

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2014-001083

Old Republic Insurance Company, Appellant,

v.

SC Second Injury Fund, Respondent.

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DEC 04 2015

SC Court of Appeals

MOTION OF CONTINUANCE OF ORAL ARGUMENT

Andrew D. Smith
Andrew D. Smith, LLC
147 Wappoo Creek Dr. STE 204
Charleston, South Carolina 29412
(843) 737-4619
Attorney for Appellants

Other Counsel of Record:


Ms. Latonya D. Edwards
Diligard Edwards, LLC
3790 Fernandina Road, Suite 103
Columbia, SC 29210
Phone No. (803)750-2214
Attorney for Respondents

The Appellants Old Republic Insurance Company, and Pepsi Bottling Company, moves pursuant to SCACR 240 by and through its undersigned counsel, hereby files this Motion for Continuance of Oral Argument based upon the following:

1. Currently, an oral argument is scheduled to be heard before the Honorable Court on December 8, 2015 at 12:00 p.m.
2. Counsel for the Appellants, Andrew D. Smith, sustained a tear of the lateral meniscus. He has been prescribed pain medication, Norco, and has been instructed not to drive. Further, Defense Counsel has been prescribed a leg immobilizer and is ambulating on crutches.
3. Defense Counsel has been seen at Roper St. Francis Emergency Room and is intending proceeding with surgery. The MRI does reveal a full thickness tear of the Defense Counsel's right lateral meniscus.
4. Unfortunately, the Defense Counsel respectfully requests a postponement of the Oral Argument set for December 8, 2015.
5. Defense Counsel has spoken with Ms. Latonya D. Edwards, Counsel for the Respondent, and she has kindly agreed not to object to the Motion for Continuance of Oral Argument.

WHEREFORE, the Appellants respectfully request that the Honorable Court reset the Oral Argument in regard to the above-referenced matter for thirty days to allow Defense Counsel to undergo surgery.

Respectfully submitted,



Andrew D. Smith
Andrew D. Smith, LLC
147 Wappoo Creek Dr. STE 204
Charleston, South Carolina 29412
(843) 737-4619
Attorney for Appellants

Dated December 4, 2015
Charleston, South Carolina

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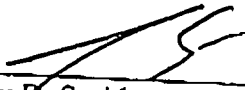
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the MOTION FOR CONTINUANCE OF ORAL ARGUMENT on Respondents by depositing a copy in the U.S. Mail postage prepaid, on December 4, 2015, addressed to their attorney of record as follows:

Ms. Latonya D. Edwards
Dilligard Edwards, LLC
3790 Fernandina Road, Suite 103
Columbia, SC 29210

Ms. Amy Bracy
Judicial Director
S. C. Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715



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December 4, 2015

VIA FACSIMILE AND U.S. MAIL

V. Claire Allen,
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
P.O. Box 11629
Columbia, SC 29211

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RE: Old Republic Insurance Company, Appellant,

v.


SC Second Injury Fund, Respondent.

Dear Ms. Allen:

Enclosed herein please find the Motion of Continuance for Oral Argument (original and six copies) and Proof of Service by Mail, for filing in the above-referenced matter. I have also enclosed the \$25.00 filing fee

By copy of this letter, I am also serving the Respondent's attorney with copies of the same. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Andrew D. Smith

ADS/pmb
Enclosures

cc: Amy Bracy, Judicial Director, S. C. Workers' Compensation Commission
Ms. Latonya Edwards, Esquire