

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

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W.C.C. File No. 1213162

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William E. Miller, Jr., Employee, Claimant .....Appellant,  
v.

Owen Steel Company, Inc., Employer, and  
Great American Insurance Group  
c/o Strategic Comp Services, Carrier, Defendants..... Respondents.

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**REPLY TO APPELLANT'S RETURN  
TO MOTION TO DISMISS**

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Pursuant to Rule 240, SCACR, Respondents Owen Steel Company, Inc. and Great American Insurance Group c/o Strategic Comp Services Reply to Appellant William E. Miller, Jr.'s Return in opposition to their Motion to Dismiss. Appellant suggests that he filed a Supplement to his Motion to reinstate his appeal; however, any such Supplement was never served on Respondents.<sup>1</sup> Appellant's Motion and attachments, filed August 26, 2013, only discuss his failure to serve Respondents with his correspondence with the court reporter concerning the transcript. As far as Respondents can tell, Appellant still has not provided any evidence that he timely served

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<sup>1</sup> Appellant repeatedly fails to serve filings with this Court on all the attorneys of record. Although Weston Adams, III and Helen Hiser noticed their appearance on July 29, 2013, which was duly served on counsel for Appellant, he only serves Jason Lockhart, who defended this claim at the Commission. Mr. Adams and Ms. Hiser are defending this appeal and request that Appellant be instructed to serve them with all filings with this Court.

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**SC Court of Appeals**

notice of his appeal on the South Carolina Workers' Compensation Commission. As a result, this Court lacks appellate jurisdiction and should dismiss this appeal.

Respondents did not file a Return to Appellant's Motion to reinstate the appeal because this Court's August 21, 2013 dismissal was due to Appellant's failure to timely serve the Commission with notice of the appeal, and nothing in Appellant's Motion to reinstate addressed that issue. In short, there was nothing meaningful to reply to. Nothing in Appellant's Motion, including the attachments, indicated or provided proof that he timely served the Commission with his notice of appeal. Nothing in Appellant's Return provides any evidence of timely service on the Commission. Thus, Respondents' Motion to Dismiss is not moot.

If, in fact, Appellant filed a Supplement to his Motion, he failed entirely to serve Respondents with such supplemental motion and, consequently, Respondents request that they be served with a copy of the Supplement and allowed adequate time to respond.

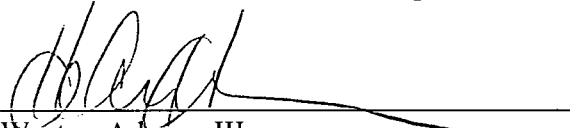
Furthermore, Appellant's Return indicates that he has filed his Initial Brief and Designation of Matter. Respondents move this Court to extend the deadline by which they must reply to Appellant's Initial Brief until 30 days after their Motion to Dismiss has been decided.

CONCLUSION

For all the reasons stated in their Motion and herein, Respondents move this Court to dismiss the appeal in this matter.

McANGUS GOUDELOCK & COURIE, L.L.C.

September 27, 2013

A handwritten signature in black ink, appearing to read 'W. Adams, III', is written over a horizontal line. The signature is cursive and extends to the right of the line.

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*Attorneys for Respondents Owen Steel Company,  
Inc. and Great American Insurance Group c/o  
Strategic Comp Services*

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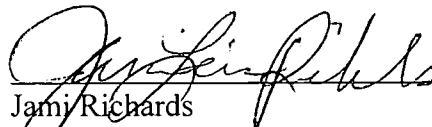
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**PROOF OF SERVICE**

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I certify that on the 27<sup>th</sup> day of September 2013, I served the Respondents' **Reply to Appellant's Return Motion to Dismiss** on William E. Miller, Jr. by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record:

J. Charles Ormond, Jr., Esq.  
Holler Garner Corbett Ormond Plante & Dunn  
P.O. Box 11006  
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Inc. and Great American Insurance Group c/o  
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