

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APPEAL FROM SOUTH CAROLINA
WORKER'S COMPENSATION COMMISSION

OCT 26 2015

S.C. SUPREME COURT

Court of Appeals' Opinion No. 5308
(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.

**RETURN TO MOTION FOR
EXTENSION OF TIME**

Pursuant to Rules 240 and 242(f), SCACR, Respondents Lowe's Home Centers, Inc.-Harbison and Sedgwick Claims Management Services, Inc. hereby respond to Petitioner's letter motion for an extension of time. Respondents note that, by order dated October 21, 2015, this Court has granted Petitioner's request for an extension to October 30, 2015 to file his Reply to our Return. Given the extraordinary circumstances following recent flooding in the Columbia area, Respondents certainly agree with this Court's grant of such extension.

However, Petitioner also requests that the Court not apply this additional 10-day grant of extension against the total 20-day limit on extensions pursuant to this Court's Order dated July 16, 2014, which provides that, "[u]pon a showing of good cause, a party ... may be granted extensions totaling no more than twenty (20) days during the proceedings before this Court."

Petitioner initially sought a 30-day extension in which to file his Petition for Writ of Certiorari. (See Att. A). This Court granted him a 20-day extension. (See Att. B). Thus, while Respondents agree that it is proper and appropriate for Petitioner to be granted until October 30, 2015 to file his Reply, absent any additional extraordinary circumstances, Respondents strongly oppose any further grants of extensions of time to Petitioner throughout the rest of this appeal since he has already been granted his full 20 days.

October 22, 2015

Respectfully submitted,
MCANGUS, GOUDELOCK & COURIE LLC



Helen F. Hiser, S.C. Bar No.: 76124
735 Johnnie Dodds Blvd., Suite 200 (29464)
Post Office Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Kelly F. Morrow, S.C. Bar No.: 72909
1320 Main Street, 10th Floor (29201)
Post Office Box 12519, Capitol Station
Columbia, South Carolina 29211-2519
(803) 779-2300

Attorneys for Respondents

Attachment A

McDANIEL LAW FIRM
ATTORNEYS AND COUNSELORS AT LAW
1315 ELMWOOD AVENUE
COLUMBIA, SOUTH CAROLINA 29201

Proudly representing injured workers
for over 25 years.

Preston F. McDaniel

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

June 24, 2015

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JUN 24 2015

SC SUPREME COURT

VIA FACSIMILE - 734-1499
AND US MAIL

Chief Justice Jean Toal
SC Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211-1330

RE: Henton Clemmons v. Lowe's Home Centers
Court of Appeals Case #: 2013-001668

Dear Madame Chief Justice:

I am Counsel for Mr. Clemmons in the above-referenced appeal and the Petition for Rehearing that was pending in the SC Court of Appeals. I was out of the office writing a Brief and I have just received notice that on June 19th, the Court entered an Order and filed an Order denying my Petition for Rehearing. According to my understanding of the Rules and particularly SCACR, Rule 263, my Petition for a Writ of Certiorari will be due to the Court on July 19th, 2015.

As you know I am in a small law firm, I have one Associate now, and I do all of my appellate work. I had asked for protection from the SC Workers' Compensation Commission before whom I mainly practice now for a family vacation beginning this Friday, June 26th and extending through a return to my office on July 13th. Obviously I am crammed with things to do before this Friday and we have put off numerous things until the week of the 13th and the week of the 20th. With that said, obviously with the Petition being due this in effect gives me one week to review and to find the time to do a thorough job on the Petition on behalf of my client.

Based on this, pursuant to SCACR, Rule 263(b), I am requesting an extension of time to file the Writ of

Chief Justice Jean Toal

June 24, 2015

Page 2

Certiorari in the above-referenced matter. If the Court would be so kind, any extension of time would be sincerely appreciated but I would request an extension of at least two weeks and would sincerely appreciate thirty (30) days due to everything I have pending over the two weeks I get back after vacation.

If I need to file a formal Motion to make this request, please let me know. With this letter I am forwarding the \$25.00 filing fee for a Motion assuming that that applies.

By copy of this letter, I am forwarding a copy of this extension request to the Clerk of Court, and to all Counsel of Record.

Sincerely yours,

FINAL NOT READ

Preston F. McDaniel

RFM/kth
Enclosure

cc: Hon. Daniel Shearouse, Clerk of the Supreme Court
Hon. Jenny Abbott Kitchings, Clerk of the Court of Appeals
Kelly F. Morrow, Attorney at Law
Weston Adams, III, Esquire
Helen F. Hiser, Attorney at Law
M. McMullen Taylor, Attorney at Law

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

PRESTON F. McDANIEL
McDANIEL LAW FIRM
COST ACCOUNT
1315 ELMWOOD AVENUE
COLUMBIA, SC 29201
(803) 771-7211

FIRST CITIZENS BANK
COLUMBIA, SC

09337

67-6641638

6/24/2015

PAY TO THE ORDER OF SC Supreme Court

\$ 25.00

Twenty-Five and 00/100

DOLLARS

SC Supreme Court
P.O. Box 11330
Columbia, SC 29211

MEMO filing fee: Henton T. Clemmons, Jr wcc# 0624696

⑆009337⑆

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

PRESTON F. McDANIEL / McDANIEL LAW FIRM / COST ACCOUNT

SC Supreme Court

6/24/2015

09337

scsc: filing fee: Clemmons, Henton T 6242-10

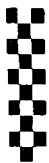
25.00

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JUN 24 2015

SC SUPREME COURT

EC - Cost Acct. filing fee: Henton T. Clemmons, Jr wcc# 062469



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FAX TRANSMISSION COVER SHEET

RECEIVED
 JUN 24 2015
 SC SUPREME COURT

Date: 6/24/15
 From: Preston F. McDaniel
 To: Chief Justice Jean Toal
 Fax Number Called: 734 1499
 Regarding: Hinton Clemmons v. Louis Home Centers

Comments:

Please see attached letter
and request.

Thank you in advance.

We are transmitting 4 pages, including face sheet.

If you have any problems with this transmission, please call me at 803-771-7211.

Transmitted from Fax Number 803-252-0709

Transmitted by: PM

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE. THANK YOU.

Attachment B

The Supreme Court of South Carolina

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

v.

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

Appellate Case No. 2015-001350

ORDER

The request for an extension to serve and file the Petition for Writ of Certiorari and Appendix is granted and extended until August 10, 2015. Please refer to the order of the Supreme Court of South Carolina dated July 16, 2014 (<http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=963>), regarding any further extension requests in this matter.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

June 26, 2015

cc:

Preston F. McDaniel, Esquire
Kelly Fitzharris Morrow, Esquire
Weston Adams, III, Esquire
M. McMullen Taylor, Esquire
Helen Faith Hiser, Esquire
The Honorable Jenny Kitchings

U.S. SUPREME COURT

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OCT 26 2015

S.C. SUPREME COURT

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

HENTON T. CLEMMONS, JR., EMPLOYEE,.....PETITIONER,

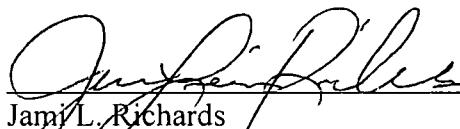
v.

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 Respondents' **Return to Motion for Extension of Time** on Henton T. Clemmons, Jr. by depositing a copy of it in the United States Mail, postage prepaid, on October 22, 2015, addressed to his attorney of record:

Preston F. McDaniel, Esq.
MCDANIEL LAW FIRM
1315 Elmwood Ave.
Columbia, South Carolina 29201



Jami L. Richards
Legal Assistant to Helen F. Hiser
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900

Attorneys for Respondents

mgc

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

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October 22, 2015

OCT 26 2015

VIA U.S. MAIL

The Honorable Daniel E. Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

RE: Henton T. Clemmons, Jr. v. Lowe's Home Centers and Lowe's Home
Centers, LLC c/o Sedgwick CMS Inc.
Date of Accident: September 12, 2010
WCC File No.: 1015200
Our File No.: 2073.10044
Claim No.: 30101077878-0001
Appeal No.: 2015-001350

Dear Mr. Shearouse:

Enclosed for filing please find the original and seven (7) copies of Respondents' Return to Motion for Extension of Time in the above-referenced matter, along with a Proof of Service of the same on Respondent. Please file the original documents and return the clocked-in copies in the enclosed, self-addressed envelope.

If you have any questions, please contact me.

Very truly yours,

McAngus Goudelock & Courie, LLC



Helen F. Hiser

Enclosures

cc: Preston F. McDaniel, Esq.
Florence Hudson, Sedgwick CMS, Inc.

735 JOHNNIE DODDS BLVD, SUITE
200
POST OFFICE BOX 650007
MT. PLEASANT, SC 29465

843.576.2900 PHONE
843.534.0605 FAX
WWW.MGCLAW.COM