

RECEIVED
Sep 01 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.

SECOND 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 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.

On June 30, 2022, this Court granted the parties' joint motion to hold the appeal in abeyance, placing the appeal in abeyance for sixty days. The end date for the abeyance period was August 29, 2022.

At this time, the parties need additional time to finalize settlement negotiations and consummate a settlement agreement. Mediation in this matter is currently scheduled for September 20, 2022.

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: 9/1/22

I CONSENT:

s/Tyler Bathrick
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: 9/1/22

RECEIVED

Sep 01 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, ClaimantAppellant,
.....
v.
USA Logistics, Employer, Respondent.

PROOF OF DELIVERY

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: **SECOND 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

Tyler Bathrick, Esquire
PO Box 670
Rock Hill SC 297316670
tyler@stewartlawoffices.net

Lisa C. Glover, Esquire
SC Uninsured Employers' Fund
P:O Box 1815
Lexington SC 29071
lglover@saf.sc.gov

Robert M. Cook, II, Esquire
The Robert Cook Law Firm, LLC
PO Box 3575
Leesville SC 29070
robcook1965@yahoo.com

Angela Bernardo

Angela Bernardo

Columbia, SC
September 1, 2022



Litigation + Business

B. GIBBS LEAPHART, JR.
DIRECT 803.231.7849
gleaphart@robinsongray.com

RECEIVED

Sep 01 2022

SC Court of Appeals

September 1, 2022

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 Second 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)