

THE SOUTH CAROLINA COURT
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

RECEIVED

OCT 24 2013

T. Scott Beck, Commissioner

SC Court of Appeals

Appellate Case No. 2013-000300

Trial Court Case No. 0922191

Larry Dinkins,Appellant,

v.

Apex Tool Group, Employer,
and
Indemnity Insurance Company c/o ACE USA/ESIS, Respondents.

Appellate Case No. 2013-00300

Trial Court Case No. 0922191

RESPONDENTS' RETURN TO APPELLANT'S MOTION FOR REHEARING

Respondents in the above-referenced action hereby oppose Appellant's Motion for Rehearing on the following grounds:

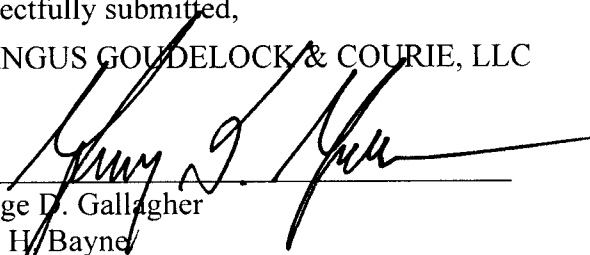
1. Contrary to Appellant's assertions, the Court did not employ the incorrect standard of review- i.e. "good cause"- when assessing his Motion to Reinstate, even though the Order refers to a "Petition for Rehearing." Notwithstanding the Court's Order labeling the

Appellant's Motion for Reinstatement of his Appeal as a "Petition for Rehearing," the substance of the Court's grounds for denying the requested relief controls. Essentially, the Court ruled that Appellant failed to demonstrate good cause why his appeal should be reinstated when he neglected to make necessary appellate filings after being granted five previous extensions.

2. Appellant contends he was under the belief this claim was still subject to mediation based on an email from Respondents' counsel's office dated November 2013. Respondents argue that Appellant's purported reliance on this email is untenable, given that he took no action to schedule mediation or secure an additional stay for making his appellate filings in the four-month interim between November and March when the Court advised his filings would be due. In fact, Appellant took no further action until mere days before his filings were finally due.

WHEREFORE, Respondents submit that the specific relief Appellant seeks-reinstatement of his Appeal,- should be denied. If deemed necessary, this Court can certainly remedy any scrivener's error due to its prior Order's characterization of the relief requested as a Petition for Rehearing, as opposed to a Motion to Reinstate.

Respectfully submitted,
McANGUS GOUDELOCK & COURIE, LLC


George D. Gallagher
Brett H. Bayne
Post Office Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th Floor (29201)
Columbia, South Carolina 29211-2519
(803) 779-2300

June 24, 2014

Attorneys for Respondents

THE SOUTH CAROLINA COURT
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2014 JUN 25
SC Court of Appeals

T. Scott Beck, Commission

Appellate Case No. 2013-000300

Trial Court Case No. 0922191

Larry Dinkins,Appellant,

v.

Apex Tool Group, Employer,
and
Indemnity Insurance Company c/o ACE USA/ESIS, Respondents.

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of June 2014, caused to be served a copy of Respondents' Return to Appellant's Motion for Rehearing by mailing a copy of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

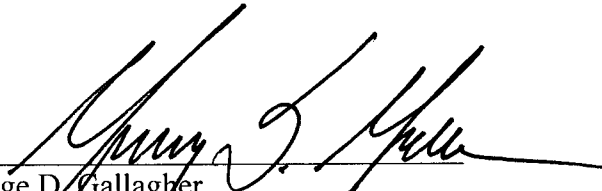
BY HAND DELIVERY

The Honorable Jenny Abbot Kitchings
S.C. Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

BY HAND DELIVERY

Judicial Director
South Carolina Workers' Compensation Commission
1333 Main Street, Suite 500
Columbia, South Carolina 29201

William Ceth Land, Esquire
Land, Parker & Welch, P.A.
Post Office Box 138
Manning, South Carolina 29102



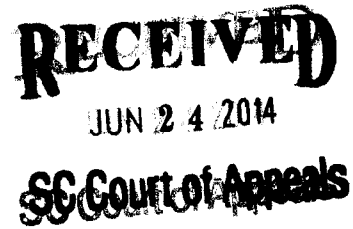
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Attorney for Respondents

Reply To

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June 24, 2014



BY HAND DELIVERY

The Honorable Jennie Abbott Kitchings, Clerk
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

RE: Larry Dinkins v. Cooper U.S. Inc. and Indemnity Insurance Company c/o
ACE USA/ESIS.
WCC File No.: 0922191
Our File No.: 2062.10578
Appellate Case No. 2013-000300; Trial Court Case No. 0922191

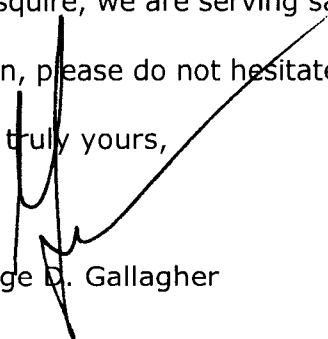
Dear Ms. Kitchings:

Please find enclosed the original and six copies of the **Respondents' Return to Appellant's Motion for Rehearing** regarding to the above-referenced matter.

By copy of this letter to the South Carolina Workers' Compensation Commission, and Appellant's attorney, William Ceth Land, Esquire, we are serving same.

If you should need additional information, please do not hesitate to contact me.

Very truly yours,


George D. Gallagher

GDG/smg

cc: William Ceth Land, Esquire, Land, Parker & Welch, P.A.
Judicial Director, South Carolina Workers' Compensation Commission