

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS COMPENSATION COMMISSION

W.C.C. No. 0202022

Clifford Pasley

Appellant,

v.

Leonard Enterprises, Inc./Trans Agri, Inc.  
and SC Uninsured Employers' Fund

Respondents

RETURN TO MOTION TO DISMISS  
REQUEST FOR TRANSFER

7,222

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FEB 07 2014

SC Court of Appeals

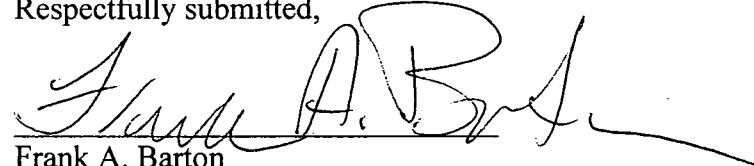
On December 31, 2013, Appellant, Clifford Pasley, timely filed with this Court a notice of appeal from a decision of the South Carolina Workers' Compensation Commission dated December 3, 2013. However, because Appellant's injury took place on January 17, 2002, the notice of appeal should have been filed with the Circuit Court of Richland County. See S.C. Code Ann. §42-17-60 (Supp. 2012)(effective July 1, 2007).

On January 30, 2013, Respondents moved this Court to dismiss the appeal because the notice of appeal was wrongly filed. However, Appellant would request, pursuant to Rule 204(a), SCACR, that this Court deny the motion to dismiss and, instead, issue an order transferring his appeal to the Richland County Circuit Court. 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 SE2d 683, 688 (2009)(invoking Rule 204(a), SCACR, and transferring the case to the proper appellate forum.)

February 5, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank A. Barton", written over a horizontal line.

Frank A. Barton  
Mullis Law Firm  
P.O. Box 7757  
Columbia, SC 29202  
(803) 799-9577  
**Attorney for Appellant**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

WCC FILE NO: 0202022

Clifford Pasley,

Claimant-Appellant,

v.

Leonard Enterprises, Inc., TransAgri, Inc.,  
and S.C. Uninsured Employers' Fund

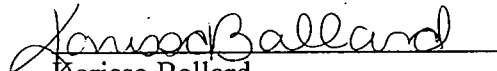
Respondents.

**CERTIFICATE OF SERVICE**

I, the undersigned, an employee of the MULLIS LAW FIRM do hereby certify that I have served the Appellant's Return to Motion to Dismiss and Request for Transfer this 5<sup>th</sup> day of February, 2014, by mailing a copy, by regular United States mail, with proper postage affixed, to the following:

Margaret M. Urbanik, Esq.  
Clawson and Staubes  
126 Seven Farms Drive, Suite 200  
Charleston, SC 29492

Lisa C. Glover, Esq.  
P.O. Box 210039  
Columbia, SC 29221-0039

  
Karissa Ballard  
MULLIS LAW FIRM  
P.O. Box 7757  
Columbia, SC 29202  
(803) 799-9577

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**SC Court of Appeals**

# MULLIS LAW FIRM

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PAMELA R. MULLIS  
ATTORNEY AT LAW

J. MARVIN MULLIS, JR.  
1940 - 2012

February 5, 2014

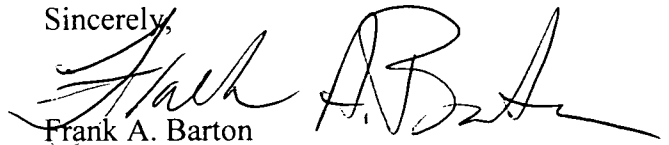
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Dear Ms. Kitchings:

Please find enclosed the Return to Motion to Dismiss and Request for Transfer on behalf of Claimant-Appellant along with proof of service and the filing fee.

Please do not hesitate to contact me should there be any questions or concerns regarding this filing.

Sincerely,

  
Frank A. Barton

FAB/mcr  
Enclosures

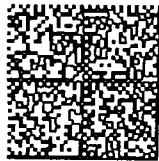
Cc: Margaret M. Urbanik, Esq.,  
Lisa C. Glover, Esq.,

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SC Court of Appeals

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
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Columbia, SC 29211

