

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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JUL 01 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.

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

The Respondent, MeadWestvaco, respectfully contends that the allegations set forth in the Appellant's Return are unfounded. To wit, the Appellant served her Reply Brief on April 18, 2016 and; therefore, the Record on Appeal was to be served by May 18, 2016 pursuant to Rule 210, SCACR. On May 18, 2016, the Appellant served the Respondent with one unbound copy of the *first* volume of the *four* volume Record on Appeal. By June 1, 2016, the Appellant still had not served a complete copy of the Record on Appeal by any means and the Motion for Extension and Motion for Dismissal was filed by the Respondent.

Prior to filing this Motion, the Appellant contacted the office of the Respondent's attorney to inquire as to whether a full Record on Appeal had ever be served and it was confirmed that a full Record on Appeal has not been served upon the Respondents. Thereafter, the Appellant sent an "electronic" copy of the Record on Appeal the Respondent via email on June 2, 2016.

Therefore, 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. In the alternative, the Respondent seeks an extension to file its Final Brief based upon the Appellant's failure to timely or properly serve the Record on Appeal.

Respectfully submitted,

6/29/16



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Appellate Case No. 2015-002041

Mortesha Mouzon-Johnson, Claimant, Appellant,
v.
MeadWestvaco, Self-Insured Employer, Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that the above-named Appellant, Mortesha Mouzon-Johnson, was served with a copy of the attached Reply to Return to Motion for Extension of Time to File Final Brief of the Respondent and Motion for Dismissal this 29th 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 29, 2016

Kirsten L. Barr

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June 29, 2016

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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: 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 Reply to Return to 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.

Yours very truly,

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

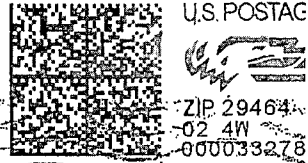
Kirsten L. Barr

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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