

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

68941

APPEAL FROM THE  
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Commissioner T. Scott Beck  
Commissioner Melody James  
Commissioner Andrea C. Roche

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COURT OF APPEALS

W.C.C. File No. 0922072

Lynn Kelley, as Personal  
Representative of the Estate of  
Roger Dale Kelley, Employee, ..... Appellant,

v.

The Kroger Company, Employer, and  
The Kroger Co. c/o Sedgwick CMS, Carrier..... Respondents.

**MOTION TO DISMISS APPEAL  
OR, IN THE ALTERNATIVE,  
SET A DUE DATE FOR APPELLANT'S INITIAL BRIEF**

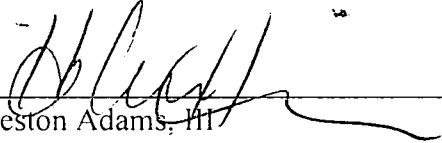
Pursuant to Rules 207 and 240, SCACR, Respondents The Kroger Company and The Kroger Company c/o Sedgwick CMS hereby move to dismiss the appeal in the above-referenced case. Appellant Lynn Kelley, as Personal Representative of the Estate of Roger Dale Kelley, Employee, filed a Notice of Appeal on June 12, 2013. Consequently, she had ten (10) days, or until June 24, 2013, to order the transcript of the proceedings below and to "contemporaneously furnish all counsel of record, and the clerk of the appellate court with copies of all correspondence with the administrative tribunal." Rule 207(b), SCACR. Appellant has not copied Respondents on any communication with the administrative tribunal concerning ordering the transcript of the hearing before the Appellate Panel of the Full Commission as of the date set forth below. Respondents were able to obtain a copy of the transcript of the Appellate Panel

hearing on June 20, 2013, the same day they requested it, which indicates Appellant may well have ordered and already received the transcript. However, there is no indication that Appellant has notified this Court that she has received the transcript.

Therefore, Respondents respectfully request that this Court dismiss the above-referenced appeal or, in the alternative, set the due date for Appellant's Initial Brief and Designation of Matter to be thirty (30) days from the date of this Motion.

June 28, 2013

McANGUS GOUDELOCK & COURIE, LLC

  
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Kroger Company c/o Sedgwick CMS*

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**PROOF OF SERVICE**

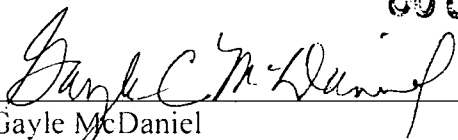
I certify that on the 28<sup>th</sup> day of June 2013, I served the Respondents' **Motion to Dismiss Appeal or, in the Alternative, Set a Due Date for Appellant's Initial Brief** on Lynn Kelley, as Personal Representative of the Estate of Roger Dale Kelley, by depositing a copy of it in the United States Mail, postage prepaid, addressed to her attorney of record:

Lola Stradford Richey, Esq.  
Richey and Richey, P.A.  
P.O. Box 10916  
Greenville, SC 29609

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**SC Court of Appeals**

  
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