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**SC Court of Appeals**

November 17, 2016

**VIA E-MAIL**

Cora Strickland  
Creel Court Reporting, Inc.  
1230 Richland Street  
Columbia, SC 29201

RE: David Lemon, Employee, Appellant vs.  
Mt. Pleasant Waterworks, Employer, and  
State Accident Fund, Carrier, Respondents  
W.C.C. File No. : 1205924

Dear Ms. Strickland:

Please let this letter serve as a formal request for the transcripts of the hearings before the Appellate Panel on April 20, 2015 and August 15, 2016. Please provide a copy of these transcripts within sixty (60) days of this request.

We have the transcript of the hearing before the Single Commissioner (Beck) on September 11, 2014.

With kindest personal regards, I am

Sincerely,

URICCHIO, HOWE, KRELL, JACOBSON,  
TOPOREK, THEOS & KEITH, P.A.

Carl H. Jacobson

CHJ/sec

Enclosures

cc: David Lemon  
Amy Bracy, Judicial Director/SCWCC  
John Gabriel Coggiola, Esq.  
S.C. Court of Appeals, Clerks Office

the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellant shall contemporaneously furnish all counsel of record, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings below. If a party to the appeal unjustifiably refuses to agree to ordering less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211.

(2) *Delivery of Transcript.* The court reporter shall transcribe and deliver the transcript to appellant no later than sixty (60) days after the date of the request. Records shall be transcribed by the court reporter in the order in which the requests for transcripts are made.

(3) *Extension for Court Reporter.* If a court reporter anticipates continuous engagement in the performance of other official duties which make it impossible to prepare a transcript in compliance with this Rule, the reporter shall promptly notify the Office of Court Administration in writing of the fact, setting forth the caption of the case involved, the length of time required to complete the transcript, and the nature and probable duration of the conflicting official duties. The Office of Court Administration may grant an extension of up to ninety (90) days. An extension in excess of ninety (90) days shall not be allowed except by order of the Chief Justice.

(4) *Notice of Extension.* Upon the granting of any extension of time for delivery of the transcript, the Office of Court Administration shall notify all parties and the clerk of the appellate court.

(5) *Failure to Receive Transcript.* If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the Office of Court Administration, the clerk of the appellate court, and the court reporter in writing.

(6) *Failure to Comply.* The willful failure of a court reporter to comply with the provisions of this Rule shall constitute contempt of court enforceable by order of the Supreme Court.

**(b) Appeals From an Administrative Tribunal.**

(1) *Ordering the Transcript.* Within ten (10) days after the date of service of the notice of appeal, appellant shall, in writing, make satisfactory arrangements with the administrative law court or the agency (administrative tribunal) to obtain a transcript of the proceeding before that body. Appellant shall contemporaneously furnish all counsel of record, and the clerk of the appellate court with copies of all correspondence with the administrative tribunal. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire proceedings before the adminis-

trative tribunal. If a party to the appeal unjustifiably refuses to agree to order less than the entire transcript, appellant may move to be awarded costs for having unnecessary portions transcribed; this motion must be made no later than the time the final briefs are due under Rule 211. The administrative tribunal may establish reasonable rates for providing the transcript or a copy thereof.

(2) *Delivery of Transcript.* The administrative tribunal shall insure that the transcript is delivered to the appellant within (60) days after the date of the request.

(3) *Extension.* If the administrative tribunal cannot deliver the transcript in the time specified, it shall promptly seek an extension from the appellate court. The request for an extension shall be in writing and shall comply with Rule 240, SCACR.

(4) *Failure to Receive Transcript.* If appellant has not received the transcript within the allotted time nor received notification of an extension within ten (10) days after the allotted time, appellant shall notify the clerk of the appellate court, and the administrative tribunal in writing.

(c) **Duty of Appellant.** The transcript received from the court reporter or the administrative tribunal must be retained by appellant during the entire appeal and for a period of at least one (1) year after the remittitur (See Rule 221) is sent to the lower court or administrative tribunal.

[Adopted effective September 1, 1990. Amended effective February 4, 1997. Renumbered and amended effective June 1, 1999. Amended effective May 3, 2007; April 29, 2009.]

**RULE 208. INITIAL BRIEFS**

**(a) Time for Serving and Filing Initial Briefs.**

(1) *Brief of Appellant.* Within thirty (30) days after receiving the transcript or, if no transcript is ordered, within thirty (30) days after serving the notice of appeal, appellant shall serve one copy of his brief on all parties to the appeal, and file with the clerk of the appellate court one copy of the brief with proof of service.

(2) *Brief of Respondent.* Within thirty (30) days after service of appellant's brief, respondent shall serve one copy of his brief on all parties to the appeal and file with the clerk of the appellate court one copy of the brief with proof of service.

(3) *Reply Brief.* An appellant may file and serve a brief in reply to the brief of respondent. If a reply brief is prepared, appellant shall, within ten (10) days after service of respondent's brief, serve one copy of the reply brief on all parties to the appeal and file with the clerk of the appellate court one copy of the reply brief with proof of service.

(4) *Failure to File.* Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal, and the appeal shall not be

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full, the appeal shall be dismissed, and shall not be reinstated except as provided by Rule 260.

(e) **Form and Content.** The notice of appeal shall be substantially in the form designated in the Appendix to these Rules.

(1) *Appeals from the Circuit Court, Family Court and Probate Court.* In appeals from lower courts, the notice of appeal shall contain the following information:

(A) The name of the court, judge, and county from which the appeal is taken.

(B) The docket number of the case in the lower court.

(C) The date of the order, judgment, or sentence from which the appeal is taken; and if appropriate for the determination of the timeliness of the appeal, a statement of when the appealing party received notice of the order or judgment from which the appeal is taken, or, if a cross-appeal, when the respondent received appellant's notice of appeal.

(D) The name of the party taking the appeal.

(E) The names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each.

(2) *Appeals from Administrative Tribunals.* In appeals from administrative tribunals, the notice of appeal shall contain the following information:

(A) The name of the agency and the name of the administrative law judge (if applicable).

(B) The docket number of the case before the administrative law court, or if the appeal is from an agency, the docket number before the agency.

(C) The date of the decision from which the appeal is taken; and if appropriate for the determination of the timeliness of the appeal, a statement of when the appealing party received the decision from which the appeal is taken, or, if a cross-appeal, when the respondent received appellant's notice of appeal.

(D) The name of the party taking the appeal.

(E) The names, mailing addresses, and telephone numbers of all attorneys of record and the names of the party or parties represented by each.

[Adopted effective September 1, 1990. Amended effective July 1, 1993; June 1, 1999; May 3, 2007; May 1, 2008; April 29, 2009.]

<sup>1</sup> By order dated April 17, 1990, this filing fee was set at one hundred (\$100.00) dollars.

<sup>2</sup> *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970)

#### RULE 204. TRANSFER OF CASES

(a) **Improperly Filed Cases.** In the event that the notice of appeal is filed in the wrong appellate court, the appellate court in which the matter is filed shall issue an order transferring the case to the appropriate appellate court.

(b) **Certification by Supreme Court.** In any case which is pending before the Court of Appeals, the Supreme Court may, in its discretion, on motion of any party to the case, on request by the Court of Appeals, or on its own motion, certify the case for review by the Supreme Court before it has been determined by the Court of Appeals. Certification is normally appropriate where the case involves an issue of significant public interest or a legal principle of major importance. The effect of such certification shall be to transfer jurisdiction over the case to the Supreme Court for all purposes.

[Adopted effective June 1, 1999.]

#### RULE 205. EFFECT OF APPEAL

Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal; the lower court or administrative tribunal shall have jurisdiction to entertain petitions for writs of supersedeas as provided by Rule 241. Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.

[Adopted effective September 1, 1990. Renumbered effective June 1, 1999. Amended effective May 3, 2007; April 29, 2009.]

#### RULE 206. CASES INVOLVING MULTIPLE NOTICES OF APPEAL

Where more than one party serves a notice of appeal, the party whose notice of appeal is first received by the appellate court shall be designated as the primary appellant and shall be responsible for performing all duties required of the appellant under Rules 207 and 210. Upon receipt of notification that the primary appellant has received the transcript of proceeding, the clerk of the appellate court shall establish a briefing schedule.

[Adopted effective September 1, 1990. Renumbered and amended effective June 1, 1999.]

#### RULE 207. TRANSCRIPT OF PROCEEDING

(a) **Appeals From a Lower Court.**

(1) *Ordering the Transcript.* Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters in equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. In appeals from the court of general sessions or the family court in juvenile actions,

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