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Jun 10 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

Appellate Case No. 2024-001975

Troy Hinson, Claimant,..... Appellant,

v.

Merrill Gardens, LLC, Employer, and
Church Mutual Insurance Company, Carrier,..... Respondents.

RESPONDENTS' MOTION TO FILE OUT OF TIME

Respondents, Merrill Gardens, LLC and Church Mutual Insurance Company (“Respondents”) hereby move for permission to file Respondents’ final brief out of time. On May 16, 2025, undersigned’s office emailed a copy of the final brief to all counsel of record. *See* Email, attached as Exhibit “A.” Further, undersigned’s office contracted with NOVA Office Strategies (“NOVA”) to hand-deliver one bound copy with a red cover and a second unbound copy to be delivered to the Honorable Jenny Abbot Kitchings. *See* Email, attached as Exhibit “B.” On May 16, 2025 at 9:14am, NOVA emailed that they had “delivered these briefs to the Court of Appeals to the attention of the Judge.” *See id.*

One June 9, 2025, the Clerk of the South Carolina Court of Appeals indicated that Respondents’ final brief was not received. Further, the Clerk requested a motion to serve and file out of time, pursuant to Rule 211 of the SCACR.

Accordingly, Respondents' respectfully request that they be permitted to file their final brief out of time as it appears it was not received timely despite undersigned's efforts. Respondents shall file their final brief contemporaneously with this motion and have requested that NOVA deliver another bound copy of Respondents' final brief.

Respectfully submitted,

June 10, 2025

McANGUS, GOUDELOCK & COURIE, LLC

s/Jeffrey Kuykendal
Jeffrey Kuykendal (SC Bar No. 107154)
Post Office Box 30307
6302 Fairview Road, Suite 700
Charlotte, North Carolina 28226
(704) 643-6303
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Mark Davis (SC Bar No. 15522)
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735 Johnnie Dodds Blvd., Suite 200
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mdavis@mgclaw.com

*Attorneys for Respondents Merrill Gardens, LLC
and Church Mutual Insurance Company*

EXHIBIT “A”

Jeffrey Kuykendal

From: Patricia Powell
Sent: Friday, May 16, 2025 9:46 AM
To: 'wpowell@samuelsreynolds.com'; 'cadams@samuelsreynolds.com';
'hgrant@samuelsreynolds.com'; 'stephen@samuelsreynolds.com'
Cc: Jeffrey Kuykendal; Mark Davis
Subject: Troy Hinson v. Merrill Gardens, LLC and Church Mutual Insurance Compan (Claim No.:
1452850)
Attachments: Letter to Honorable Jenny Kitchings and Final Brief of Respondent.PDF

Attached please find document(s) in regards to the above-referenced matter which has been hand delivered to the court today. If you have any difficulty opening, please advise.

Thank you.

Patricia Powell

Legal Assistant to John Jeffries, Jeffrey Kuykendal and Stephanie Hoffman
McAngus, Goudelock and Courie, PLLC
Post Office Box 30307
Charlotte, NC 28230
Patricia.powell@mgclaw.com
Main: 704-643-6303
Direct: 704-405-4587

EXHIBIT “B”

Jeffrey Kuykendal

From: Columbia Desk <columbia@novaoffice.net>
Sent: Friday, May 16, 2025 9:29 AM
To: Patricia Powell; Front Desk
Cc: Chris Cooper; Jeffrey Kuykendal
Subject: Re: NOVA Request No. 10167

Categories: \$

It's our pleasure!

Our accountant will send you an invoice through email this afternoon or early next week- payment can be made by credit card or bank draft with no service fees added. We prefer this method, but if you would prefer to send a check, you can definitely do so! It would need to be sent to our Charlotte address, which is:

NOVA Office Strategies
Attn: Marsha Brumitt, Accounting
129 West Trade Street
Suite 1420
Charlotte, NC 28202

Thank you!



Rebekah Street
Columbia Front Desk

1122 Lady St. | Suite 725
Columbia, South Carolina 29201
Office:803.354.4300
www.novaoffice.net

From: Patricia Powell <patricia.powell@mgclaw.com>
Sent: Friday, May 16, 2025 9:16 AM
To: Columbia Desk <columbia@novaoffice.net>; Front Desk <frontdesk@novaoffice.net>
Cc: Chris Cooper <ccooper@novaoffice.net>; Jeffrey Kuykendal <jeffrey.kuykendal@mgclaw.com>
Subject: RE: NOVA Request No. 10167

Wow – that is wonderful. Thank you!

Not sure how you process payments, but please email the invoice to me and I will order a firm check to be printed. It may not go out until Monday. Or, let me know if you require some other form of payment.

Thank you.

Patricia Powell

Legal Assistant to John Jeffries, Jeffrey Kuykendal and Stephanie Hoffman
McAngus, Goudelock and Courie, PLLC
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Charlotte, NC 28230
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From: Columbia Desk <columbia@novaoffice.net>
Sent: Friday, May 16, 2025 9:14 AM
To: Patricia Powell <patricia.powell@mgclaw.com>; Front Desk <frontdesk@novaoffice.net>
Cc: Chris Cooper <ccooper@novaoffice.net>
Subject: Re: NOVA Request No. 10167

Good morning Patricia,

We have delivered these briefs to the Court of Appeals to the attention of the Judge. Please let me know if we can do anything else for you, and have a beautiful weekend!

Thanks,
Rebekah



Rebekah Street
Columbia Front Desk

1122 Lady St. | Suite 725
Columbia, South Carolina 29201
Office: 803.354.4300
www.novaoffice.net

From: Patricia Powell <patricia.powell@mgclaw.com>
Sent: Thursday, May 15, 2025 2:48 PM
To: Front Desk <frontdesk@novaoffice.net>
Cc: Chris Cooper <ccooper@novaoffice.net>; Columbia Desk <columbia@novaoffice.net>
Subject: RE: NOVA Request No. 10167

Mr. Kuykendal just found a mistake. He dated the Brief for today and it should have been for tomorrow, May 16, 2025. Attached is a corrected copy.

Thank you.

Patricia Powell

Legal Assistant to John Jeffries, Jeffrey Kuykendal and Stephanie Hoffman
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VCARD

This electronic mail may contain information that is confidential, attorney/client and/or work product privileged, prepared in anticipation of litigation and/or exempt from disclosure under applicable law. This transmission is intended solely for the individual or entity designated above. If you are not the intended recipient, you should understand that any distribution, copying, or use of the information is unauthorized and strictly prohibited. If you have received this electronic mail in error, please immediately notify the sender and destroy all copies which you may have of this communication. Please consider the environment before printing this email.

From: Front Desk <frontdesk@novaoffice.net>
Sent: Thursday, May 15, 2025 2:37 PM
To: Patricia Powell <patricia.powell@mgclaw.com>
Cc: Chris Cooper <ccooper@novaoffice.net>; Columbia Desk <columbia@novaoffice.net>
Subject: RE: NOVA Request No. 10167

Thank you, Patricia!

I'm cc'ing our Columbia team to move ahead with this. They will reach out with follow up questions to make sure this is completed to standard.

Best,
Vio



Charlotte Front Desk
NOVA Office Strategies
129 West Trade Street | Suite 1420
Charlotte, NC 28202
Phone: 704-347-0055
Email: frontdesk@novaoffice.net

From: Patricia Powell <noreply@jotform.com>
Sent: Thursday, May 15, 2025 2:32 PM

To: Imaging <Imaging@novaoffice.net>

Subject: NOVA Request No. 10167

NOVA Request Form

Will this request require a pick-up? NO

Name Patricia Powell

Phone Number (704) 405-4587

Email patricia.powell@mgclaw.com

C/M # or Billing Reference: Hinson v. Merrill Gardens (Appellee Brief)

Due Date & Time 05-16-2025 03:00 PM

My Request is for the following:

Copy

Exhibit Binder

Courier/Delivery

I will:

Send Via Email

Job Details Print 2 copies of the Final Appellee Brief. One copy spiral bound with a clear plastic front and red paper cover; the other copy NOT spiral bound and no red cover.

Deliver to:
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals

1220 Senate Street
Columbia, South Carolina 29201

File Upload

[Final Appellee Brief.doc](#)
[Letter to Honorable Jenny Kitchings.doc](#)

NOVA Request No. 10167

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Church Mutual Insurance Company, Carrier,..... Respondents.

PROOF OF SERVICE

I certify that I have served **Respondents' Motion to File Out of time** on Appellant by email and by depositing a copy of it in the United States Mail, postage prepaid, on the 10th day of June 2025 addressed to their attorney of record,

Stephen B. Samuels
Samuels Reynolds Law Firm, LLC
1320 Richland Street
Columbia, South Carolina 29201

June 10, 2025

Respectfully submitted,

McANGUS, GOUDELOCK & COURIE, LLC

s/Jeffrey Kuykendal

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and Church Mutual Insurance Company*