

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Appeal from the South Carolina Workers' Compensation Commission

Derrick L. Williams, Commissioner  
G. Bryan Lyndon, Commissioner  
Andrea C. Roche, Commissioner

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W.C.C. File No. 1016367

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Marshall C. Johnson, ..... Respondent,

v.

Kohler Company, Employer, Self-Insured, ..... Appellant.

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**MOTION TO FILE RECORD ON APPEAL  
OUT OF TIME**

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Appellant Kohler Company moves for leave to serve and file the Record on Appeal out of and in support thereof states as follows:

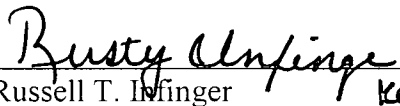
1. This appeal was filed on December 19, 2011.
2. Appellant filed its initial brief and designation of matter on March 5, 2012.

Respondent filed his initial brief and designation of matter on March 13, 2012.

3. Under Rule 210(a), SCACR, Appellant was to serve the Record on Appeal on April 13, 2012. Due to administrative oversight, the Record on Appeal was not served at that time.

4. Appellant served the Record on Appeal on May 7, 2012. Appellant respectfully requests Leave to Serve the Record on Appeal out of time.

Respectfully submitted,

  
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Russell T. Infinger *kes*  
NEXSEN PRUET, LLC  
55 East Camperdown Way (29601)  
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*Attorneys for Appellant  
Kohler Company*

May 7, 2012  
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA  
Workers' Compensation Commission

WCC FILE NO. 1016367

Marshall Johnson.....Respondent,

v.

Kohler Company, Employer/Self-Insured, .....Appellant.

**PROOF OF SERVICE**

I certify that I have served the foregoing Motion to File Record on Appeal Out of Time by depositing a copy of same in the United States Mail, postage prepaid, on May 7, 2012, addressed to his attorney of record, Patrick Knie, P.O. Box 5159, Spartanburg, SC 29304.

May 7, 2012

*Bruce Clinger*  
\_\_\_\_\_  
Russell J. Infinger *LES*  
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Greenville, South Carolina 29603  
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Attorney for Appellant

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# NEXSEN | PRUET

**Russell T. Infinger**  
Member  
Admitted in SC, MS

May 7, 2012

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: *Marshall C. Johnson, Respondent v. Kohler Company, Appellant*  
Case Tracking #: 2011205450

Dear Ms. Kitchings:

As requested, enclosed is an original and two copies of a Motion to File Record on Appeal Out of Time, together with my firm's check in the amount of \$25.00 representing the filing fee.

Please file the original and return a filed, stamped copy in the enclosed, self-addressed, stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,

*Russell T. Infinger*  
Russell T. Infinger RTI

RTI/bc  
Enclosures  
cc: Patrick E. Knie w/encl.

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SC Court of Appeals

- Charleston
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- Greenville**
- Hilton Head
- Myrtle Beach
- Raleigh

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**Attorneys and Counselors at Law**