

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM SOUTH CAROLINA  
Workers' Compensation Commission

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Case No.: 0822640

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Thomas Contreras, Employee, ..... Appellant

v.

St. Johns Fire District, Employer, and State Accident Fund, Carrier, ..... Respondent

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MOTION TO DISMISS APPEAL

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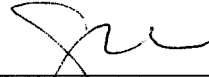
Respondents hereby move before the Court to dismiss the appeal as the order being appealed is not a final order. The order of the Appellate Panel remands the case back to the Commission for further proceedings and to make a determination as to an award of permanent partial disability to the Claimant's shoulder. The courts have consistently held that an order remanding a case for additional proceedings is not directly appealable. Montjoy v. Asten-Hill Dryer Fabrics, 316 S.C. 52, 446 S.E. 2d 618 (1994). Therefore, this Appeal should be dismissed.

**RECEIVED**

JAN 20 2015

**SC Court of Appeals**

Respectfully Submitted,



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Margaret Urbanic  
Clawson and Staubes, LLC  
126 Seven Farms Dr., Suite 200  
Charleston, SC 29492

Ellen Goodwin  
State Accident Fund  
P.O. Box 102100  
Columbia, SC 29221

Charleston, SC  
January 19, 2015

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**Proof of service**

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I certify that I have served the Respondents' Initial Brief, Designation of Matter upon the Appellant and Motion to Dismiss sending via Fed Ex overnight and by mailing a copy of the same in the United States mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below address as follows:

Stephen Samuels  
Samuels Law Firm, LLC  
1320 Richland Street  
Columbia, SC 29201

Gary Christmas  
Howell & Christmas, LLC  
P.O. Box 1896  
Mt. Pleasant, SC 29465

  
Margaret Urbanic

Charleston, South Carolina  
January 19, 2015



Margaret M. Urbanic  
Licensed in SC  
purbanic@clawsonandstaubes.com  
SC Certified Circuit Court Mediator

January 19, 2015

File No.: 20111005.000

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211-1629

Re: Thomas Contreras v. St. Johns Fire District  
Case No.: 0822640

Dear Ms. Kitchings:

Enclosed for filing please find an original and six (6) copies of a Motion to Dismiss, the original and one copy of the Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above referenced matter. Also enclosed is the Proof of Service for the Motion to Dismiss, Respondents' Initial Brief and Designation of Matter to be Included in the Record on Appeal. Since the State Accident Fund is a state agency and is exempt from the filing fee, a filing fee has not been enclosed. I have enclosed a self-addressed, stamped, envelope for your convenience in returning a clocked copy of the above referenced pleadings to my office

Very truly yours,

CLAWSON and STAUBES, LLC

A handwritten signature in black ink, appearing to be "M. Urbanic", written over a horizontal line.

Margaret M. Urbanic

Enclosures

cc: Stephen B. Samuels, Esq.  
Gary Christmas, Esq.  
Ellen Goodwin, Esq.

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JAN 20 2015

**SC Court of Appeals**

Envelope

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U.S. Court of Appeals

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