

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM COMMISSION PANEL
OF THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION

Appellate Case No. 2015-001024

RECEIVED

JUN 12 2015

S.C. Supreme Court

Denica Powell Petitioner

vs.

Petsmart, Inc. and Phoenix Insurance Co Respondents

MOTION TO ACCEPT FILING OF
RETURN TO PETITION FOR WRIT
OF CERTIORARI AS TIMELY

F. Reid Warder, Jr. (S.C. Bar No. 70218)
John D. Stroud (S.C. Bar No. 28062)
Warder Law Firm, LLC
Post Office Box 31057
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(843) 556-4400 (phone)
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reid@warderlawfirm.com
Attorney for Respondents

Other Counsel of Record

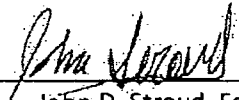
Gene M. Connell, Jr. (S.C. Bar No. 1358)
KELAHER, CONNELL & CONNOR, P.C.
The Courtyard, Suite 209
1500 U.S. Highway 17 North
Post Office Drawer 14547
Surfside Beach, South Carolina 29587-4547
(843) 238-5648 (phone)
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Attorney for Petitioner

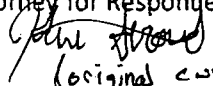
COMES now Respondent Petsmart, Inc. and Phoenix Insurance Company, by and through their undersigned counsel, pursuant to Rule 234(b), SCACR, and any other applicable rule(s) of procedure, and hereby moves this Honorable Court to accept as timely the filing of Respondent's Return to Petition for Writ of Certiorari. The Grounds for said motion are as follows:

1. Petitioner, by and through her attorney, timely filed a Petition for Writ of Certiorari on May 8, 2015. The Respondent's Return is due thirty days after service pursuant to SCACR Rule 226(f), which would be June 8, 2015.
2. Counsel for Respondents received the Petition for Writ of Certiorari and docketed the deadline for the Return on his calendar. However, through a clerical error, the deadline for the Return to Writ was docketed sixty days after service, instead of thirty days as set forth in Rule 226(f).
3. Counsel for Respondents became aware of this error on June 10, 2015, two days after the Return to Writ was due.
4. Counsel contacted Gene M. Connell, Esq., attorney for Petitioner, requesting consent for an extension, to which Mr. Connell consented.

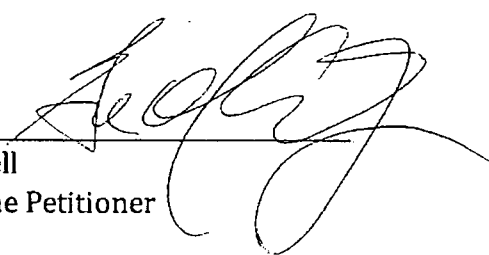
WHEREFORE, Petsmart, Inc. and Phoenix Insurance Company, by and through their undersigned counsel, respectfully request that the Court accept Respondent's Filing of the Return to Writ of Certiorari as timely in this matter.

RESPECTFULLY SUBMITTED:
Warder Law Firm, LLC
P.O. Box 31057
Charleston, SC 29407

By: 
John D. Stroud, Esq.
Attorney for Respondents


(original currently unavailable)

I CONSENT:



Gene M. Connell
Attorney for the Petitioner

Date: _____

June 11, 2015
Charleston, South Carolina

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CERTIFICATE OF SERVICE

I hereby certify that a copy of Respondent's Motion to Accept Filing as Timely as well as Respondent's Return to Petitioner's Petition for Writ of Certiorari were both served on the 11th day of June, 2015 on Petitioner by depositing a copy of both in the United States Postal Service, first class to Petitioner's attorney of record: Gene M. Connell, Jr., Post Office Drawer 14547, Surfside Beach, South Carolina 29587-4547.



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3 OAK FOREST DRIVE
CHARLESTON, SC 29407

June 11, 2015

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JUN 12 2015

Daniel E. Shearouse, Clerk
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

S.C. SUPREME COURT

Re: Denica Powell v. Petsmart, Inc.
Appellate Case No.: 2015-0010240

Dear Mr. Shearhouse:

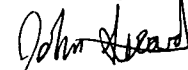
Enclosed please find the following in the above-captioned matter:

1. Original and seven (7) copies of our Return to Petition for Writ of Certiorari;
2. Original and seven (7) copies of our Motion to Accept Filing as Timely;
3. Certificate of Service for both the Return to Petition and the Motion to Accept Filing as Timely;
4. Our check for \$25.00 filing fee for said Motion;
5. A self-addressed, stamped envelope for return of one filed copy of the Return to Petition for Writ of Certiorari and Respondent's Motion to Accept Filing as Timely to this office.

By copy of this letter, I hereby serve the attorney for Petitioner with the Return to Petition for Writ of Certiorari as well as the Respondent's Motion to Accept Filing as Timely.

Thank you for your time and assistance in this matter.

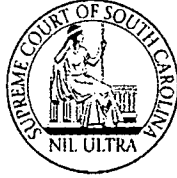
Sincerely,



John D. Stroud

Enclosures

cc: Paula Chavis (via email only)
Gene M. Connell, Jr. (w/enc.)



The Supreme Court of South Carolina

John Davis Stroud
3 Oak Forest Drive
Charleston SC 29407

06/12/2015

RECEIPT #76292

Case No: 2015-001024
Case Short Title: Denica Powell v. Petsmart
Event: Motion - Extension of Time (1st)
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 1665
Check/Money Order Date: 06/11/2015
Comments: