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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 1416804

William F. Poston, Claimant Appellant,

vs.

Randstad North America, Employer and
Indemnity Insurance Co. of N.A., Carrier, Respondents.

**MOTION TO FILE APPELLANT'S INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL OUT OF TIME**

RECEIVED

NOV 22 2016

SC Court of Appeals

STEPHEN J. WUKELA
WUKELA LAW FIRM
ATTORNEY FOR APPELLANT
SC BAR NO. 68351
PO BOX 13057
FLORENCE SC 29504
843-669-5634

Appellant, William Poston, moves this Court, pursuant to Rule 224 of the South Carolina Appellate Rules, for an Order permitting the filing and service of his Initial Brief, and Designation of Matter to be Included in Record on Appeal, out of time on the following grounds:

1. Appellant received the Transcript of Record from the Court Reporter on September 30, 2016.

2. Counsel for Appellant calculated time for the due date for the Initial Brief and Designation of Matter to be included in the Record on Appeal as being October 30, 2016. Due to Hurricane Matthew our office was closed for 1½ days and our office was short-staffed for a several days thereafter.

3. I received the Supreme Court's Order dated October 10, 2016 declaring that, due to hurrican, October 5 through 14, 2016 would be considered "holidays" for the purpose of computing time.

4. Believing that the Order applied to my case, I recalculated the due date for Appellant's Initial Brief and Designation of Matter to be Included in Record on Appeal as being November 10, 2016 and the Court received those documents on November 10, 2016.

5. It is now my understanding from a conversation with Diane at the Court of Appeals that the Initial Brief and Designation were due October 31, 2016.

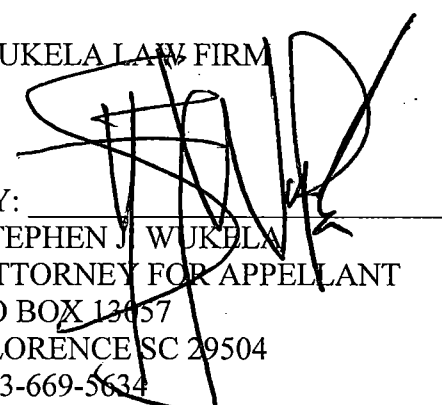
6. Appellant respectfully requests this Honorable Court permit the late filing and service of his Initial Brief, and Designation of Matter to be Included in the Record on Appeal, on the grounds of an inadvertent and unintentional mistake.

7. Appellant believes that no harm would be caused to the Respondent by the

granting of this Motion arising from a mistaken calculation of time and would further result in justice and fairness to the parties.

Respectfully submitted,

WUKELA LAW FIRM



BY: _____
STEPHEN J. WUKELA
ATTORNEY FOR APPELLANT
PO BOX 13057
FLORENCE SC 29504
843-669-5634

November 21, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

WCC File No. 1416804

William F. Poston, Claimant Appellant,

vs.

Randstad North America, Employer and
Indemnity Insurance Co. of N.A., Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the Motion to File and Serve Appellant's Initial Brief, and Designation of Matter to be Included in Record on Appeal, Out of Time, by depositing a copy of it in the United States Mail, postage prepaid, on November 21, 2016, addressed to its attorney of record, Christopher C. Mingleдорff, Esquire, Attorney at Law, Moore Ingram Johnson & Steele, LLP, 885-B Island Park Drive, Charleston SC 29492.

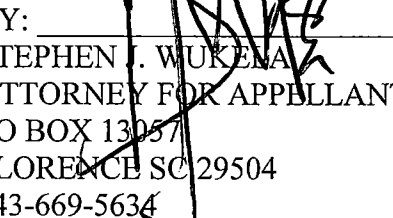
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SC Court of Appeals

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November 21, 2016

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

Re: William F. Poston v. Randstad North America and
Indemnity Insurance Co. of N.A.
File No. 2016-001510

Dear Ms. Kitchings:

With regard to the above, please find enclosed a Motion to File Appellant's Initial Brief and Designation of Matter to be Included in Record on Appeal Out of Time. I have also enclosed my office check in the amount of \$25.00 which represents the filing fee for said Motion.

With kind regards, I am

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NOV 22 2016

SC Court of Appeals

Yours truly,

WUKELA LAW FIRM

STEPHEN J. WUKELA

SJW:jpb

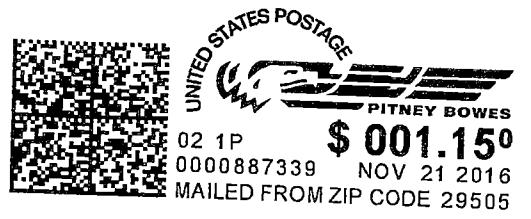
Enclosure

cc: Christopher C. Mingledorff, Esquire

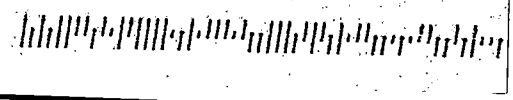
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NOV 22 2016

SC Court of Appeals

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To:
 Honorable Jenny Abbott Kitchings
 Clerk, South Carolina Court of Appeals
 PO Box 11629
 Columbia SC 29211