

DAVID T. PEARLMAN
J. KEVIN HOLMES
THOMAS M. WHITE
DALE E. VAN SLAMBROOK
MALCOLM M. CROSLAND, JR.
STEVEN E. GOLDBERG
MICHAEL J. JORDAN
BENJAMIN W. AKERY

CHARLES S. GOLDBERG, LLC, OF COUNSEL

HUGO M. SPITZ (RETIRED)
IRVING STEINBERG (1902-1980)

THE STEINBERG

L A W F I R M

L L P

61 Broad Street, P.O. Box 9
Charleston, South Carolina 29402-0009
Telephone (843) 720-2800
Fax (843) 722-1190
www.steinberglawfirm.com

NORTH AREA OFFICE
118 GOOSE CREEK BLVD., SOUTH
P.O. BOX 1028
GOOSE CREEK, SC 29445
TELEPHONE (843) 572-0700
FAX (843) 572-1871

SUMMERVILLE OFFICE
1516 OLD TROLLEY RD, SUITE 100A
SUMMERVILLE, SC 29485
TELEPHONE (843) 871-6522
FAX (843) 871-8565

November 21, 2012

V. Claire Allen
The South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Claimant: George W. Thomas
Employer: 5 Star Transportation
WCC No.: 0725187
Appellate Case No.: 2012-211392 (DOI: November 19, 2007)

Dear Ms. Allen:

I have received and reviewed the Court's letter of November 20, 2012 to Counsel for the Defendants, Byron Putnam Roberts, requesting "proof that the transcript was timely ordered within ten (10) days of the date of this letter." Please know, the Respondent renews her objection to the Reinstatement of the Appeal in this matter.

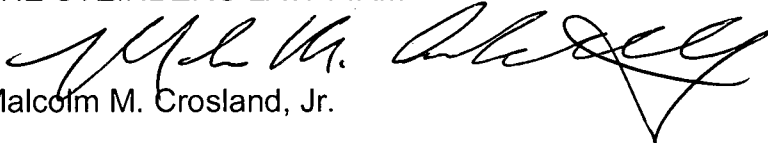
My file indicates the Appellant's Notice of Appeal was filed on April 16, 2011. Pursuant to SCACR 207(a)(1), the Appellants must have ordered the transcript within ten (10) days after the date of service of the Notice of Appeal. Because of non-compliance with Rule 207(a)(1), as well as failure to serve and file their initial brief and Designation of Matter as required by Rules 208 and 209, SCACR, the appeal was dismissed. The Appellants timely filed a Petition to Reinstate appeal asserting the Appellant's initial filings were not due until the transcript from the Court below was received. The Appellants requested additional time to inquire into the status of the delivery of the transcript. In response to the Appellant's Petition to Reinstate Appeal, the Respondent objected to the Reinstatement and pointed out there was no evidence the transcript from the Court below had been timely ordered under Rule 207 or that any good cause had been shown by the Appellants adjusting an enlargement of time to comply with Rules 207, 208 or 209, SCACR.

In response to the Respondent's Return, the Court, by Order dated September 25, 2012, requested the Appellant serve proof the transcript had been timely ordered pursuant to Rule 207 (a)(1), SCACR. The Appellants, by letter of October 3, 2012, responded to the Court advising "we are unable to locate a copy of the correspondence to the court reporter requesting a copy of the hearing transcript." Thus, Respondents could not provide any evidence of "timely" compliance with Rule 207 (a)(1).

Because there is no evidence of timely compliance with Rule 207(a)(1), after the court issued its Order of September 25, 2012, there can be no "timely" compliance with Rule 207(a)(1) now. For this reason, the Respondent renews her objections to Reinstatement of Appeal as set forth in her Return dated August 28, 2012.

With kindest regards, I am

THE STEINBERG LAW FIRM


Malcolm M. Crosland, Jr.

MMC/hms

cc: Emily Thomas
Byron Putnam Roberts, Esquire
Lisa Glover, Esquire