

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA SC Court of Appeals  
WORKERS' COMPENSATION COMMISSION  
Derrick L. Williams, Commissioner

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

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Virgil A. Hoff, Employee,.....Respondent,

v.

Mead Westvaco, Self Insured Employer,.....Appellant.

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**RETURN TO MOTION TO AMEND  
RESPONDENTS' INITIAL BREIF**

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TO: The South Carolina Court of Appeals; and Malcolm M. Crosland, Jr., and J. Kevin Holmes, of the Steinberg Law Firm, Attorneys for the Respondent:

PLEASE TAKE NOTICE that the above-named Appellant, Mead Westvaco, respectfully objects to Respondent's Motion to Amend his Initial Brief dated October 30, 2015. The Respondent filed his Initial Brief on October 7, 2015. Thereafter, on October 15, 2015, the Appellant filed a Reply Brief. Since that time, but prior to receipt of the Respondents' Motion to Amend, the Appellants have completed both the Record on Appeal and their Final Briefs.

Essentially, the Respondent is requesting that he be allowed to reply to arguments raised in the Appellant's Reply Brief. The Appellate Court Rules

simply do not permit additional briefing after the Appellant's Reply Brief has been filed. In addition, allowing the Respondent to file such an untimely amendment would obviously necessitate amendment of the Appellant's Reply brief and would require the Appellants to incur additional, unnecessary costs and expenses.

Furthermore, Rule 211(b), S.C.A.C.R., specifically requires that a "party may correct obvious typographical errors and misspellings which were made in the initial brief," but that "[n]o other changes may be made." The Respondent has failed to elucidate why he should not be bound by Rule 211(b), S.C.A.C.R..

Therefore, the Appellant respectfully requests that the Respondent's Motion to Amend be denied. In the alternative, should the Motion be granted, the Appellant would request an opportunity to amend their own Reply Brief, in addition to an award of reasonable expenses, including a reasonable attorney's fee, pursuant to Rule 11(a), S.C.R.C.P., as the Respondent admits that there is no ground to support the allegations contained in his Initial Brief, which he now seeks to amend.

Respectfully submitted,

November 6, 2015

*Kirsten Leslie Barr*

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Kirsten Leslie Barr  
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SC Bar # 15525

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Virgil A. Hoff, Employee,.....Respondent,

v.

Mead Westvaco, Self Insured Employer,.....Appellant.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that the above-named Respondent, Virgil Hoff, was served with a copy of the attached Return to Motion to Amend Respondent's Initial Brief this 6th day of November 2015 by depositing a copy of the same in the United States Mail, postage prepaid addressed to his counsel of record as follows:

Malcolm M. Crosland, Esq.  
J. Kevin Holmes, Esq.  
Steinberg Law Firm  
P.O. Box 9  
Charleston, SC 29402

November 6, 2015

  
Kirsten Leslie Barr, SC Bar #15525  
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Attorney for Appellant

HAROLD E. TRASK  
ROY A. HOWELL, III  
KIRSTEN L. BARR  
JAMIE C. GUERRERO  
WILLIAM H. LYON



**TRASK & HOWELL, L.L.C.**

*Workers' Compensation Defense*

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November 6, 2015

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SC Court of Appeals

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

Re: Virgil A. Hoff v. MeadWestvaco  
W.C.C. File No.: 0031077  
Appellate Case No.: 2015-001001  
Carrier File No.: A367102654  
Date of Accident: October 24, 2000 (alleged)

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the original and six (6) copies of our Return to Motion to Amend Respondent's Initial Brief and original Proof of Service of the same in the above-referenced case. By a copy of this correspondence, I am serving the other counsel of record with a copy of our Return to Motion.

Yours very truly,

Kirsten L. Barr

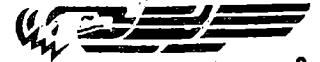
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Enc.

cc: Cynthia Busler, Matrix Absence Management (w/enc.) (email only)  
Malcolm M. Crosland, Jr., Esq. (w/enc.)  
J. Kevin Holmes, Esq. (w/enc.)

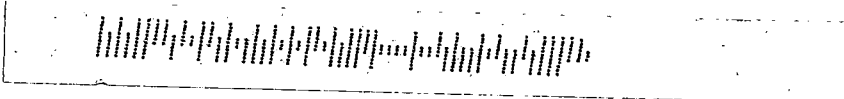
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**The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211**

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