

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

JUN 06 2016

SC Court of Appeals

T. Scott Beck, Commissioner
Susan S. Barden, Commissioner
Avery B. Wilkerson, Jr. Commissioner

Appellate Case No. 2015-002041

Mortasha Mouzon-Johnson, Claimant,

Appellant,

v.

MeadWestvaco, Self-Insured Employer,

Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE
FINAL BRIEF OF THE RESPONDENT AND MOTION FOR DISMISSAL**

The Respondent, MeadWestvaco, respectfully requests a thirty (30) day extension of time to file its Final Brief. To date, the Respondent has only received an unbound copy of the *first* volume of the *four* volume Record on Appeal from the Appellant. Without a complete copy of the Record on Appeal, the Respondent is unable to prepare the final brief and request that the time for filing the Final Brief be held in abeyance until such time as the Appellant complies with Rule 210, SCACR and serves a complete copy of the Record on Appeal.

In the alternative, the Respondent respectfully requests that this matter be dismissed pursuant to Rule 260(a), SCACR, which states that “the clerk shall issue an order of dismissal” when the Appellant “fails to comply” with the Appellate Court Rules. Clearly, the Appellant has failed to comply with Rule 210, SCACR, which states that the Appellant “shall serve a copy of the Record on Appeal” within thirty (30) days after service of the last brief. The last brief was filed in this case on April 18, 2016 and, to date, the Appellant has not served a complete copy of the Record on Appeal upon the Respondent. Of course, by employing the term “shall,” the requested dismissal should be considered mandatory. *See Wigfall v. Tideland Utils., Inc.*, 354 S.C. 100, 580 S.E.2d 100 (2003) (holding that the “term ‘shall’ in a statute means that the action is mandatory.)

Respectfully submitted,



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ATTORNEYS FOR THE RESPONDENT

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PROOF OF SERVICE

The undersigned hereby certifies that the above-named Appellant, Mortasha Mouzon-Johnson, was served with a copy of the attached Motion for Extension of Time to File Final Brief of the Respondent and Motion for Dismissal this 1st day of June 2016, by depositing a copy of the same in the United States Mail, first class postage prepaid, addressed to the parties of record, as follows:

Andrea Culler Roche, Esq.
Derrick L. Williams, Esq.
P.O. Box 5639
Columbia, SC 29250

Respectfully submitted,



June 1, 2016

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June 1, 2016

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

RECEIVED

JUN 06 2016

SC Court of Appeals

Re: Mortesha Mouzon-Johnson v. MeadWestvaco
W.C.C. File No.: 1219931
Appellate Case No.: 2015-002041
Carrier File No.: 1333191
Date of Accident: June 1, 2012

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the original and six (6) copies of our Motion for Extension of Time to File Final of the Respondent and Motion for Dismissal and original Proof of Service of the same in the above-referenced matter. By a copy of this correspondence, I am serving the other counsel of record with a copy of our Motion. Also enclosed, please find our check in the amount of \$25.00 for the filing of this Motion.

Yours very truly,

A handwritten signature in cursive script that reads "Kirsten L. Barr".

Kirsten L. Barr

KLB/cnd/les
Enc.

cc: Sharon White, Sedgwick CMS (w/enc.)
Annalyn A. San Pedro, MeadWestvaco (w/enc.)
Kim Bolster, MeadWestvaco (w/enc.)
Andrea Culler Roche, Esq. (w/enc.)
Derrick L. Williams, Esq. (w/enc.)

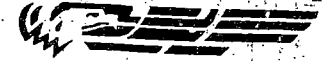
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