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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1213162

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

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

MOTION TO DISMISS

Pursuant to Rule 240, SCACR, Respondents Owen Steel Company, Inc. and Great American Insurance Group c/o Strategic Comp Services hereby move to dismiss this appeal. Appellant William E. Miller, Jr. has failed to serve his Initial Brief upon Respondent as required under Rule 208(a)(1), and, as a result, this Court should dismiss his appeal.

Appellant has repeatedly failed to comply with the South Carolina Appellate Court Rules. Appellant filed a Notice of Appeal with this Court on July 22, 2013. This Court issued a deficiency letter on July 25, 2013 requiring that proof that Appellant's Notice of Appeal had been served on the Worker's Compensation Commission be filed with the Court within ten days. On August 21, 2013, this Court dismissed this appeal for failure to comply with its notice of deficiency. In his Motion to Reinstate filed on

August 26, 2013, Appellant did not address this Court's stated reason for dismissing the appeal – failure to provide proof of service to the Commission. Instead, Appellant admitted his failure to provide proof of service of his request for the transcript. On September 20, 2013, Respondent moved to dismiss this appeal due to Claimant's failure to provide proof of service of his Notice of Appeal to the Worker's Compensation Commission. In his return to Respondent's Motion filed September 27, 2013, Appellant mentioned that he had filed his Initial Brief with this Court. On November 8, 2013, this Court denied Respondent's Motion to Dismiss; however, this Court reminded Appellant that he must serve his Initial Brief and Designation of Matter upon Respondent's counsel of record. To date, counsel for Respondent (including Respondent's counsel below) has not received Appellant's Initial Brief.

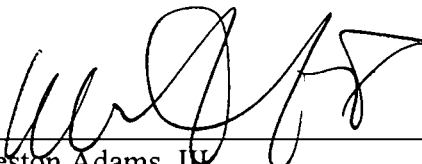
Pursuant to Rule 208(a)(4), Appellant's failure to serve Respondent with his Initial Brief requires dismissal of the appeal. Respondent respectfully asks this Court to dismiss this appeal. Without possession of Appellant's Initial Brief, Respondent cannot prepare its Initial Brief by the deadline of December 9, 2013. This motion, pursuant to Rule 240(b), automatically stays Respondent's deadline for filing its Initial Brief until this motion is decided.

CONCLUSION

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

McANGUS GOUDELOCK & COURIE, L.L.C.

December 2, 2013



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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Case No. 2013-001564

William Miller, Jr., Employee,.....Appellant,

v.


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

PROOF OF SERVICE

I certify that on the 2nd day of December 2013, I served Respondents' Motion to Dismiss upon opposing counsel, by depositing a copy of it in the United States Mail, with sufficient postage affixed as follows, as follows:

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December 2, 2013



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