

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM S.C. WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2016-000790

Ann Stevenson, Claimant,

Appellant,

v.

Wal-Mart Stores, Inc., Employer, and
New Hampshire Insurance Co., Carrier,

Respondents.

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SEP 23 2016

SC Court of Appeals

RESPONDENTS' RETURN TO CLAIMANT'S
MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEFS

In response to the Claimant's Motion To Extend Time for Filing Appellant's Briefs, Defendants respectfully assert:

1. This case has been ongoing and involved in active litigation for a time period of nearly three years. Respondents request a timely adjudication of the appeal filed by Claimant.
2. By Order of the Court of Appeals dated June 3, 2016, pro se claimant was to file and serve her Initial Brief and Designation of Matter within 30 days, which would have been July 3, 2016. On June 17, 2016, claimant filed a Motion to Extend Time for Filing Appellant's Briefs.
3. By Order of the Court of Appeals dated July 12, 2016, the time for serving and filing the Appellant's Initial Brief and Designation of Matter was extended until September 6, 2016.
4. On September 6, 2016, the claimant failed to file her Initial Brief or Designation of Matter.

Instead, she filed a Motion to Hold Time in Abeyance to Consider Subjects to Be Included in the Appeal. This Motion to Hold Time is improper, and the documents submitted with this Motion to Hold Time are improper. Respondents filed a Return to that Motion on September 12, 2016.

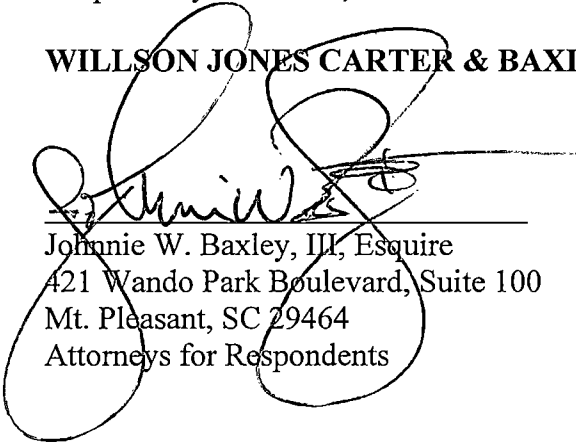
5. Appellant has now filed a Motion to Extend Time for Filing Appellant's Briefs on September 16, 2016. Again, this Motion and the documents submitted with this Motion are improper, and respondents request that this Court deny this new Motion.
6. The Appellant's Motion to Extend Time does not cite or give any legitimate legal or factual basis for another extension of time in this matter. Instead, the Motion to Extend Time cites the following reasons for the filing: (1) current, undocumented health reasons; (2) lack of legal guidance and legal training; (3) information regarding gathering of file materials from the South Carolina Workers' Compensation Commission, a doctor deposition transcript, and other medical records; and (4) alleged physical limitations. All of these assorted "reasons" are nothing more than arguments by appellant as to why she is aggrieved by the underlying Order of the South Carolina Workers' Compensation Commission. These "reasons" are simply a continuation of the appellant's long-standing argument as to factual issues on the claim. However, none of these reasons are legitimate legal or factual bases for another extension of time. Respondents request that Appellant's Motion to Hold Time be denied and dismissed.
7. The Appellant has attached to her Motion to Hold Time a number of documents which are improper. Respondents request that these documents be stricken from the record and not considered in any way by the Court of Appeals. The documents included are four pages of medical records that have never been submitted as evidence during the case and would not be part of the Record on Appeal. All of these documents are completely irrelevant to any extension of time but again go to Appellant's arguments regarding her disagreements with the merits of the

case and the decision of the South Carolina Workers' Compensation Commission.

8. Appellant has not made the requisite showing to introduce additional and newly discovered evidence. All of the documents submitted to her Motion to Extend Time were either in existence at the time of the original hearing and not submitted, or they are inadmissible pieces of evidence in the first place, or they are documents manufactured by claimant after her hearing before the Commission. These documents would not be admissible as newly discovered evidence under the long-standing case law from the Court of Appeals.
9. Respondents request that all of the documents attached to Appellant's Motion to Hold Time be stricken from the record, disregarded, and not considered by the Court of Appeals.
10. This Motion to Extend Time is not timely and should be denied for the same reasons as the previously filed Motion to Hold Time.
11. Per Rule 240(b) of the South Carolina Appellate Court Rules, the time limits on an appeal are not stayed by the filing of a motion. By order of the Court of Appeals, the claimant was to file her Initial Brief and Designation of Matter by September 6, 2016. Those filings were not timely made. Per Rule 208 (a)(4) of the South Carolina Appellate Court Rules, the Respondents request that the clerk of the Court of Appeals signed an order dismissing the appeal.

Respectfully submitted,

WILLSON JONES CARTER & BAXLEY, P.A.



Johnnie W. Baxley, III, Esquire
421 Wando Park Boulevard, Suite 100
Mt. Pleasant, SC 29464
Attorneys for Respondents

Date: September 21, 2016

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CERTIFICATE OF SERVICE

I, Sylvia J. Hoff, do hereby certify that I am the Paralegal for Johnnie W. Baxley, III, Esquire, attorney for the defendants with **WILLSON JONES CARTER & BAXLEY, P.A.** in Mt. Pleasant, South Carolina, and that on the 21st day of September, 2016, I mailed the foregoing **RESPONDENTS' RETURN TO MOTION TO EXTEND TIME FOR FILING APPELLANT'S BRIEFS** to the following by placing a copy thereof in the United States mail, first class, proper postage affixed thereto:

Ann Stevenson
2261 Greenleaf Dr.
Conway, SC 29526

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211



Sylvia J. Hoff
Paralegal to Johnnie W. Baxley, III, Esquire
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ATTORNEYS AT LAW

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September 21, 2016

The Honorable Jenny Abbott Kitchings
1015 Sumter Street
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Columbia, SC 29211

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Re: Ann Stevenson vs. Wal-Mart Stores, Inc.
WCC File No.: 1303465 DOI: 2/16/2013
Carrier: New Hampshire Insurance, Co. - Claim No.: 6815476
WJC&B File No.: 0170.02572
Appellate Case No.: 2016-00790

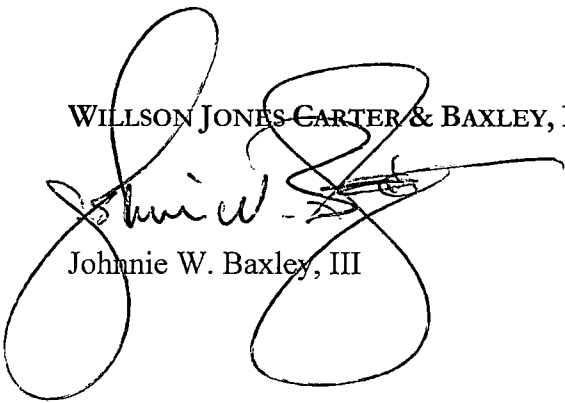
Dear Ms. Kitchings:

Please find enclosed the following documents (an original and six copies) for filing in regards to the above-referenced case.

1. Respondents' Return to Claimant's Motion to Extend Time for Filing Appellant's Brief; and
2. Proof of service.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.


Johnnie W. Baxley, III

JWB/hsh

Enclosures

cc: Ann Stevenson
Barbara Cowan (via e-mail)

neopost*

FIRST-CLASS MAIL

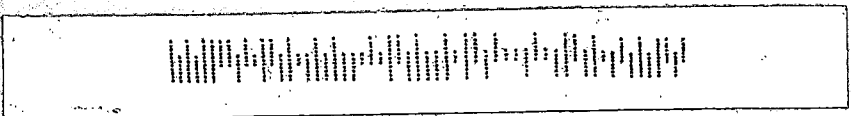
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THE HONORABLE JENNY ABBOTT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1015 SUMTER STREET
P.O. BOX 11629
COLUMBIA, SC 29211