

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

Markley Dennis, Jr., Circuit Court Judge

Case No. 2014-CP-10-2954

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APR 05 2016

SC Court of Appeals

DARRELL EDWARDS,

Appellant,

v.

E. PAUL GIBSON, REISEN LAW FIRM, E.
PAUL GIBSON PC and JOHN DOES 1-5,

Respondent.

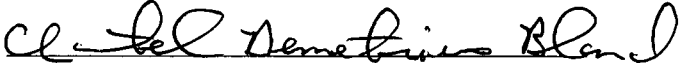
REPLY TO APPELLEE'S MOTION TO STRIKE APPELLANT'S REPLY BRIEF
OR IN THE ALTERNATIVE TO FILE A SUR-REPLY BRIEF
AND REPLY TO RESPONDANT'S PETITION TO SUPPLEMENT
THE RECORD ON APPEAL

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Plaintiff-Appellant Edwards replies to Appellees' Motion to Strike Reply Brief and contends to this Court that there general issue as to material fact, according to both the September 30, 2015 and the March 10, 2016 Orders of the Benefits Review Board as it relates to Appellant's compliance with Section 33 of the Longshore Act, 33 U.S.C. § 933(g). Although all of the affidavits of the legal experts submitted by Appellees conclude that Appellant failed to comply with 933(g), the Benefits Review Board clearly differs with those opinions, which were based, in part or full, on the previous opinion of the lower court.

Appellant asserts that these two rulings are crucial to a court's determination of whether there is a genuine issue of material fact and that, according to the Benefits Review Board, it can only be determined by a hearing. While it is free to make its own legal decisions, the Court must consider, and weigh appropriately, these Orders by the Benefits Review Board in its analysis of whether the lower court in this case erred in dismissing the underlying malpractice action. Accordingly, Appellant joins the Appellee in seeking to have both the September 30, 2015 and the March 10, 2016 Orders of the Benefits Review Board included the in Record on Appeal. The Orders are attached hereto as Exhibit A and B, respectively.

This the 5 day of April, 2016.

By: 
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via
U.S. Mail on this 5th day of April 2016, postage prepaid to

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