

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE APPELLATE PANEL
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Court of Appeals' Opinion No. 5308
(filed April 1, 2015)

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AUG 27 2015

S.C. Supreme Court

Henton T. Clemmons, Jr., Employee,Petitioner,

v.

Lowe's Home Centers, Inc.-Harbison, Employer,
and Sedgwick Claims Management Services,
Inc., Carrier, Respondents.

REPLY TO RESPONDENTS' MOTION FOR
PERMISSION TO EXCEED PAGE LIMITATION
FOR RETURN IN OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI

By way of Reply to the Motion that has been filed by the Respondents to the Petition for Writ of Certiorari, the Petitioner would respectfully show unto the Court as follows:

1. That the Respondents filed a thirty-three (33) page Return to the Petition for a Writ of Certiorari on August 18th, which Return is obviously not in accordance

with the Court Rules (see SCACR, Rule 242(f)) and then three (3) days later filed the Motion to exceed the page limit for the Return. In addition, while the Return was more than timely filed, Counsel for the Petitioner would note that he was not served with a Motion for an extension of time for the filing of the Return and that SCACR, Rule 242(f) specifically provides that the, "total length of a Return shall not exceed twenty-five (25) pages".

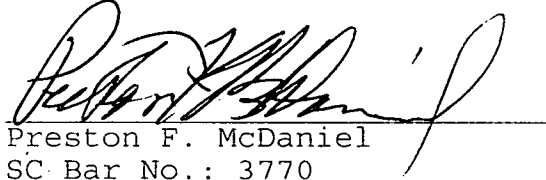
2. That the Petitioner's original draft of his Petition was more than 50 pages long and Counsel for the Petitioner in order to comply with the dictates of the Supreme Court Rules as to the length of the Petition for Writ of Certiorari spent more than two (2) full days out of his practice whittling and deleting and rewording the Petition, striking case law and quotations from the previous decisions of this Court and other Courts in order to comply with the dictates of the Court's Rules.

3. That Petitioner's Counsel verily believes that this case and this Petition involves two fundamental concepts and principles of law applicable in the area of workers' compensation and under our Constitution, that being first whether or not over seventy (70) years of precedent will be overturned and this Court will sanction the infusion of wage loss into a scheduled member award

which is paid due to the character of the injury; and second, whether this Court will sanction under the fundamental principles of due process that a Defendant(s) who is the liable party for payment of compensation and who under the Act is allowed to choose the medical providers and to file for stop payment when those providers determine the Claimant has reached maximum medical improvement, can also force and decide when a determination will be made as to the Claimant's property rights to an Award for permanent residual loss of use of an organ, member or bodily part and/or permanent loss of earning capacity.

4. That while the Petitioner believes that the Court should deny the Motion and strike the Return for non-compliance, should the Court find it appropriate to grant the Motion, the Petitioner would request that the Court allow the Petitioner to supplement his Petition with additional pages with any limitation that the Court feels appropriate as to length and/or content. The Petitioner would specifically request the right to supplement his Petition by adding quotations from this Court's Opinions and additional citations from the Supreme Court of the United States, Federal Courts, and this Court.

Respectfully submitted,



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Attorney for Petitioner

August 26, 2015

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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE APPELLATE PANEL
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Opinion No. 5308
(SC Ct. App. heard November 5, 2014;
filed April 1, 2015)

Henton T. Clemmons, Jr., Employee, Petitioner,


v.

Lowe's Home Centers, Inc.-Harbison, Employer,
and Sedgwick Claims Management Services, Inc.,
Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the **REPLY TO RESPONDENTS' MOTION FOR PERMISSION TO EXCEED PAGE LIMITATION FOR RETURN IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI** on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, on August 10, 2015, addressed to its attorneys of record: Kelly F. Morrow, Attorney at Law, McAngus, Goudelock & Courie, Post Office Box 12519, Columbia, SC 29211; and Helen F. Hiser, Attorney at Law, McAngus, Goudelock & Courie, Post Office Box 650007, Mt. Pleasant, SC 29465.

Dated: August 26, 2015


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