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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

W.C.C. File No. 1116275

John McDaniel, Employee,.....Appellant,

v.

Career Employment Professional
d/b/a Snelling Staffing, Employer, and
United Wisconsin Insurance Co., Carrier, Respondents.

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SEP 29 2017

SC Court of Appeals

**MOTION TO STRIKE
INITIAL REPLY BRIEF OF APPELLANT**

Pursuant to Rules 208, 209 and 240, SCACR, Respondents Career Employment Professional d/b/a Snelling Staffing and United Wisconsin Insurance Co. hereby move this Court to strike the Initial Reply Brief of Appellant ("Initial Reply Brief") dated September 20, 2017.

Respondents filed and served their Initial Brief on August 30, 2017. Pursuant to Rule 208(a)(3), SCACR, reply briefs must be filed within ten (10) days of service of respondents' brief. Pursuant to Rule 262, SCACR, service is accomplished "by mailing [a copy] to him at his last known address Service by mail is complete upon mailing." Furthermore, "Rule 6(e), SCRCR, is not applicable to these rules, and no additional time shall be allowed by reason of service by mail..." Rule 263(a), SCACR. Thus, any reply brief in this appeal was due on or before September 11, 2017. However, Appellant's

Initial Reply Brief is dated September 20, 2017 and was not mailed/served on Respondents until September 21, 2017. (Exh. A).


Appellant neither moved for an extension of time in which to file his Initial Reply Brief, nor moved this Court for leave to file out of time. As a result, his Initial Reply Brief is untimely and should be stricken.

CONCLUSION

For all the reasons stated herein, Respondents respectfully request that this Court strike Appellant's Initial Reply Brief.

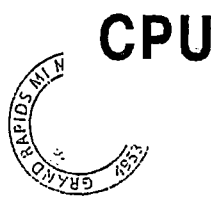
Respectfully submitted,

September 27, 2017


Helen F. Hiser, S.C. Bar No.: 76124
Allison Nussbaum, S.C. Bar No.: 72514
MCANGUS GOUDELOCK & COURIE, LLC
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Attorneys for Respondents

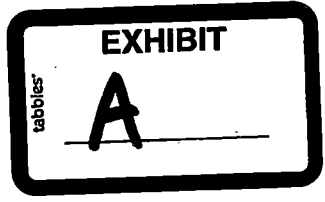
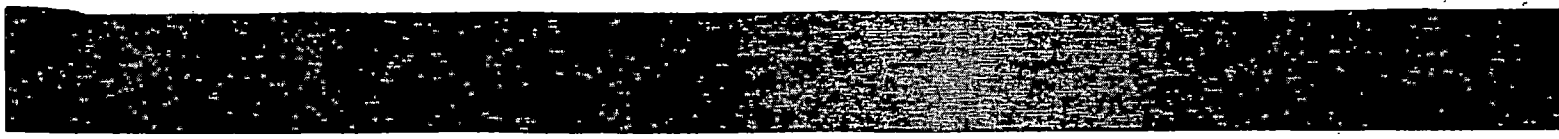
J.
4537 Ilium Lane NW
Grand Rapids MI 49534



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HFIJ



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PROOF OF SERVICE

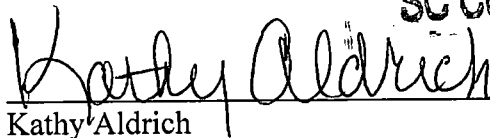
I certify that on the 27th day of September, 2017, I served the Respondents' **Motion to Strike Initial Rely Brief of Appellant** on John McDaniel by depositing a copy of it in the United States Mail, postage prepaid, addressed as follows:

John C. McDaniel, *Pro Se*
4537 Illium Lane NW
Grand Rapids, MI 49534

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SEP 29 2017

SC Court of Appeals



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Reply To

HELEN F. HISER
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September 27, 2017

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: John McDaniel v. Career Employment Professionals d/b/a Snelling Staffing
Services and United Wisconsin Insurance Company c/o United Heartland
Date of Accident: November 21, 2011
WCC File No.: 1116275
Our File No.: 20638.12027
Claim No.: 041100021048
Appellate Tracking No.: 2017-001217

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion to Strike Initial Reply Brief of Appellant, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the self-addressed, stamped envelope. Also enclosed is our firm's check in the amount of \$25 for filing the motion.

If you have any questions, please do not hesitate to contact me.

Yours truly,
McAngus Goudelock & Courie, LLC


Helen F. Hiser

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SC Court of Appeals

Enclosures

cc: John C. McDaniel, *pro se*

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SC Court of Appeals

20638.12027/ HFH/kea

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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