

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

71732

T. Scott Beck, Commissioner

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**RECEIVED**

MAR 28 2014

Appellate Case No. 2013- 000300

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**SC Court of Appeals**

Larry Dinkins,.....Appellant

v.

Cooper Tools, Inc., and  
Indemnity Insurance Company  
c/o ACE USA/ESIS,.....Respondents

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APPELLANT'S MOTION TO  
REINSTATE APPEAL

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The Appellant moves to reinstate the appeal in the above entitled matter pursuant to Rule 260. The standard under Rule 260 to reinstate an appeal is "good cause shown." In the present case the attorneys for both the Appellant and Respondent had discussed setting this matter for mediation and staying the Appeal. There was admittedly some confusion as to whether or not the Respondent had agreed to mediation or simply was contemplating it. (Exhibit 1). Despite the confusion the mediation was actually set for November 26, 2013. However, the Attorney for the

Respondent indicated that he had not gotten authority to mediate and the mediation was canceled. (Exhibit 2).

The confusion over mediation continued in to 2014 and as recently as March 17, 2014 the Attorney for the Appellant was seeking a final answer on whether or not the Respondents would agree to mediate this case. (Exhibit 3). The Attorney for the Appellant is not implying that the Attorney for the Respondent was dishonest about whether or not this case would be mediated, but only that it was not clear if authority would be issued or not.

This matter was dismissed by Order of the Clerk on March 19, 2014. Shortly thereafter the Attorney for the Appellant was notified by Attorney George D. Gallagher that he was now the Attorney of Record for this matter and that the Respondents would not agree to Mediation. The Attorney for the Appellant believes that due to the confusion over whether or not mediation would be agreed to by the Respondents is certainly "good cause shown" for this matter to be reinstated.

Respectfully submitted.

LAND, PARKER & WELCH, P.A.

By: 

William Ceth Land  
Attorney for Appellant  
P.O. Box 138  
29 S. Mill Street  
Manning, S.C. 29102  
803-435-8894

Manning, S.C.  
March 27, 2014

## Ceth Land

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**From:** Rocky Hughey <rhughey@mgclaw.com>  
**Sent:** Friday, August 09, 2013 12:46 PM  
**To:** Ceth Land  
**Subject:** Re: Larry Dinkins v. Cooper Tools  
**Attachments:** image001.gif

Ceth:

I'll see what my guy wants to do. Not sure if he wants to try to mediate or not, but I personally think it could be a good idea.

Does your Dad have an idea on where he is for a clincher at this point? That might help.

But if we do I will certainly recommend Earl. He's backed up but he and Lana are the best. Buster does a good job too and may have more openings.

Rocky Hughey

On Aug 8, 2013, at 4:40 PM, "Ceth Land" <Ceth@lpwlawfirm.com<mailto:Ceth@lpwlawfirm.com>> wrote:

Is Earl Ellis good with you?

William Ceth Land  
Land, Parker & Welch, P.A.  
Post Office Box 138  
Manning, South Carolina 29102  
Telephone: 803.435.8894  
Facsimile: 803.435.8362

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**From:** Rocky Hughey [mailto:rhughey@mgclaw.com]  
**Sent:** Thursday, August 08, 2013 3:44 PM  
**To:** Ceth Land  
**Subject:** RE: Larry Dinkins v. Cooper Tools

Ceth:

You got it.

## Ceth Land

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**From:** Sharon Ridgeway  
**Sent:** Monday, November 18, 2013 5:03 PM  
**To:** Ceth Land  
**Subject:** FW: Mediation on 11/26/13 - Larry Dinkins v. Cooper Tools, Inc. (6530-20130945)

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**From:** Rocky Hughey [<mailto:rhughey@mgclaw.com>]  
**Sent:** Monday, November 18, 2013 1:32 PM  
**To:** Stephanie Kluszczynski; Morgan, Jennifer ([jmorgan@ycrlaw.com](mailto:jmorgan@ycrlaw.com))  
**Cc:** Sharon Ridgeway  
**Subject:** RE: Mediation on 11/26/13 - Larry Dinkins v. Cooper Tools, Inc. (6530-20130945)

Jennifer:

Just to clarify, my clients just have not approved yet and we'll need more time if we're going to do it. If we mediate it, we want Buster to do it.

Thanks.

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**From:** Stephanie Kluszczynski  
**Sent:** Monday, November 18, 2013 1:30 PM  
**To:** Morgan, Jennifer ([jmorgan@ycrlaw.com](mailto:jmorgan@ycrlaw.com))  
**Cc:** [Sharon@lpwlawfirm.com](mailto:Sharon@lpwlawfirm.com); Rocky Hughey  
**Subject:** RE: Mediation on 11/26/13 - Larry Dinkins v. Cooper Tools, Inc. (6530-20130945)  
**Importance:** High

Jennifer, we received the Agreement to Mediate today from your office. Please note that we will not be moving forward with this Mediation on 11/26/2013. Our client never agreed to Mediation and claimants attorney was informed of this on 10/16/2013. Please confirm that this Mediation has been cancelled and no cancellation fees will be applied. I appreciate your help! Thank you!



## Ceth Land

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**From:** Sharon Ridgeway  
**Sent:** Monday, March 17, 2014 4:01 PM  
**To:** rhughey@mgclaw.com  
**Cc:** Ceth Land  
**Subject:** Larry Dinkins vs. Cooper Tools

Mr. Hughey:

Please advise if we are going to mediate this matter or if Mr. Land needs to do the Appellant's Brief.  
Thank you.

Sharon Ridgeway  
Legal Assistant to William Ceth Land  
Email: [sharon@lpwlawfirm.com](mailto:sharon@lpwlawfirm.com)



29 South Mill Street | Manning, SC 29102  
Main: (803) 435-8894 | Fax: (803) 435-8362  
Website: [www.lpwlawfirm.com](http://www.lpwlawfirm.com)

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APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

T. Scott Beck, Commissioner

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WCC NO: 0922191

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**SC Court of Appeals**

Larry Dinkins,.....Claimant/Appellant

v.

Cooper Tools, Inc., and  
Indemnity Insurance Company  
c/o ACE USA/ESIS,.....Defendants/Respondents

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CERTIFICATE OF SERVICE

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I hereby certify that due and proper service of the documents described below was made on the 28th day of March, 2014, by depositing a true copy of same in the United States mail at Manning, South Carolina, in an envelope with adequate first-class postage duly affixed and return address clearly indicated thereon and addressed to:

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

Ms. Virginia L. Crocker  
S.C. Workers' Compensation Commission  
P.O. Box 1715  
Columbia, South Carolina 29202-1715

Mr. George D. Gallagher, Esquire  
McAngus, Goudelock & Courie, LLC  
P.O. Box 12519  
Columbia, South Carolina 29211

Description of Documents:  
**APPELLANT'S MOTION TO  
REINSTATE APPEAL**

A handwritten signature in black ink, appearing to read 'Ceth Land', written over a horizontal line.

William Ceth Land, Esquire  
Land, Parker & Welch, P.A.  
Post Office Drawer 138  
Manning, South Carolina 29102  
803-435-8894

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LAND, PARKER & WELCH, P.A.  
ATTORNEYS AT LAW  
POST OFFICE BOX 138  
29 SOUTH MILL STREET  
MANNING, SOUTH CAROLINA 29102

**TO:**

The Honorable Jennie Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**HAND DELIVERY**