



August 21, 2013

STEPHEN B. SAMUELS
ROBERT P. JACKMAN
ATTORNEYS AT LAW

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: John Hart v. Owen Steel Company
Appellate Case No.: 2013-001094
WCC File No.: 0902416

Dear Ms. Kitchings:

I am writing in response to the Court's August 13, 2013 inquiry as to whether Appellant had received the Trial Transcript in the above captioned matter.

We had ordered the transcript on May 16, 2013, contemporaneously with filing the Notice of Appeal. In looking into this, I discovered that the court reporter delivered the transcript to us on May 23rd. This would have made the initial brief due on June 24, 2013. It appears a member of my staff simply filed the transcript without entering the due date in our system. Consequently, we did not notify the Court or Respondents of the briefing deadline, nor file the brief within the allowable time frame.

As the brief and designation were not timely filed, I am filing the attached Petition for Leave to File Brief and Designation of Matter Out of Time. I am also asking the Court for an additional ten (10) days in which to serve and file the brief and designation. If granted, the brief would be due on September 3, 2013 (taking into account the Labor Day holiday).

By copy of this letter, I am notifying opposing counsel of this correspondence and serving them with the Petition.

I would be very grateful if you would consent to the motion. Please let me know if this is agreeable to you. I appreciate your assistance in this matter and look forward to hearing from you.

Respectfully yours,

Stephen B. Samuels
Attorney for Appellant

SBS/aro

Enclosures

cc w/encl.: Jason Lockhart, Esquire

RECEIVED
AUG 21 2013

SC Court of Appeals

WE WORK FOR THE PEOPLE WHO WORK.