

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Susan S. Barden, Commissioner
Gene McCaskill, Commissioner
Andrea C. Roche, Commissioner

SCWCC File No. 1111934

Thomas Chad Hilton, Claimant.....Petitioner,

v.

Flakeboard America Limited, Employer, and
Liberty Mutual Insurance Company, Carrier, Defendants.....Respondents.

MOTION FOR EXTENSION OF TIME
FOR FILING RESPONDENTS' RETURN TO PETITION

L. Brenn Watson, Esq.
Ian C. Gohean
Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Drive
Greenville, SC 29607
(864) 527-3292

Attorneys for Respondents

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JUL 14 2014

SC Court of Appeals

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondents respectfully request an extension of time to file a Return to Petitioner's Petition for Writ of Certiorari based on the following grounds:

1. The Single Commissioner of the Workers' Compensation Commission issued a Decision and Order on June 4, 2013.
2. The Appellate Panel issued a Decision and Order on May 21, 2014, vacating the Order of the Single Commissioner and remanding the claim back to the Single Commissioner for further proceedings.
3. On June 20, 2014, Petitioner filed a Petition for Writ of Certiorari with the South Carolina Supreme Court, requesting the Court review the May 21, 2014, Decision and Order of the Appellate Panel. Petitioner has simultaneously filed a Notice of Appeal with the Court of Appeals.
4. Petitioner indicates the Petition for Writ of Certiorari is being filed "[p]ursuant to S.C. Const. art. V, Section 5 and S.C. Code Ann. Section 14-3-10 (1976)." No additional authority is cited by Petitioner which would purport to grant the Supreme Court authority to hear this case.
5. Respondents reviewed the Petition for Writ of Certiorari and believed the Petition was filed pursuant to Rule 242, as Petitioner did not cite Rule 240 in his Petition for Writ of Certiorari.
6. In fact, Petitioner did not cite any South Carolina Appellate Court Rule as authority for filing of his Petition.
7. Respondents were informed on July 10, 2014, that the Petition for Writ of Certiorari had been filed pursuant to Rule 240, despite the fact that Rule 240 is

not cited, or even noted, in the Petition.

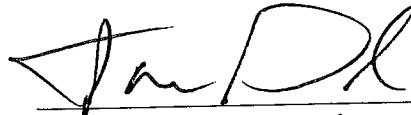
8. Because Respondents believed the Petition to be filed pursuant to Rule 242, Respondents were under the impression they were allowed thirty (30) days for filing of the Return to the Petition, rather than the ten (10) days allowed under Rule 240.

9. Due to this error, Respondents very respectfully request the Supreme Court allow an extension of time for Respondents to file their Return to the Petition for Writ of Certiorari. Respondents' Return is being filed in conjunction with this Motion.

For the foregoing reasons, Respondents respectfully request the Supreme Court allow an extension of eleven (11) days for Respondents' to file the Return to the Petition for Writ of Certiorari, and allow Respondents to file their Return on July 11, 2014, the date of this Motion.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



L. Brenn Watson, Esquire
Ian C. Gohean, Esquire
872 S. Pleasantburg Drive
Greenville, SC 29607
Attorney for Defendants

Date: July 11, 2014

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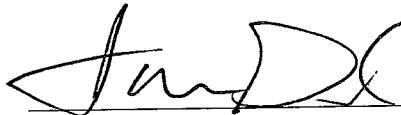
Thomas Chad Hilton, Claimant.....Petitioner,

v.

Flakeboard America Limited, Employer, and
Liberty Mutual Insurance Company, Carrier, Defendants.....Respondents.

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time on Thomas Chad Hilton by depositing a copy in the United States Mail, postage prepaid, on July 11, 2014, addressed to his attorney of record, Andrew N. Safran, Esquire, Andrew N. Safran, LLC, Post Office Box 12089, Columbia, South Carolina 29211.



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July 11, 2014

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: Thomas Hilton vs. Flakeboard America Limited
WCC File No.: 1111934 DOI: 8/17/2011
Carrier: Liberty Mutual - Claim No.: WC555-A26831
WJC&B File No.: 0010.03789

Dear Mr. Shearouse:

Enclosed for filing are an original and six copies of Respondents' Motion for Extension of Time in the above-referenced matter. Also enclosed is a Proof of Service of the Motion, as well as our filing fee of \$25.00.

By copy of this letter and as indicated by the Proof of Service, we now serve the above-referenced documents on Petitioner's Counsel.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



L. Brenn Watson
Ian C. Gohean

Enclosure

cc: Andrew N. Safran, Esquire
South Carolina Workers' Compensation Judicial Department
The Honorable Jenny Abbot Kitchings

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JENNY ABBOTT KITCHINGS, CLERK
THE SOUTH CAROLINA COURT OF APPEALS
P.O. BOX 11629
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