

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
CIRCUIT COURT

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Mikell R. Scarborough, Master-in-Equity

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Case No. 2015-CP-10-06684  
Appellate Case No. 2025-001339

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Palmetto Contract Services, Inc.....Appellant,

v.

Zurich American Insurance Company of Illinois.....Respondent.

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**MOTION TO FILE OUT OF TIME**

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Appellant hereby moves to file its response to Respondent’s Motion to Strike Portions of Appellant’s Designation of Matter to be Included on Appeal, with Exhibit “1” that was currently due January 17, 2026 out of time and to accept the response being filed contemporaneously with this motion as timely. This motion is based on counsel for appellant’s busy trial and motions schedule and previously planned days off.

**RECEIVED**

**Jan 23 2026**

**SC Court of Appeals**

**GOODWYN LAW FIRM, LLC**

/s/ T. JEFF GOODWYN, JR.

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*Attorney for Appellant*

Columbia, South Carolina  
January 23, 2026

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APPEAL FROM CHARLESTON CIRCUIT COURT

Mikell Scarborough, Circuit Court Judge

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**APPELLANT’S RESPONSE TO RESPONDENT’S MOTION TO STRIKE PORTIONS  
OF APPELLANT’S DESIGNATION OF MATTER**

In response to Respondent’s Motion to Strike Portions of Appellant’s Designation of Matter, Appellant shows the court as follows. With respect to Respondent’s first argument related to Defendant’s Exhibit 2, Overland Audit for 2009-2010, Appellant agrees that this is an audit from a policy year different from the policy year at issue in this case, but contends that a comparison between how the same employes are treated over different audits by the same company is relevant in determining whether the audit for the 2012-2013 policy period was conducted properly and correctly. Respondent had provided worker’s compensation coverage for many policy periods prior to this period and Respondent had never classified Appellant’s workers as they did in the 2012-2013 policy period. Showing how Respondent itself classified these same

workers in prior policy periods and in prior audits is especially relevant to the proper classification for this policy period. For this reason, this court should deny Appellant's motion with respect to the Overland Audit for 2009-2010.

With respect to items II and III in Appellant's motion related to the prior lawsuit and the 2013 affidavit of William Deytens, Appellant will consent to removing these two items from its designation of matter.

With respect to Item 15 in Appellant's designation of matter, "All other relevant pleadings and documents produced in discovery", Appellant has no other documents or pleading it intends to include in the designation other than the specific items listed in its designation and does not object to striking this item.

GOODWYN LAW FIRM, LLC

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*Attorney for Appellant*

Columbia, South Carolina  
January 23, 2026

IN THE STATE OF SOUTH CAROLINA  
In the Circuit Court

APPEAL FROM CHARLESTON CIRCUIT COURT

Mikell Scarborough, Circuit Court Judge

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.....Respondent.

**PROOF OF SERVICE**

I certify that I have served a copy of **Appellant’s Motion to File Out of Time, Appellant’s Response to Respondent’s Motion to Strike Portions of Appellant’s Designation of Matter** on the following via email address and facsimile on January 23, 2026.

Larry D. Cohen, Esquire Larry D. Cohen, LLC <a href="mailto:ldcohen@ldcohenlaw.com">ldcohen@ldcohenlaw.com</a>	Carolyn H. Blue, Esquire <a href="mailto:carolyn.blue@ymail.com">carolyn.blue@ymail.com</a>
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January 23, 2026

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**Jan 23 2026**

**SC Court of Appeals**

**VIA E-FILING AND MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: *Palmetto Contract Services, Inc. v Zurich American Insurance Company of Illionis*  
Case No.: 2015-CP-10-06684  
Appellate Case No.: 2025-001339  
Our File No.: 3000-00691


Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the **Appellant's Motion to File Out of Time, Appellant's Response to Respondent's Motion to Strike Portions of Appellant's Designation of Matter and Proof of Service**, along with a check in the amount of \$50.00 for filing in connection with the above-referenced matter. The check has been placed in today's mail.

I have copied all interested parties with a copy of this letter as evidenced below.

Thank you for your attention to this matter and should you have any questions, please do not hesitate to contact me.

Sincerely,



T. Jeff Goodwyn, Jr.

TJG:cnc

cc: Carolyn H. Blue, Esquire  
Larry D. Cohen, Esquire  
(all via email)