

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION  
Derrick L. Williams, Commissioner

File No. WCC 0031077  
CCP 2013-CP-10-6723 (2010-CP-10-6041)  
Appellate Case No. 2015-001001

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SC Court of Appeals

Virgil A. Hoff, Employee, Respondent,

v.

Mead Westvaco, Self-Insured Employer, Appellant.

**Motion to Amend Respondent's Initial Brief**

TO: South Carolina Court of Appeals; Kirsten Leslie Barr, Esquire and Geoffrey Lawrence Wendt, Esquire, Attorneys for Appellant:

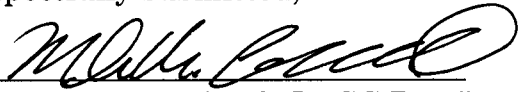
The Respondent in his Initial Brief inadvertently and incorrectly stated the Appellate Panel of the South Carolina Workers' Compensation Commission failed to address his estoppel argument. (Respondent's Brief p.12). Upon receipt of the Appellant's Reply brief and a review of the record, the desires to amend and correct his Initial Brief to reflect the Appellate Panel did make a finding of fact the Appellant did not engage in conduct which could have misled or deceived Respondent so as to estop them from asserting the statute of limitations as a defense to his claim. (ROA #16, p.15). The Respondent meant to state the Appellate Panel did not make any conclusion of law regarding the Respondent's estoppel argument nor was the estoppel argument

addressed in the order portion of the Appellate Panel's Order dated July 2, 2010. The Respondent does not wish to misled the Court and desires to amend his Initial Brief to the correct his mistake.

Based on the foregoing the Respondent, moves for an order from the Court of Appeals to allow him to correct his brief to reflect the foregoing.

Dated: 10/30/13

Respectfully submitted,

By: 

Malcolm M. Crosland, Jr. SC Bar # 8934  
THE STEINBERG LAW FIRM LLP  
P.O. Box 9  
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(843) 720-2800  
Attorney for Respondent

STATE OF SOUTH CAROLINA  
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Virgil A. Hoff, Employee, Respondent,

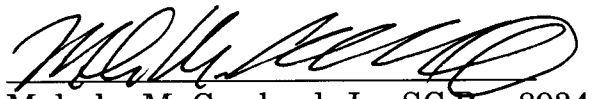
v.

Mead Westvaco, Self-Insured Employer,  
Appellant.

**PROOF OF SERVICE**

I certify that I have served the Motion to Amend Respondent's Initial Brief on Appellant by depositing a copy of it in the US Mail, postage prepaid on October 30 2015, addressed to their attorneys of record, Kirsten Barr, Esq., PO Box 2167, Mt. Pleasant, SC 29465 and Geoffrey Wendt, Esq. 531 Stone Creek Drive, Charleston, SC 29414.

October 30 2015



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October 30, 2015

The Honorable Jenny Abbot Kitchings  
Clerk of Court, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals

Re: Virgil A. Hoff, Respondent v. Mead Westvaco, Self-Insured Employer,  
Appellant, Appellate No. 2015-001001

Dear Honorable Kitchings,

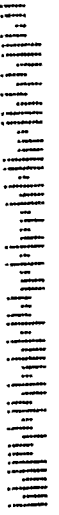
Enclosed please find the original and six copies of Respondent's Motion to Amend Initial Brief with \$25.00 filing fee. No memorandum with citation of authorities has been filed in support of this motion as the Respondent relies upon Rule 240, SCRPC in support of his motion and a memorandum is not necessary.

With kindest regards, I am

Sincerely,

Malcolm M. Crosland, Jr.  
Email: mcrosland@steinberglawfirm.com  
Direct Fax: (843) 266-1700

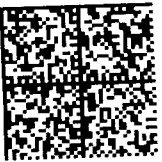
MMC/tlb  
Enclosures  
cc: Virgil Hoff  
Kirsten Barr, Esq.  
Geoffrey Wendt, Esq.  
J. Kevin Holmes, Esq.



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SC Court of Appeals



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