

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION APPELLATE PANEL

Susan S. Barden, Commissioner, Chair
Aisha Taylor, Commissioner
Avery B. Wilkerson, Jr., Commissioner

RECEIVED
DEC 07 2017
SC Court of Appeals

Appellate Case No. 2017-002069
W.C.C. File No. 1604067

Courtney Forrest, Employee/Respondent,

v.

Advanced Disposal Services, Inc., Employer/Appellant,

and

Arch Insurance Company, Carrier/Appellant.

Motion to Reinstate/File Out of Time

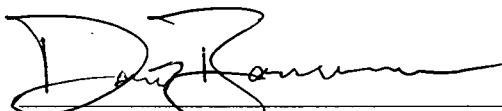
The above-named Appellants hereby move this Court to reinstate their appeal of the above-referenced workers' compensation matter and permit the Appellants to file its written request for the transcript of the underlying hearing out of time. The Appellants' appeal was dismissed by an order of the Court of Appeals, dated December 4, 2017, for failure to file correspondence ordering the transcript of the hearing on appeal and not filing a motion requesting permission to order the transcript outside of the filing deadlines as required by Rule 207 of the South Carolina Appellate Court Rules and correspondence from the Court.

In support of this Motion, Appellants would show the following:

On or about October 5, 2017, Appellants timely filed their Notice of Appeal with the South Carolina Court of Appeals. On or about October 23, 2017, Appellants received a letter from the Clerk of Court of the Court of Appeals advising that a copy of the letter showing that Appellants' had ordered the transcript must be filed within ten days, along with a motion to file out of time. Due to a clerical processing error, counsel for Appellants was not provided this correspondence for review following receipt and was not aware of its existence until receipt of the dismissal notice dated December 4, 2017. On December 5, 2017, Appellants received the aforementioned order dismissing their appeal for failure to comply with Rule 207. In the order, the Court references a second deficiency letter that was issued on November 9, 2017. After consulting with staff and a diligent search of filing systems, mail room, and attorney and staff offices, Counsel for Appellants can find no record of receiving this second letter in their file. Upon receipt of the Court's order, Appellants have made the requisite written request for the transcript and hereby file that correspondence along with this Motion to file the letter out of time. See Exhibit 1.

Appellants respectfully move this Court for an order reinstating their appeal in the above-referenced matter. Additionally, Appellants respectfully move and request that the Court allow Appellants to file the written request for transcript outside of the time limits provided in Rule 207, SCACR.

Respectfully submitted,



R. Daniel Addison
David M. Bornemann
Hedrick Gardner Kincheloe & Garofalo LLP
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Columbia, SC 29201
803-727-1257
Attorneys for the Defendants/Appellants

December 7, 2017

THE STATE OF SOUTH CAROLINA
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Susan S. Barden, Commissioner
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Appellate Case No. 2017-002069
W.C.C. File No. 1604067

Courtney Forrest, Claimant/Respondent,

v.

Advanced Disposal Services, Inc., Employer/Appellant,

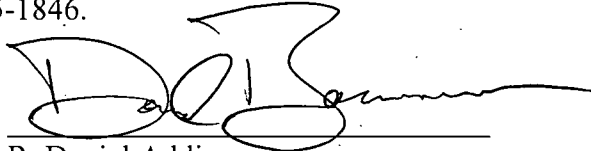
and

Arch Insurance Company, Carrier/Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Reinstate Appeal and Motion to File Out of Time Respondent, Courtney Forrest, by depositing a copy of it in the United States Mail, postage prepaid, on October 5, 2017, addressed to her attorney of record, Christopher J. Archer, 2519 Devine Street, Suite A, Columbia, SC 29205-1846.

December 7, 2017



R. Daniel Addison
David M. Bornemann
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803-727-1201
Attorney for the defendants/appellants



HEDRICK GARDNER

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ATTORNEYS AT LAW

CHARLOTTE • RALEIGH • WILMINGTON • COLUMBIA

December 7, 2017

Via Hand Delivery

Attn: Mary Caitlyn
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Reply To:
R. Daniel Addison
Partner
1301 Gervais Street, Suite 1900
Columbia, SC 29201
Direct: 803-727-1201
Fax: 803-727-1259
Email: daddison@hedrickgardner.com

RE: Forrest, Courtney v. ADS Waste Holdings, Inc.
Appellate Case No. 2017-002069
Claim No.: 30165658934-0001
Our File: 00614L.00003

Dear Ms. Caitlin:

Enclosed for filing is a Motion to Reinstate Appeal and Motion to File Out of Time in the above referenced matter. Also enclosed are the Proof of Service of Motion and the filing fee of \$25.00.

By copy of this letter I am herewith serving a copy of the enclosed on opposing counsel.

Very truly yours,



R. Daniel Addison

RDA/led

cc: Christopher J. Archer

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