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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2013-000887
Trial Court Case No. 2011-CP-40-03561

RECEIVED
FEB 24 2014
SC Court of Appeals

Gertrude Shiver, Claimant,Appellant,

v.

Palmetto Health Richland, Employer, Key Risk Management
Services, Inc., TPA, Palmetto Hospital Trust Services, Carrier,
Trident Regional Medical Center, Employer, and Zurich American
Insurance Company, Carrier, Respondents.

RESPONDENTS' MOTION TO DISMISS APPEAL

Pursuant to Rule 240, SCACR, Respondents Palmetto Health Richland,
Employer; Key Risk Management Services, Inc., TPA; Palmetto Hospital Trust Services,
Carrier; Trident Regional Medical Center, Employer; and Zurich American Insurance
Company, Carrier, (collectively "Respondents") move to dismiss the instant appeal. The
specific grounds supporting dismissal are as follows:

1. Respondents moved to dismiss this appeal via motion filed on or about
October 3, 2013. Respondents sought dismissal on the grounds that Appellant Gertrude
Shiver ("Shiver") failed to timely file necessary documents and otherwise comply with
requirements set forth in the South Carolina Rules of Appellate Procedure.

Respondents' Motion, along with the memorandum of law filed in support thereof, are incorporated as if set forth verbatim herein.

2. Shiver filed a written Motion to Reject the Dismissal of Motion of the Appeal on or about October 9, 2013.

3. Thereafter, via written Order filed November 25, 2013, this Court denied Shiver leave to file an addendum to her initial brief and instead granted her 30 days to file and serve an amended initial brief. The Court also denied Respondents' motion to dismiss and declined to act on Shiver's "motion to reject the dismissal of motion of the appeal."

4. Pursuant to the terms of the Court's November 25, 2013 Order, Shiver's deadline to file and serve her amended initial brief was Friday, December 27, 2013.

5. In her letter to the Clerk of this Court dated December 22, 2013, Shiver requested a 30 day extension of time to file and serve her amended initial brief. The Court granted Shiver's request via Order filed December 30, 2013, and established a new deadline of January 27, 2014, for Shiver to file and serve her amended initial brief.

6. Disregarding this Court's December 30, 2013 Order, as well as other applicable Appellate Court Rules, it appears Shiver may have served an Amended Initial Brief of Appellant and Amended Designation of Matter of Appellant with the Court on or about January 27, 2014. The amended brief, which is dated January 27, 2014, is 57 pages long, is a mixture of typed and hand-written pages, lacks a table of contents, lacks at least one argument corresponding to her enumerated issues on appeal, and several pages are non-sequentially numbered, all in violation of Rule 267, SCACR. Moreover, while her amended initial brief, amended designation of matter, and certificate of service are dated

January 27, 2014, these materials were not actually served upon undersigned counsel until January 29, 2014. (See Envelope with Certified Mail Postmark, a copy of which is attached as Exhibit A). To Respondents' knowledge, this amended initial brief and amended designation of matter were not timely filed with this court, if they have been filed at all.

7. In her letter to the Court dated January 28, 2014, Shiver attempted to explain certain deficiencies in her amended initial brief, as well as the purported reasons why she "had to deposit [her] Amended Initial Brief and Amended Designation of Matter in the US mail yesterday [January 27, 2014]." This statement regarding service of her brief is contradicted, of course, by the postmark reflected on Exhibit A. Additionally, while Shiver's letter acknowledges the need to seek leave to file and serve out of time, she neglected to do so and has not done so as of the date of this motion. To the extent Shiver's January 28, 2014 letter may be construed as a request to file and serve her amended initial brief out of time, Respondents oppose that motion.

8. Shiver has continued to supplement her filings with the Court via correspondence and attachments dated February 4 and 6, 2014, in which she purports to serve upon counsel of record "missing handwritten documents" not originally included with her untimely service of amended initial brief and amended designation of matter.

9. In light of Shiver's continued disregard for this Court's filing deadlines, as well as the South Carolina Appellate Court Rules, Respondents have been prejudiced in their ability to respond fully and efficiently to Shiver's allegations and arguments. As such, and on this basis, Respondents submit they are entitled to an Order from this Court dismissing Shiver's appeal with prejudice, and they so move.

CONCLUSION

For the reasons stated herein, Respondents respectfully move this Court for an Order dismissing Shiver's appeal with prejudice.

February 24, 2014

By:



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February 26, 2014

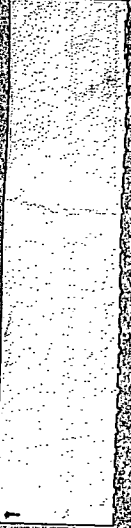
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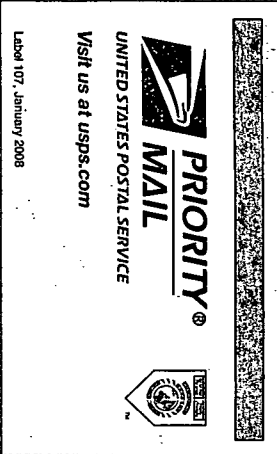
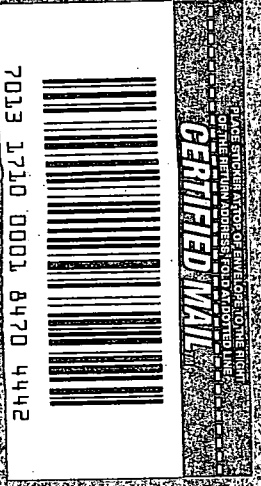
EXHIBIT A

*Pro-Art Studio
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*MAA School & Office
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*JAN 30 2014
FEB 15 2014*



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Insurance Company, Carrier, Respondents.

PROOF OF SERVICE

I certify this 24th day of February 2014 that I have served a copy of
RESPONDENTS' MOTION TO DISMISS APPEAL upon other counsel of record, by
mailing same, postage prepaid in the United States mail, addressed to the following:


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February 24, 2014

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