

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

OCT 10 2016

SC Court of Appeals

Honorable William P. Keesley

Case No. 2013-CP-32-01272

Case No. 2014-CP-32-00399

Alexander Guice, Appellant,

v.

US Food Service, Inc., Employer, and
ACE American Insurance Company
c/o Gallagher Bassett Services, Inc., Respondents.

**RESPONDENTS' RETURN TO
MOTION FOR LEAVE TO STAY**

Pursuant to Rule 240, SCACR, Respondents US Food Service, Inc. and ACE American Insurance Company c/o Gallagher Bassett Services, Inc. hereby respond to Appellant Alexander Guice's Motion for Leave to Stay ("Motion"). In Orders dated September 22, 2016, this Court denied Appellant's Motion to Recuse and/or Disqualify the Honorable James E. Lockemy, and his Motion for Correction and/or Clarification of Respondents' Designation of Matter. As such, Appellant's initial reply brief would have been due ten days later, on October 3, 2016 or, if he decided to forgo filing a reply brief, the Record on Appeal would be due October 24, 2016. Appellant now seeks a stay for at

least 45 days because of an alleged diagnosis of Type 2 Diabetes on September 22, 2016.¹

While Respondents do not oppose some extension of time for Appellant to file an initial reply brief, should he choose to do so, a 45-day extension is unreasonably long. Respondents would concede to a 10-day extension or, at most, a 30-day extension for Appellant to file his initial reply brief. A 30-day extension would provide Appellant ample time to prepare his reply brief given that his vision appointment was set for October 1, 2016. Even if his glasses took 21 days to arrive, a 30-day extension from the current due date, or November 2, 2016, would still allow Appellant sufficient time to prepare and file his initial reply brief once he received his glasses.

If Appellant chooses to not file a reply brief, he should not need more than a 20-day extension from the current due date, or until November 24, 2016, to prepare and serve the Record on Appeal. Frankly, it appears that Appellant is seeking a stay for “45 days [or] until such time as Appellant’s complications related to diabetes improves so that Appellant can adequately prosecute his appeal.” (Motion, p. 2). Such an open-ended stay or extension is unwarranted, particularly in light of the facts that Appellant is not hospitalized and he has already delayed this appeal by filing multiple, meritless motions.

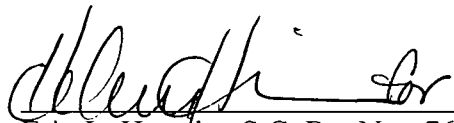
¹ Respondents note that Exhibit A to Appellant’s Motion is a prescription for an oral diabetes medication and not an actual diagnosis.

CONCLUSION

For all the reasons stated herein, this Court should only grant Appellant a 10-day or, at most, a 30-day extension to file any initial reply brief or, if he chooses to not file an initial reply brief, a 20-day extension to file the Record on Appeal.

Respectfully submitted,

October 4, 2016



Erin L. Hantske, S.C. Bar No.: 76313
McANGUS GOUDELICK & COURIE, LLC
Post Office Box 650007
735 Johnnie Dodds Blvd, Suite 200
Mt. Pleasant, South Carolina 29465
(843) 576-2900
Attorney for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

RECEIVED

Honorable William P. Keesley, Circuit Court Judge

OCT 10 2016

Case No. 2013-CP-32-01272
Case No. 2014-CP-32-00399

SC Court of Appeals

Alexander Guice, Appellant,

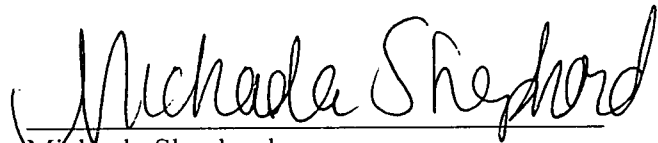
v.

US Food Service, Inc., Employer, and
ACE American Insurance Company
c/o Gallagher Bassett Services, Inc., Respondents.

PROOF OF SERVICE

I certify that I have served the **Respondents' Return to Appellant's Motion for Leave to Stay** on Alexander Guice, pro se, by depositing a copy of it in the United States Mail, postage prepaid, on October 4, 2016, addressed as follows:

Alexander Guice
P.O. Box 13281
Tampa, Florida 33681



Michaela Shepherd
Legal Assistant to Erin L. Hantske
McANGUS GOUDELOCK & COURIE LLC
735 Johnnie Dodds Blvd., Suite 200 (29464)
PO Box 650007
Mount Pleasant, South Carolina 29465
(843) 576-2900
Attorneys for Respondents

mgc

Reply To

HELEN F. HISER
Direct Dial: (843) 576-2930
helen.hiser@mgclaw.com

RECEIVED

OCT 10 2016

SC Court of Appeals

October 4, 2016

Via U.S. Mail

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

RE: Alexander Guice v. U.S. Food Service, Inc. and ACE American Insurance
Company c/o Gallagher Bassett Services, Inc.
Date of Accident: May 5, 2005
WCC File No.: 0506205
Our File No.: 2098.12550
Claim No.: 004063-032175-wc-01
Appeal No.: 2015-001821

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Return to Appellant's Motion for Leave to Stay, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the self-addressed, stamped envelope.

If you have any questions, please do not hesitate to contact me.

Yours truly,
McAngus Goudelock & Courie, LLC



Erin L. Hantske

Enclosures

cc: Alexander Guice, *pro se*