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Oct 05 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case Number 2022-000154

Steven M. Brant, Employee, Employee, Claimant,

-vs-

Core Services, LLC and South Carolina Department of Transportation, Employer, Berkshire Hathaway Direct Insurance Co., Carrier, Markel Ins. Co. and South Carolina State Accident Fund, and South Carolina Workers' Compensation Uninsured Employers' Fund; Defendants.

Of which Berkshire Hathaway Direct Insurance Company is the Appellant,

And South Carolina Department of Transportation, South Carolina State Accident Fund, and South Carolina Workers' Compensation Uninsured Employer's Fund are the Respondents.

**MOTION FOR LEAVE TO FILE ADDITIONAL
DESIGNATION OF MATTER OF APPELLANT OUT OF TIME**


Appellant, Berkshire Hathaway Guard Insurance Company, by and through their undersigned attorney hereby moves this Honorable Court for leave to file Appellant's Designation of Additional Matter to be included in the Record on Appeal out of time. After filing its Initial Reply Brief, Appellant became aware that certain items referenced in that Brief were omitted from Appellant's original Designation of Matter to be Included in the Record on Appeal.

Appellant requests the Court to accept this Supplemental Designation of Matter to be Included on the Record on Appeal as filed simultaneously with this Motion, based on the following grounds: (1) Appellant mistakenly believed the items designated and referenced in its Initial Reply Brief were designated in its original Designation of Matter filed with the Initial Appellant's Brief; (2) immediately upon the realization that these items had been omitted, Appellant filed this Motion simultaneously with its' Supplemental Designation of Matter to be Included in the Record on Appeal; and (3) SCACR 209 (a) specifically allows the designation of additional matter to be included in the Record on Appeal to be filed with an initial Reply Brief.

Therefore, Appellant moves the Court grant the motion and permit the **Supplemental Designation of Matter of Appellant** to be Included on the Record on Appeal to be filed out of time.

Respectfully Submitted,

October 5, 2022


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Of which Berkshire Hathaway Direct Insurance Company is the Appellant,

And South Carolina Department of Transportation, South Carolina State Accident Fund, and South Carolina Workers' Compensation Uninsured Employer's Fund are the Respondents.

PROOF OF SERVICE

I certify that I have served the Appellant's Motion for Leave to File Additional Designation of Matter by electronic mail on October _____, 2022, addressed to all attorneys of record as shown below:

The Honorable Amy Bracy
Judicial Director
S.C. Workers' Compensation
Commission
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**CERTIFIED AND REGULAR
MAIL**

**RETURN RECEIPT
REQUESTED**

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828 E. High St.
Lexington, KY 40502-2107

Matthew J. Story, Esquire
Clawson and Staubes
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October 5, 2022


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BRITTANY BELL TURNER (GA & FL)
∞
GEORGE D. GALLAGHER (SC)

October 5, 2022

VIA EMAIL: CTAPPFILINGS@SCCOURTS.ORG

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: *Steven Brant v. SC Dept. of Transportation 1701-0101*
Appellate Case No. 2022-000154
Claim No.: 2019-00692
DOA: 05/06/2019
Our File No.: 1701-0101

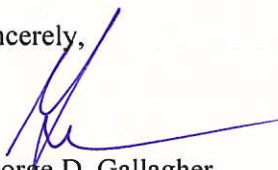
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Dear Ms. Kitchings:

Please find enclosed our Motion for Leave to File Additional Designation of Matter of Appellant Out of Time in the above referenced matter. A copy is in the mail along with our filing fee check for \$50.00.

By copy of this letter to attorneys of record, I am serving them with a copy of this Motion.

Sincerely,


George D. Gallagher
GDG/rco
Enclosures

cc: Alan Tanenbaum, Esquire (w/encl) via email
Amy Bracy (w/encl) via email
Erin Farthing, Esquire (w/encl) via email
Lisa C. Glover, Esquire (w/encl) via email
Timothy B. Killen, Esquire (w/encl) via email
Core Services, LLC – CERTIFIED/RRR
Margaret M. Urbanic, Esquire (w/encl) via email
Matthew J. Story, Esquire (w/encl) via email
Rosemarie Farrell (NLF) (w/encl) via email