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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

RECEIVED

Appellate Case No. 2015-000808

AUG 31 2015

SC Court of Appeals

James Osment.....Appellant,

v.

The Timken Company and Phoenix Insurance Company.....Respondents

**APPELLANT'S MOTION TO EXTEND TIME
TO FILE AND SERVE INITIAL REPLY BRIEF**

Appellant, James Osment, hereby moves the Court to extend the time for filing and serving Appellant's Initial Reply Brief. Although the Initial Reply Brief was due on August 27th, counsel for Appellant did not actually receive the Respondents' Initial Brief until August 25th which did not permit sufficient time for counsel to review Respondents' Initial Brief and, then, draft, file and serve the Initial Reply Brief. Counsel for the Respondents was consulted prior to the filing of this motion and consent to the request for extension of time was granted. J. South Lewis II, Esq. specifically consented to allow counsel for Appellant ten (10) days from August 25th in which to file and serve Appellant's Initial Reply Brief which will make the same due on or before September 4, 2015. Affidavits of Pamela Pruitt and Harry Alex are attached hereto in support of Appellant's request for additional time to file and serve Appellant's Initial Reply Brief.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



John David Hawkins
South Carolina Bar No.5891
Charles Logan Rollins
South Carolina Bar No. 78395
George Randall Taylor
South Carolina Bar No. 10151
The Hawkins Law Firm
P.O. Box 5048
Spartanburg, SC 29304
(864) 574-8801

ATTORNEYS FOR APPELLANT

August 28, 2015

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
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SC Court of Appeals

Appellate Case No. 2015-000808

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v.

The Timken Company and Phoenix Insurance Company.....Respondents

AFFIDAVIT OF PAMELA PRUITT

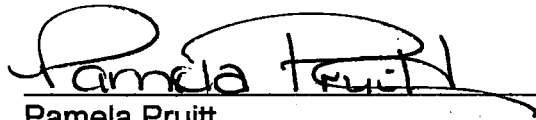
APPEARED before the undersigned Notary Public of South Carolina, PAMELA PRUITT, who, under oath, declared as follows:

1. I am Pamela Pruitt and I am a resident of Spartanburg County, South Carolina. I am over the age of 18 and I am competent to give this affidavit.
2. I am employed as Office Manager for the Hawkins Law Firm which is acting as counsel for the Appellant in the above captioned matter.
3. In my job as office Manager, I am responsible for opening all mail that is received in our office each day. It is standard operating procedure in our office to mark each letter or document received in the mail on a given day with a "RECEIVED" stamp with the date of actual receipt affixed on the item received.
4. All mail received by the Hawkins Law Firm every single day is opened and stamped as "RECEIVED" with the date on which it was received affixed thereto without fail.
5. Harry Alex, an employee of the Hawkins Law Firm goes to the main branch of the United States Post Office located in downtown Spartanburg, South Carolina every day of the work

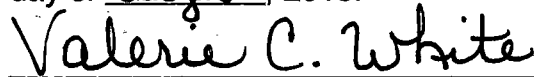
week (Monday-Friday) to retrieve all mail that has been deposited in PO Box 5048 for the Hawkins Law Firm.

6. Harry Alex then brings the mail directly to our Spartanburg office and places it in my hands or on my desk for me to open and distribute.
7. On August 25th, 2015 I received in the daily mail delivered to me by Harry Alex a package from the law firm of Willson Jones Carter & Baxley which contained a cover letter dated August 17th and which included the Respondents' Initial Brief in the above captioned matter. I stamped the cover letter with the "RECEIVED" stamp indicating it was received on August 25th and scanned the letter and brief to the attorneys and paralegal. A true and correct copy of the letter from Willson Jones Carter & Baxley dated August 17th is attached to this Affidavit.

FURTHER AFFIANT SAYETH NOT.


Pamela Pruitt

SWORN to before the undersigned notary public for the State of South Carolina this 28th day of August, 2015.


Notary Public for South Carolina
My Commission Expires: 9-1-2016

WILLSON JONES CARTER & BAXLEY, P.A.

ATTORNEYS AT LAW

GREENVILLE CHARLESTON COLUMBIA CHARLOTTE RALEIGH ATLANTA

J. South Lewis, II
Direct (864) 527-3284
Fax (864) 235-6015
jslewis@wjlaw.net

872 S. Pleasantburg Drive
Greenville, SC 29607
www.wjclaw.net

August 17, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, SC 29211

Re: James Osment vs. The Timken Company
Appellate Case No. 2015-000808
WCC File No.: 1008356 DOI: 5/20/2010
Carrier: The Phoenix Insurance Company - Claim No.: 026-CB-EHZ9292-A
WJC&B File No.: 0020.05081

Dear Ms. Kitchings:

Pursuant to Rules 208 and 209, I enclose for filing one copy of the Initial Brief of Respondents and one copy of the Designation of Matters to be Included in the Record on Appeal with Proof of Service.

By copy of this letter I am also serving a copy of the Initial Brief and Designation of Matters to be Included in the Record on Appeal on the attorneys for the Appellant.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


J. South Lewis, II

Enclosures

cc: John D. Hawkins, Esquire
George Randall Taylor, Esquire
Charles Logan Rollins, Esquire
Ms. Bobbie Griffin (via e-mail)
Mr. Chris Royer (via e-mail)
Ms. Jennifer Campbell (via e-mail)

THE STATE OF SOUTH CAROLINA
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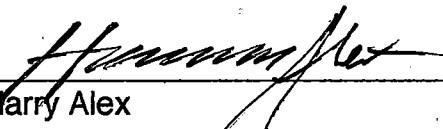
The Timken Company and Phoenix Insurance Company.....Respondents

AFFIDAVIT OF HARRY ALEX

APPEARED before the undersigned notary public, Harry Alex, who, under oath, deposes and states as follows:


1. I am Harry Alex and I am a resident of Oconee County, Georgia. I am a senior at Wofford College and work at The Hawkins Law Firm. I am over the age of 18 and I am competent to give this affidavit.
2. Among the duties which I perform at the Hawkins Law Firm is that of going to the United States Post Office in downtown Spartanburg to retrieve the mail which has been deposited in PO Box 5048 for the Hawkins Law Firm. I perform this duty every single day of the week Monday-Friday without fail.
3. After I pick up the mail for the Hawkins Law Firm, I immediately drive straight to the Hawkins Law Firm where I deliver all mail to Pamela Pruitt, Office Manager for the firm.

FURTHER AFFIANT SAYETH NOT.



Harry Alex

SWORN to before the undersigned notary public for the State of South Carolina this 28th
day of August, 2015.



Notary Public for South Carolina
My Commission Expires: 9-1-2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

APPELLATE CASE NO. 2015-000808

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SC Court of Appeals

James Osment.....Appellant,

v.

The Timken Company and Phoenix Insurance Company.....Respondents.

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED THE Appellant's Motion to Extend Time to File and Serve Initial Reply Brief on Respondents, The Timken Company and Phoenix Insurance Company, by depositing a copy of the same in the United States Mail, Postage prepaid, on August 28, 2015, to their attorney of record as follows:

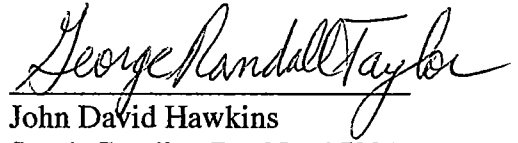
J. South Lewis of
Willson Jones Carter & Baxley, PA,
872 Pleasantburg Drive,
Greenville, SC 29607
jslewis@wjlaw.net

Ms. Amy Bracy, Judicial Director
SC Workers' Compensation Commission
PO Box 1715
Columbia, SC 29202-1715

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

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



John David Hawkins
South Carolina Bar No. 05891
Charles Logan Rollins
South Carolina Bar No. 78395
George Randall Taylor
South Carolina Bar No. 10151
The Hawkins Law Firm
P.O. Box 5048
Spartanburg, SC 29304
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ATTORNEYS FOR APPELLANT

August 28, 2015



HAWKINS LAW FIRM

John D. Hawkins
john@hawklawfirm.com

C. Logan Rollins
logan@hawklawfirm.com
August 28, 2015

Randy Taylor
randy@hawklawfirm.com

(VIA UPS-ONE DAY DELIVERY)

The Honorable Jenny Abbott Kitchings
Clerk, The South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29221

RECEIVED

AUG 31 2015

SC Court of Appeals

Re: James Osment, Appellant v. The Timken Company and Phoenix Insurance Company, Respondents
Appellate Case No. 2015-000808

Dear Ms. Kitchings:

Enclosed for filing please find the original and six (6) copies of Appellant's Motion to Extend Time to File and Serve our Initial Reply Brief, along with a check in the amount of \$25.00 for the filing fee in the above-referenced matter. The Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal was placed in the USPS on August 17, 2015, which would have made our deadline to file our Reply Brief August 27, 2015. We did not receive the Initial Brief of Respondents and the Designation of Matter to be included in the Record on Appeal until August 25, 2015. Counsel for the Respondents has agreed to an extension of ten (10) days from the date of our receipt which was August 25, 2015, which will make the new deadline September 4, 2015. We would appreciate your filing the original Appellant's Motion to Extend Time to file and Serve our Initial Reply Brief with the Court and returning the clocked copy for our records in the enclosed self-addressed stamped envelope.

By copy of this letter, I herewith serve all counsel of record with same.

With kindest regards, I remain

Sincerely,

George Randall Taylor
Attorney for James Osment

CLR/vcc

cc: J. South Lewis, II (w/enclosures)
Amy Bracy (w/enclosures)

Spartanburg Office:
5506 Reidville Road
Moore, SC 29369
(864) 574-8801

Greenville Office:
501 River Street, Suite 101
Greenville, SC 29601
(864) 312-9999

Charleston Office:
884 Johnnie Dodds Blvd., Suite 101
Mount Pleasant, SC 29464
(843) 737-9356

Mailing Address:
P.O. Box 5048
Spartanburg, SC 29304
(888) HAWKLAW

Fax: (864) 574-8810
Email: info@hawklawfirm.com
www.hawklawfirm.com
 thehawkinslawfirm

Chris Coleman

From: Sean Hill
Sent: Friday, August 28, 2015 1:49 PM
To: Chris Coleman
Subject: Fwd: Your parcel will soon be on its way

Begin forwarded message:

From: <iShip_Services@iship.com>
Subject: Your parcel will soon be on its way
Date: June 30, 2015 at 3:28:04 PM EDT
To: <SEAN@HAWKINSLAWSC.COM>

Your parcel is ready to go

[Join our email program to receive exclusive offers and resources](#)



Your parcel is ready to go

Just to let you know, we've processed a parcel shipping to **THE HONORABLE JENNY ABBOTT KITCHING**.

It's currently at **THE UPS STORE #2811** and will be picked up by **UPS** on **Tuesday, June 30, 2015**.

You can expect it to arrive on **Wednesday, July 1, 2015 03:00 PM**

Your shipment information

Who sent it...
the hawkins law firm
john hawkins
(Sender's street address omitted intentionally from this email)
Spartanburg, SC 29304

Carrier details...
UPS Next Day Air Saver

Tracking details...
Tracking No.: **1Z86654R1349930115**
Shipment ID: **MMRJK257Q7DWK**
Ship Ref 1:

Who will receive it...
**THE HONORABLE JENNY ABBOTT
KITCHING
THE SOUTH CAROLINA COURT OF
APPEALS**
(Recipient's street address omitted
intentionally from this email)
COLUMBIA, SC 29201-3723 US

Ship Ref 2:
Shipping date...
Tuesday, June 30, 2015

Expected delivery date...
Wednesday, July 1, 2015 03:00 PM

Who is carrying it...
**THE UPS STORE #2811
(864) 486-9910**

Sender's message...

--

Tracking your item

For complete tracking information, simply click below:

<https://iship.com/trackit/track.aspx?t=1&Track=MMRJK25707DWK&src=e>

Please note: Tracking information may not be available until several hours after the carrier picks up the package. Carriers normally pick up in the late afternoon.

Have a question?

For any queries about this shipment, please contact **UPS** directly at **1-800-PICK-UPS (1-800-742-5877)**, and have your tracking number ready.

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or call 1-800-PICK-UPS® (1-800-742-5877)

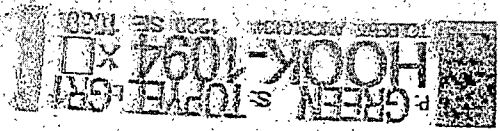
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rate, UPS Express Envelopes may only contain documents, and/or electronic media, and must Express Envelopes containing items other than more than 8 oz. will be billed by weight.

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rate, the UPS Express Envelope must weigh weighing more than 8 oz. will be billed by w

are not recommended for shipments of elec onal information or breakable items. Do not

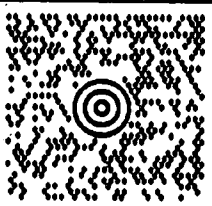


JOHN HAWKINS
(864) 574-8801
THE UPS STORE #2811
STE C14
2153 E MAIN ST
DUNCAN SC 29334-9296

1.0 LBS LTR 1 0
SHP WT: 1 LBS
DATE: 28 AUG 2015

SHIP THE SOUTH CAROLINA COURT OF APPEALS
TO: THE HONORABLE JENNY ABBOTT KITCHING
1220 SENATE ST

COLUMBIA SC 29201-3723



SC 292 9-01

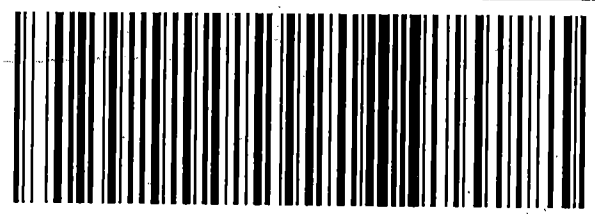


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AUG 28 2015
SC Court of Appeals

UPS NEXT DAY AIR

TRACKING #: 1Z 866 54R 01 8907 4908

1



P/P

18H 13.00N Z2P 456 66.5U 07/2015

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01880250709 12/11 PAC United Parcel Si