

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

NOV 16 2017

The Honorable W. Jeffrey Young, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-001955

Arrowpoint Capital Corporation/Arrowood Indemnity Co.,.....Respondent,

v.

South Carolina Second Injury Fund, Petitioner.

[In re: C.L. Williams, 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 and would respectfully request that this Honorable Court deny the Motion to Dismiss based upon the following reasons:

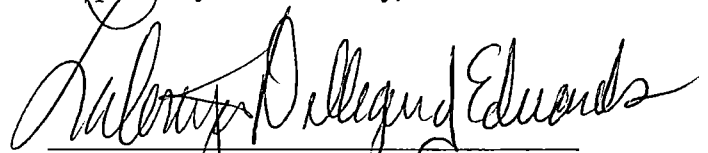
1. The Court of Appeal's Order denying the Petition for Rehearing was filed at the Court of Appeals on Friday, August 18, 2017.
2. Petitioner received a copy of said Order from the Court of Appeals on Tuesday, August 22, 2017.
3. Pursuant to Rule 263 (a), SCACR, instructs that "the day of the act, event 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) 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.” Thus, if this Honorable Court deems Petitioner’s Writ for Certiorari as untimely, which Petitioner expressly denies, Petitioner requests that the time filing its Petition 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,



Latonya Dilligard Edwards, Esquire
Dilligard Edwards, LLC
3790 Fernandina Road, Suite 103
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S.C. Bar#: 14593
(803) 750-2214 (telephone)
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ATTORNEY FOR PETITIONER

Columbia, South Carolina
November 16, 2017

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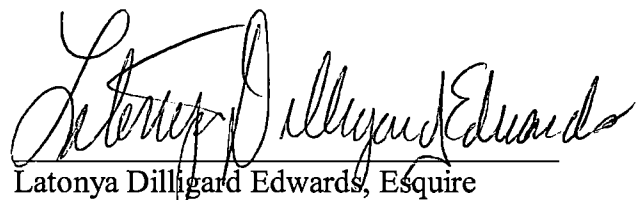
PROOF OF SERVICE

Petitioner, South Carolina Second Injury Fund, by and through its undersigned counsel, does hereby certify that service of the **RETURN TO MOTION TO DISMISS AND MOTION TO EXTEND TIME TO FILE RETURN TO MOTION TO DISMISS** to The South Carolina Supreme in the above-captioned matter was made upon counsel of record for Respondent, Arrowpoint Capital Corporation/Arrowood Indemnity Co., and the South Carolina Workers' Compensation Commission, by placing same in the United States mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelope on this 16th day of November, 2017, as follows:

Vernon F. Dunbar, Esquire
Stephanie L. Pugh, Esquire
McAngus Goudelock & Courie, LLC
Post Office Box 2980
Greenville, South Carolina 29602

The Honorable Amy Bracy, Judicial Director
South Carolina Workers' Compensation Commission
Post Office Box 1715
Columbia, South Carolina 29202-1715

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

A handwritten signature in black ink, reading "Latonya Dilligard Edwards". The signature is written in a cursive style with a horizontal line underneath the name.

Latonya Dilligard Edwards, Esquire
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ATTORNEY FOR PETITIONER