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MAR 20 2017

THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM THE APPELLATE PANEL
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appeal No: 2015-001350

Henton T. Clemmons, Jr., Employee, Petitioner,

v.

Lowes Home Centers, Inc.-Harbison, Employer,
and Sedgwick Claims Management Services,
Inc., Carrier, Respondents.

**REPLY TO THE RESPONDENT'S MOTION
FOR AN EXTENSION OF TIME**

By way of Reply to the Motion:

1. That the Petitioner was served by Regular Mail with a copy of the Motion filed on March 13, 2017 which was received on March 15, 2017 but which Motion was filed with the Court via hand delivery. It is the understanding of the Petitioner that the Motion has already been granted but the following is being submitted as considerations for the Court in reference to this Motion.

2. That the Motion was filed on behalf of the two

attorneys listed as attorneys of Record for the Respondents by Ms. Kellie F. Morrow, Attorney at Law. Upon information and believe, the Law Firm of McAngus, Goudelock & Courie has an appellate division and Ms. Helen F. Hiser is an attorney within that division and the Court will note from the Record that all briefs and previous motions and all arguments made both in the Court of Appeals and in the Supreme Court were made by Ms. Helen F. Hiser, Attorney at Law.

3. That the Court will note also that the Opinion of the Court was issued on March 8th and this request was made on the 13th, five (5) days after the Opinion of the Court was filed and some ten (10) days prior to the time that a Petition would be due to be filed. There is no reference as to, "the scheduling demands" for which attorney for the Respondents that would necessitate of the request for the extension and/or as to what the, "complexities", of the Opinion are that necessitate the request for an extension. (Note the Court's Opinion is based on substantial evidence in the Record concerning loss of use). The extension is being made by Respondents' counsel which is a very large "Insurance Defense" firm with a dedicated appellate court division and involving numerous attorneys on this file with law clerks and other staff to assist in the preparation of

a Petition for Rehearing.

4. That in addition, Counsel for the Petitioner had previously had to make a request for an extension due to the situation involving the flood in Columbia to which the Respondents filed a Reply noting that they would not state an objection to the requested extension but would not agree and requested that the Court hold Petitioner's feet to the fire in reference to any further request for extensions of time under the Supreme Court's Ruling allowing only 20 days total throughout the entire Petition process. Counsel will not take that position as to this request because there is the letter of the law and the spirit of law and Counsel is all too aware of the tremendous stress all lawyers are under and the need for civility (which is nothing more than common courtesy) and endeavors to try to not do that to fellow attorneys.

With all of that said, Counsel for the Petitioner although being concerned as to why a request was made so far in advance, Counsel for the Petitioner would not have interposed any objection to the extension.(particularly under the maxims of, "what goes around, comes around" and "do unto others as you would have them do unto you".) Petitioner looks forward to receiving the Petition for rehearing responding if the Court requests a response and

hopefully bringing this matter to a conclusion on behalf of the injured worker whom he represents.

Respectfully submitted by:



Preston F. McDaniel
McDANIEL LAW FIRM
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(803) 771-7211
Attorney for Petitioner and
Respondent to the Motion

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SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Opinion No. 5308
(SC Ct. App. heard November 5, 2014;
filed April 1, 2015)

Henton T. Clemmons, Jr., Employee, Petitioner,

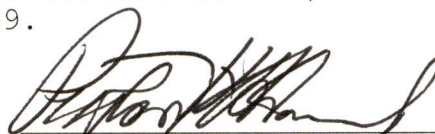
v.

Lowe's Home Centers, Inc.-Harbison, Employer,
and Sedgwick Claims Management Services, Inc.,
Carrier, Respondents.

PROOF OF SERVICE

I certify that I have served the **REPLY TO THE RESPONDENT'S MOTION FOR AN EXTENSION OF TIME** on the Respondents by depositing a copy of it in the United States Mail, postage prepaid, on March 17, 2017, addressed to its attorneys of record: Kelly F. Morrow, Attorney at Law, McAngus, Goudelock & Courie, Post Office Box 12519, Columbia, SC 29211; fax (843)534-0605; and email kmorrow@mgclaw.com and The Honorable Daniel E. Shearouse, Clerk of Court, South Carolina Supreme Court, 1231 Gervais Street, Columbia, SC 29211; and fax (803)734-1499.

Dated: March 17, 2017



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