some money together to get to these depositions and stuff but you know, what's really important is what I've got in that storage. And, you know I'm just wondering if I am entitled to this 124 even what my attorney mentioned, ah, for showin' up at that ah, panel for them, you know, that's 124 that I can give to my storage people. At least some is better than none. Unless they're gonna be that damn low and not pay me somethin' to help me out, which I am entitled to but now you're gonna make me fight for it. I lose everything I got when you guys are really, when they're really, I'm supposed to be getting that. So, I'm just check in, see what ah, if they're really gonna stoop that low and allow me to lose what I have in my storage 'cause they don't wanna pay me the \$124 that I was entitled to, when I showed up for that panel. For that whole day. You see, that's something that my attorney brought to my attention if you guys had paid me that and I said no and this is why I know that I'm entitled to that for showin' up there, you know that I'm not even askin' about the one way back in in '08 when I ended up goin' over there also which I wasn't paid for but this is somethin' that you know was brought up by my attorney, to you all in a letter, so I'm just wondering if there's any way that they can go ahead and pay me for that, \$124 for showin' up to that panel almost a year, uh, you know back in April um, or are they gonna be that damn low and make me lose, everything that I've got in my storage.

RMO: I will forward your request over to the State Fund. Here is the argument just so you know why it was denied.

JC: Well it shouldn't been denied. Well go ahead. Go.

RMO: Are you gonna listen?

JC: Yeah, go 'head.

RMO: Ok. Our argument is that you were medically stable at the time and you are only entitled to time loss benefits during a period of recovery even though you were

going to a doctor's appointment, you were medically stable and therefore you don't get time loss during that time period you were being paid impairment. You don't get both; you get one or the other.

JC: Oh, so I don't get paid for the time that I spent over there for the ah, for the panel that you guys, ah, told me that I had to go to, that was part of what you guys are fighting right now.

RMO: Right, what we're saying-

JC: Because I (unintelligible) but in reality Ms. O'Bar, they could pay me that if they want to! (extremely agitated)

RMO: Sorry, that was my cell phone. I said I will forward it on to the State Fund to see if they want to voluntarily cover that ah, but their argument is under the statute they're not required to pay both impairment and time loss. Oh, I think he hung up.

22. February 8, 2011 at 4:00 p.m.

Voicemail picks up

23. February 9, 2011 at 8:58

RMO: This is Rachael.

JC: Yes, Ms. O'Bar, I'm returning your call.

RMO: Yes, sir. I was trying to call you back to let you know I had talked to the State Insurance Fund, ah, a check was issued for \$72.78 back then, not now. Uh, 72-

JC: Beg your pardon?

RMO: Back in April a check was cut for \$72.78 to cover your mileage for that IME appointment.

JC: Yeah....

RMO: But they did not pay you for time loss

JC: I don't know

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RMO: So they won't pay any more now because they paid the mileage to and from that IME appointment. The two IME appointments.

JC: Oh, is that all you needed?

RMO: Yeah, I just wanted to let you know-

JC: Oh well ok, that's fine. I, I, you know I didn't expect them to do it anyway 'cause that's how low they are. So, ok. Thank you.

RMO: Bye bye.

24. Wednesday, February 9, 2011, 9:05 a.m.

RMO: This is Rachael.

JC: Hey Ms. O'Bar you were telling me that you sent me a mileage check for those visits over there, to ah, to the doctors in April.

RMO: Yes sir.

JC: And that was for one trip or two trips?

RMO: It was for two trips; it was \$72.78 for 73 miles total.

JC: Ok, then, you didn't pay me my entire mileage for that then. Because if you all paid me \$42.00 'cause I got a mileage check, if you guys paid me \$42.00 for a round trip from, to Dr. Morland's office, well, your doctor's are further than Dr. Morland so in reality, you still shorted me my mileage.

RMO: I don't know how it was calculated.

JC: Well I don't either but obviously you guys are trying to scam somethin' here 'cause I didn't get my full mileage check, think about it Ms. O'Bar. I'm not calling to argue, you're the one that stated that you sent me a check for \$72.00 but, huh, you shorted me!

RMO: Did you stay in town for those IME appointments, I can't remember. *? your statement says*

JC: Oh yes, ma'am I did! Matter of fact, I stayed there for eight hours one day and then I had to return again because they didn't get it all finished so I had to go again the next morning and then I ended up staying the whole day also because Dr. Wilson or somebody couldn't make the watchacallit time, so, they moved it

ahead or they moved it further so he could be there so in reality instead of having it at one o'clock or somethin' like that it didn't happen 'til like two or three so I had to stay in town even longer than I had to so I spent two whole days over there so. And if you wanna get back, let's go all the way back to '08 also when you sent me to see Dr. Holt which I stayed there all day long but I didn't get no money for that either. And, I had to go to the other doctor also at the same that I seen Dr. Holt back in '08 I had to spend another whole day with another doctor on your guys' behalf. So you see, I've been ripped off from you all, all along here! So, you know, I think you guys are tryin' to pull a, a quick one there because that \$72.00 definitely didn't cover my mileage or my whole time that I had to spend over there 'cause if I didn't spend my time over there you guys would've denied my claim altogether if I don't follow the rules that you guys ask and when I do follow the rules that you guys ask you turn around and use it against me. It's just like ah, Dr. Hanson when you guys took that letter to him. Askin' if I needed transportation. It's the hospital rules and laws and regulations that I signed with, not Dr. Hanson and that's what I'm pissed off about my attorney didn't, didn't address the issue with Dr. Hanson the reason why that letter was sent because you guys didn't wanna pay my mom and my sister and my lady the time that they had to do for me you see I mean come on. I'm broke, I'm losing everything and it's like you guys just don't give a shit! Ya see, so, I'm a little frustrated here if you, if that's what you guys are trying to say is that you gave me \$72.00 then you guys shorted me all the way around. So where's the rest of that money so I could have a little money 'cause some money is better than no money to show to the storage unit. I could care less about if I lose my place where I'm stayin' at if I have to live on the street I don't give a shit. It's what's inside that storage that is, belongs to my kid that you guys are screwing me over on money that I've had to put out to make up because you guys lied to my family and then you guys didn't you know and then that \$72.00, wasn't that \$72.00 wasn't that on the thing with ah, my ah, surgery. Now I remember a \$72.00 check on that one. You guys are trying to put that \$72.00 wherever you guys want to. But that's ok. Boy do I have a surprise. And I've also requested that there be a video recorder there also for

RMO: Sorry, James. Ah, I, just turned on the recorder but um, I just got off the phone with the State Insurance Fund and there's no problem in them writing you a check for the full amount. I was a little bit worried that they would pay the amount that's required under the statute but that's not what's going to happen. They're going to pay you the full amount, \$49.49.

JC: Alright, ok I appreciate that.

RMO: And so it'll issue like it normally does, they put it into their system and then checks cut on Sundays and mail on Mondays.

JC: Ok so she can expect that Tuesday for her then.

RMO: Next Tuesday.

JC: Ok and then you'll also received my mileage reimbursement?

RMO: Did we ge- ok yeah it's here. I will send-

JC: Ok. And that was-

RMO: And it's been sent on to the company so that'll be however it normally goes.

JC: Right right. Ok. And that, oh ok. I was thinking you guys would just send me both, both amounts.

RMO: And it might, I don't, but I don't know the State Fund procedure. I don't know if it goes to the same entry point or if it's different.

JC: Ok.

RMO: It's whatever their normal procedures are.

JC: Ok. A-and you guys said that you guys weren't gonna do depositions with ah, um.

RMO: The Lifeways guys.

JC: Ok now are we gonna be having a phone conference. I thought we were going to have a somethin' go on today. Like a phone conference or somethin'?

RMO: No, I had to send a letter to the Commission today that said whether or not we intended to take those depositions that's all and then the Commission will contact us to schedule a phone conference so that we can do the-

JC: So has that already been ah, has that already been done?

RMO: The letter is prepped, I don't think the Commission has it yet. Our runner doesn't leave 'til 2.

JC: Oh oh ok.

RMO: And so they'll have it today but I don't know if the hearing officer's in today or if he's traveling because he does hearings out of-

JC: I called, I called Ms. ah, Ms. Burke to find out what was going on and I guess she's out also for the rest of the day so.

RMO: Oh yeah. It's. Whenever he travels to do hearings out of the city she usually has business as well so.

JC: Oh.

RMO: I assume they will call us on Monday to schedule the phone conference.

JC: Oh.

RMO: So if, if I were you I would leave a number where you can be reached on Monday so that everybody will be here so that the hearing officer can say ok, this is when your brief is due and this is when our brief is due.

JC: Ok. Ok then. Thank you very much for your time Ms. O'Bar.

RMO: Wait a second, hang on one second please.

JC: Ok, you bet. You bet.

RMO: Hey, uh, James, the front desk person has, has come back and she was really upset and she wants me to know that or wants you to know that use of any terms like "militia" and things like that are-

JC: Militia? What are you talking about Ms. O'Bar.

RMO: She thought you said you were going to call a militia. And she-

JC: A militia?

RMO: Yeah.

JC: Ms. O'Bar, lemme I, I understand that this is bein' recorded but don't be throwin' things out there that wasn't true. But I'll tell you what I did do today that is true. I filed a motion before the ah, Industrial Commission for reconsideration on them denyin' me access to Sandy Basket's ah, deposition. On March 5th of 2009, Sandy Basket was subpoenaed to appear before the Industrial Commission at this time. On, and it was subpoenaed. My attorney withheld that, that that subpoenaed word was connected to Sandy Basket's ah, and that's, you know it's also in there ah, and I am demanding the Industrial Commission matter of fact I'll

tell you exactly what I wro- exactly wrote. Because you see, I'm not gonna set back and allow to be taken advantage of in any way shape or form.

RMO: And that's fine. I'll, I'll get a copy from the Commission but my concern is my front desk-

JC: That was today.

RMO: -is concerned that you made a threat.

JC: You know what. You know you guys can go ahead and try to accuse me of saying things because you guys are just out there grasping at anything right now. Anything. Anything Ms. O'Bar. I did not say that.

RMO: Ok. I just wanted to make sure.

JC: Ok, and you know, i- if you're callin' me a liar, then I appreciate not doin' that to me because I am not lying. I'm not here to lie. Do you think that I would say something like that knowing that my voice could be recorded at any given time during a conversation with your office with Ms. O'Bar.

RMO: I, I just wanna make sure-

JC: You have another thing comin' if you believe that Ms. O'Bar. Just like you guys threw my chil- my kid in, into this mess. I have a right I'm demanding the Industrial Commission stand by their Order on Ms., Ms., ah, Sandy Basket's deposition to be done. I have every right to fight a deposition that has been ordered by the Industrial Commission and granted. I'm not gonna let Doug Donohue the referee again, deny me to have her in my last letter dated January 18th of ah, 2011 when I was denied for her to be, come forward before the Industrial Commission. I will be heard. Ok, Ms. O'Bar. That's how it is.

RMO: Alright.

JC: Sandy Basket must appear by Order of Commission by subpoena. Now you cannot go back now if I if I'm right the Industrial Commission cannot go back on an Order that was granted to the, to the plaintiff, in a claim, for what he is entitled to under the worker's compensation act. Now. Where we're at now Ms. O'Bar is we are in the area where I will be heard, how I've been treated through all of your process. What, what the insurance company has done. How they put my life back in in in in danger when they put me back to work. That is all admit and and

how the cover up to Sandy Basket's notes. See now that one, I may have gotten frustrated, I may have gotten 'cause I was under a lot of stress, pressure. You know, depressed, tryin' to get this to come to an end yeah, I was taken advantage of in the last two depositions but this deposition, there ain't no, there ain't no ah, well I didn't say that, this person said it. No no no no no. This, these reports are directly from Ms. Sandy Basket. You see I don't care that she works for the Industrial Commission. The ones that are going to make a consideration of what I'm entitled to, and then somebody that works for 'em pulled what she did? It's unfortunate that Carol Garland retired there in ah, August, because Sandy Basket's left in the bag but if I'm right too also, if I do go up to a higher court because we are in the area that I am familiar with. When a subpoena is ordered and granted it cannot be taken back. And I am demanding the Industrial Commission follow through, with their order. Or I will file an appeal. I'm done. Now I'm hopin' by me filing this that maybe somethin' will be done, ok. This needs to be brought to an end Ms. O'Bar. You guys are trying to destroy my life and try to say that I didn't fight for my life and the PTSD. You know what 26 year life expectancy is that my attorney put that was filed that you all received, whoops. I can't come into my house because I won't be able to talk on my phone.

RMO: Hey ah, I, ah.

JC: Oh ok, well you know I'm just tellin' ya.

RMO: That's fine and all that's before the Commission.

JC: I have a right to be heard. And like I have told you and, and don't don't your secretary ever accuse me of somethin' ever like that again.

RMO: My assistant is here now, her name is Michele and she was concerned and so I wanna get to the bottom of this because if a threat's made we'll have to take necessary steps but she is here and so she has told me that what she thought she heard was a thought, a threat that you would call a militia or something along that line because you were upset that I couldn't take the call.

James had hung up.

43. Monday, March 7, 2011, 9:50 a.m.

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RMO: This is Rachael.

JC: Hi Ms. O'Bar how are you this morning?

RMO: I'm fine, just a notice I am recording.

JC: Yes ma'am. Do you know if they ah, 'cause it'll decide if I wanna leave in the rain today or not. Do you know if they ah issue that check Friday or they were gonna issue it today?

RMO: All checks are printed on Sundays and mail out today. I got an email last week that said they were cutting this this Sunday but I don't have confirmation today that that did in fact occur.

JC: Ok, ok.

RMO: So-

JC: I appreciate.

RMO: I can find out and give ya a call back.

JC: Ok.

RMO: What's your number?

JC: Ah. That's why I wrote, wrote it down. This is a hard number for me to remember so I have to write it down, ah, 477, that's 208, 477-7921. And I also let the Commission know that this is my new number also, Ms. O'Bar.

RMO: Ok, is this ah, a permanent I mean do you have a new cell or, home number?

JC: Yeah this is a cell phone that

RMO: Ok

JC: Yeah, it's one of those disposable ones that somebody went ahead and got for me.

RMO: Ok. I will ah, give the State Fund a call and call you back.

JC: Ok

RMO: Thanks.

JC: Yep, bye bye now.

44. Monday, March 7, 2011 at 10:50 a.m.

RMO: I just confirmed with the State Fund that a check for \$84.98 was cut yesterday

and mailed today. That's for the-

JC: (Ok, Dorothy, Dorothy, you'll have your check ah, probably tomorrow, so. Ah, not on the ah, not on the other issue when you took me to the hospital, but when you helped me get those pills the other night.) Ok, ah. Ok, do you know if we're gonna be getting' any of this ah, of this um, isn't this conference call supposed to happen today Ms. O'Bar?

RMO: I don't know they haven't called me yet, to schedule it but I am available all day after, er, any time after one.

JC: Yeah, yeah. I, I, I, I, I guess ah, will will the Commission be involved too or is this we're just gonna set up the time when it needs to be done?

RMO: No the Commission has to set it by order.

JC: Oh ok, ok. Ok.

RMO: Ok so I'll be here if they ah, contact me.

JC: Oh ok did they ah, did they do my mileage reimbursement I know I'm not worried about that one but.

RMO: That's part of it, it's 84.98 so your ah, prescription-

JC: Oh ok, ok, yeah it was there. Thank you for your time on that Ms. O'Bar I appreciate it.

RMO: No problem, bye bye.

JC: Bye.

45. Tuesday, March 8, 2011 at 8:56 a.m.

RMO: This is Rachael.

JC: Yes Ms. O'Bar.

RMO: Hey I'm tapin' but ah Deana from the Commission's on the other line, she is tryin' to set up the phone conference to schedule our ah briefing schedule.

JC: Yeah I need, ok I need, ok, I'll let you go and can you call me back because you know what, why are you shortin' me on my mileage, payment. You guys been payin' me \$43 and some'in odd cents for a long time now you wanna scam me I'll give ya a call back Ms. O'Bar I'll let you finish that with her. Thank you

46. Tuesday, March 8, 2011 at 11:14 a.m.

RMO: This is Rachael

JC: Hello Ms. O'Bar. Hey I just came from Holy Rosary Hospital because I'm tryin' to get some ah, documents corrected but I didn't have the opportunity to go before the Commission to argue that they were relevant or not relevant and I decided also at the same time to ask 'em what document they used to receive those records. On August 11th of 2008 obviously they used the same document that they used to receive my Idaho Department of Correction records, state corporation records and now I have uncovered that they also used that document to receive my medical records from Holy Rosary Medical Center. They cannot have an update of any kind of medical release form from you all, the only one they have are still the ones from Dr. Hansen's office which ah they used to get and they distribute 'em out to their medical providers to try to destroy who I am as a person. Ah...

RMO: I have to let you know you're being recorded.

JC: Oh I hope I am Ms. O'Bar because how dare the Idaho State Insurance Fund...

RMO: The hearing officer has ordered has issued an order on this issue it's non, non issue. I'm done discussing this.

JC: That is not a non issue, we'll see if it's a not a non issue. You have a good day.

47. Friday, March 18, 2011 at 9:41 a.m.

RMO: This is Rachael.

JC: Hi Ms. O'Bar how are you this morning?

RMO: I'm good, I've got you on record, go ahead.

JC: Ok, hey hey um, because of the statement that was in the Holy Rosary report I went over there to get that ah, that statement that was put in there that you guys are usin' against me for nine, nine ah, whatever it is, nine six, at the same time I just thought I'd hypothetically ask 'em because I noticed in her deposition when

she was asked by Mr. Hull if she had actually used the ah, proper release form that I had signed, to actually get these records in their possession, she said yes. But now, because, I've contacted Holy Rosary the other day and ah found out that they also sent documents to ah grab records from them. Now where I'm at is I demanded them to request the return of those documents, because now those records are, have been changed because they were inaccurate in the first place. So, obviously she lied in her deposition, because the only one that they've got is the one that percifically asks for my 4/17 records prior to 4/17, of '08.

RMO: The Court has already ruled that we're entitled to those records so you're, you're

JC: You're entitled to 'em, but you were to send them the proper release for 'em that which was never ever done.

RMO: And what difference does it make-

JC: And they weren't done at the Industrial I mean they weren't done at the prison either because I contacted them.

RMO: Ok, put it in your brief, we've had this same conversation-

JC: Oh trust me, it's goin' in my brief.

RMO: Why did you call James?

48. Monday, March 21, 2011, at 9:06 a.m.

RMO: This is Rachael.

JC: Hey Ms. O'Bar, hey um I was told to contact y'all, to get those depositions of ah, Dr. Holt and Dr. Wilson, I mean ah, Mr. Holt, I mean Mr. Crum and Dr. Wilson ah depositions so I can finish this office since ah...

RMO: Ok, I thought we already sent those but I'll make sure that you've got them.

JC: Oh, you've already sent 'em?

RMO: I, I'm not sure, my, Dennise? The post hearing of ah...

JC: Dr. Wilson, and Mr. Crum.

RMO: Yeah, we'll get 'em to ya.

JC: Ok, thank you.

RMO: Bye-bye

49. Friday, March 25, 2011, 11:21 a.m.

JC: Mornin' Ms. O'Bar this is James Clark at 208.4, 477.7921. If you can give me a call I'd appreciate it. Thank you.

50. Friday, March 25, 2011, 3:24 p.m.

RMO: This is Rachael.

JC: Hi Ms. O'Bar, how are you this, afternoon?

RMO: I'm great, hang on my phone's weirdin' out here.

JC: (lauhgs)

RMO: It's the weather I think. Ok, there I got it.

JC: It's pretty bad over this way too, it's chilly out there. Ah hey I just needed to call and give you a ah, a contact number if you guys still need one or anything.

RMO: Yes sir.

JC: Ok, I got a contact, ah I won't have a phone after the second again but I wanted to give you my mom's phone number.

RMO: Okay, hang on, lemme grab a piece of paper here. For some reason my desk is...

JC: okay

RMO: Packed with everything but paper today. Ah, shoot. Ok.

JC: Oh, oh I have, I'm havin' to sell my 1954 truck ah, out here on the front oh you know can you hold just one sec?

RMO: I sure can.

JC: (if I can.) Ok, Ms. O'Bar. Ok. The number is 642

RMO: 642

JC: 2810

RMO: 2810

JC: And that was area code 208.

1558

RMO: Ok. So that's starting this weekend?

JC: Ah we can start that today that way you know in case anything else you know.

RMO: Ok

JC: Ok

RMO: I appreciate the update.

JC: I want, I wanted to, I I'm not I didn't call to argue about anything you know Ms. O'Bar, but yo- you know, um, I got on the computer and I looked up the S and W.

RMO: What-

JC: So ah, if a ah, if a serious and willful misconduct of the employer which caused the on the job injury if proven, resulting in penalty of 50% fine the normal compensation benefit without limit, the employer mus-, the employer must show, either a violation of a state safety order which OSHA was out there or a failure to provide a safe way, a safe (laughs) place to work. An employer can be found guilty of serious and will, full misconduct which I didn't do anything wrong. So what I'm hoping for is I'm gonna a- you know, I, I'm not real sure where I'm at with this, but I just uncovered it and I'm still finishin' up my brief, so I'm not sure that's why I'm tryin' to see if we can't just bring this to an end because I'm gonna make this part right here, a major issue, because ah, it was the employer's fault that I almost lost my arm so ah, you know, that's why I gave you this number, if you guys wanna come and try to, you know, before the ah, before this is all done, I'd be willin' to do that Ms. O'Bar. So we can bring this to an end so I can get on with my life. So right now I didn't call to argue, I just wanted to point this out that I did uncover this, on the computer today so I'll ah, I'll let you go, and ah.

RMO: Ok.

JC: And I'll have my brief done by April 1st.

RMO: Ok.

JC: Ok.

RMO: Have a good- bye.

52. Friday, April 8, 2011 at 11:24 a.m.

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RMO: This is Rachael.

JC: Yes Ms. O'Bar how are you this morning?

RMO: I'm fine how are you?

JC: Hey I was just calling to see if ah, if I gave you a update number or not.

RMO: Ah you know, the last one I have let me give it to ya here.

JC: Alright

RMO: Is 642.2810

JC: Ok, that's, that's, yeah, that's it.

RMO: Ok

JC: Ok. And just to let y'all know where I stand on my Social Security Disability, I was awarded Social Security Disability for the rest of my life so I just wanted to touch base on you guys on that too. So now I know I'm not stressed for money or anything so I can probably handle this worker's comp a little better.

RMO: Um, what's the effective date of your Social Security?

JC: It goes all the way back to ah, April 17th of 2008.

RMO: Ok, the date of the accident.

JC: You betcha.

RMO: And um, I know I forgot to ask you this before, who was the attorney that helped you for that.

JC: I didn't have an attorney.

RMO: Ok. And um...

JC: So, I just wanted to touch base make sure you had a number and just let you know what's ah, update over there no I didn't have an attorney on my worker's comp oh yeah I did I had Lynn Luker.

RMO: Yeah. I just wondered if you had one-

JC: Which withheld the information that I coulda been on Social Security Disability, all along, but it was all about money and then he quits when I try to explain to him about it so but anyway, I just wanted to call, touch base, make sure you have a propery number, that's all I did. So.

RMO: Cool. I just, I have one more quick question for ya. Um, I I'm su-, I'm sure your arm was was primarily the thing for which you were awarded disability but it was,

was it also the PTSD or anything else?

JC: Oh yeah oh yeah. It had, it was all related, all, all, Ms. O'Bar, related to my worker's comp.

RMO: I just need to know which conditions.

JC: I I rather not have anything more to say, ah, if you want more information. Well i- i- it doesn't matter what I tell you Ms. O'Bar because ah, you can't present anymore to the Industrial Commission. I'm just letting you know where I'm at I'm not gonna give you any more information that's a different issue.

RMO: Ok.

JC: Thank you.

53. Tuesday, April 12, 2011 at 4:43 p.m.

RMO: This is Rachael.

JC: Yes Ms. O'Bar how are you this-

RMO: Oh my phone's cutting out, are you still there?

JC: Yes ma'am.

RMO: Ok, sorry. What can I do for ya.

JC: Well I'm just callin' to see if you guys are willin' to talk or anything or anything before you know, to try to bring this to a resolution. Because you know, I I'm sure that you know, ah, it's everything's still negotiable up 'til the very end and what I'm hopin' to do is, is, is go down to ah, move to Portland with my kids.

RMO: Hey.

JC: And ah, you know I'd just, like to bring this to an end Ms. O'Bar. Um, I've been deemed ah, disabled by Social Security Disability, so, you know I don't really have to stress that much on cash right now but just to try to pay up my bills, haven't got my check yet.

RMO: Um, I will ask State Insurance Fund if they want to go back to the original settlement offer but it's certainly not gonna be more than what they were offerin' before.

JC: Oh wait a minute, whatta you whatta you mean the regular, the regular

permanent I mean the regular ah, settlement offer.

RMO: The previous settlement offer if they're even willing to negotiate now that we've been through all the post hearing depositions and whatnot.

JC: So ah, are you talkin' about the settlement that ah, me and Lynn Luker, had.

RMO: Ah.

JC: Around the 27th, is that what you're talkin' about?

RMO: That, I will ask them if that's still on the table but-

JC: Well no that's not on the table for me Ms. O'Bar I wanna bring this to an end.

RMO: Ok then, they're not gonna change from where they were.

JC: Ok well this is where I'm at because I know, ah, I really don't have to stress that much, but I feel that I've been pretty taken advantage of ah, of your clients very much. You know I didn't call to argue, it's you know it's there I'm not you know, ah, I've been pretty well disrespected through the whole thing I'm just blessed that I did you know, you know, make it through all this, ah, fighting with you all, and fighting, ah, well I didn't really have to fight with Social Security Disability, ah, but I'm just ah, you know I like, I like, to try to move forward in my life, and, and I know the SW, because I've, you know, I've been taken advantage of Ms. O'Bar, and if and if need to, because I don't have to worry about the cash now, is that I will file an appeal especially with ah, with um, Lynn Luker havin' ineffective assistance of counsel, you know now that I've know that I was able to get on Social Security Disability before I ended the worker's comp and other matters that you know, me and him discussed that he wouldn't bring forward that shoulda been brought forward at my hearing. Um, you know, I'm just ah, I've been totally disrespected.

RMO: So what is it that you want in a settlement.

JC: Well it's not what I want I I just like you to kinda take a look at what's there in front of you, and like you know I that's only based on Ms. Owens I mean Ms. O'Bar, I wouldn't do anything different, than what Lynn Luker did. Lynn Luker did a thing, whatever that was, now that I I truly comprehended what it is now, because I didn't know about it before, I just know that, at wha- at that moment in time on June, of oh-ten, you know I kinda made the joke that here you know,

they're trying to say I have a 26 year life expectancy, see that was kind of a little joke at that time with me but then, I've realized, what that truly means. Ah, bein' totally disabled and over a 26 year period, the only thing that I changed in his regard to what he wrote out which is what I copied from word to word, over a 26 year life expectancy if I am deemed disabled under the odd-lot dictorian act with worker's comp, um, the only thing I added, was over a 26 year period, instead of just a five year period, with this ah, with the PTSD, that he put together, all I did is divided that, what he did over a five year I divided that by five, took the first one and then divided it over a 26 year life expectancy, that's the only thing that I changed.

RMO: Ok, James, I've got an appointment

JC: Ok

RMO: I've gotta get out the door, so I will certainly talk about this with you some more

JC: Oh ok, thank you Ms. um O'Bar.

RMO: Buh-bye

54. Wednesday, April 20, 2011 at 10:25 a.m.

Answering Machine picks up:

RMO: This is Rachael O'Bar returning the phone call of James Clark. My phone number is 344.5800. Thanks.

55. Wednesday, April 20, 2011 at 10:44 a.m.

RMO: Hi James.

JC: Hi, how are you today Ms. O'Bar?

RMO: I, I'm good. I, I am recording, but, all is well.

JC: Ok. Ah well I just ah called to let you know ah, that, this is a or this phone so this is a contact phone that you can get me back with now.

RMO: I can't hear you hon, wha- what was that?

JC: Oh oh, I, this is ah, I borrowed another phone so now this is a ah, a contact phone now that ah, you can get a hold of me at, 'cause it's my mom's.

RMO: Ok what was the number again? It was garbled on my message.

JC: Ok it's ah, 208-477- (what is it? 8580?) 8580.

RMO: Ok, thank you.

JC: Uh-huh. So ah, have you guys ah, finished your brief yet or anything or are you guys still waitin'?

RMO: No I'm still plowin' my way through it. It's funny you'd ask 'cause that's what I was doin' when you called.

JC: Ok so ah, no talk yet or anything.

RMO: No sir.

JC: Okay, okay thanks Ms. O'Bar.

RMO: Thank you, buh-bye.

56. Thursday, April 21, 2011, 3:49 p.m.

JC: Hello?

RMO: This is Rachael O'Bar, calling for James Clark.

JC: Hi Ms. O'Bar how are you?

RMO: I'm good.

JC: Hey I need to ah, can you, I just need a couple things from you, ah, I was wondering if there was any way that you could just go and tell me over the phone on ah how much I was getting ah, monthly, my first month off work, and then-

RMO: Oh the two week payment?

JC: after the impairment?

RMO: Ok, if you look in your hearing exhibits

JC: Uh-huh

RMO: Those are in there.

JC: I don't have those Ms. O'Bar, I really don't.

RMO: Ok

JC: They've been they've been given you know they been given to somebody to not

be returned that way I don't dwell on everything, you see what I mean Ms. O'Bar?

RMO: No, but that's ok. So you-

JC: Well well well it it it it's, I have you know this way, my family did it that way I gave it up, and not have any of my paperwork anymore because to me it's almost over.

RMO: Ok.

JC: That way I don't keep lookin' at it and then I keep catchin' things, see that's what it was all about, and I just don't have it handy.

RMO: Ok, ah, so you need to know how much the, the two week payments were?

JC: Ah, yeah you know when I first got injured I was bein' paid so much every...

RMO: two weeks, yeah, ok.

JC: Well, once, once a month I think I was getting the check.

RMO: Ok, I can get that and what's the other

TAPE CUTS OUT

JC: I know it was like \$1,400.

RMO: Yep, I can find that out real quick.

JC: Ok well what it is Ms. O'Bar is I been put in a jam with ah Social Security Disability (unintelligible)

RMO: You're breaking up, I'm sorry I can't hear ya.

JC: Oh there's been a big conflict over ah, if I've been paid anything through worker's comp

RMO: Ok

JC: Even though they know I'm dealin' with worker's comp I guess there was nothin' that was sent by my attorney I thought he was doin' that for me. But I guess not, so, they wanna know, how much I have gotten, ah

RMO: Ok

JC: Uh, ah, how much I've gotten ah, my monthly payment for, (unintelligible)

RMO: Ok, temporary total disability, right?

JC: Right, and the amount paid out onto that, the amount paid out on that and my monthly, and then ah, Dr. Hansen did a 27, that was \$27,000 somethin', and then how much ah, I was bein' paid per month on that, and that's all I need Ms. O'Bar.

RMO: Ok, do you want me to mail it?

JC: Yeah 'cause I don't have a, I don't have a fax, yeah if you could do that for me I'd appreciate it.

RMO: Alright, what address do you want me to mail it to?

JC: Ah, same one, PO Box 391

RMO: PO Box 391. Ok, I'll try and get that out ah, today.

JC: Ok.

RMO: Or actually it'll be Thursday in the morning 'cause my secretary's gone.

JC: That'd be just fine Ms. O'Bar I appreciate it.

RMO: Alright, bye bye.

57. Tuesday, April 26, 2011 at 9:35 a.m.

RMO: This is Rachael.

JC: Good morning Ms. O'Bar how are you this morning?

RMO: I'm just fine how are you?

JC: Fine hey Ms. O'Bar do you have a few minutes, if not I'd like to call back when you have a few minutes, ah.

RMO: I have ten minutes until I have to leave for a deposition.

JC: Ten minutes wow that's-

RMO: So, I'm all yours for ten minutes.

JC: That's about how long I wanted but I just wanted not be interrupted because I won't call back again until ah, the 13th to respond to your ah, brief, that hasn't been filed yet. Hey Ms. O'Bar, this is where I'm at. Um, you know, I'm gonna now move, move forward and ah, work on this actual injury that happened now that I know that I can do this, with ah, with you know ah, Ms. O'Bar, you all are saying uh, that you guys haven't really done anything wrong. I wanna move forward, again, this is where I'm at, uh, and I know that we can do this before the 13th. Uh, um, I, I, I can see if we don't settle this, before the 13th, I'm gonna go ahead and file an appeal Ms. O'Bar, I wanna bring this to an end. You guys say that you guys haven't done nothin' wrong, how HIPAA doesn't apply, blah blah

blah blah, but you know, if I have to file an appeal, down the road, because of everything that's been done to me, and, and I, the injured worker has documents this isn't just my hearsay Ms. O'Bar, I have documents on how I was actually treated. They may not apply to worker's comp or does it apply, I really don't know, is this thing complicated you bet. Has your so called whatever happened with me with Social Security Disability, has that been complicated, that is very complicated now that ah, that they've done this and I have to try to figure all this out with the worker's comp, and I know where I'm at with the worker's comp, and I know where I'm at with the worker's comp now with ah, with the Medicare, Medicare (unintelligible) I received I been lookin' into the last few days, ah, I just wanna move forward and that's what I'm about ready to do now. I know that my ah, that my ah, that you guys are still responsible for all my medical treatment, until this matter is resolved, and now that I know that I can go, to Lifeways, and literally work on, how this has changed my life, I will file an appeal. You guys are still responsible. I've got you guys. No matter what. Somewhere down the road, I know that I've been treated wrong. I can't get an honor an honest answer outta anyone, I can't rea- I don't know the law in this, that's ok, 'cause when when when when Ms. ah, when Ms. Owens lied, under her deposition, I know now, that lie under a deposition will get my foot in the door in a in a an appeal so somebody will truly know what you guys have done wrong. Ok. I already have my response to your guyses ready because I'm not gonna wait 'til the 27th to respond, because I want this to move forward now. I can't do nothin' until the 13th, 'cause you guys are gonna obviously stall until the 13th, I don't know what you guys are up to, I don't know what this ah, Social Security has done, but this wasn't all about money, to me at first Ms. O'Bar. This was truly, let's take care of me. That's all it was. But I found out over time, that it is about money, but it's still not about money because all that I been lookin' and I've got it set up now is to where now I can go and get treatment and not have to worry about you guys 'cause you guys are still responsible and that's how my bills will still be presented through you all, that's a, like a first whatever for ah, because all the medical treatment and everything in my meds, are very important to me, and I will not

give those up for anything. Those are what's makin' me stand above the water that's up to my throat now. It's 'cause I got the Social Security Disability. Don't mean that I'm still outta the woods, 'cause I ain't even got the money in my hand yet from 'em. It's just on paper. So we know how paper is. So ah, I just wanna move forward. I've got you all, and I will have an appeal if I have to because I already kind of know what you guys are gonna do, you guys are still gonna argue. I'm not I'm done arguing with you. 'Cause now I've got you all where I want ya. When when when this is done, when you guys are done on the 13th of whatever you guys have, or, I don't know what you're doin', but I know once that is done, it's finally gonna move forward with the Industrial Commission. If you make me go that far Ms. O'Bar, beyond the 13th we are trying to negotiate what Lynn Luker put together, he's supposed to be this great attorney, he put that together, then I'm gonna stand by that, but he ain't gonna get a dime either. I'm gonna argue that, that's another reason why let's get this done 'cause I still gotta argue him if he deserves anything, after what he put me through, it's not about you all, either. I've got you all, I can't put my finger on it but I know if I can get myself in an appeal, and it goes before another kind of a court, then they can see, what you all, or they have done, to me, and the things that I've negotiated with you all and then you guys try to back out of it and then you guys, and then the insurance company puts me through the all this undue stress, that was not necessary, because they did not want to take responsibility, for me, almost losin' my life. I'm still havin' a difficult time. Easter (laughs) my kid. This injury, has kept me from that. That, that is related to this injury. Everything, psychologically, now that I've uncovered and realized what you guys are trying not take responsibility for and all I've wanted is a little bit of help. Can you imagine Ms. O'Bar if they if you all if they woulda helped me out at the very beginning of this and not tried to lie to me and stuff, none of this woulda came out. I know that my eyes Ms. O'Bar, would not to see some of this paperwork that I've seen. Trust me, but I did. Ok. I have been treated wrong. If you all wanna try to, say that you hadn't because I don't know, under the worker's comp, ok, it's all about the well under the worker's comp, blah blah blah but I'll tell you what I know also, (unintelligible) but know

when she got those records, and the way that she did, because ah, her lie that she did under oath, even, that it was done not correctly. So let me get this to an appeal, and see how, much psychological damage that they have unduly put on me. Ok. And I've been able to prove through, through ah, OSHA, that they were in the wrong. I've tried to uncover myself, what I am also entitled to here to help me to deal with everything that I've been through in my life. Is this over for me yet? Oh hell no. Whoops, my first cuss. But you know, this ain't over. We can have it over by the 13th Ms. O'Bar. That's all I have to say. But I'm not gonna take anything less. I'm not askin' for what I actually put together that in reality, if you go by Lynn Luker, that is what I'm entitled to with that SW act because OSHA I was able to prove, add that onto there, that's what Lynn Luker put together. It's not what I put together. It's what an attorney put together, to try to settle this, over a 26 year so call life expectancy now that I've, figured out what that 26 year thing was. I don't I didn't know any of this stuff, all that I was askin' for Ms. O'Bar in the very beginning of this is for a little bit of help, with doctor care. If they would have paid me that \$316.00 when I was falsely put back to work, in a place that was not suitable, for a place to be workin' at, this I wouldn't even gotten this far. But because they didn't pay me for that money, I uncovered how they tried to put me back to work, I uncovered how they got my docu- got my authorization see I'm goin' on steps on on each thing that I was able to uncover as they continued to, try to take advantage, of somebody that almost lost his life, and all is wants, is a little help, to deal with scares and things that are goin' on in his life, and these and not bein' able to work and be a man, as I once was, that's been taken from me. That's not related to this injury? Psh, come on Ms. O'Bar. Bring this to an end, so I can get on with my life, so I can step make a step forward as I've al- throughout all you read all these documents all that I've ever wanted to do was just bring this to an end. But everytime, we try to bring it to an end, you and your attorney tries to, make us stop. I mean we coulda settled this when we brought when I signed Lynn Luker back up with this, back in Christmas when I told my kids and I lied to 'em again, this ain't related to this injury, yeah, it is Ms. O'Bar. Ok ah, we coulda brought this to an end, and I could've already

moved forward but oh no then now you guys wanted to come back and go oh no you want me to give up my ah, ah, Lifeways that's been helpin' with me, to go to one of your doctors, so six months down the road you guys can strip that out from underneath me, and then I have to argue it again but it was already part of a settlement so, I'm screwed there no I'm not givin' up Lifeways. They have been, my sole, they have the ones that have been keeping me together. Not your doctors. Your doctors. (laughs) I can't believe what your doctors would come in and say, in a deposition but that's ok they were bein' paid for it right. I didn't have to pay for my doctors to say what they said. I, your clients lying, I know I have, some way or another, and I'll file an appeal. If you make me go that far, because see I'm gettin' SSD it's not in my hand yet, but I've got (tape cuts out) I've got the Medicaid card, I've got how much I'm gonna be makin' a month, uh blah blah blah blah, so, you know, I can take that time and concentrate, on my way, injury, ok, and try to move forward, 'cause I still don't know what this has done to my worker's comp getting SSD I really don't. But I know now that I have an income. Well, it says it on paper but again, we know how paperwork goes right Ms. O'Bar. It's not true until it's in your hand, ok, so, I wanna bring this to an end. You guys think about it, but remember Lynn Luker's settlement, the very beginning of it. Over the 28 ah 26 year life expectancy. Like I said, I'm not askin' for what I actually, I'm just letting you know that I'm not (unintelligible). So ah, you come up with what Lynn Luker said at first Ms. O'Bar. 13th. If you make me go beyond that, go to an appeal and not being able to be taken care of financially, now I have a monthly income, thank God, because Lynn Luker was trying to keep me from getting this, (laughs) nah. Anyway that's another issue, that's where I had to get this done 'cause I know that he's got a lien on me so I still have to go and argue his case, so you see it's not really over, it's, (tape cuts out) argue with the Industrial Commission (tape cuts out) Lynn Luker's entitled to. So let's just move forward, and you all think about it, and if not, my brief to your response is already (tape cuts out).

RMO: Hello? You're cutting out Mr. Clark.

JC: Ok, well I'm I I, it's about ten, I know ya gotta go so there I am Ms. O'Bar so ah,

I'll letcha go and ah we'll see what happens.

RMO: Ok.

JC: If I go beyond the 13th what the hell I'll just go to an appeal and ah, prove the thing, of everything that you've done, within, connection, to your, anyway. Thank you Ms. O'Bar.

RMO: Bye bye.

58. Thursday, July 21, 2011 at 2:02 p.m.

RMO: This is Rachael.

JC: Hi Rachael how are you today?

RMO: I'm good.

JC: Hey uh, I need to send in my mileage and I don't have your fax number anymore right off hand.

RMO: Oh alright, ah, let me check it out, I don't know what it is.

JC: (laughs)

RMO: I don't, I have to look it up.

JC: Hey hey that's just like my own mom's number, sometime's you know I gotta actually just push a button you know just ah (laughs)

RMO: I understand, auto dial it's a wonderful thing.

JC: Hey isn't it.

RMO: It's ah, 208-344-5510.

JC: Ok, hey, I have another question for ya, hey are you guys also involved with the ah, thing with ah, with ah, ah... Shit I almost forgot his name. I gotta remember it. Ah... my old attorney? Luker.

RMO: Mr. Luker?

JC: Yeah are you guys uh, also part of Lynn Luker's on what he's entitled to or anything like that or what.

RMO: The, the Commission's the ultimate arbiter of who's entitled to what and so we're really not involved other than to say what we did with him during the case.

JC: Oh oh oh oh oh ok ok, so ah, ok ah, ok, um I think I got it.

RMO: So we have to report to the Commission when he got involved, what was at an issue when he got involved and what was at an issue when he left.

JC: Oh oh ok ok. Right because I know that uh I wrote a letter to the Commission saying that I don't believe that he's entitled to anything, so I just wondered if you guys had something to do with that er, or anything like that so that's somethin' that me and Lynn Luker used to sit down and decide before because he put a lien on it, on whatever I'm entitled to so basically then I just have to ah...

RMO: Right, but the Commission actually will make that determination as part of it's ah, order and decision. That's all kind of part and parcel of the same thing so they'll address that specifically Referee Donahue will address, what you're entitled to, how much will be paid to the attorney, things like that. That's all part and parcel of the same thing I do believe. They don't usually parce 'em out, they might in this case.

JC: Well I know that when he put you know because he put a lien on it because he quit, um, I, I'm in the process of goin' to see ah, 'cause he's sayin' that he's entitled to somethin' when I don't think and other people don't believe that he is because he quit, I'm just tryin' to figure out where I was at with you all on that section so I know that I just go ahead and call him and go on down there and, look at it with him, because I gotta figure out on 'cause me and him used to set down and say hey, I think you're, you know you know what I mean. I gotta sit down and negotiate somethin' with him 'cause I personally, am filin' a ah, an unaffective assistance of counsel on him once the Commission has made their decision because I know I'm not, gonna get a fair one and since I don't really need to stress that's my option and I just gotta wait for it all to go through the steps unfortunately.

RMO: Ok I-

JC: You know at the end, I just wanted to let you all know that, that I will you know because of what he's done is put a lien against it I'm putting I'm gonna be filing a ah, unaffective assistance of counsel, on Lynn Luker. I've already got the stuff from ah, from ah, the Idaho State Bar and everything on it I'm just, everything gotta go through its process first so that's why I'm

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RMO: Right.

JC: Jumped the gun to do ah, you know I've learned over time-

RMO: You're startin' to break up James.

JC: Oh and you know you just gotta go through your steps, you know I just gotta wait and, before I can really do what I, you know, need to do.

RMO: Ok.

JC: So where are we at here? So basically there's no, there's nothing no negotiation no nothin' other than you guys are still obligated to pay my bills until that decision is made correct?

RMO: Yes sir.

JC: Ok so when when ah, so when, Dr. Rambo wrote a prescription out for me, last week, or ah a few weeks back, to go to physical therapy, and you guys are still paying for my physical therapy when I go back to ah to physical therapy so I can do physical strengthening to my arm which he believes, my pain specialist, which is Dr. Morland's office, believes that I should do that so they wrote a prescription out so I wanna also touch base with you, on where I stand on that. Because I don't wanna go in there and then have a, a big fluke and an argument goin' on because you guys are gonna say that, he's not, it's not part of my injury which it is, because he wants me to do physical therapy so.

RMO: Ok I, I'm-

JC: But I need to do, then what I need to do just like I was doin' last time is what I need to do, is to go ahead 'cause I can't contact the insurance company this time. So basically what I need to do is take that prescription, take it over to ah, the same one that I was goin' to before, ah, and go ahead and restart again, over there in Ontario, Ontario ah, where where I was havin' it done, and of course in the referral, and I would have to wait, you know they will contact you all, to get that referral sent over to him so he can be paid so I um, start my therapy until this matter's resolved and then of course I will take over correct?

RMO: So, Dr. Morland referred you, who's, is Dr. Rambo the therapist?

JC: Yes.

RMO: Ok.

me do it. This is your guys' fault. You're lucky I didn't kill somebody.

RMO: Tell me what happened.

JC: Ran into the side of somebody's car.

RMO: Ok, and you-

JC: Alright.

RMO: Are you ok?

JC: That ain't the issue here.

RMO: I wanna make sure that you're ok.

JC: I'm ok, you're ok.

RMO: Ok, um-

JC: Alright, you guys put me in the situation.

RMO: Ok

JC: That I have begged for you guys to help get me out of. The only reason I didn't go to jail was because I was on private property and the gentleman's vehicle that I hit didn't wanna see me go to jail. They had me out here with all my medication that I take every day and they were not happy that I was even behind the f---in' wheel of the car.

RMO: Ok. Where were you, were you going to the-

JC: So I'm out-

RMO: Yesterday

JC: So here on out, you guys will be getting me to my Lifeways programs, you will be getting to my psychiatrist, you will be getting me to my pain specialist. I don't care.

RMO: When are you next scheduled for an appointment?

JC: Today it was.

RMO: And that was at Lifeways?

JC: Yes. Now it's Tuesday.

RMO: And, ah, who is your new counselor at Lifeways? Isn't Jay gone?

JC: No he is not gone. He went out for a little ah, surgery, if you're keepin' that close a tab. So he had somebody else takin' his place that I went in and seen.

RMO: Ok. Um...

JC: All that I have to say Ms. O'Bar I don't know what you "uh" about, I need transportation my next transportation is Tuesday, I don't have a phone no more, all that I have to say is there better be a way for, that ah, that Idrade or whoever the hell they were that's been givin' rides to my f---ing doctors they better be ready to be taking me to my doctor Friday 'cause I'm gonna tell you Ms. O'Bar, I'll sue the f---ing hell out you guys if you guys don't help me get to my f---ing places like you guys are supposed to be doin' in the first place.

RMO: Is the appointment on Tuesday-

JC: You have a good day Ms. O'Bar! I will set it up with them myself to make sure that I have transportation. If you deny my transportation to get myself there ah, matter of fact, because of my medication I can't really go out and do anything. So who's gonna help me pay for my groceries, who's gonna help me help help me go and do things like that Ms. O'Bar now that I can't drive. Huh?

RMO: Do you have a valid driver's license?

JC: Yeah I do Ms. O'Bar, as of right now. But my vehicle is undriveable.

RMO: I need to ask you-

JC: It's wrecked, Ms. O'Bar.

RMO: I need to ask you-

JC: Be- you guys are re-, you guys refuse to help me get to my doctors' appointments.

RMO: Now I need to ask you, I understand that you were cited last month for having a suspended license so I need to know if that's the case.

JC: I was sus-, I was cited for havin' a suspended license?

RMO: That's what I understand, in Oregon.

JC: Well I don't know where you're getting' your ah, I don't know where you're getting your information but that's a flat out lie.

RMO: I'm just asking.

JC: Ok, you guys get information that you guys don't even know and try to use it on people and you know what here you are again. Ok. I'm gonna tell you something. You better be careful.

RMO: Is that a threat?

JC: You're watchin' me that bad, you want me to come over there and sit on your front porch until this matter is resolved, so you guys can keep a good eye on me, so you c-, so, so, so your stories are right?

RMO: I just need to know, do you have a valid driver's license and if, if not, I need to know that because that, ah, obviously will affect whether or not you need transportation.

JC: Yeah I have a driver's license, Ms. O'Bar. So you're gonna tell me that you're gonna make me go back out on the streets?

RMO: I just need to know-

JC: I'm asking you Ms. O'Bar, are you wanting me to go back out on the street and drive and go to these places?

RMO: I'm not-

JC: On my medication? I can't drive. I'm lucky I didn't get my driver's license taken away.

RMO: I need to talk to the doctors, find out what meds you're on-

JC: It don't matter what meds I'm on.

RMO: Yes it does.

JC: Ok.

RMO: And so I'll be finding out what meds you're on, whether or not you're cleared to drive as long as you have a valid driver's license. And that it's not suspended or revoked and you're not under any other legal issues that affect your ability to get to and from your appointments.

JC: So. I'm puttin' myself in a hospital Friday. Obviously you're gonna f--- me around! I don't need your stress Ms. O'Bar. It's your responsibility I don't give a f--- if I got a license. It's your responsibility to make sure that I get to 'em. I don't even have a vehicle. You got a vehicle I'm gonna drive? You got a vehicle I can drive! I don't have a vehicle to drive? Are you comprehending what I said Ms. O'Bar? I wrecked my vehicle because of your guys' neglect to help me get to my doctors' appointments.

RMO: And I asked you, were you on your way to a doctor's appointment and you said no.

RMO: Right.

JC: Jumped the gun to do ah, you know I've learned over time-

RMO: You're startin' to break up James.

JC: Oh and you know you just gotta go through your steps, you know I just gotta wait and, before I can really do what I, you know, need to do.

RMO: Ok.

JC: So where are we at here? So basically there's no, there's nothing no negotiation no nothin' other than you guys are still obligated to pay my bills until that decision is made correct?

RMO: Yes sir.

JC: Ok so when when ah, so when, Dr. Rambo wrote a prescription out for me, last week, or ah a few weeks back, to go to physical therapy, and you guys are still paying for my physical therapy when I go back to ah to physical therapy so I can do physical strengthening to my arm which he believes, my pain specialist, which is Dr. Morland's office, believes that I should do that so they wrote a prescription out so I wanna also touch base with you, on where I stand on that. Because I don't wanna go in there and then have a, a big fluke and an argument goin' on because you guys are gonna say that, he's not, it's not part of my injury which it is, because he wants me to do physical therapy so.

RMO: Ok I, I'm-

JC: But I need to do, then what I need to do just like I was doin' last time is what I need to do, is to go ahead 'cause I can't contact the insurance company this time. So basically what I need to do is take that prescription, take it over to ah, the same one that I was goin' to before, ah, and go ahead and restart again, over there in Ontario, Ontario ah, where where I was havin' it done, and of course in the referral, and I would have to wait, you know they will contact you all, to get that referral sent over to him so he can be paid so I um, start my therapy until this matter's resolved and then of course I will take over correct?

RMO: So, Dr. Morland referred you, who's, is Dr. Rambo the therapist?

JC: Yes.

RMO: Ok.

JC: He works under Dr. ah, Dr. Morland's office, yes.

RMO: Ok, send a copy of the prescription along with your travel reimbursement and that'll speed things along I'll bet.

JC: Ok, will do.

RMO: Ok.

JC: So, ok, well that's basically all I needed to know Ms. O'Bar I needed the fax number so I can get that and plus also ask you where I stand on um my physical therapy.

RMO: Ok.

JC: Ok thank you Ms. O'Bar, you have a good day and weekend.

RMO: Alright, bye bye.

JC: Bye bye.

59. Tuesday, August 9, 2011, 10:26 a.m.

RMO: This is Rachael.

JC: Hi Ms. O'Bar how are you this morning.

RMO: I'm great how are you James.

JC: Very good hey I'm puttin' together my mileage reimbursement

RMO: Ok

JC: Um, But I need to kind of go back 'cause I'm doin' it like, uh, every other month, 'cause I can't affor- you know I, I gotta conserve money I can't make it there every month, 'cause again you guys have continued to deny me help and transportation to get there. Um, I need to go back and see if you all paid me for ah, January 20th and February 17th, visits.

RMO: February 17th, ok. I will check with the Surety on those dates.

JC: Ah, can you get back with me 'cause ah

RMO: Sure

JC: I I I need to get this out this morning.

RMO: Ok whats you're ah, phone number?

JC: 208

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RMO: uh-huh

JC: 477-8580

RMO: 8580. Ok, lemme go check and I'll give ya a ring back.

JC: Ok, thanks Ms. O'Bar

RMO: Bye

UNKNOWN DATE AND TIME

JC: You know because of my quitter of an attorney that held back a lot of stuff that I was trying to get him to bring to you guys attention but he wouldn't ah, um, you know back in June of '09, nope June of 0-10, uh, my attorney at that time, Lynn Luker put together a settlement offer, I know it's before the Industrial Commission, I just wanted to let you know what may happen if, if something doesn't happen. Um, ah, well, uh, let's see here, I lost my train oh ok uh, you know he he wrote a settlement offer of like four hundred and some thousand or whatever ah, and, there was never a response from you all on that, but ah you know because everyone was tellin' me how great an attorney he was and I couldn't get a better attorney and then even his letter that he wrote me after he quit but he wanted to come back and help me though, ah, if I woulda done the settlement offer but he wouldn't but he still continued to quit... and not help me, finish it off in December. But what it is is ah,

RMO:

JC:

RMO:

JC:

RMO:

JC:

32. Wednesday, October 26, 2011, 11:06 a.m.

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RMO: This is Rachael.

JC: Hi Rachael, how are you today?

RMO: Oh, shoot, I had my speaker up too loud. Sorry.

JC: It's alright.

RMO: I'm good. What's up, man?

JC: Am I being recorded?

RMO: Yes, sir.

JC: Ok, that's quite alright. Hey I'm sending you off a mileage reimbursement for ah, for ah, for my appointment with ah, Dr. Morland's office.

RMO: Oh, ok.

JC: And number two, Ms. O'Bar, I understand that everything is before the Industrial Commission as of right now and it's takin' a little bit more time than I thought it would, we're going into the fifth month, and again I'm continuing to go broke. But over time, as I've learned over time, 'cause you seem guys seem to not wanna bring this to an end so I'm learning more and more, I've already talked to an attorney I'm gonna go down and file a ah, I'm gonna file one against Sandy Basket, ah, a civil suit, which because my civil suits will not have nothing to do with what's before the Industrial Commission because obviously whatever they said or did has nothin' to do with my worker's comp but in reality I think it does. Ah, so I'm gonna be filin' a civil suit against ah, Sandy Basket and Ms. Jewel Owens for their ah, defamation, lyin' under oath and puttin' me through the mental anguish and everything that they put me through. I've already got the paperwork to have it filled out. I have an appointment with a, with a, well, with an attorney here in Frui- ah in my area ah because I'm about to file a civil suit against Ms. Jewel Owens. I just thought I'd let you know, ah, you know, I know I can only get \$5,000, up to \$5,000 through a small claims which I have the paperwork for that also to fill out but first I wanna talk to an attorney to see if ah, if I can even go even more because as I've been told it's just a game, they could say anything that they want but they can't say anything they want about me 'cause you guys I was, I been defamed, I been a lot of things and, and right now I'm going even more broke and into the hole and by God ah, it's not gonna

JC: I was comin' back, it doesn't matter if I was on my way back from a doctor's appointment or not. By my, by doctors I'm supposed to be on this medication every day, not while I'm drivin'. It don't f---in' matter. No, I was not comin' back from a doctor's appointment I did not have a doctor's appointment yesterday. I was driving yesterday, I had to go get food Ms. O'Bar. Do you know what food is? Food is things that people eat. I was comin' back from the store.

RMO: Ok

JC: Ok. That's what I was doin'. I have to eat too. I have a right to drive. Since you guys aren't going to help me get anywhere, I have to do it myself, Ms. O'Bar. So, are you guys gonna start helpin' me, or am, am I gonna have to slap another lawsuit on you guys? Because that is a lawsuit, by you guys denyin' me and now I got in a wreck Ms. O'Bar, and I have warned you guys and warned you guys to try to help me get around and get things done but oh no you guys don't give a shit. Alls you guys are worried about is your money in your pocket. Well you know what I'm worried about I'm worried about killin' somebody while I'm out there f---in' drivin' around trying to do my living, my daily living. Do you know what daily living is? It's goin' out and buyin' toilet paper to wipe your ass with. Goin' out and getting' shampoo so you can shampoo your hair. Goin' out and buyin' food so you can eat. That's my daily things that I have to take a risk on getting pulled over and doing 'cause you guys don't wanna help me and and and and on top of it you never even wanted to help me get to my doctors' appointments which I have argued before the Commission and then when my attorney f---ing lied to me and told me that oh, oh I haven't heard nothin' blah blah blah when he had copies of everything right there in front of him. See he's a f---ing liar too. Yes, am I upset, you know, I, I, I, I'm not threatenin' nobody, I'm pissed off Ms. O'Bar. I almost cost my life and somebody else's life because of what you guys have been denyin' me help on.

RMO: What meds were you on yesterday when you had your accident?

JC: You wanna know what meds I was on yesterday when I had my, when I had.

RMO: Yes.

JC: Well you hold and let me run to my trailer 'cause I'm not on my phone I'm on my

boss' phone.

RMO: Why don't we talk tomorrow and you can relate 'em off tomorrow-

JC: No no

RMO: Since you're on his phone

JC: No no no no no no. No. We'll get it done today 'cause see I don't have a phone. Do you give me two minutes and I'll have every single bottle I take right here in front of me.

RMO: Ok.

JC: Hold on. (gap in conversation while he gathers his prescriptions) Are you there?

RMO: Yes sir. Yes sir.

JC: Just a moment. Let me get 'em all set out here. Ok, are you ready for what I'm takin'?

RMO: Yes.

JC: Yeah. Clozapin, one milligram, I take one of these, three times a day, for anxiety as needed. Second one, Prozac [phonetic], five milligrams, took one of those at night, which is still in my system come the next morning, Anatriptan [phonetic], helps me sleep, take one of those too at night, it's still in my system the next morning. Sytraline [phonetic] 100 milligrams, uh-huh, Tetraine [phonetic], 100 milligrams, I was on those. Parosprin [phonetic], 15 milligrams.

RMO: I'm sorry, I couldn't hear you, James.

JC: P-u-s-p-i-r-o-n-e. 15 milligrams, two of those a day. Protazapin [phonetic], 30 milligrams. I take a half a mill- I ha- I take one of these tablets every morning when I get up and I take one every night when I go to bed. And then I take my Abilify, I take one a day. So, I'm on one two three four five six seven. Count.

RMO: Hello? Are you still there James? Hello? (Calls James back)

JC: Hello there.

RMO: Hi Derek, got cut off.

Derek: Alright, I might have, just hang on a second. I was hopin' they didn't need the credit card machine and they didn't. Whew. Just had a customer. This line's our credit card number.

RMO: Oh, I'm sorry.

Derek: It's alright, here's, here's Jim back.

JC: (I thought you were gonna trade me) Hello?

RMO: Ok, you got cut off right when you said there was seven.

JC: I have one, two, three, four, five, six, seven, one, two, three, four, five, six, seven, eight medications I gotta take a day that's not even counting, that is not including my hydrocodone which I take four to five times a day as needed. And I take those because I do hurt. So. You're gonna tell me to stop these medications? You're gonna tell me you're not gonna help me get to these medications? These medications are to help me get to where I need to get goin' so I can buy my food so I can buy my stuff or are you gonna try and call the doctor and tell him oh is it ok if he doesn't take any of this medication so he can do ah this and that Ms. O'Bar why even have these medications that I need if you're gonna call my doctors and try to tell 'em oh, oh don't let him take 'em so he can go to the store and stuff like that. It's stupid Ms. O'Bar.

RMO: I would never call a doctor-

JC: You tried to call Dr. Steinberg.

RMO: I call to ask-

JC: Back in June to ask him if I didn't have to take any this ah, not take a couple of medications because remember it was recorded I got it written down on my calendar. You tried to call his office oh as a matter of fact their office has a copy of you callin' them wantin' to find out if ah-

RMO: I didn't say I didn't call James. Now my big question though-

JC: Well are you denyin' that you called my Dr. Steinberg to ask him if I didn't have to take some medication. Are you lyin' to me, Ms. O'Bar.

RMO: Don't start with me James I'm-

JC: No I'm asking you a question.

RMO: James-

JC: I have a right to ask you a question I'm representing-

RMO: Focus. I'm asking you about the wreck yesterday. Because it matters.

JC: Yeah-

RMO: I wanted to make sure you were ok.

to work. Now, I went down to the voc rehab because I am deemed totally disabled by worker's comp, I mean not by worker's comp yet. I am totally deemed totally disabled by Social Security Disability. They want, and, and, and they disabled me all the way back from April 17th to 2008 from the day of my injury, ok. That is how far back that I am that I am. Even though that ah, yeah. So. You know they wanna drag their asses the more they drag, the closer to the first it's gonna get. I understand you guys don't care about anything else other than about yourself. Because that's what y'all get paid for. I'm a totally different person. Every time I call the Commission oh there's six, oh there's five, oh it went back up to six. Oh yeah, well you know what they're finishing off one right now and you'll only have two in front of ya. Shit. Now every time I call oh you got three. Oh you got three. Oh you got three. Oh you got three. Come on man, what the f---s goin' on. Did I catch, did I catch him in that bad of a situation? Did I catch him in that much lies that they've gotta think about what how they're gonna do this? You see the only- are you there?

RMO: Yep, I'm-

JC: The, the one good thing that I, that I love about this, you can't show me one document that I have lied about at all on this injury. Not one thing Ms. O'Bar. But look at all the lies, the deceits, the defamation that you did to me. You see I just went and picked up, I'm taking ah, I'm taking Sandy Basket because ya see supposedly what you guys have said about me has nothin', it's supposed, it's ju-like you guys just pushin' off of your shoulder because it's in writing. Well that's what I like about it. Everything that I'm gonna sue Ms. Owens about in a small claims court and what I'm about to do to Sandy Basket over here 'cause I already got the paperwork filled out and ah, it's gonna cost me ah \$42.00 to do it and then another \$41.00 to have it served. \$81.00 bucks. I'm gonna sue her. Individually in a small claims court. But before I do that I have an appointment with a ah, with an attorney on, that handles civil matters. Yeah y'all think I'm just sittin' over here lettin' you guys get away you guys think you guys just gonna get away? You don't think I'm still not hurtin' financially. (scoffs) I've lost everybody Ms. O'Bar. I have no support none zero no lady no, no little, no no boys yet, no

kids anymore. My kids ain't talked to me in months, ok. So, I've lost it all I have nobody I have nothin' to lose Ms. O'Bar. Nothin', zero. Ok, I'm tellin' ya. Zero. The Commission settin' up there tryin' to figure out scratch their nuts and their head on how we gonna get out of ah, what I caught you all at doin'. Or caught your. Well, you guys wrote it, for 'em, ya see. I know that all those words didn't come out of their mouths. It came outta your mouths or your ideas but it's them, ya see. So. Are you the ones that were ah talkin' shit about me or was it the actual insurance company. You were talkin' on behalf of them then, so this is where I'm at. I am taking her to small claims court or to a civil court whichever way it goes because I'm taking 'em in my brief, that I have on disks, take them in paperwork, I'm broke. I need some money. If you guys think you guys are gonna walk away with this scot free you're crazy. Because I have gone crazy. I am f---in' crazy. You know. After this accident yesterday, I'm furious. I have a mark on my driver's license Ms. O'Bar because of you guys. I have never had an accident a day in my life. Did they take, did they take a blood test yesterday? No they sure didn't. But you know what, I'm, now that you mention it, I'm gonna go down to the police department, talk about what you just said and I'm gonna make them give me a blood test.

RMO: I asked about it in Portland, not yesterday.

JC: Well I don't know. I don't even know what happened. Alls I know is I was put in the back of a seat of the cop car next thing I know, I, I, I'm on ah, I was released at a Portland hospital at midnight, no paperwork, no nothin' sayin' you're outta here. No money in my pocket, my truck was taken, brought back up here to Idaho, I had no transportation, no money to get back home on. A lot, a a a a lot of issues. But you know, is that issue connected to my injury? You're f---in'-a it is, you know why Ms. O'Bar, you wanna know why? I wouldn'ta went down to rekindle my shit with my, with my ah, son before he went into boot camp that hasn't talked to me since Christmas, ah, if I hadn'ta gone down there, then I wouldn't of been arrested down there and been brought back up here.

RMO: And why were you arrested in Portland?

JC: I was arrested because they were trying to say that I didn't do an annual report

over there in ah, Oregon. But ya see, ya know what's wrong? Is, I don't have to do it in Oregon it's in Idaho and I'm doin' everything I'm supposed to be doin' over here and you know what you guys are tryin' to throw out. You know, you, you know what I'm talking about Ms. O'Bar 'cause I'm not gonna say it. You, you, you know what I'm talkin' about.

RMO: All I know is that the charges reflect that there was no, ah, no valid driver's license. It didn't say anything about a failure to report.

JC: Ms. O'Bar, I'm gonna try and say it real quietly 'cause I'm outside usin' my boss' phone. I got pulled, the warrant was put out for me, wait a minute, wait a minute, wait a minute. Wait a minute. Well if you got that kind of record and information, I wanna see that information. As a matter of fact, I been wantin' to do this. I am demanding all communications that you get in connection to my report or my records or my claim, I want a copy of. I am my own attorney, representing myself because of my attorney the quitter quit, I am.

RMO: From the Lifeways recs.

JC: I am ordering, I am ordering to every time you guys get a piece of paper

RMO: James, in the Lifeways records-

JC: In your possession I am entitled to, I want a copy of it.

RMO: In the Lifeways records.

JC: Anything I get, I will send it to you. Other than that motion that I gotta file. You know what, just because it's before the Commission Mrs. Owens, Ms., Ms. ah, Ms. O'Bar, does not mean that everything has come to a stop. Ok.

RMO: The record regarding your arrest is the Lifeways record by whoever is at Lifeways. There's not, there's no police report, it's the Lifeways records reflect your arrest. That's how I knew about it.

JC: Ok, well ya see, now remember how you used a ah, a statement, a statement out of a hospital statement that ain't there no more because I went and had it cleared because it was a false statement that your client is tryin' to use against me, ok.

RMO: I'm just asking.

JC: Ok, this is what I mean by people make mistakes and write down things that are inaccurate. If that's from somebody at Lifeways, then they wrote down the wrong

thing.

RMO: And that's why I was asking.

JC: Well why didn't you ask me that question before,

RMO: I did.

JC: Before you went and ah, and, and, and tried to use records that you got without my authorization from ah, Holy Rosary that I'd been in prison for several years prior to ah, ah, prior to '97, why didn't you ask me that?

RMO: Come back and focus.

JC: Behind my back and stealing, my, my, my past medical records without my authorization Ms. O'Bar.

RMO: Try to focus. I've asked you about-

JC: I am focusing.

RMO: No you're not you're going back in time, to stuff that's already been before the Commission. I'm asking about-

JC: There's going to be a whole lot more before the, the ah, the Idaho Supreme Court of Appeals. Ok, because I can bet you my life that I won't be getting, what ah, you see this is what I'm at, Ms. O'Bar. And you have my word on this, and my word, is my word, 'cause that's all a person has in this life is his word. If I get even one dime less because Mr. Luker's supposed to be this whole mighty thing, twenty- uh, a-, a-, a- oh, I, I accidentally ah, went through his ah, because I was lookin' in the phone book for attorneys for civil suits and then I see, 28 years, as a worker's comp attorney and he turns around and tries to screw me? Uh-uh. Nah. Nah.

RMO: Alright, we're working backwards again. I understand your car is not driveable, you have an appointment next week on Tuesday-

JC: I have an appointment tomorrow at court and obviously-

RMO: That you've already got handled and that's-

JC: -information on, so ah.

RMO: You're the one that told me about that.

JC: I'm just letting you know, I have court tomorrow, are you gonna help me get to that court hearin' tomorrow at 9:30 since I can't be driving? And it doesn't matter.

RMO: No.

JC: Oh, oh, here we are. Whatever happened in Portland, it is related to this injury, Ms. O'Bar. I wouldn'ta went and taken that trip and found out I had a warrant because a letter got sent, a letter got sent to an address that I haven't lived at in five years but again I got an attorney that's gonna, that's tryin' to make me plea but we know that I'm not gonna plea. Well it's your word against, it's your word against your word, well (scoffs) they lost a piece of paper, not me.

RMO: Ok-

JC: So I still have-

RMO: Do you have an appointment at Lifeways?

JC: I've gotta do, Ms. O'Bar.

RMO: So Tuesday you have an appointment at Lifeways and then you said you have another one on, no. That was the thing tomorrow. So Tuesday is your Lifeways appointment.

JC: I will, I have, ah ah on Monday, I have an appointment with Sy Steinberg, my psychiatrist.

RMO: Monday or Tuesday, James?

JC: Whatever the first is, Ms. O'Bar. Whatever the first is.

RMO: Tuesday, that's Tuesday. Alright, so, November 1st, Tuesday you have an appointment at Lifeways with Dr. Steinberg.

JC: Thursday I have, Thursday I have an appointment with Dr. ah, Whitcomb.

RMO: And Thursday is at Lifeways.

JC: And we've been havin' one-on-one groups too, and I'm gonna demand that I have one-on-one groups 'cause I have a lot to process. I don't like processin' a lot of my shit in group, I mean, you know. Group is group.

RMO: When's your next appointment with Dr. Morland?

JC: Ah, I'll have to call and check on that.

RMO: Ok.

JC: But because I haven't been able to afford to be goin' over there I wish, so I, I don't know. I'll have to find out in the mor- I'll, I'll, I'll find out ah, tomorrow for ya and let ya know.

RMO: I was gonna say you were already there in October and you were-

JC: Right, I don't remember Ms. O'Bar. I got so much shit in my mind and goin' on in my life I don't remember it.

RMO: And you-

JC: I depend on them to call me the day before to give me ah...

RMO: Ok.

JC: An update on hey, you have an appointment tomorrow morning blah, blah, blah, blah, but now that I don't have a phone no more, again, but I am gonna look into if you, if you guys can be held responsible for what happened to me yesterday in that accident. Trust me.

RMO: I understand that you just filled your prescription from Dr. Morland on the 13th so you really aren't probably due for two more weeks to see Dr. Morland so it's probably gonna be mid-November.

JC: You know what, I don't care if it's two weeks, I don't care if it's a month, you guys, right now, I don't care about when my appointments are because I don't miss those appointments Ms. O'Bar.

RMO: If we have to provide transportation then I need to know when the appoint-

JC: It's the shit that I have that's between all this I have to get done in my life to make a livin'.

RMO: I have to know when the appointments are to make sure that you have transport.

JC: So, so, if I need to go to Wal-Mart to buy groceries, give y'all a call and you guys'll make sure that I can make it over there and back 'cause I can't drive because of the medication that I'm on.

RMO: No.

JC: So I starve.

RMO: No sir.

JC: Then how are we gonna take care of that?

RMO: We'll talk about it tomorrow.

JC: No no no talkin' about it now Ms. O'Bar. I don't have a phone tomorrow. Talk about it tonight.

RMO: No.

JC: Fine, oh, excuse me that you had to go over your, your, you're working overtime, you know, 5:30. I work, I work six, seven days a week, 24 hours a day if I get (unintelligible). What do you mean wait until tomorrow and we'll figure it out. Ok, I'll, I'll do that, I'll do that.

RMO: I'll be in-

JC: I'll do that, no no I'll do that because I got, I got, I got my, I got boss behind me well, the guy that owns the RV park.

RMO: Right.

JC: Ok, that, that you called.

RMO: Right, I did, that was the number you gave, he's a very nice man.

JC: Very good to me, very good, very good to me, ok, (laughs).

RMO: So, tomorrow after your hearing give me a call

JC: I will

RMO: By then I'll have talked to the State Insurance Fund, let 'em know what's going on.

JC: Yeah, you let 'em know that I got in a wreck Ms. O'Bar and why I got into that wreck. I can't, I, I, I don't dare, drive my truck out of this parking lot now, 'cause see the gentleman that came to the police, that came to the accident scene, me and him we already don't get along. Call me a liar? I went to his boss. You know how I am with people that call me a liar when I know I'm not lying. Ok. Call me a liar.

RMO: Who are you talking about?

JC: Yeah (scoffs). Call me a liar.

RMO: Who-

JC: Went right to his boss.

RMO: Who are you talking about?

JC: Some police officer that came to the scene.

RMO: Alright.

JC: I'm just sayin', you know, I will get back with ya. I do have that tomorrow morning at 9:30, if I survive it, Ms. O'Bar, if I survive it. I processed a lot of shit, because I didn't even get to go to my, I didn't even get to go my ah, my therapy today. I have a big day tomorrow, alright.

RMO: Call me-

JC: I'm, I'm worried

RMO: Call me when you get done.

JC: I'm stressed. I'm worried I may not come out alive. So. Because that's how sensitive, how dare him try and screw me again. The prosecutor. But anyway, I'll let ya go, I'm on the boss' phone. I mean not my boss, I don't work for him I just call him boss ya know.

RMO: I got it.

JC: I will, my appointment's at 9:30 so I'm not sure what's gonna happen at it or when I'm gonna get done with it or when it's gonna be over.

RMO: Is it in Portland?

JC: You're the first person I call when I get back to where ever I can get a phone.

RMO: Alright, but it's in Portland or is it some other place? I mean that's a long way.

JC: No it's right here in Vale.

RMO: Ok.

JC: I was arrested in Portland. I had to find my own way back home.

RMO: Ok.

JC: So. But I gotta go back inside, they're very religious and my words do not fit their homestyle.

RMO: Alright, thank Derek for me for allowing you to use his phone.

JC: No, yes, oh trust me I will 'cause he knows, that, ok. Ok, Ms. O'Bar you have a good evening, enjoy your night.

RMO: Bye bye.

34. Friday, October 28, 2011, 11:30

JC: Yello?

RMO: Is this James?

JC: Yes it is.

RMO: Hi, it's Rachael, I'm returning your call.

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happen anymore Ms. O'Bar. So I just wanted to give you guys all an update, that I know that I have a right to file a motion before a civil, in a civil matter, on, of their actions of what they've said, about me, and receiving my, even though you all say that ah, that, ah, ah, my oh, my, my ah my medical records doesn't, it has nothin' to do, ah, doesn't whatever with ah worker's comp but I know that my old medical records, they were an issue and you all did have to have my permission which I found out after a year and a half that you scammed my old information without my permission so. Keeping in touch. Have a good day.

RMO: Alright.

33. Thursday October 27, 2011, at 5:00 p.m.

RMO: Hello?

JC: Yes.

RMO: Hi James, I got a message that you called today.

JC: Yes, Ms. O'Bar. Ah, I think it's time for you guys to start getting' me to my ah, since this has not been resolved yet and is still before the Commission, blah blah blah, been in an accident yesterday because the medication that I was on as of today I'm expecting you guys to make sure that I get to my medication which is your ah, which is your guys' ah responsibility. So where are we gonna stand at there now that I been in a wreck due to this medication issue that I been trying to get you guys to help me on in the first place.

RMO: I understand you refilled your prescription two weeks ago.

JC: What's that?

RMO: I understand you refilled your prescription two weeks ago. You shouldn't be needing to go anywhere to get meds.

JC: It don't mother f---ing matter if I need to go get meds or not Ms. O'Bar.

RMO: Watch your language James.

JC: Gotta take care of.

RMO: Watch your language. I'm-

JC: Alright, I'm telling you, I got in an accident because you guys are refusin' to help

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JC: Hey Rachael, can you give me a call back in about five minutes?

RMO: Absolutely.

JC: So I'm at home.

RMO: Oh, what number, uh.

JC: Same number, same number. The one you just called on. They're lettin' me use their phone so I can make this call.

RMO: Ok.

JC: Ok, thank you.

RMO: Bye.

35. Friday October 28, 2011, 11:40

RMO: This is Rachael.

JC: Hi Ms. O'Bar, this is Jim Clark.

RMO: How are you?

JC: Hangin' in there, so.

RMO: It sounds like you're ah, you're ah, hearing went well this morning.

JC: It was dismissed, I knew it would be. You don't try to pull somethin' over my eye and try to screw me on something I know I wasn't guilty of so ah, I took it all the way and ah, they decided to dismiss it instead of taking it to a trial so it was dismissed.

RMO: Ok, so, um.

JC: So where are we at on all this other ah, transportation I get.

RMO: Ok, I talked to the State Insurance Fund and because Lifeways is within the 15 miles you are not entitled to transportation reimbursement.

JC: I'm not askin' for reimbursement.

RMO: Let me finish.

JC: No let me finish. I'm not askin' for reimbursement. I'm wanting transportation, Ms. O'Bar.

RMO: They will not provide it.

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JC: Ok, so you're gonna deny me to get me to there.

RMO: Yes.

JC: To get my medication and to see my counseling.

RMO: Yes.

JC: Number one, even though you've accepted my claim.

RMO: Yes.

JC: Ok, deny, denying, 'cause I just got done with an attorney also, on, on, other things in this regard. Denying transportation, trans-portion, to Lifeways, because I live...

RMO: No we're denying travel reimbursement since you live within 15 miles.

JC: No, wait a minute, I live within...

RMO: You're not listening, you're getting it wrong.

JC: Miles, fifteen miles, ok.

RMO: No. You are denied transportation reimbursement to Lifeways because you live within 15 miles-

JC: I can't drive my-

RMO: You're denied transportation-

JC: Ms. O'Bar, I can't drive my car because you guys denied me medica- oh, ok. No ok, no, le- let's carry on.

RMO: Ok. You're denied transportation because you have a valid driver's license and, ah, your inability to drive is not in any way related to your work comp claim.

JC: My inability to drive is not related to my claim.

RMO: Yes sir.

JC: Can you tell me then why, you guys were paying my transportation a while back? I had a driver's license, I had insurance, and you guys did it once before.

RMO: And they didn't have to.

JC: Ok. Well. I have no vehicle to drive.

RMO: You're gonna have to find alternative transportation.

JC: I wrecked my car, my car, you're sayin' that my ability to drive has nothin' to do with my medication that I take that my doctors have told you guys on several occasions that it's not safe for me to be driving while on these medications.

RMO: The same physicians have told you you didn't have to be on them at the time that you needed to drive.

JC: Can you show me a letter that says that Ms. O'Bar? Will you send me that letter?

RMO: You have everything that we have, I'm not-

JC: No no no no I don't have that letter. I do not have a letter oh, I do not have a letter Ms. O'Bar, from my physician, because I know what my physicians are tellin' me. I don't have a letter in any of this report stating that ah, that I don't need to take these medications.

RMO: We discussed it yesterday. Dr. Steinberg at the time of your hearing told you that you could drive to the hearing you did not need to take your meds to get there and get back. Same goes for days of treatment and otherwise. I'm just letting you know that-

JC: When did you get that?

RMO: You will be paid transportation reimbursement-

JC: When, when did.

RMO: You will be paid transportation reimbursement under the statute for transportation in excess of the statutory mile limits but we will not provide transportation for you because you have transportation and a valid license.

JC: And because I take all these medications that I'm on, it's safe for me to drive, is that what you're-

RMO: That is not why you can't drive.

JC: No Ms. O'Bar that's not what I'm tellin' you. I didn't get cited yes- the other day 'cause I was on private property when this happened.

RMO: James you selectively choose when you can and can't drive. You've driven all over the place, you've gone to Portland.

JC: Well that's because you guys left me no choice but to do that because you denyin' me.

RMO: We are not required transport to visit family.

JC: Huh?

RMO: We are not required to transport you any more, we are only required to provide

you with transportation reimbursement and that's what we are willing to provide.

JC: But you're not willing to provide me transportation now that my vehicle's wrecked because I was on the medication, ah, that I have to take every day, I'm supposed to, what you're wanting me to is alter my medication taking to gratify not havin' to pay my transportation to get to places, ok. Now what about to Dr. Morland?

RMO: You will be provided transportation reimbursement, at the statutory rate for you to obtain transportation from somebody else.

JC: Now this is just a yes or no question, Ms. O'Bar. This is a yes or no question. That's all, no explanation in between when I ask you that. Is it not true-

RMO: That's a double negative, James.

JC: No, no, no, don't even start in, I didn't even ask a question yet Ms. O'Bar.

RMO: I'm waiting.

JC: Is it not true that when a person is injured and cannot make it to his appointment, isn't it not true, that it's the responsibility of the insurance company to make sure that that person injured person, makes it to his appointment, that is in, that is, that is related to his injury. Is that correct? Yes or no. Yes or no Ms. O'Bar.

RMO: I don't have to play by your rules, James.

JC: You're no, no, no, no, no, I'm asking you.

RMO: I am required to pay travel reimbursement if you have a valid driver's license-

JC: That is another issue. I am asking you a specific question Ms. O'Bar!

RMO: And I choose not to-

JC: Otherwise I'm gonna be puttin' myself in a motherf---in' hospital today.

RMO: And that will be denied as well.

JC: You think so, huh.

RMO: Yes sir.

JC: Why. Why! Tell me why! No, I wanna get back to the other point. Let's get back to what I'm tryin' to ask you Ms. O'Bar that you're not wanting to answer my question because you know you're wrong.

RMO: Because I've answered it fifty times and my patience is wearing thin.

JC: Answer it one more time without saying oh well, we should, well, we're doin' what we're suppo- what we have to do.

RMO: And that's my answer.

JC: Because I had a driver's license. No I'm asking you another question. I am my attorney. You need to treat me as an attorney as you did in your letter to the Commission. If he's gonna represent himself then he needs to be treated like an attorney. Treat me like an attorney and a person I'm askin' you a question Ms. O'Bar. Is it not the responsibility of the State Insurance Fund if a person is injured and you accept his claim that it's, that if he has no way of getting there, that it's your responsibility to make sure that he makes it to his appointment that is in relation to his injury, yes or no.

RMO: No. The way you phrased it no.

JC: Oh the way I phrased it.

RMO: We are not obligated to provide transportation in every circumstance and in this circumstance-

JC: Oh Ms. O'Bar-

RMO: We are not required.

JC: Right now, my truck is wrecked, it's got over \$4,000.00 worth of damage to it.

RMO: In a non-industrial accident.

JC: And, and, ah, and it was because I was on my medication that I'm supposed to be taking, and you know, I, I, I have to go and buy my butt wipe or my bread or my food so I have no choice but to maybe drive over to the store to get me somethin' to eat and things like that. You know, I understand. But to make it to my appointments Ms. O'Bar. It is you guys' under the, under the Idaho Worker's Compensation Law, trust me, I been lookin' into it that's why I know that you won't answer that question. You're just tryin'

RMO: I have answered the question-

JC: You're, you're, you're, you're tryin'-

RMO: Ad nauseum.

JC: Not in the way that you're sayin' it.

RMO: I've answered your questions and now I've informed you-

JC: Are, I have no way to get to my transportations anymore because I've wrecked my vehicle because you guys continued to deny me... yeah.

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RMO: We will provide you with some transportation reimbursement whenever you travel for your medical evaluation-

JC: You're just tryin' to go around another way where you don't have to put out the money 'cause if you guys pay it once and you cut me off because I been seein' Dr. Hansen to dispute some of you guys' claims, you guys cut me off. So. You guys did it once before. Now that my vehicle's wrecked, I have no transportation Ms. O'Bar. So as of right now, you're sayin' that you're gonna re- because I I'm not, I can't make it to any of 'em. So if I can't make it to any of 'em, then I'm not getting the counseling and the shit that I need to process because of what this accident has changed my life on. So. As of today I have no way to get there 'cause I have over \$4,000.00 worth of damage to the front end of my truck. Because I was on my medication that my doctors prescribed to me and I had to go to the store to get me somethin' and come home and that's when it happened. Now I warned you guys over time also who's responsibility is it gonna be if I get into a wreck because I'm on medication because you guys are refusin' to help, help me get to these places with the medication I'm on. Just because you don't take your medication one day, Ms. O'Bar, it's a fact, that medication is still in your system. So.

RMO: The only thing that you've tested positive for in the last two months is marijuana,

JC: Well so what? So what!

RMO: As long as we're on the same page.

JC: So what.

RMO: It wasn't in your system, James.

JC: So what, so what. You could be you you, you could, you you could say that you ah, you, you were dirty for UA and not even have to have been smokin' pot.

RMO: Ok, I'm out.

JC: Hey, I, I, I know medication too Ms. O'Bar.

RMO: I'm leavin' now James, this is a nonproductive conversation.

36. 11:48 a.m. Friday, October 28, 2011

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JC: I'll be, I'll, I'll be, I'll be in front of ah, the Idaho State Insurance Fund's ah, ah, building ah, just letting people know how I'm being ah, taken advantage of, ah, how I wrecked my car, you guys are denyin' me transportation ah to get to my medical things, you're making me drive, you're making me get into wrecks, ah, and I'll even ah, I'll even have my friend even help me ah, drive my truck over there so people can see what happened to my truck because you guys were denyin' ah, my transportation. And when I don't make it to my ah, ah, ah, appointments on Tues- uh on Thursday, and then ah, then on the 1st with my psychiatrist ah so I can reup my medication that I need and and because I can't go to them, so I can get my medication, my medication won't be filled so when I run out of my medication and I end up in there you will pay for it Ms. O'Bar. You can fool me you're not going to intimidate me.

37. January 19, 2012, 1:49

RMO: Yes? This is Rachael. Hello?

JC: Yes?

RMO: Oh there you are, hi this is Rachael.

JC: Hi Ms. O'Bar. How are you this morning?

RMO: I'm fine.

JC: This afternoon, I'm sorry.

RMO: It's foggy out there.

JC: Yeah. Ok, first off I just wanna make sure that ah, I still send mileage reimbursement through the Commission.

RMO: Ah, sure, that's fine.

JC: Ok, ok, now number two, I was at my doctor's office the other day Ms. O'Bar and I was questioned about why my, why do I not have a hydrocodone in my system when I go to my doctor's appointment over there, over there, ok.

RMO: 'Kay.

JC: Ah, where we're at here Ms. O'Bar if you remember right I fought with you I'm not here to argue but I just wanna update ya what's goin' on over there at my

doctor's appointment which I'm aware you're also involved in it, I was questioned about why my UA are always clean with the hydrocodone. Ah, I didn't tell him that part about how I'd been in an accident and the police report that I have also verifies that it was due to the medication that I was on, my doctor over there also isn't aware that I've been fighting you all to try to help get my transportation back and forth over there, my doctor over there is also unaware that you had tried to contact my doctors over here to try to see if I didn't have to take my medication so I can make it over there. But you've gotta know now because I've processed this through counseling which I still go to every week. Ah, ah, you're the one in a taped conversation which I have also and which you also have in your ah possession that you're saying that my doctor said that I didn't have to take my medication or you advised me not to take my medication so I could make it over there. You're not a doctor, but hey, you didn't wanna help me go over there for my own safety especially after my, after my accident that I almost killed myself, killed somebody else, did \$4,000.00 worth of damage to my truck, plus I totaled out these people's home. So ah, he's not aware of all this. But he's gonna be aware of it before my next doctor's appointment. Ms. O'Bar, I do not have that in my system when I go over there because you advised me that well maybe you shouldn't take your medication so you can make it over there. Now there's two you only gave me two issues. You said well, there's two issues goin' on here. You're not takin' 'em or you're selling. That's disrespectin' me. I'm not selling my medication. I'm takin' the advice of what, Ms. Jew-, Ms. O'Bar said from Anderson, Julian & Hull that well maybe you shouldn't take your medicine you can make it over there. I have to stop makin' those takin' those meds for several days before I go over there because if I get in another wreck, by advise by the police officer, if I get in another wreck under the influence of my ah, prescription drugs I will go to jail. Now, now my doctor over there also isn't aware that driving while under the influence of prescription drugs is a felony. I coulda went to jail the day that ah, that I got in my wreck Ms. O'Bar, but I didn't. So, you know, this is where we're at here. At first, at first y'all were hopin' that I abused my um medication. Since I don't abuse my medication because I'm not a

drug addict, as, as you all tried to prescribe me as through all this, I didn't take my medication to get over there so they're not in my system. Now I argued with my counselor the other day because I think maybe I should be on all of my medications unless if I do make it back over there and back safe. And they're tryin' to talk me outta not doin' that. Just to prove you wrong or everybody wrong. They're not wanting me to do it for my safety and the safety of other people. So, you know, now, because they're not in my UA, and if you guys wanna try to accuse me of of of selling my narcotics, Ms. O'Bar, you better have evidence before you start accusin' me of things again. Because I don't want, I didn't wanna call, I know it's before the Commission, but you know, I ah, you know, i- i- it really upset me. To be disrespected like that and be accused of selling my I only had two issues but there's more than two issues that can be goin' on and he doesn't know all the issues. Ok, because I'm not gonna bring my doctor into what you are trying to, trying to, you know, trying to, play me for. Ok, because it was, it was taped, it was or whatever that lady was, that you know, when I went in but I still walked out with my hydrocodone. For my, for my pain that I have to deal with every day. If I wanna try to downsize myself off these medications that's my business. I'm the one that has to live with this for the rest of my life not you Ms. O'Bar. Not the State Insurance Fund, not my brother, mother, sister, aunt, uncle, me. 'Cause I also, I what been tryin' to do is downsize myself off my hy- ah, ah, my ah, off my uh some of my other prescriptions. This is my right to do Ms. O'Bar without being jeopardized and being threatened that I'm out sellin' my pills. Now what I also did at my counseling last Thursday the day after I went, I took the medication Ms. O'Bar (laughs) I took the medication that I have left over from the month before, along with my hydrocodone, along with the ones that I had just had filled I took 'em to my counselor, which my doctor doesn't know over there yet about everything that went on over here yet, ok, 'cause I I I was floored when I when I was bein' accused of selling the hydrocodone because they're not in my system, ok, so you know, they were all there, Ms. O'Bar. I'm not selling my hydrocodone, I'm not sellin' my, my psychiatric drugs (laughs) because they're all accounted for Ms. O'Bar, ok, so you can go ahead and have

this you know after you know can't accuse me of ah, ah, abusing 'em because I didn't have a high dose in my ah, in my system at first and now that you know you have told me you know that you know because I've been havin' concerns about tryin' to get over there and back because I have a hard time drivin' that distance now I understand about over here because I have to drive a short distance, ok. I drive over a hundred and forty miles to go over there, on a round trip, or whatever it is, ok. It's not like I have to drive four miles over here, ok, that's a difference, I- I'll go ahead and sacrifice even though I have to drive in a lot of traffic, you see out there I'm doin' havin' to do 65, 70 miles an hour, sometimes I space off, I've been pulled over before Ms. O'Bar, but I don't make a big thing about it. I explain to 'em I'm on my way to my ah, doctor's appointment and hey, because there's times that all of a sudden I catch myself doin' 45 miles an hour, because I'm in such a daze tryin' to make sure that I'm drivin' properly. That's where I'm at, Ms. O'Bar. So, I'll go ahead and send my mileage with ya, but I'm just letting you know what I have crossed over here is that the very next day after my counseling I mean over the doctor over there, on Wednesday, I went to counseling Thursday, purdy upset, with all my medication, and I threw 'em right there right out on the floor. I said here's (unintelligible) there ya are. Left over from last month, there's these right here but I (unintelligible) this month. Count 'em out. Ok, Ms. O'Bar. I can account for all my medication I can see what you all are doing now. Ok. I am, I'm, I'm done. But, you know, I've got now that police report is very powerful for me, I've got it, and I'm glad I did, because it shows that, I was on all of my medication, the police report also said that Mr. Clark ah showed me, ah, ah, like, I think in, in the report it says like eight bottles of medication that I had in my possession and seven of those medications said may cause drowsiness while driving. So, you see they were I coulda went to jail Ms. O'Bar. But you see again, I'm known in my community. Not as a hard ass, not as a drug addict, not as any other thing other than a human being, so, you know, just need to let me go. You need to quit, you know, I got, I got your client, tyin', doin' all this stuff, let me take me forward, leave me alone. Let's just get this done so I can move forward with my life. I've already lost my kids again.

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I think I've done pretty good about not callin' y'all because of it, but, you know, I just wanted to make sure where my mileage went, let you know where I stand on what you guys are tryin' to accuse me of doing now. I'm very outspoken about everything, so, I'll let, you know, I just wanted to touch base and let, and let, and let you know what, what I think of what you guys are trying to do. But you see, there's other options other than, not takin' 'em, or sellin' 'em which is straight out what I was bein' accused of in the doctor's office. My opinion, opinion, you see, and, ah, or I could be maybe downsizin' 'em. But I didn't tell 'em about what you said. Oh, looks like ya got another call comin' in so I'll letcha go.

RMO: No, that's, that call will go to voicemail, it'll be fine.

JC: Well that's where I'm at. I just wanna move forward, Ms. O'Bar. Ok. That's all I wanna do. I wanna be left alone. I'm doin' everything properly, ok, I'm trying to use f--in' arm of mine, but it's, it's givin' me a lot of problems but you know what I'm still tryin' to ah, taper off of my medication because I truly wanna try to move forward in my life 'cause ya see that's what I been, b- b- you see Ms. O'Bar, that's what I've been truly able to do Ms. O'Bar, since I was able to finally get that last brief done, and send it in to the Commission. Nobody will ever say that I now am not truly tryin' to move forward and (unintelligible) now that I can try to do this, what this accident has caused and how to overcome these obstacles in my life. You see, I mean, i- i- i-it's it has taken a toll and I'm so stressed, that I can't just focus because, Ms. O'Bar you really haven't heard from me for a while. Ok. Until, I walk into my appointment and I'm accused of sellin' my ah, hydrocodone. I'm 53, Ms. O'Bar. I don't f--- around kids anymore like that. Ok I'm outta that generation. I'm a grown man, ok. What you guys try to use against me happened once in my life. '95. That was it. Since then, I've never been arrested, put in jail, or anything, for selling narcotics, having anything on my possession that has anything to do with methamphetamines, which what you guys have been tryin' to get me blamed on. Do I smoke pot? Did my doctor mention that? I said you bet I do smoke pot. And you all have known that, for a long time. I, I'm talkin' 'bout you, the State Insurance Fund and their attorney knows that I've done it. Ah, was I on it before, have I relapsed? Hey, I don't know what's

happened but I know that yes I do. But you say oh well isn't that a felony? I go no it's not a felony it's a misdemeanor. I don't go out and sell the shit. I take it to try to help myself. You see and another thing that you don't know Ms. O'Bar, that I have tried to find another means, another way, of trying to deal with my pain that I have because I would love to try to get off the hydrocodone and the pain medication because it is a drug, Ms. O'Bar. Ok. I am a recovering drug addict. See, I, I'm not ashamed to say that. Ok. I just wanna move forward. I talked to (unintelligible: sounds like Mark _____) which is all, you know, can be all verified because you know I'm not gonna say somethin' Ms. O'Bar, if it's not verifiable, ok. Now, I, I talked with my psychiatrist over here about tryin' to get a little pill that is something like a marijuana joint because it helps my stomach, because I'm you know, it gets upset quite a bit. Instead I hafta to smell like the shit all the time, ah, I also talked to my pain specialist over here, about the same thing, months and months well, almost, yeah I think it was in February of last year. You see, I have been trying to figure out other means and ways how I could try to deal with this pain Ms. O'Bar so I don't have to be on this medication. I know I have to be on some of the psych medication still, that I'm trying to figure out how that, you know how I can kinda ya know take the ones that I kinda need and ones that I think I can, try not to, do. Because I'm I still have suicide though, unfortunately, the other day, hey, it was pretty intense. That was before the doctor and all this other, but you know because I'm still goin' through a lot in my life. So thank God for Lifeways, everyone better thank God for Lifeways, because if it wasn't Lifeways, I don't know, I probably would've already had a gun to my head. But they're the ones that now have showed me because I been able to move forward and really concentrate on my life, how to overcome all these obstacles that are in my way, that will be in my way for the rest of my life that will never be able to tear down, but just to move forward. That's all I want Ms. O'Bar. I don't, you know, I I don't want all that money, that I put in there, I ain't gonna get that mo- I don't care about money I never really have Ms. O'Bar we all know that. It was always hey help me get better. That's all. I didn't know anything about all this money, until my attorney threw it out there. You see, re-, really Ms.

O'Bar and everybody knows it even the Commission. You know I been in that Commission building a few times, you know, I mean they're all aware, that all I wanted was help to make sure, you know, help me, understand, why I have these dreams, ha- what, you know, I mean, you know. Just to help. But you guys are the ones that made me go this far. And then I have an ah, an attorney who's a quitter, quits just like three days after I hire him back, three days later we coulda had my other two doctors my two doctors that we needed, their depositions done and it would've all been over. And he could've been on his seat that he's that that he admits that we all that you guys were mentioning, at that last hearing, before he quit, that yeah we're trying to get it all done before he has to be on the seat on the 5th. That's what that whole thing was it wasn't about me Ms. O'Bar, it was about my attorney and everyone trying to get everything done so that, so that he could be up there settin' on his seat instead of really doin' what he needed to do for me as an injured worker and that's what I hired him to do. Ok. So. You know. I- I'm ready for whatever happens. The o- I'm hopin' is I don't get disrespect, I get a little money, so I can move forward or whatever you guys plan on or what they plan on doin'. I only learned recently because I got a computer a lot I wish I had it before hand, of you know ah, I have uncovered ah 'cause I didn't know what the Commission really was Ms. O'Bar. I thought the Commission was also part of, the State Insurance Fund. Ok kinda. But it wasn't 'til really after my briefs and everything was done that now I truly realize that the Commission is there to make sure that your your client, follow the rules, and don't screw the injured workers over. That's what they're for. But then they have Sandy Basket who works for the Commission, turn around and do what she did, to put me back to work, that you know, she she helped the ah, she helped Ms. ah, Carol Garland put together that job site evaluation, and not even give it to me or my counselor. So you see, that was a major impact because that was her job to do and and she refused to do it and withheld that from me. You see. So I'm not as dumb as everyone thought I was, I pulled my head together, I kept myself together, I kept a gun from my head and I'm still workin' on that, because every day is a battle for me now, because Ms. O'Bar, I have been

deemed totally disabled by Social Security Disability. I don't care where that's gonna have a impact on the appeal or what. But it's because my attorney told me I wasn't able to get on it, while I was fighting my worker's comp, but that right there shows that he was a liar also. Because I was able to do it. On my own, after he quit. So, you see, and I'm sure it's a lot harder to get through Social Security Disability than it is ya see I only get Social Security Disability Ms. O'Bar. Until the Commission decides on what I'm deemed, what I'm deemed. Because I can have, I can maybe not have enough money or may have too much money to be on Social Security Disability anymore. But I need to have a little income, if I was ya know, at least I have a little income to make sure that my bills are paid, and that's it. That's why you don't really have really been hearin' from me Ms. O'Bar. Because I finally accomplished something after everything, you know, after all is said and done, I finally accomplished where I can have a little extra money so I can pay my landlord, pay my bills, don't have to worry about all my personal belongings in my storage disappearing, I don't have to worry now about being evicted out of my place here and having to literally go live on a river somewhere, uh, you know, it's, you know, I mean... trust me, Social Security Disability, ah, they're they're they're also just a step further really from when I walk in there as the Commission was. When I walk in the Social Security Disability office over here in Ontario I have a security guard that follows me from the time I walk in the door 'til the time I basically walk out the door. Because that's how it is, I had to be, to try to get, something, because I know that I can no longer go out and do the work that I'm accustomed to to make a livin'. Ah, so, you know and to use this right arm in a small way, you know I mean yeah I can go out there and pick somethin' up an- and use my elbow or my arm, (sounds like: fling) it shut or whatever, but when I go to use my hand to do a tape job on my water hose out here, it took me two days to do, Ms. O'Bar, somethin' that shoulda only take me maybe, an hour to do. Ya see, I had to think before I went out there and did it but I knew it had to be done because I knew we were gonna have a freeze here, and I and I did it, took me two days out there still in the cold, and by the time I was done my arm hurt so bad couldn't even it ached Ms. O'Bar.

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Ok. My arm aches almost constantly if I'm outside. But you guys, you know, nobody cares. You know, you know, everybody thinks, you know, everybody your way thinks I'm doin' just fine. I only wish. But I am doing better, because I don't have to focus on the paperwork, I don't have to focus on the legal work, it's done, it's over with, unless, whatever happens, or whatever they decide, if you guys wanna f- file an appeal and decide to file an appeal on it, then, the Commission is no longer involved. So things will get ugly because I have a lot of anger. I'm not violent, Ms. O'Bar, let me get this straight, I'm not a violent person, but I'm an angry person because the way that I was treated, by my attorney, by the State Insurance Fund, by their attorney, you see, I really, if I didn't stand up for myself, as I have put in all my letters, nobody would've done it for me. Now we all coulda brought this to an end, when I hired my attorney back after him quitting on the 23rd and when I hired him back through paperwork, fax paperwork on the 27th, we tried to go ahead and, and take that settlement offer that you guys tried to do, that caused, the downfall of me and my kids. Ah, and, and you guys decided to change it, and try to give me even less. And I didn't fall for it. And my attorney thought I'd go for it too and I still didn't. And that f---er turned around and quit on me again. If he was willing to come back for that Ms. O'Bar, he shoulda been willin' to step up because we'd had worse arguments than that for him to walk out 'cause all I did is I wanted him to ah, to subpoena somebody and have a deposition done with him to show that I have done heavy duty manual labor, that's why he quit. Because he would not do anything for me. He would not have anybody come on my behalf, ah, you know for people that I've worked for, or people that know me in my community, a- a- as you guys did with ah, with the guy over there in Ontario, that fired me but then he turned around and got sued, for the same reason I felt that I was fired. So, you you you see Ms. O'Bar, and the, and then to see that paperwork there, and see those pictures that were on my behalf that he had in the folder, see all this is for you to see, I'm ready for an appeal. I just hope I don't have to. Because I don't care what I really get I just want to move forward in my life. I want to make sure that I can go down finally and be with my kid. You know my daughter's getting married

February 11th? (giggles) Yeah. I won't be there. You know. But I'm sure you have that letter, that she had written me, ah, in your file somewhere, 'cause my attorney had it, ah, ah what she had said man, but you know what, obviously ah not now, she don't want me to walk down the aisle now, not after all my lies I told 'em oh yeah it's over then to find out it's not over and I have to move forward and then you know so you see I won't even be able to be there for my daughter's wedding. Am I upset you bet man. You know it shouldn'ta been this far it shouldn'ta taken this long Ms. O'Bar. Your client shoulda accepted it, OSHA even proved that they didn't give me a safe workplace, you know, I mean, we all shoulda just brought it to an end. But you guys tried to pull you guys tried to pull the quick one on me, as you, as they have on a lot of other, injured workers. But I, I, I wasn't one, I almost fell into it a couple times, almost took it. But then I started you know, I I I just, but, but the money that you guys were puttin' out I knew that wasn't gonna ha- ah, that I'd have to pay for all these medical bills, you see, and that wasn't gonna happen on my behalf, you see and then I and then I tried to and then I'd go to a hospital because I have blood in my ass, because this, I was thinkin' it was because of ah, medication because my arm had swollen up because ah, again, I'm still trying to overcome it and use it but sometimes it don't work and I, overdo it. And so I took some ah, ah, some pill that I got from my doctor, my pain specialist, a- a- a- anti-inflammatory, I started using those and that's when I noticed it so I cut it off 'cause I was hopin' that that's what was wrong with my arm, because I don't have the money to go over to my doctor's appoint- my pain specialist to let him know hey man I'm havin' a lot of problems, because I don't always have the gas, that's why I don't understand why you guys don't step forward and do what you were doin' before. I mean that's a 140 miles of a round trip Ms. O'Bar for me to be drivin' while under the influence of my, of my medication. Ok. And I almost killed myself, got in a wreck, you know, I mean I just don't understand why you guys continue to try to try to catch me at doin' somethin' because that's where you guys are havin' your problems, Ms. O'Bar. Nowhere, nowhere can you show that I have lied to a doctor, lied to anyone in relation to my arm, in relationship to my past. I haven't lied about nothin' I been

up front, but now that's different with your client. I have caught them in lies, they've lied to the Commission, boy wouldn't that look good in an appeal. You see, I mean, your client literally lied to the Commission, told 'em by law they cannot have those records without me signin' those medical release form. Now they can and then they wanted me to be sanctioned because they were not allowed to get those without my signature. But then I turn around and we all find out that in fact they already had 'em in their possession, before I signed those, and it wasn't just those records, they had all my medical records. You see Ms. O'Bar. I just wanna move forward. I caught your clients, that's all there is to it. I've done nothing wrong. If I woulda just done one thing wrong 'cause that's what you guys are trying to do. You're trying to catch me doing one thing. Now you see, when I walked out of, of my doctor's office, over there, in Meridian, I walked out with my hydrocodone so does that tell me somethin'? You bet. Sure did tell me sum'in. Ok. So, you see, I'm being blamed for somethin', that I'm not doin'. I'm blessed that I have counselors over here that I can process everything with, for things like, what you guys pull on me. 'Cause every time I hear somethin' you guys are tryin' to do to me, it totally stresses me out. You know I don't understand why you guys just won't let this go. Because if I have to bring it to an appeal, you can better believe I'll be over there in ah, I'll be over that way. With ah, especially with oh ah, dealing with ah, my attorney the quitter. So, you know because he's also has this little lien on my ah, on whatever I may get, which he ain't gonna get a penny. Ya see, so, you know, he, he's next on my, agenda, if I don't get a dime. Because you see I also have documents, to back everything up. And it ain't right Ms. O'Bar I'm bringing this up right now because I'm the disgruntled injured worker, we all know that I have processed this through the legal system through the Commission, everything I've done, everything I've found, everything I've uncovered, has been sent to the Industrial Commission so it is actually a document. I'm no I'm not just, sayin' this, sayin' that oh I caught you guys getting' that ah with without (laughs), you know, I'm not gonna be accused of slandering somebody, or or or anything like that, because everything I have to say and what I have said in that letter, Ms. O'Bar, in my brief, if it's about having

a document or otherwise somebody trying to cover somethin' up see I can go to that and I can show where they said it in one place when how can they how can they wha- how can they be sayin' it here, where I'm talkin' about, when they tried to turn me back to work. That's where I'm at right now. You know, i- anyway, so, i- i- i- it's just unreal I mean, you know. And then to have them try to cover up the fact that they went out there and looked at the place and say oh yeah it's a good place and blah blah blah blah, and then to find out oh well you know, no I mean no, you, you, you, know you know Sandy Basket may work for the Commission and has nothing to do with what the insurance company does but what the insurance company does, with, with Car- ah with Sandy Basket, it's all together, you see, it's a document. It has everyone's signature on it, except, my employer... see, and ya- a- a- a- a-and then and then and then the State Insurance Fund does this ah, switcheroody all on the same day, ah, on on the doctor change, that letter was faxed so many times why wasn't it faxed me? Why wasn't it faxed to my company? You see I mean Dr. Gross got it, (unintelligible) got it, Sandy Basket got it twice, ya see. So, why didn't any of us get it? Ya see I mean you know, I I I I'm damaged man I just wanna move forward, you see I mean, the Commission won't have anything to do with it after this it will be before the court of appeals. That's what I've learned in the computer, from the internet, everything I needed to learn was on the internet. So that's what I've done. That's why I haven't really been communicating. I've read a lot, I read a lot. But I know I'll win an appeal. An appeal won't scare me. Because like I said I have an income now. I can make this stretch as long as I need to. I just won't see my, my kids or my grandkids (coughs). But you know (laughs) sorry, but hey you know. I have the time, I have the money I don't like where I'm living at, but if it's to get where I feel I'm entitled to for the rest of my life so I can move forward, and to not really have to stress every day of my life, well, that's all I want Ms. O'Bar. You know. I wish I could have my ol' life back, but that will never ever happen in my lifetime. So, no, I mean you all have done a lot of damage to me, your client, and you, you and your client, have done a lot of damage to me, making me, fight this, and go through what yo- what I have

been put through, through this injury and trying to deal with it, it's unreal and I can't believe, that you that your clients have done this to other people and got away with it. And again, like I said I've written letters to the Commission, my you know September 5th letter, so it ain't like I'm just bringing this up, if I you know they tried to do this to me how many innocent people have you done this to, and got away with it, well they're not getting away with it with me, 'cause I've done nothin' wrong, I haven't lied at all, ok, I you know, this this 100%, has taken my life away. And I had t-, I have to literally live a new life, that's what I've been able to start to do since my last brief was filed. Now I can try to start my new life, you see Ms. O'Bar. That's where I'm at. Ok? Are you there?

RMO: I am.

JC: Okay. So that's where I'm at, Ms. O'Bar so but ya know, I know that we can't really negotiate we can't do anything 'til it's all done over there, ah, I don't know if it's done all I know is it's it's it's it was on their desk, and that was, over a month ago, so, ah, or a couple weeks ago, um so you know I'm, I'm just ah, but if you know I wasn't gonna call, but I was, but that thing over here, I just wanted to let you know where I'm at on it, because, like I said, you have, you you have recordings, you better go back and look at those, and and see what you had said because I got 'em and they should be the same as what you got. I don't have that phone anymore, (laughs) I lost it. So, lost it a couple weeks ago but that's alright 'cause I can do it with this phone, you see. But I I I don't care anymore, because you see that's where we're at. I don't care anymore because I'm movin' forward. You're the ones that are left still trying to catch me trying that I'm not doing, or try to accuse me of something, and you better have proof on especially when you're selling, when you're selling. You know what one of those deals are worth? 25 years to life. You think I'm gonna jeopardize what I'm going through and what I what you all have put me through, so you guys can try to 'ccuse me of something like. Hold on. But anyway, I'm sorry, but anyway Ms. O'Bar that's where I'm at. I just wanted to go from there. So.

RMO: Hey ah, do you have a new phone contact number in case the Commission renders-

1611

JC: Yes ma'am I do. I'll tell you what I'll give you the one I just ahem, just got back just got hooked up now. Now I wanna give you my mom's number ok. Let me just give you my mom's number.

RMO: Ok.

JC: (unintelligible) else Ms. O'Bar, you can always contact my mom, but make sure, that when you call you go ahead and let her know who you are and that you know, ah, that way, they know to contact me because Ms. O'Bar I don't know when I have this phone always.

RMO: Ok.

JC: 'kay, because I am not you know, I have billed you know and I'm just barely you know I get 6 ah 640 or something a month. You know it's not really very much but you know it sure, it it sure feels good to have a dime or two in your pocket (laughs). You know, so you know, her number is 208

RMO: Mm-hmm

JC: 642

RMO: 642

JC: 2810

RMO: 2810.

JC: Yes, now I'll give you my number in case you can get a hold of me.

RMO: Ok, so I'll put emergency cell.

JC: There you go.

RMO: 'kay.

JC: Ok. My, my my cell phone number that I have in my possession is 208

RMO: 208

JC: Ah... 365

RMO: 'kay.

JC: 8853.

RMO: 365.8853.

JC: 365.8853.

RMO: Got it.

JC: I'm positive. I've only had this phone for about four days, so.

1617

RMO: Ok.

JC: And only, well, less than five people have. And you're one of them, so.

RMO: I, I won't give it out. I just put it on here as your emergency-

JC: It (laughs) it don't matter Ms. I'm just saying that you know I know you're not gonna give it to my friends, the ones I don't want in my life you know. That's what I'm but so. Ok well ah, that's it so ah, I'll go ahead and get that mileage reimbursement. I have two of 'em, I have one from way back from three months ago because I you know I wanted to make 'cause I couldn't just make (unintelligible) so I had my doctor set my appointment for three months apart. So I guess now that this all happened, ah, he wants me back every month right now which I can't afford but I gotta figure out now, I gotta get back over there next month on the first of the month or whatever month the first so whenever that is but, so, that's where I'm at and that's what they're trying to get me to do Ms. O'Bar is I was so mad that all I wanna do is get on those medications totally have all of my medications in my system when I drive over there but they're right now trying to keep me from doing that because it is not safe. Because how dare you know to me it was like how dare them, months ago tell me well maybe you don't have to take the medication so I followed the advice so I don't get in a wreck and then because they're not in my system, when I do get there it makes me look bad because now they're not in my system so now they're thinking I'm not taking 'em or selling 'em my doctor, not you all because my doctor doesn't know what we're all talking about what I was trying to accomplish over here because it's none of his business. His business is to help me with my pain, not to help me with my transportation not to help me you know, you know what I mean Ms. O'Bar. So, you know, my life is my business what I'm doing out here I don't advertise you know, except for the people that I around that are in my little circle that I've stepped out now and allowed to come back in my life you know, because I, hit rock bottom. Ms. O'Bar I started drinking again but hey luckily for Lifeways, off again. That was only for like a week I got depressed Ms. O'Bar. My life was it it was you know I I'm, I I have no future. I can't I can't go I can't go I have nothin' to offer nobody right now Mrs. Ms. O'Bar like I did before in my life. I don't have

nothin' to offer anybody. I live in a little eighteen foot travel trailer, half the time my water's frozen, you know I ain't gonna let nobody come in here and try an' use my restroom. You know, I mean, you know, it's just, I just wanna, I can't wait to get the heck outta this thing. I mean, my my cat may not know what the hell to do with a bigger place (laughs) but you know, but, you know, you know, I I have to ask, I have to you know it's done. You know, that's how I look at it, 'cause like I told my kid, the only reason I'm really here is I'm waiting for a letter. But they don't understand it Ms. O'Bar. I just found 'em. You know, this all happened they just they don't they they don't comprehend, truly, what you what I'm havin' to fight you guys for. You see they only know that I'm just settin' over here they don't know how hard I'm really fighting for my life over here. They think I'm blowing smoke up their ass. You know, I mean, you know ah, it's it's, been difficult but you know thanks again for Lifeways you know, I'm tellin' you. I mean I'm so thankful to them guys. Ah, you know. Because that is also a part of my injury. Because if it wasn't for my injury, I wouldn't be goin' through this with my kids so this has affected my family. Oop, (unintelligible) ok Ms. O'Bar. Sorry, so ok well so ah, I'll get that over. Did you ask me a question?

RMO: No sir.

JC: (laughs) oh ok. Ok Ms. O'Bar we'll talk to you later then and have a good weekend.

RMO: You too. Bye.

38. January 31, 2012, 10:45 a.m.

RMO: This is Rachael. Hello?

39. January 31, 2012, 10:48 a.m. (Mr. Clark is extremely angry and loud for the duration of this phone call)

JC: Hello?

RMO: This is Rachael, I'm sorry, I cut you off.

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JC: No you're not.

RMO: You ca-

JC: Ms. O'Bar, are you guys wanting me to f---in' go haywire and nuts again man because because you cut me off my medication? Is that what you want me to do? Yeah I know you're taping this (unintelligible) conversation I hope you do Ms. O'Bar!

RMO: I'm so-

JC: You know Ms. O'Bar, the reason they weren't in my system as matter of fact if you wanna cut me off my f---in' pain medication, then help me deal with my f---in' (unintelligible) Ms. O'Bar! You guys are going to f---in' pay for it! You hear that Ms. O'Bar! You f---ed up this time you f---in' bitch!

40. January 31, 2012, 10:57 a.m.

RMO: This is Rachael.

JC: Hey Ms. O'Bar so what's goin' on here with my pain medication? You've stopped it because ah you all had him ask me some questions during my last visit was that what it is?

RMO: I didn't have anyone ask you any questions, the doctor-

JC: Oh sure they did. Sure they did Ms. O'Bar.

RMO: The doctor-

JC: And you said ok so since he doesn't want me there anymore because the intensity 'cause I have to get off of my meds each time I go over there and I'm a little intense 'cause I'm only doing what you told me to do Ms. O'Bar so are you telling me I can't even get one that's closer to me 'stead of 'cause this has been an ongoing argument with me and you, Ms. O'Bar, about transportation that the State Insurance Fund should be providing me back and forth to my doctors and Meridian Pain Center was a major one because of all the medication that I was under so because there was an issue with the ah Meridian Pain Center and me not bein' on my medication and my and my what's it called doctors over here are aware of it because of what you had said is why I wasn't takin' my medication to

go over there, in the first place, because of what you stated. So are you trying to tell me Ms. O'Bar, because of what happened in his office, you're not even gonna allow me to try and find somebody closer than me and I'm just cut off my pain medication Ms. O'Bar? Is that what you're sayin'? You're cuttin' me off? Because me and you Ms. O'Bar have arguments about transportation? And I don't have it in my UA? Because I'm not doin' it to get over there and back? Ms. O'Bar is that what you're tellin' me now is you're not gonna allow me to go and continue medication somewhere closer to me if I can find one? I thought when all this stuff was before the Commission nothin' could be done until their decision. Obviously, I must be wrong, so, is that what I'm gonna have start doin' too is floodin' the ah Commission, or goin' over there in person like I have before in the past? Ms. O'Bar you just went and you just took me to another level you know what I have downsized my medication from ah Lifeways. Ok. Because I need to learn how to control my anger my nightmares my frustration my domino effect that this injury has done to me because I'm tryin' to make sure that I'm all my mind's not all doped up. Doped up on my pain Ms. O'Bar has nothin' to do, with this other psychological aspect of it. But it is now because now I have to try to deal with this pain because you're not gonna allow me to go, to another pain specialist, that's closer? Are you you're so, so, this was filed also with the Commission, correct?

RMO: No.

JC: No? No? This wasn't filed with the Commission that you're stoppin' my medication? Ok, then that's what I need to do is file a motion to before the Commission that you stopped my medication then, while they were making the decision. So let me get just ask you this on a yes or no question Ms. O'Bar. Well let me ask you this first am I gonna get my mileage reimbursement?

RMO: You'll get your mileage reimbursement as you always have.

JC: Ok.

RMO: And you will continue-

JC: A- a- a- a-a- and since Ms. O'Bar, since, this didn't go through the Commission, but mine will go to the Commission, if I don't hear from you within ten days.

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RMO: Right.

JC: I'm gonna be over there anyway. Ah, I want all my mileage reimbursement recalculated and paid to me, what you all screwed me and didn't pay me for, if you'll go back again, to a June 7th letter or a June somethin' letter, of 2010, you all shorted me on a mileage reimbursement over to Dr. Morland's office. I contacted my attorney my con- my attorney contacted you, but you see y'all y'all didn't do anything through the Commission it was just between you and the attorney. In fact right now this is something between me and you because it's not before the Commission. That's not gonna happen Ms. O'Bar this is gonna be sent to the Commission this is gonna be filed that you refused it 'cause you see I almost lost my life in my ah, in an accident because you guys refused ah my medication I mean refused to ah, help me get over there. That's why I didn't have anything in my system when I was over there 'cause I had to drive Ms. O'Bar. So. Let me ask you a question are you denyin' me, an opportunity to get a pain specialist closer to me than ah, than Dr. Moreland was or is this the game that you're gonna play.

RMO: You have my letter and I'll file it with the Commission today.

JC: Oh Ms. O'Bar you guys just took this to another level 'cause I wanna know what the f---'s goin' on here. Alright. Oh yeah. Ok. 'Cause I've done nothin' wrong, Ms. O'Bar but you guys sure are tryin' to make it out to be and here you guys are startin' this shit all over again. You know, what, you guys don't want me to live my life in peace or somethin' is that what it is Ms. O'Bar 'cause you guys get to go home and f--- your family every night have your f---in' dinners with them, and everything else like that and I'm stuck in this f---in trailer? I wish this shit (unintelligible) be over with.

41. January 31, 2012, 11:22 a.m.

RMO: This is Rachael.

JC: Hey Ms. O'Bar. I'm gonna contact Dr. Hansen's office and see if my primary surgeon on my arm, ah, to find out what his opinion is about ah me bein' taken

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off my medication as you guys are doin' due due to your ah, ah, you know, and I also contacted the Commission I just don't understand what you guys are doin'. Cuttin' me offa my medication while it's still pending, everything's pending before the Commission on what I am entitled to ah, so, if I contact Dr. Hansen, he believes that I shouldn't be on it, I mean I should continue my pain and find a doctor closer to me are you guys still gonna deny it?

RMO: I'm not gonna answer your question.

JC: Why Ms. O'Bar. I'm representing myself, aren't you 'posed to treat me like an att- like you know, let me know if I'm allowed to do this or not Ms. O'Bar or is this you guys you just trick sackin' me.

RMO: Dr. Hanse-

JC: I mean come on isn't we supposed to work together Ms. O'Bar because you know, as you guys put it in your paperwork with the Commission that because I'm representing myself I should be treated as equal as an attorney. So I've tried to find out things here with you Ms. O'Bar are you denying to give me that information?

RMO: Dr. Hansen is not currently your treating physician, you have my letter, it's before the Commission, take it up with the Commission.

JC: Oh I'm gonna take it up you little f---ers right now, today!

42. January 31, 2012, 1:11 p.m.

RMO: This is Rachael.

JC: Hey Ms. O'Bar.

RMO: Yep.

JC: Can you explain to me why you're not allowing even my ah, psychiatrist who helped me with my pain management.

RMO: No.

JC: You wanna explain that to me?

RMO: Nope.

JC: So what you're doin' then is you're denyin' me pain medication because of what

you guys tried to pull.

RMO: You've got my-

JC: I don't understand why you're cuttin' me off. What did I do wrong for you to deny me pain medication for my arm.

RMO: You have my letter, you have the medical records-

JC: No, no it doesn't explain why Ms. O'Bar you are denyin' it you're just sayin' you're no longer doin' it. Will you please explain to me because I am calling to ask you the question just like an attorney would do.

RMO: No sir.

JC: Like an attorney would

RMO: No.

JC: I'm asking you what it is your reason, for denyin' me non- non-narcotic medication because we've already tried through the pain specialist on other issues like 800 ibuprofen that don't that don't take care of the muscle spasms that occur in my arm, in my hand, all the time, that is intense pain, ah, you know, I mean, I, I'd like an explanation or do I have to go through the Commission to do that.

RMO: You've gotta go to, through the Commission for everything from this point forward you've made threats I've called the police, I'm not-

JC: Oh I made a threat, wha- I was gonna come over there today and see anybody. What is a threat about that Ms. O'Bar?

RMO: I'm done talkin' to you.

JC: (unintelligible) did it over the phone instead of comin' over there in person to ask you these questions that's why I'm calling you there was no threat Ms. O'Bar.

RMO: Yes there was and I'm done talking so you have my, you have the letter I filed it with the Commission.

JC: Ms. O'Bar, that's alright because when I go back into the f---in hospital because of you you f---in bitch! You're guys keep f---in' with my life!

Mr Donohue in your
 Conclusion of Law
 The State Insurance
 fund and there Attorneys
~~Mr~~ Anderson, Julian + Hull LLP
 and MS O'Bar Attorney for
 Defendant did no wrong.
 The ~~is~~ Attorney for Defendant
 sent these # phone conversation
 that clearly if you read it as
 a hole you can clearly hear
 the abuse and the tender
 stress that MS O'Bar was
 making the claimant not take
 his med given by Dr Morland
 with B Phos continues in
 Jan 2012 how MS O'Bar was
 making me not to meds so i
 can make it to doctor Morland
 my pain Doctor that you
 said the at time there were
 no med at use time this is
 why Mr Donohue as i told
 you in the phone conversation

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Mr Donchue on pg 44
 of Finding of facts
 Sect 163 and pg 169 in agencies
 Records These Phone Record
 will prove that Claimant was
 not lying to you in the
 Phone conference which you
 allowed the State fund deny
 Claimant any further pain management
~~Intell~~ The pending the Commission
 finding of fact and conclusions
 of Law. Because I was abusing my me.
 I was only doing what
 was ask of me by James Clark
 MO Bar Attorney
 for Defendant
 so they would
 not have to pay
 for the 100 miles
 plus to get me
 there safely. Claimant is acting
 on the order by Defendant's order
 by phone. No where do I threaten
 anyone at state funds office
 pg ~~153~~ 153

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