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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

SEP 23 2015
SC Court of Appeals

WCC File No. 1306446

Jerry Sims, Employee Appellant/Claimant,

vs.

Edwin Pate Vinyl Siding, Employer,
and Uninsured Employers' Fund, Carrier, Respondents/Defendants.

**MOTION TO FILE TRANSCRIPT REQUEST
OUT OF TIME**

STEPHEN J. WUKELA
ATTORNEY FOR APPELLANT
WUKELA LAW FIRM
SC BAR NO. 68351
PO BOX 13057
FLORENCE SC 29504
843-669-5634

Appellant, Jerry Sims, moves this Court, pursuant to Rule 224 of the South Carolina Appellate Rules, for an Order permitting the filing and service of a letter dated August 21, 2015 to the Workers' Compensation Commission's court reporter requesting the transcript of proceedings out of time on the following grounds:

1. Appellant requested the Transcript of Record from the Court Reporter, Jill Vickers, by letter dated and emailed to her on August 21, 2015, (copy attached as Exhibit A), and the transcript was received by me by U.S. mail on or about February 3, 2015, (copy of court reporter's certificate attached as Exhibit B). The August 21, 2015 letter to the court reporter was copied to defense counsel, the South Carolina Court of Appeals and the South Carolina Court Administration, by first class mail posted on August 21, 2015. (Exhibit C, Affidavit of Paralegal, Jeannie P. Bailey).

2. On September 17, 2015, counsel received a letter dated September 15, 2015 from the South Carolina Court of Appeals advising that the Court had not received a copy of the transcript request; therefore, through inadvertence and error of the United States Post Office, the copy of the letter dated August 21, 2015 never reached the South Carolina Court of Appeals.

3. On September 18, 2015, Appellant posted, for a second time, a copy of the August 21, 2015 transcript request, first class mail to the South Carolina Court of Appeals notifying the Court of the transcript request.

4. Appellant respectfully requests this Honorable Court permit the late filing and service of the letter to the court reporter dated August 21, 2015 requesting the transcript of proceedings held at the South Carolina Workers' Compensation Commission, on the grounds that counsel for Appellant wrote the court reporter requesting the transcript, copied the South Carolina Court of Appeals with that letter, and received the transcript from the court reporter on or about February 3,

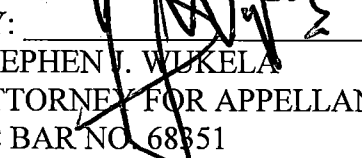
2015.

5. Counsel for Appellant consulted with Counsel for Respondents regarding this Motion but received no response from Respondents/counsel's clients by the time of filing.

6. Appellant believes that no harm would be caused to the Respondents by the granting of this Motion arising from the facts set out above and would further result in justness and fairness to the parties.

Respectfully submitted,

WUKELA LAW FIRM

BY: 
STEPHEN J. WUKELA
ATTORNEY FOR APPELLANT
SC BAR NO. 68351
PO BOX 13057
FLORENCE SC 29504
843-669-5634

Florence, South Carolina

September 18th, 2015

WUKELA LAW FIRM

Steve Wukela, Jr.
Benjamin D. Moore
Christi B. McDaniel
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403 Second Loop Road
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Florence, SC 29504-3057

(843) 669-5634
FAX (843) 669-5150

August 21, 2015

Ms. Jill Vickers
contact@creelrpting.com

Re: Jerry Sims v. Edwin Pate Vinyl Siding and Uninsured Employers' Fund
WCC File No. 1222136

Dear Ms. Vickers:

On January 13, 2015, a hearing was held before the Appellate Panel in Columbia, South Carolina, regarding the above-entitled claim. It is my understanding that you were the court reporter for that hearing. I would appreciate your providing me with a copy of the entire Transcript of that hearing.

I agree to pay the per page charge for the transcript as provided by Rule 607, SCACR.

Thank you for your cooperation in this matter.

Yours truly,

WUKELA LAW FIRM

STEPHEN J. WUKELA

SJW:jpb

cc: Ms. Ellen H. Goodwin

S.C. Court Administration

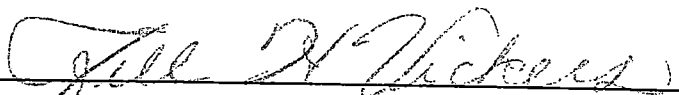
Clerk, S.C. Court of Appeals

CERTIFICATE

This is to certify that the within hearing consisting of sixteen (16) pages, is a true and correct transcript of the testimony given by said witnesses after being duly sworn; said hearing was reported by the method of Stenotype with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on January 30, 2015.



Jill H. Wickers
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: July 5, 2016



CREEL COURT REPORTING, INC.
1230 Richland Street / Columbia, SC 29201
(803) 252-3445 / (800) 822-0896

EXHIBIT B

THE STATE OF SOUTH CAROLINA

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APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 1306446

Jerry Sims, Employee, Appellant/Claimant,

vs.

Edwin Pate Vinyl Siding, Employer,
and Uninsured Employers' Fund, Carrier, Respondents/Defendants.

AFFIDAVIT

PERSONALLY APPEARED before me Jeannie P. Bailey who, after first being duly sworn,
deposes and states:

1. That Affiant is an employee of the Wukela Law Firm and Stephen J. Wukela.
2. That Affiant would state that on August 21, 2015, she did place in an envelope and post for mailing a letter addressed to the Clerk of the South Carolina Court of Appeals enclosing the Appellant's Notice of Appeal and Order, check and proof of service; that letter was copied to defense counsel and the Workers' Compensation Commission.
3. That Affiant further states that on the same date, August 21, 2015, she did prepare

EXHIBIT C

and forward via email a letter addressed to Ms. Jill Vickers at Creel Court Reporting (Exhibit A) requesting a copy of the January 13, 2015 hearing transcript of the proceedings before the Appellate Panel of the Workers' Compensation Commission; that letter was copied to defense counsel, the South Carolina Court Administration, and the South Carolina Court of Appeals, said copies placed by the undersigned in envelopes addressed to the South Carolina Court Administration and the South Carolina Court of Appeals and posted in the U.S. Mail on August 21, 2015.

4. That Affiant states that, in response to the Appellant's letter dated August 21, 2015 (Exhibit A) requesting the transcript of the proceedings before the South Carolina Workers' Compensation Commission, affiant received a telephone call advising affiant that the hearing transcript was previously forwarded to Stephen J. Wukela, pursuant to his request, on January 31, 2015, (Exhibit B) which Stephen J. Wukela received on or about February 3, 2015.

AFFIANT SAITH NOTHING FURTHER.


JEANNIE P. BAILEY

SWORN to before me

this 18th day of

September, 2015.

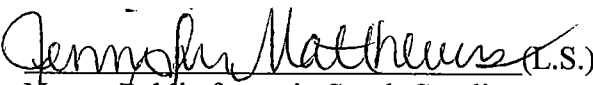

(L.S.)
Notary Public for an in South Carolina.
My commission expires: 10/16/2022

EXHIBIT C

THE STATE OF SOUTH CAROLINA
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WORKERS' COMPENSATION COMMISSION

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WCC File No. 1306446

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vs.

Edwin Pate Vinyl Siding, Employer,
and Uninsured Employers' Fund, Carrier, Respondents/Defendants.

PROOF OF SERVICE

I certify that I have served the Motion to File Transcript Request Out of Time on Respondents, by depositing a copy of it in the United States Mail, postage prepaid, on September 18, 2015, addressed to their attorneys of record, Ms. Ellen H. Goodwin, SC State Accident Fund, PO Box 102100, Columbia SC 29221-5000, and Honorable Gerald Malloy, PO Box 1200, Hartsville SC 29550.

WUKELA LAW FIRM

BY: 

STEPHEN J. WUKELA
ATTORNEY FOR APPELLANT
WUKELA LAW FIRM
SC BAR NO. 68351
PO BOX 13057
FLORENCE SC 29504
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September 18, 2015

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SEP 23 2015
SC Court of Appeals

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

Re: Jerry Sims v. Edwin Pate Vinyl Siding, et al
Appellate Case No. 2015-001838

Dear Ms. Kitchings:

Enclosed please find for filing a Motion to File Transcript Request Out of Time, along with my office check in the amount of \$25.00 and Proof of Service.

By copy of this letter, I am serving defense counsel with a copy of the Motion.

With kind regards, I am

Yours truly,

WUKELA LAW FIRM

STEPHEN J. WUKELA

SJW:jpb

Enclosures

cc: Ms. Ellen H. Goodwin
State Accident Fund

Honorable Gerald Malloy



UNITED STATES POSTAGE
PITNEY BOWES
02 1P
\$ 001.42⁰
0003191248 SEP 18 2015
MAILED FROM ZIP CODE 29505

RECEIVED

SEP 23 2015

SC Court of Appeals

First Class Mail

WUKELA LAW FIRM

403 SECOND LOOP ROAD
P.O. BOX 13057
FLORENCE, SC 29504

To:

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