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Dec 07 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.: 1708689

Appellate Case No. 2021-000778

Vasile Florin Craus, Employee.....Appellant

v.

NUTRA Manufacturing, Inc., Employer, and
Sentry Casualty Company, Carrier,.....Respondents

**RESPONDENTS' REPLY TO APPELLANT'S RETURN
TO MOTION TO DISMISS**

Respondents, by and through the undersigned attorney, hereby move before this Honorable Court for an order dismissing this appeal based on two arguments. As stated in their motion to dismiss, Respondents' move for a dismissal of this appeal based on Appellant's repeated failure to comply with the South Carolina Appellate Court Rules, and Respondents' assertion that Appellant's underlying appeal is without merit, as Appellant has failed to demonstrate any clear attribution of legal error.

Respondents respectfully submit that Appellant's return to Respondents' motion to dismiss is only further evidence supporting their motion to dismiss. As stated in the motion to dismiss, Respondents appreciate Appellant's status as a pro se litigant; however, that fact alone does not give Appellant permission to repeatedly disregard the Appellate Court Rules. Even in light of Appellant's pro se status, his noncompliance with the rules are not inadvertent, technical errors or

minor discrepancies. *See Henning v. Kaye*, 307 S.C. 436, 415 S.E.2d 794 (1992). In sum, “the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel [or pro se litigant] to provide material that complies with the Rules and facilitates appellate review.” *Id.* at 437, 415 S.E.2d 794.

Appellant’s return to Respondents’ motion to dismiss first clearly violates Rule 267, SCACR, involving the “Form of Papers.” Claimant violated subsection Rule 247(a), by including arguments instead of a proper caption. Further, Appellant violate Rule 247(c) by failing to adhere to this Court’s requirements as to type size and spacing.

In addition to Appellant’s failure to adhere to this Court’s rules related to the required form of papers, Respondents submit that Appellant’s return is just another repeated example of Appellant’s failure to demonstrate any cogent demonstration of legal error on behalf of the Workers’ Compensation Commission as it relates to his claim. Instead, Appellant’s return is a lengthy diatribe of various unsupported allegations against the Commission and counsel for Respondents.

Based on the reason’s set forth in Respondents’ motion to dismiss, and Appellant’s continued failure to adhere to the South Carolina Appellate Court Rules, Respondents respectfully request this Court dismiss the appeal.

[Signature Block on Following Page]

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



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December 7, 2022
Columbia, South Carolina

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Vasile Florin Craus, Employee,.....Appellant,

vs.

NUTRA Manufacturing, Inc., Employer, and
Sentry Casualty Company, Carrier Respondents.

PROOF OF SERVICE

I certify that I have served **Respondents' Reply to Appellant's Return to Respondents' Motion Dismiss** by electronic mail on the Honorable Jenny Abbott Kitchings, Clerk of Court of the South Carolina Court of Appeals at ctappfilings@sccourts.org, and Appellant Vasile Florin Craus at floriano_craus@yahoo.it and jj1271941@gmail.com.

WILLSON JONES CARTER & BAXLEY, P.A.



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Re: Vasile Florin Craus v. NUTRA Manufacturing, Inc., et al.
Appellate Case No. 2021-000778

Dear the Honorable Ms. Kitchings:

Pursuant to Rule 240(f), SCACR, enclosed please find Respondents' Reply to Appellant's Response to Respondents; Motion to Dismiss, along with proof of service for the same.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your attention to this matter.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.

John Gabriel Coggiola

JGC/jgc

Enclosures: Reply to Appellant's Return to Motion to Dismiss
Proof of Service

cc: Mr. Vasile Florin Craus (via email)