

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION
COMMISSION
Gene McCaskill, Commissioner

W.C.C. 0816749

RECEIVED
APR 29 2013
SC COURT of Appeals

Alexander Michau, Employee, Claimant,

Respondent,

v.

Georgetown County, Self-Insured Employer, Through
S.C. Counties Workers Compensation Trust, Defendants,

Appellants.

RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR EXTENSION
OF TIME TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER

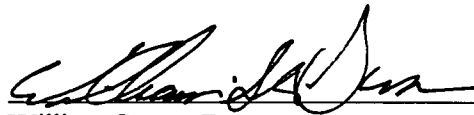
The Appellants have filed a Motion for Extension of Time to File their Initial Brief and Designation of Matter. However, the time limits imposed by the Court are not stayed by the filing of a motion or petition. SCACR 240(b). The Appellants' Brief and Designation of Matter was due April 23, 2013.¹ Rather than file said Brief and Designation of Matter, Appellants filed a Motion for Extension of Time on the date the actual Brief and Designation of Matter were due. The filing of the

¹It is also interesting to note, Appellants' petition seeking extension of time appears tardy, not having reached the Court of Appeals on April 23, 2013, its due date. As set forth in SCACR 263(a), Rule 6(e) SCRCRCP is not applicable to these rules and no additional time shall be allowed by reason of service by mail or upon a statutory agent.

Motion does not stay the time for the Appellants to have filed their Initial Brief and Designation of Matter on or before April 23, 2013. Accordingly, this failure to file is fatal to Appellants' Appeal and said Appeal should be dismissed in its entirety.

Pursuant to SCACR 260(a) when the Appellants have failed to comply with the requirements of the Rules the Clerk shall issue an order of dismissal. Appellants failure to file their Initial Brief and Designation of Matter in a timely manner necessitates dismissal of the Appeal by the Clerk.

Wherefore Respondent prays that this Court deny Appellants' Motion for Extension of Time and direct the Clerk of Court to dismiss the Appeal pursuant to SCACR 260(a).



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Attorneys for Respondent

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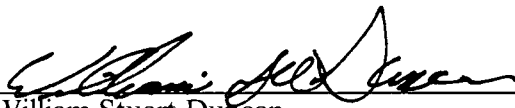
Georgetown County, Self-Insured Employer, Through
S.C. Counties Workers Compensation Trust, Defendants,

Appellants.

PROOF OF SERVICE

I certify that I have served the Respondent's Return to Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter on the Appellants by depositing a copy of it in the United States Mail, postage prepaid, on April 25, 2013, addressed to their attorneys of record, Kirsten L. Barr, Esquire and Jamie C. Guerrero, Esquire, Trask & Howell, LLP, Post Office Box 2167, Mt. Pleasant, SC 29465

April 25, 2013



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April 25, 2013

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

RE: Alexander Michau v. Georgetown County
Appellate Case No.: 2013-000357

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of Respondent's Return to Appellants' Motion for Extension of Time to File Initial Brief and Designation of Matter, in regards to the above captioned case. If you would, please file the original and six (6) copies with the Court and return a filed copy to my office in the enclosed prepared envelope.

By copy of this letter and a Proof of Service, I am hereby serving a copy of the above listed document upon opposing counsel, Kirsten L. Barr, Esquire and Jamie C. Guerrero, Esquire.

Thank you for your assistance in this matter and should you have any questions, please do not hesitate to call. With kind regards, I am

Very truly yours,



William Stuart Duncan

/tdcw

Enclosures

cc: Mr. Alex Michau
Kirsten L. Barr, Esquire
Jamie C. Guerrero, Esquire

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