

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
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V. CLAIRE ALLEN
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August 02, 2013

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Ms. S. Belinda E
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Lexington SC 29

Mr. Lex A. Roge
PO Box 365
Lexington SC 29

Re: Gloria Pa
Appellate

*We do not have this
Case filed in the
Clerk of Courts office
for Fairfield County.*

Dear Counsel:

Enclosed is the order of the Court. Please be advised that the motion to transfer/remand this appeal is now moot.

You should contact the clerk of court in Fairfield County to file the appropriate documents to have the case filed in that county. We are sending a copy of the order of the Court to the clerk in Fairfield County.

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AUG 06 2013

SC Court of Appeals

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Betty Jo Beckham

The South Carolina Court of Appeals

Gloria Parker, Employee, Claimant, Respondent,

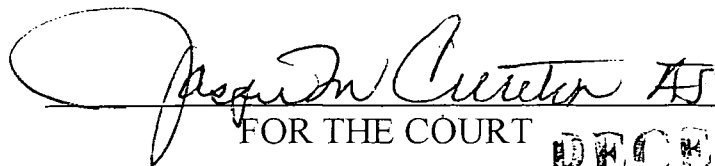
v.

Fairfield County School System, Employer, and SC
School Boards Insurance Trust Fund, Carrier, Appellants.

Appellate Case No. 2013-000437

ORDER

Respondent filed a motion to dismiss, arguing Appellants filed the appeal in the wrong court and Appellants failed to timely serve the Workers' Compensation Commission. Additionally, Respondent filed a supplemental memorandum in support of the motion to dismiss, asserting neither this court nor the court of common pleas has jurisdiction because Appellants failed to timely serve the Workers' Compensation Commission. Appellants did not file a return. Because Respondent's injury occurred prior to July 1, 2007, we agree that Appellants should have filed this appeal with the court of common pleas. *See Pee Dee Regional Transp. v. S.C. Second Injury Fund*, 375 S.C. 60, 62, 650 S.E.2d 464, 465 (2007). Furthermore, we deny Respondent's motion to dismiss and transfer this appeal to the court of common pleas. *See* Rule 204(a), SCACR ("In the event the notice of appeal is filed in the wrong appellate court, the appellate court in which the matter is filed shall issue an order transferring the case to the appropriate appellate court."); *In re November 4, 2008 Bluffton Town Council Election*, 385 S.C. 632, 641, 686 S.E.2d 683, 688 (2009) (invoking Rule 204(a) and transferring the case to the circuit court because it was the proper appellate forum).


FOR THE COURT

Columbia, South Carolina

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AUG 06 2013

FILED

SC COURT OF APPEALS

SF 8/2/13

cc: Adrienne LaVonne Turner
S. Belinda Ellison
Lex A. Rogerson, Jr.
