

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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SC Court of Appeals

Appeal from The South Carolina
Workers' Compensation Commission

Cynthia C. Dooley, Commissioner
Gene McCaskill, Commissioner
R. Michael Campbell, Commissioner

Appellate Case No. 2025-000026
WCC File No. 1921668

Evaristo Verdugo Morales, Claimant,

Respondent-Appellant,

v.

Insulation by Cohen's, LLC, Employer,
and Builders Premier Insurance Company, Carrier,

Appellants-Respondents.

**RETURN TO RESPONDENT-APPELLANT'S MOTION TO SUPPLEMENT THE
RECORD AND FILE AMENDED INITIAL BRIEF**

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COME NOW Appellants-Respondents, Insulation By Cohen's & Sprayfoam by Cohen's, LLC, and Builders Premier Insurance Company, by and through their undersigned counsel, files this Return to Respondent-Appellant's Motion to Supplement the Record and File an Amended Initial Brief.

This Court should deny Respondent-Appellant's Motion because nothing in the South Carolina Appellate Court Rules permits Respondent-Appellant to supplement the record with material of the type proposed (an affidavit from another case and a blog post related to that case) or amend his initial brief. Rule 208, SCACR allows for supplemental citations "[w]hen pertinent and significant authorities come to the attention of a party after his initial brief(s) has been served and filed." The proposed supplemental material is not pertinent or significant authorities that were published after Respondent-Appellant filed his brief. Further, "[t]he Record shall not . . . include matter which was not presented to the lower court" Rule 210(c), SCACR. The proposed supplemental material was not presented to the lower court. Moreover, a "party shall not include any matter . . . which is not relevant to the appeal." Rule 209(b), SCACR. The proposed supplemental material is not relevant to Respondent-Appellant's appeal. It relates to a completely different case and has no bearing on this appeal.

Additionally, Respondent-Appellant is essentially seeking to rewrite and file a new appellant's brief after Appellant-Respondents filed their respondents' brief.

This request is inappropriate by any applicable rule or case law. It is an attempt to get a second bite of the apple.

Appellant-Respondents also asks this Court to also deny Respondent-Appellant's request for a hearing en banc and will provide further briefing on that issue at the Court's request pursuant to Rule 219(b), SCACR. Accordingly, Appellants-Respondents ask this Honorable Court to deny Respondent-Appellant's Motion.

[Signature page for Motion for Extension of Time to File/Serve Appellants-Respondents' Initial Reply Brief, Appellate No. 2025-000026]

Respectfully submitted,

CLEMENT RIVERS, LLP

By: *s/Stephen L. Brown*

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