

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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SCWCC Case No. 1209393

SC Court of Appeals

Matthew Edwards, Employee,

Appellant,

v.

SC Department of Public Safety, Employer,
and State Accident Fund, Carrier,

Respondents.

**RESPONDENTS' MOTION TO SERVE
AND FILE THE FINAL BRIEF OF
RESPONDENTS OUT OF TIME**

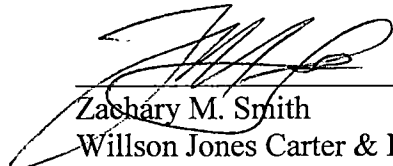
Pursuant to Rule 240, SCACR, and Rule 263(b), SCACR, Respondents move for leave to serve and file their Final Brief out of time. As good cause, Respondents would show:

1. Appellant served a copy of the Record on Appeal on Respondents' counsel on January 13, 2017.
2. The Final Brief of Respondents was due on February 2, 2017, pursuant to Rule 211, SCACR; however, Respondents' counsel mistakenly calendared the due date of the Final Brief.
3. Upon realizing his mistake, Respondents' counsel immediately prepared and filed Respondents' Final Brief.

4. Respondents' counsel filed and served Respondents' Final Brief on February 14, 2017.
5. On February 15, 2017, the day after Respondents' counsel had served and filed the Final Brief, the Clerk of Court mailed a letter to Respondents' counsel indicating that the time for serving and filing the Final Brief of Respondents had passed and that a Motion to Serve and File Out of Time must be filed within ten (10) days.
6. Respondents' Final Brief was received by the Court on February 16, 2017.
7. This Motion is not filed for an improper purpose or delay; rather, Respondents file this Motion in the interest of justice and so that the Court may have all arguments of counsel.

WHEREFORE, for the foregoing reasons, Respondents respectfully request that the Court grant them leave to file their Final Brief out of time and accept the filing and service of Respondents' Final Brief as of February 14, 2017.

February 24, 2017



Zashary M. Smith
Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Drive
Greenville, South Carolina 29607
(864) 527-3297
Attorney for Respondents

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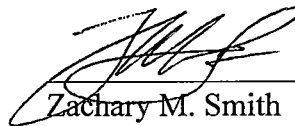
SC Department of Public Safety, Employer,
and State Accident Fund, Carrier,

Respondents.

CERTIFICATE OF SERVICE

I certify that I have served the Respondents' Motion to Serve and File Out of Time on Appellant Matthew Edwards by depositing a copy of it in the United State Mail, postage prepaid, on February 24, 2017, addressed to his attorney of record, J. Kirkman Moorhead, Esquire, 207 E. Calhoun Street, Anderson, SC 29621.

February 24, 2017



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WILLSON JONES CARTER & BAXLEY, P.A.

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February 24, 2017

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

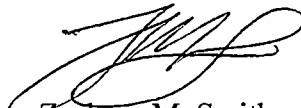
Re: Matthew Edwards vs. SC Department of Public Safety
Appellate Case No. 2016-001154
WCC File No.: 1209393 DOI: 7/16/2012
Carrier: State Accident Fund - Claim No.: 2012-2379
WJC&B File No.: 0385.01076

Dear Ms. Kitchings:

Pursuant to Rule 240, I am enclosing an original and six (6) copies of Respondents' Motion to Serve and File the Final Brief of Respondents Out of Time. I am also enclosing a Certificate of Service indicating that a copy of the Motion has been served on J. Kirkman Moorhead, Esquire, Attorney for the Appellant.

With kindest regards,

WILLSON JONES CARTER & BAXLEY, P.A.



Zachary M. Smith

Enclosures

cc: Mr. J. Kirkman Moorhead, Esq.

NEOPOST

FIRST-CLASS MAIL

02/24/2017

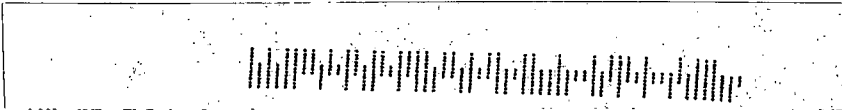
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SC Court of Appeals

THE HONORABLE JENNY ABBOTT KITCHINGS
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET
COLUMBIA, SC 29201