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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Susan S. Barden, Melody L. James and Avery B. Wilkerson, Jr., Commissioners

WCC File No. 0902416

69507
1st
6/24
9/3

John Hart, Employee, Appellant,

v.

Owen Steel Company, Employer, and Old Republic Insurance Company, Carrier,
..... Respondents.

**PETITION FOR LEAVE TO FILE AND SERVE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER OUT OF TIME**

Appellant, by and through his undersigned attorney hereby petitions this Honorable Court for leave to file and serve the Initial Brief of Appellant and Designation of Matter out of time. Appellant further requests an additional 10 days for writing, filing and serving the brief. If the Petition is granted, the due date for filing and service would be Tuesday, September 3, 2013.

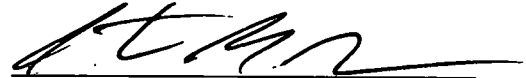
As grounds for granting this Petition, Appellant would show:

1. Appellant timely filed and served the Notice of Appeal on May 16, 2013.
2. On May 16, 2013, Appellant ordered the transcript of record from the Court Reporter.
3. The Court Reporter delivered the transcript to Appellant on May 23, 2013, thus June 24, 2013 was the original due date for filing and service of the initial brief.
4. Due to inadvertence, a staff member filed the transcript without entering the due date in the calendaring system nor notifying the Court that the transcript had been received. As a result, Counsel for Appellant did not timely draft, file and serve the Initial Brief of Appellant nor the Designation of Matter.

5. Counsel for Appellant recognized the mistake upon receiving the letter from the Court asking for the status of the transcript.
6. Counsel for Appellant requests an additional ten days from the date of this filing to serve and file the brief.
7. Counsel for Appellant has contacted Counsel for Respondent requesting consent to the Court granting the Petition.

THEREFORE, Appellant requests the Court issue an Order granting the Petition to File and Serve the Initial Brief of Appellant and Designation of Matter Out of Time; and an extension of time for filing and serving these documents to September 3, 2013.

Respectfully submitted,



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Attorney for Appellant

Columbia, South Carolina
August 21, 2013

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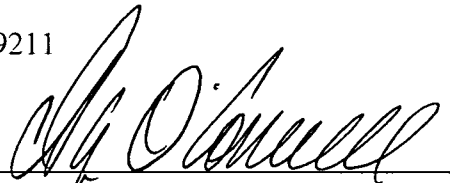
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PROOF OF SERVICE

I certify that I am the paralegal to Stephen B. Samuels and I have served the **Petition for Leave to File and Serve Initial Brief of Appellant and Designation of Matter Out of Time** upon the Respondents by mailing a copy of the same in the United States mail, with sufficient postage affixed thereto and return address clearly marked on **August 21, 2013**, addressed as follows:

Jason Lockhart, Esquire
Attorney for Respondents
McAngus, Goudelock & Courie, LLC
Post Office Box 12519
Columbia, South Carolina 29211



Angi E. O'Connell

Columbia, South Carolina
August 21, 2013