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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SEP 08 2015

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge
SC Court of Appeals

A.C. No. 2015-001704

C.A. No. 2014-CP-40-05633

Arrowpoint Capital Corporation/Arrowood Indemnity Co., Carrier Appellant,

v.

South Carolina Second Injury Fund, Carrier, ... Respondent,

In Re:

Glinda Bossard, WCC File No. 0031286; Odell Bradley, WCC File No. 9930445;
Vernice Brunson, WCC File No. 0128725; David Davis, WCC File No. 0128713; Centry
Gamble, WCC File No. 0031294; Harold Harvin, WCC File No. 0031279; Sideny
Hodge, WCC File No. 0031294; David Laws, WCC File No. 9930453; Richard
McConico, WCC File No. 9930447; Johnnie Lee Taylor, WCC File No. 9930448

**NOTICE OF MOTION AND MOTION TO FILE TRANSCRIPT REQUEST
OUT OF TIME AND TO CONSOLIDATE COMPANION APPEAL
INVOLVING LIBERTY MUTUAL INSURANCE COMPANY,
WHICH IS REFERENCED BY APPELLATE CASE NO. 2015-001706**

TO: THE HONORABLE JENNY ABBOTT KITCHENS, CLERK OF COURT OF THE
SOUTH CAROLINA COURT OF APPEALS; V. CLAIRE ALLEN, DEPUTY CLERK
OF THE SOUTH CAROLINA COURT OF APPEALS; TIMOTHY BLAIR KILLEN,
ESQUIRE, ATTORNEY FOR THE SOUTH CAROLINA SECOND INJURY FUND
WITH RESPECT TO APPELLATE CASE NO. 2015-001704; and LATONYA
DILLIGARD EDWARDS, ESQUIRE, ATTORNEY FOR THE SOUTH CAROLINA
SECOND INJURY FUND WITH RESPECT TO LIBERTY MUTUAL INSURANCE
COMPANY, APPELLATE CASE NO. 2015-001706:

On September 2, 2015, the undersigned attorney received letters dated August 25, 2015, from Deputy Clerk V. Claire Allen advising that a motion requesting permission to file the transcript request out of time was necessary in order to avoid dismissal of the above referenced appeals. Although the letters are dated August 25, 2015, the correspondence was not received by the undersigned until September 2, 2015, thus giving the undersigned attorney only two days in which to comply with the Court's request.

The above referenced matters involve an appeal to the Circuit Court with regard to an appeal from the South Carolina Workers' Compensation Commission. The parties did not introduce any evidence during the oral argument before the Circuit Court. Hence, the proceedings before the Circuit Court involved only arguments of counsel, which would not be part of the appellate record. Hence, the hearing transcript is not necessary in order to perfect the Record on Appeal; nor is it anticipated that the transcript would be used to make any arguments to the Court. A transcript of the Circuit Court proceedings, therefore, was not requested.

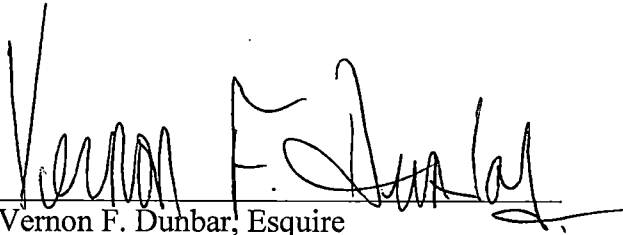
Nonetheless, in an effort to avoid the dismissal of the appeal, the undersigned shall request a copy of the transcript of record before the Circuit Court (copy of letter attached). Again, a delay in processing the appeal predicated upon receipt of the transcript is not necessary.

Accordingly, it is respectfully submitted that the Court permit Counsel for Arrowpoint Capital Corporation and Liberty Mutual Insurance Company to file the copy of the transcript request to the Circuit Court reporter out of time.

Second, in the interest of judicial economy, the undersigned respectfully requests that the Appellate Case matters as referenced above be combined for one appeal. The collective arguments in both cases were heard and recorded simultaneously by the Circuit Court.

Finally, with regard to Appellate Case No. 2015-001706, the caption is in error. The caption should be amended to reflect that Liberty Mutual Insurance Company is the Appellant in that particular matter. Arrowpoint Capital Corporation is the Appellant in Appellate Case No. 2015-001704. It appears that this error was caused by the improper designation on the Circuit Court Order.

September 3, 2015

By: 

Vernon F. Dunbar, Esquire
McANGUS GOUDELOCK & COURIE, L.L.C.
Post Office Box 2980
55 East Camperdown Way, Suite 300 (29601)
Greenville, South Carolina 29602
(864) 239-4000

Attorneys for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable DeAndrea Gist Benjamin, Circuit Court Judge

AC No. 2015-001704

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v.

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McConico, WCC File No. 9930447; Johnnie Lee Taylor, WCC File No. 9930448

PROOF OF SERVICE

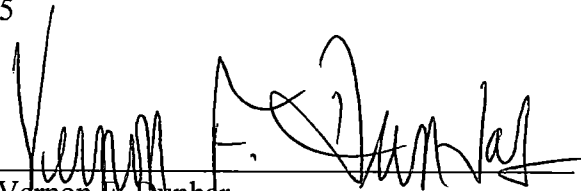
I certify that I have served the Notice of Motion and Motion to File Transcript Request Out of Time and To Consolidate Companion Appeal Involving Liberty Mutual Insurance Company, which is referenced by Appellate Case No. 2015-001706 on the attorneys of record for Glenda Bossard and David Bunker, by depositing a copy of it in the United States Mail, postage prepaid, on the 3rd day of September, 2015 and addressed to their attorneys of record:

Timothy Killen
Wilson, Jones, Carter & Baxley
4500 Fort Jackson Boulevard
Columbia, South Carolina 29209

LaTonya Dilligard Edwards, Esq.
3790 Fernandina Road, Suite 103
Columbia, South Carolina 29210

South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

September 3, 2015


Vernon F. Dunbar

McAngus, Goudelock & Courie LLC
Post Office Box 2980
55 East Camperdown Way, Suite 300 (29601)
Greenville, South Carolina 29602
(864) 239-4000

Attorneys for Appellant

Reply To

VERNON F. DUNBAR
Direct Dial: (864) 239-6735
vernon.dunbar@mgclaw.com

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SEP 08 2015

SC Court of Appeals

September 3, 2015

Debbie McCurdy
1403 Giger Avenue
Columbia, SC 29201

RE: Glenda Bossard v. Yuasa-Exide, Inc. and Arrowpoint Capital Corp
Date of Accident: June 30, 2000
WCC File No.: 0031286
Our File No.: 20113.14166
Claim No.: 715001280500

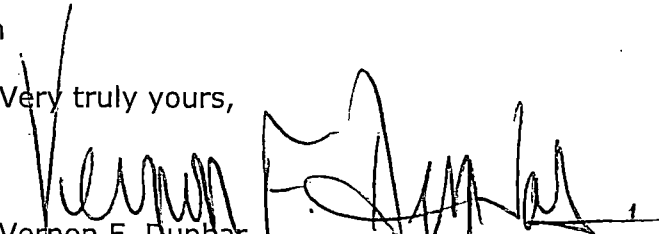
Dear Ms. McCurdy:

On April 24, 2015, appellate arguments in the above referenced matters were heard by the Honorable DeAndrea Gist Benjamin. I am writing to request a copy of the Transcript of Record. If you require pre-payment, please notify me. If pre-payment is not required, please enclose your invoice along with the requested transcript of record.

By copy of this letter to Timothy B. Killen, Esquire, and Latonya D. Edwards, Esquire, counsel for the South Carolina Second Injury Fund, I am apprising them of my communication with you and I am providing them with a copy of same.

With kind and warm regards, I am

Very truly yours,


Vernon F. Dunbar

VFD/pbd

cc: The Honorable Jenny Abbott Kitchings
Timothy B. Killen, Esquire
Latonya D. Edwards, Esquire

55 EAST CAMPERDOWN WAY
SUITE 300 (29601)
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GREENVILLE, SC 29602

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Reply To

VERNON F. DUNBAR
Direct Dial: (864) 239-6735
vernon.dunbar@mgclaw.com

September 3, 2015

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

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SC Court of Appeals

RE: Arrowpoint Capital Corporation v. Second Injury Fund
(In Re: Glinda Bossard, *et al.* v. Yuasa Exide, Inc.)
A.C. No. 2015-001704
C.A. No. 2014-CP-40-5633

Liberty Mutual Insurance Company v. Second Injury Fund
(In Re: David Bunker v. Yuasa Exide, Inc.)
A.C. No. 2015-001706
C.A. No. 2014-CP-40-05634

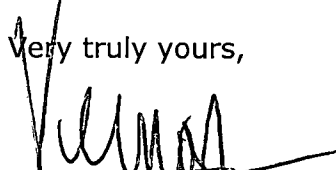
Dear Ms. Kitchings:

Please find enclosed a Motion requesting permission to file out of time a letter to the court reporter in the above referenced matters requesting a transcript of record.

The enclosed Motion also requests that the matters be consolidated before the Court.

In accordance with the Appellate Court Rules, please find enclosed along with the Motion, the required \$25.00 filing fee, letter to the Circuit Court reporter requesting the transcript, and a Certificate of Service. With kind and warm regards, I remain

Very truly yours,


Vernon F. Dunbar

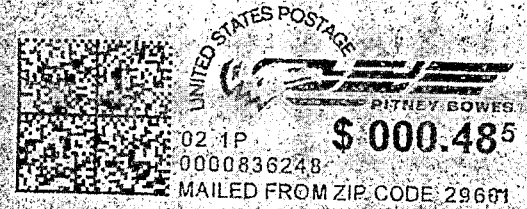
VFD/pbd

Encl: Check

cc: The Honorable V. Claire Allen
Timothy B. Killen, Esq.
Latonya D. Edwards, Esq.

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mgc | **INSURANCE
DEFENSE**

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GREENVILLE, SC 29602

20113.14166/VFD/rhd
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