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**RECEIVED**  
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' Fund<sup>1</sup> 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.

<sup>1</sup> 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,



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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:



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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.  
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**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](mailto: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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*Angela Bernardo*

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Angela Bernardo

Columbia, SC  
June 27, 2022



**ROBINSON  
GRAY**

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**Litigation + Business**

June 27, 2022

**VIA HAND DELIVERY AND E-MAIL**

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Clerk of Court  
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1220 Senate Street  
Columbia, SC 29201

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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,

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)