

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

CASE NO: 2013-0001675
WCC FILE NO: 0904601

Thomas Bradley Davis

Employee/Claimant,
Appellant

v.

Robert Bosch Corporation LLC,
and
The Phoenix Insurance Company,

Employer
Carrier,
Defendants/Respondents

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DEC 11 2013

SC Court of Appeals

MOTION TO SUSPEND THE BRIEFING
SCHEDULE FOR NINETY DAYS

This motion is filed pursuant to Rule 240 of the South Carolina Appellate Court Rules. This is a workers' compensation appeal. Through this motion, the appellant requests that the Court suspend the briefing schedule for a period of ninety days so that a companion case that was tried with this case can be decided. This decision may obviate the need for this appeal.

BACKGROUND

Thomas Bradley Davis suffered injuries to his bilateral arms and hands as a result of repetitive trauma while working for Robert Bosch Corporation. His claim was admitted with regard to bilateral carpal tunnel syndrome and bilateral epicondylitis (WCC File No. 0904601). Davis continued to work following his injury and surgeries and also developed bilateral

DeQuervains syndrome and had additional surgeries. Claimant alleged this was the result of the original repetitive trauma claim and/or had sustained a new injury.

Bosch eventually admitted a new repetitive trauma claim (WCC File No. 1022907). Bosch's workers' compensation insurance carrier/administrator had changed in the interim. The cases were tried together on August 30, 2012. Separate decisions were issued by Commissioner T. Scott Beck (Exhibit A & B). Those decisions were appealed by appellant and the appeal was heard in one oral argument.

The Appellate Panel affirmed WCC File No 0904601 but affirmed in part, reversed in part, and remanded WCC File No 102290 (Exhibit C & D). This appeal followed on WCC File No. 0904601 but WCC File No. 1022907 was not immediately appealable because it was remanded and was not a final judgment. The remand of WCC File No. 1022907 was heard before Commissioner Beck on December 4, 2013.

ARGUMENT

Appellant experienced repetitive trauma that resulted in two dates of injury. The cases were tried together both at the trial level and at the appellate level. One case became an immediately appealable final judgment while the other case was remanded and not immediately appealable. The remand has now been heard and a decision is pending.

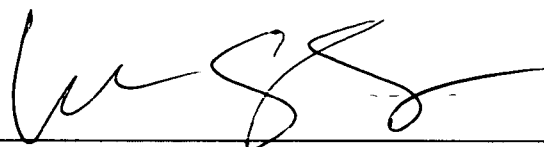
The decision on remand may end the need for this appeal. However, if it does not, there is overlap between the cases and they would certainly be more understandable if heard together. Further, it would promote the interests of judicial economy.

Appellant's counsel is aware and appreciative of the fact that prior extensions have been allowed in this case. However, this request is not being made for the purpose of delay.

CONCLUSION

Appellant requests the briefing schedule be suspended to allow the companion case to "catch up" with this case. This would help clarify overlapping issues and would promote judicial economy.

Respectfully submitted,



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Dated: December 9, 2013

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

CASE NO: 2013-00001675
WCC FILE NO: 0904601

Thomas Bradley Davis

Employee/Claimant,
Appellant

v.

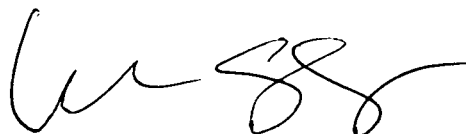
Robert Bosch Corporation LLC,
And
The Phoenix Insurance Company,

Employer

Carrier,
Defendants/Respondents.

PROOF OF SERVICE

I certify that I have served the Motion to Suspend the Briefing Schedule for Ninety Days on Respondents Robert Bosch Corporation LLC and The Phoenix Insurance Company by depositing a copy of it in the United States Mail, postage prepaid, on December 9, 2013, addressed to their attorney of record Franklin D. Guerrero, Willson, Jones, Carter & Baxley, 872 South Pleasantburg Drive, Greenville, SC 29607. I have also served the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail to the Honorable Virginia Crocker, Judicial Director, South Carolina Workers' Compensation Commission, Post Office Box 1715, Columbia, SC 29202-1715.



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SC Court of Appeals

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December 9, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
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RE: Thomas Bradley Davis v. Robert Bosch Corporation LLC and The Phoenix
Insurance Company
Appellate Case No: 2013-0001675
WCC File No: 0904601

Dear Ms. Kitchings:

Please find enclosed for filing the original and seven copies of a Motion to Suspend the Briefing Schedule for Ninety Days in regards to this case. I have also enclosed a proof of service for this document on counsel for the respondents and a \$25 check for filing this motion. Please return the additional file copy to me via our courier. I would point out that the Appellant's brief is due on December 23 and would request an expedited decision on this notice if at all possible.

Thank you for your cooperation to this matter. If you need additional information, please do not hesitate to contact me.

Very truly yours,

William L. Smith II

WLS:ceb

cc: Franklin D. Guerrero
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SC Court of Appeals

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