

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE
SC WORKERS' COMPENSATION COMMISSION

74742

WCC FILE NO. 1311681

Anthony Bryan Shelley, Appellant,

RockTenn and New Hampshire Insurance Company, Respondents.

**MOTION TO FILE AND SERVE APPELLANT'S INITIAL BRIEF,
AND DESIGNATION OF MATTER TO BE INCLUDED
IN RECORD ON APPEAL, OUT OF TIME**

STEPHEN J. WUKELA
WUKE LA LAW FIRM
ATTORNEY FOR APPELLANT
PO BOX 13057
FLORENCE SC 29504
843-669-5634

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SC Court of Appeals

Appellant, Anthony Bryan Shelley, moves this Court, pursuant to Rule 224 of the South Carolina Appellate Rules, for an Order permitting the filing and service of the Appellant's Initial Brief, and Designation of Matter to be Included in the Record on Appeal, out of time on the following grounds:

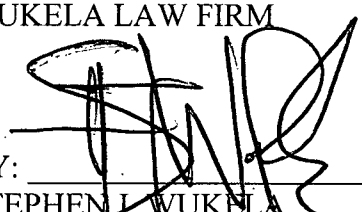
1. Appellant requested the Transcript of Record from the Court Reporter on November 13, 2014, and received the transcript on December 4, 2014. Therefore, the Appellant's Initial Brief and Designation would actually have been due on January 5, 2015.
2. Through inadvertence and error, Counsel for Appellant did not calendar the due date for the Initial Brief and Designation of Matter to be Included in Record on Appeal.
3. Appellant respectfully requests this Honorable Court permit the late filing and service of the Initial Brief, and Designation of Matter to be Included in the Record on Appeal, on the grounds of an inadvertent and unintentional mistake.
4. Counsel for Appellant has contacted Grady L. Beard, Counsel for Respondents, and he has no objection fo Appellant filing the Initial Brief out of time.
5. Appellant believes that no harm would be caused to the Respondents by the granting of this Motion arising from inadvertence and error and would further result in justness and fairness to the parties.

Respectfully submitted,

Florence, South Carolina

January 9th, 2015

WUKELA LAW FIRM


BY: _____
STEPHEN J. WUKELA
ATTORNEY FOR APPELLANT
PO BOX 13057
FLORENCE SC 29504
843-669-5634

THE STATE OF SOUTH CAROLINA
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WCC File No. 1311681

Anthony Bryan Shelley, Appellant,

RockTenn and New Hampshire Insurance Company, Respondents.

PROOF OF SERVICE

I certify that I have served the Motion to File and Serve Appellant's Initial Brief and Designation of Matter to be Included in Record on Appeal, Out of Time, on RockTenn and New Hampshire Insurance Company, by depositing a copy of it in the United States Mail, postage prepaid, on January 9th, 2015, addressed to its attorney of record, Grady Beard, PO Box 11449, Columbia, SC 29211.

WUKELA LAW FIRM

BY: 

STEPHEN J. WUKELA
ATTORNEY FOR APPELLANT
PO BOX 13057
FLORENCE SC 29304
843-669-5634

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SC Court of Appeals

WUKELA LAW FIRM

Steve Wukela, Jr.
Benjamin D. Moore
Christi B. McDaniel
Stephen J. Wukela
Patrick J. McLaughlin
Pheobe A. Clark
Frank C. Swaggard
Jason B. Turnblad
E. Katherine Moore

403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057

(843) 669-5634
FAX (843) 669-5150

January 9, 2015

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

Re: Anthony Shelley v. RockTenn
WCC File No. 1311681

Dear Ms. Kitchings:

Enclosed please find for filing a Motion to File Out of Time in the above case, along with my office check in the amount of Twenty-Five and 00/100 (\$25.00) Dollars.

By copy of this letter, I am serving opposing counsel with a copy of the Motion.

With kind regards, I am

Yours truly,

WUKELA LAW FIRM

STEPHEN J. WUKELA

SJW:jpb

Enclosures

cc: Grady L. Beard, Esquire
Attorney at Law
PO Box 11449
Columbia SC 29211

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JAN 12 2015

SC Court of Appeals

WUKELA LAW FIRM

403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057

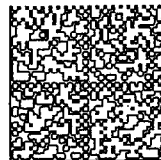
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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211



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