

# The South Carolina Court of Appeals

Joseph Mickle, Claimant, Appellant,

v.

Boyd Brothers Transportation, Inc., Employer, and  
Lumbermans Underwriting Alliance, Carrier,  
Defendants, Respondents.

Appellate Case No. 2013-001212

---

## ORDER

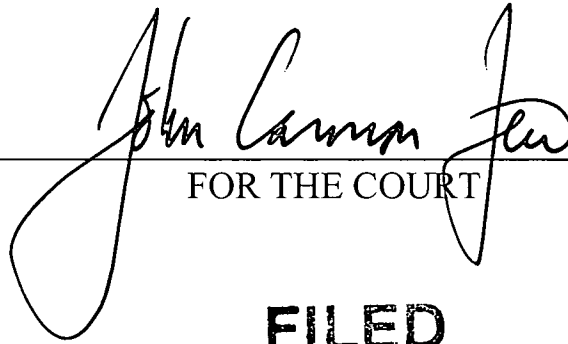
---

Respondents have filed a motion to consolidate their appeal, which Respondents inadvertently filed with the Richland County Court of Common Pleas, with Appellant's appeal, which Appellant filed with this Court. Appellant did not file a return to Respondents' motion.

We find Respondents' motion to consolidate is premature because their appeal has not been filed with this court. However, because Appellant's injury occurred after July 1, 2007, we agree that Respondents' appeal should have been filed with this court. *See* S.C. Code Ann. § 42-17-60 (Supp. 2012) (effective July 1, 2007).

Accordingly, pursuant to Rule 204(a), SCACR, the Clerk of Court for Richland County shall transfer Respondents' appeal, Case No. 2013-CP-40-03111, filed on May 23, 2012, to this Court within ten days. *See* Rule 204(a), SCACR ("In the event the notice of appeal is filed in the wrong appellate court, the appellate court in which the matter is filed shall issue an order transferring the case to the appropriate appellate court."); *In re November 4, 2008 Bluffton Town Council Election*, 385 S.C. 632, 641, 686 S.E.2d 683, 688 (2009) (invoking Rule 204(a), SCACR, and transferring the case to the proper appellate forum).

IT IS SO ORDERED.

  
FOR THE COURT

Columbia, South Carolina

**FILED**

cc: Frank Anthony Barton  
Duke K. McCall, Jr.  
The Honorable Jeanette W. McBride

SF 10/31/13