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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

The Honorable W. Jeffrey Young, Circuit Court Judge

Appellate Case No. 2017-001956

Arrowpoint Capital Corporation/Arrowood Indemnity Co., Respondent,

v.

South Carolina Second Injury Fund, Petitioner.

[In re: Joe Mathis, Employee/Claimant v. Yuasa Exide, Incorporated, Employer]

RETURN TO MOTION TO DISMISS

Petitioner, South Carolina Second Injury Fund, by and through its undersigned counsel, hereby submits this Return to Respondent’s Motion to Dismiss and would respectfully request that this Honorable Court deny the Motion to Dismiss based upon the following reasons:

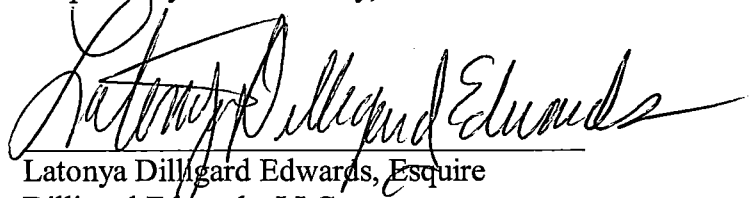
1. The Court of Appeal’s Order denying the Petition for Rehearing was filed at the Court of Appeals on Friday, August 18, 2017.
2. Petitioner received a copy of said Order from the Court of Appeals on Tuesday, August 22, 2017.
3. Rule 263 (a), SCACR, instructs that “the day of the act, event or default after which the designated period of time begins to run is not included” in

the computation of time. Thus, Petitioner's first date for computation of the thirty (30) day requirement began on Wednesday, August 23, 2017 and day thirty (30) was Thursday, September 21, 2017, the day Petitioner filed and served its Petition for Writ for Certiorari on Respondent.

4. Rule 263(b), SCACR, states that "time prescribed by these Rules for performing any act except the time for serving Notice of Appeal under Rules 203 and 243 may be extended or shortened by the appellate court or by any judge or justice thereof." If this Honorable Court deems Petitioner's Writ for Certiorari as untimely, which Petitioner expressly denies, Petitioner requests that the time for filing its Petition for Writ for Certiorari be extended up to and including September 21, 2017.
5. Denying Respondent's Motion to Dismiss will not cause any prejudice to Respondent.

Based upon the information herein, Petitioner requests that this Honorable Court deny Respondent's Motion.

Respectfully Submitted By,



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ATTORNEY FOR PETITIONER

Columbia, South Carolina
November 16, 2017