

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA WORKERS COMPENSATION COMMISSION

\_\_\_\_\_  
APPELLATE CASE NO. 2013-001564  
\_\_\_\_\_

RECEIVED

SEP 26 2013

SC Court of Appeals

WILLIAM E MILLER, JR. .... APPELLANT,

v.

OWEN STEEL COMPANY INC. EMPLOYER AND  
GREAT AMERICAN INSURANCE GROUP C/O  
STRATEGIC COMP SERVICES, CARRIER, DEFENDANTS..... RESPONDENTS.

\_\_\_\_\_  
**RETURN TO RESPONDENT'S MOTION TO DISMISS**  
\_\_\_\_\_

Respondent has filed a motion to dismiss based on Appellant's failure to provide the proof of service for its notice of appeal to the Workers Compensation. Appellant did in fact serve the notice of appeal on the Workers Compensation Commission but did in fail to provide the proof of this service to the Court of Appeals. Appellant, through its attorney, motioned the Court and provided a Supplement to this Motion to reinstate the appeal and within such Motion set forth statements, documents and information demonstrating that it did in fact serve the Commission with the Notice of Appeal but Appellant admitted (his attorney) that he had inadvertently failed to file the proof of service with the Court as well failing to file with the Court

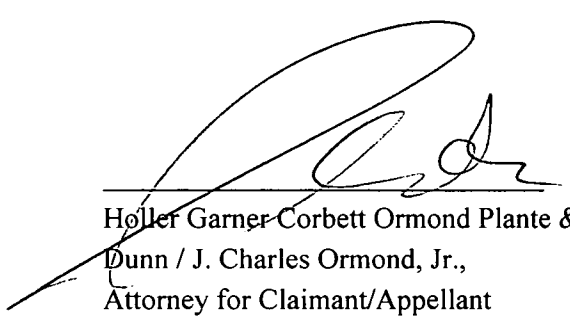
his letter requesting the transcript. These two items (originals) were in the file and therefore were clearly not filed with the Court.

The Motion and a supplemental more fully addressing the issue and proofs of service the service documents were then filed and were in fact served on the Respondent. Respondent did not file a Return. The appeal was then reinstated by the Court. Respondent now has filed a motion to dismiss on the same issue.

Appellant would request that this Court dismiss or deny the Motion as it is moot and the failure to provide the proof of service to the Court did not prejudice the Respondents. Appellant has also today filed his Initial Brief and the Designation of Matter to be Included in the Record on Appeal.

WHEREFORE: The Appellant would respectfully request that the Court deny the Respondent's Motion to Dismiss.

September 26, 2013



Holler Garner Corbett Ormond Plante &  
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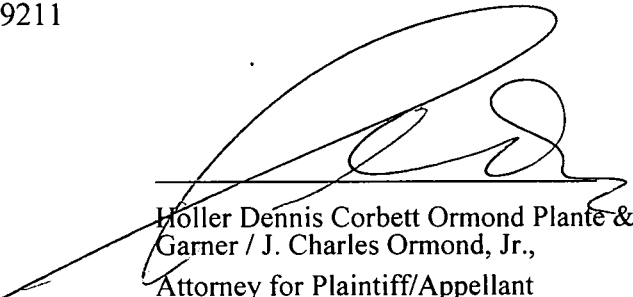
v.

OWEN STEEL COMPANY INC. EMPLOYER AND  
GREAT AMERICAN INSURANCE GROUP C/O  
STRATEGIC COMP SERVICES, CARRIER, DEFENDANTS..... RESPONDENTS.

**PROOF OF SERVICE**

I certify that I have served a copy of the APPELLANT'S RETURN TO RESPONDENT'S MOTION TO DISMISS on Respondents (Great American Insurance Group c/o Strategic Comp. Services, by depositing same in the United States Mail, postage prepaid, on September 26, 2013, its/their attorney/s of record, Jason Lockhart, Esq. McAngus Goudelock & Courie, LLC, P.O. Box 12519, Columbia, SC 29211

September 26, 2013

  
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