

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

AUG 29 2016

SC Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC Case No.: 1316470
Appellate Case No.: 2016-000617

Elias Reyna Respondent,

v.

Fenerly Inc. d/b/a Tony's Place of Sumter, Employer, and
Foremost Signature Insurance Co. c/o
Farmers Business Insurance, Carrier Appellants.

MOTION FOR EXTENSION OF TIME TO FILE
APPELLANTS' REPLY BRIEF

Appellants, by and through their undersigned attorneys, respectfully request a ten (10) day extension of time in which to file their Reply Brief and any additional Designation of Matter to be Included in the Record on Appeal. ***The current deadline is September 6, 2016, and a ten-day extension of time would establish September 16, 2016 as the new deadline.***

Respondent's counsel has advised that he filed and served, by US Mail on August 24, 2016, Respondent's Initial Brief and Designation of Matter. As of the filing of this Motion, Appellants have yet to receive a service copy of Respondent's filings, although half of the ten (10) days allotted to Appellants for serving a Reply to those filings has expired. See Rule 208(a)(3), SCACR. Presuming that Respondent's Initial filings were served on August 24, 2016, Appellants' Reply filings currently are due to be served and

filed the day after Labor Day on September 6, 2016.¹

Given this delay in receipt of service copies and the intervening Labor Day holiday, Appellants respectfully request a 10-day extension of time to file and serve their Reply Brief and any additional Designation of Matter, which would establish the new deadline as September 16, 2016.

As indicated in the correspondence attached as **Exhibit A**, the undersigned counsel for Appellants has requested consent from counsel for Respondent. Although counsel for Respondent has not responded to this specific request, he previously indicated in the correspondence attached as **Exhibit B** that he would generally consent to extension requests.

Respectfully submitted,



William R. Harbison, S.C. Bar No. 15041
wharbison@gwblawfirm.com
Laura W. Jordan, SC Bar No. 100374
ljordan@gwblawfirm.com
GALLIVAN, WHITE & BOYD, P.A.
Post Office Box 7368
Columbia, South Carolina 29202
803.779.1833

Brett H. Bayne
MCANGUS GOUDELOCK & COURIE, LLC
Post Office Box 12519, Capitol Station
Meridian, 1320 Main Street, 10th floor (29201)
Columbia, South Carolina (29211)
803.779.2300

Columbia, South Carolina
August 29, 2016

ATTORNEYS FOR APPELLANTS

¹ Ten days from August 24, 2016 is Saturday, September 3, 2016. Tuesday, September 6, is the "next day which is neither a Saturday, Sunday nor such holiday." Rule 263(a), SCACR.

Laura Jordan

From: Laura Jordan
Sent: Monday, August 29, 2016 9:54 AM
To: 'Stephen Samuels'
Cc: Katherine@samuelslawfirm.net; Kelly Canaday; Will Harbison;
mark@calhounlawfirm.com
Subject: Elias Reyna v. Fenerly dba Tony's Place & Foremost c/o Farmers - SC Court of Appeals

Stephen,

My assistant has informed me that your office filed/served Respondent's Brief and Designation of Matter on August 24 by mail. We have not received our service copies yet.

Given that we are now 5 days in to the 10-day window for filing and serving our Reply, and in light of the intervening Labor Day holiday, we intend to request an extension of time from the Court. Do we have your consent for this request? Given the mail delay, we also request that you send us a courtesy copy of your filings via email at your earliest convenience.

Thank you in advance for your assistance, and please feel free to call me if you would like to discuss.

Thanks,
Laura Jordan

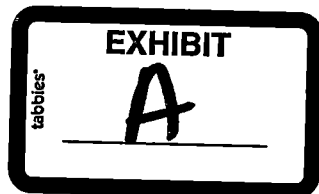


Gallivan, White & Boyd, P.A.
ATTORNEYS AT LAW

Laura Jordan
Of Counsel
ljordan@GWBlawfirm.com

Gallivan, White & Boyd P.A.
Office 1201 Main Street | Suite 1200 | Columbia SC 29201
803 724 1710 Direct | 803 779 1833 Main | 803 779 1767 Fax
Mailing Post Office Box 7368 | Columbia SC 29202
vCard | BioURL | Website

This message is from the law firm Gallivan, White & Boyd, PA and may be a confidential and privileged legal communication to the named recipient(s). If you receive this message in error or are not the named recipient(s), please notify the sender and delete this email. Thank you.



Laura Jordan

From: Stephen Samuels <stephen@samuelslawfirm.net>
Sent: Thursday, June 30, 2016 1:05 PM
To: Laura Jordan
Cc: Katherine@samuelslawfirm.net; Kelly Canaday; Will Harbison; Catherine Taylor; mark@calhounlawfirm.com
Subject: RE: Elias Reyna v. Fenerly dba Tony's Place & Foremost c/o Farmers - SC Court of Appeals

Hi Laura:

I certainly have no problem with consenting to any extensions you need. We are filing for an extension on our initial brief – and may even need a second extension. From my experience with the court, they won't consider a motion for an extension until the deadline to file is set by the filing of the opposing party's brief. Point being, I think your motion is premature. Just trying to be helpful.

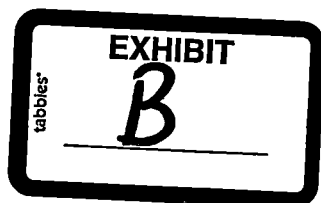
Stephen B. Samuels
Samuels Law Firm, LLC
1320 Richland Street
Columbia, SC 29201
803.779.4000 Office
803.779.4004 Fax

From: Laura Jordan [mailto:ljordan@gwblawfirm.com]
Sent: Thursday, June 30, 2016 11:56 AM
To: stephen@samuelslawfirm.net
Cc: Katherine@samuelslawfirm.net; Kelly Canaday <kcanaday@gwblawfirm.com>; Will Harbison <wharbison@gwblawfirm.com>; Catherine Taylor <ctaylor@gwblawfirm.com>; mark@calhounlawfirm.com
Subject: FW: Elias Reyna v. Fenerly dba Tony's Place & Foremost c/o Farmers - SC Court of Appeals

Stephen,

We plan to file the attached motion tomorrow. I spoke last week with Katherine in your office, who indicated that you would not object to a 10-day extension for Appellants' reply brief. If that is incorrect, please let me know before noon tomorrow. As outlined in the communications with Mark below, the extension for your brief and DOM established our new reply deadline in conflict with a long-planned family vacation. We appreciate your consideration for this extension.

Thanks,
Laura Jordan



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Fenerly Inc. d/b/a Tony's Place of Sumter, Employer, and
Foremost Signature Insurance Co. c/o
Farmers Business Insurance, Carrier Appellants.

PROOF OF SERVICE

I, Kelly Canaday, the undersigned employee of Gallivan, White & Boyd, P.A.,
attorneys for the Appellants, do hereby certify that I have served a copy of the foregoing
Motion for Extension of Time, in connection with the above-referenced case by mailing
a copy of the same on August 29, 2016, by United States Mail, postage prepaid, to:

Mark R. Calhoun, Esquire
Calhoun Law Firm
714 East Main Street
Lexington, South Carolina 29072

Stephen B. Samuels, Esquire
Samuels Law Firm
1320 Richland Street
Columbia, South Carolina 29201

Kelly Canaday

Columbia, South Carolina
August 29, 2016

LAURA W. JORDAN
Direct Dial: 803.724.1710
ljordan@gwblawfirm.com



Gallivan, White & Boyd, P.A.
—ATTORNEYS AT LAW—

1201 Main Street, Suite 1200 (29201)
Post Office Box 7368
Columbia, SC 29202-7368
803.779.1833 - TEL
803.779.1767 - FAX
www.gwblawfirm.com

August 29, 2016

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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SC Court of Appeals

Re: *Elias Reyna v. Fenerly Inc. d/b/a Tony's Place of Sumter, Employer and
Foremost Signature Insurance Co. c/o Farmers Business Insurance, Carrier*
Appellate Case No.: 2016-000617
WCC Case No.: 1316470
GWB File No.: 4350-3

Dear Ms. Kitchings:

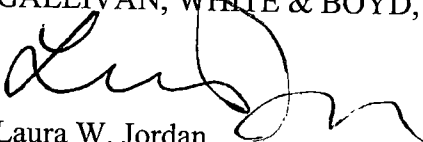
Enclosed herewith for filing, please find the original and six (6) copies of the Motion for Extension of Time to file Appellants' Reply Brief regarding the above-referenced matter. Please file the original and six (6) copies of the Motion, and return the remaining clocked copies to me via our courier. I have also enclosed our firm's check in the amount of \$25.00 to cover the filing fee for the Motion.

Thank you for your assistance with this matter, and please contact me if you have any questions.

With kind regards, I am

Yours very truly,

GALLIVAN, WHITE & BOYD, P.A.


Laura W. Jordan

LWJ/kcc
Enclosures

cc: Mark R. Calhoun, Esquire
Stephen Samuels, Esquire

✓