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Jun 27 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM South Carolina
Workers' Compensation Commission

WCC File No. 1701045

Court of Appeals Case No.: 2022-000135

Thomas Garner, Claimant.....Appellant,

v.

USA Logistics, Employer, Respondent.

JOINT MOTION TO HOLD APPEAL IN ABEYANCE

Pursuant to Rule 240, SCACR, Respondent South Carolina Workers' Compensation Uninsured Employers' Fund¹ hereby moves this Court for an Order holding all time limits in abeyance for a period of time prescribed by this Court allowing the parties to finalize settlement negotiations of the above-captioned action.

This matter is before the Court on appeal of the Order of the Appellate Panel of the South Carolina Workers Compensation Commission dated January 20, 2022. The parties have agreed to attempt settlement of this matter and are in the process of working toward an agreement to file with the Workers' Compensation Commission.

¹ Respondent USA Logistics was uninsured and did not make an appearance in this matter before the South Carolina Workers' Compensation Commission.

Therefore, the parties hereby request that this Court hold all time limits and filing deadlines, including but not limited to the deadline for Respondent South Carolina Workers' Compensation Uninsured Employers' Fund to file and serve its initial Brief, be held in abeyance pending notification to the Court as to the result of the parties' efforts to finalize settlement.

Respectfully submitted,



B. Gibbs Leaphart, Jr., Esquire
Jasmine D. Smith, Esquire
Robinson Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

**Attorneys for South Carolina Workers'
Compensation Uninsured Employers' Fund**

Dated: 6/27/22

I CONSENT:



Tyler Bathrick, Esquire
Stewart Law Offices
1242 Ebenezer Rd | Rock Hill, SC 29732
PO Box 670 | Rock Hill, SC 29731-6670

Attorney for Appellant

Dated: 6-27-22

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v.
USA Logistics, Employer, Respondent.

CERTIFICATE OF SERVICE

I, the undersigned, Legal Assistant of Robinson Gray Stepp & Laffitte, L.L.C., attorneys for Respondent South Carolina Workers' Compensation Uninsured Employers' Fund, do hereby certify that I have served the following parties with the foregoing document by mailing a copy of the same via United States Mail, postage prepaid, and/or hand delivering, or otherwise indicated, to the following addresses:

Document Served: **JOINT MOTION TO HOLD APPEAL IN ABEYANCE**

Person/Party Served: **VIA HAND DELIVERY AND E-MAIL**

Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

VIA HAND DELIVERY

Ms. Amy Bracy
Judicial Director
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, SC 29202-1715

VIA U.S. MAIL AND E-MAIL

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June 27, 2022



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VIA HAND DELIVERY AND E-MAIL

Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Thomas Garner v. USA Logistics, LLC
WCC No.: 1701045
DOI: 01/16/2017
Court of Appeals Case No.: 2022-000135
Claim No.: 2017-0330
Our File No.: 5881/8084

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of a Joint Motion to Hold Appeal in Abeyance which we are filing on behalf of the respondent in the above-referenced matter. We are filing the original and retaining a clocked-in copy via our courier.

Additionally, we are enclosing a check in the amount of Fifty and No/100 Dollars (\$50.00) for the filing of this document.

By copy of this letter, we are hereby serving a copy of the attached document upon all counsel on record.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Gibbs Leaphart, Jr." with a stylized flourish at the end.

B. Gibbs Leaphart, Jr., Esquire

Enclosures

cc: Amy Bracy, SCWCC (via hand delivery)
Tyler Bathrick, Esquire (via U.S. Mail and email)
Robert Merrel Cook, II, Esquire (via U.S. Mail and email)
Lisa C. Glover, Esquire (via U.S. Mail and email)
Jasmine D. Smith, Esquire (via email)
Larisa Benson (via email)
Jarrid Alexander (via email)