



ATTORNEYS AT LAW

Reply To
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CHARLESTON

December 19, 2012

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

RE: Antonio Lazaro v. Burriss Electric and CompTrust AGC of the Carolinas
Date of Accident: July 6, 2007
WCC File No.: 0710622
Claim No.: S266-07-01390
Our File No.: 20441.08051
Case Tracking No.: 2011-192272

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DEC 21 2012

SC Court of Appeals

Dear Ms. Kitchings:

Appellants Burriss Electric and CompTrust AGC of the Carolinas oppose Respondent Antonio Lazaro's request to add Swilling v. Pride Masonry of Gaffney, 2012 S.C. App. LEXIS 347 (Ct. App., Nov. 28, 2012) as a supplemental citation to his Final Brief. Swilling does not raise any new points of law and, therefore, is not pertinent and significant. In addition, Swilling is factually distinguishable from the instant case and, therefore, does not stand for the propositions for which Respondent purports to rely on it. Specifically, Respondent states "that there is substantial evidence in the Record in this case similar to that found in" Swilling, and that Swilling supports his argument regarding the purchase of an automobile, as well as his argument "that based on the facts of this case the granting of a lump sum is in the best interest of the claimant and his dependents." Swilling does none of these things.

For these reasons, Appellants oppose the supplemental citation requested by Respondent. However, in the event this Court allows the supplemental citation as proposed by Respondent, Appellants request the opportunity to respond to the addition of this case in order to distinguish it.

In addition, Appellants request an extension of time in which to file their Final Briefs in order to allow time to resolve this issue. Appellants' Final Briefs are currently due on December 26, 2012 and, with a 20-day extension, Appellants' Final Briefs would be due on January 15, 2013.

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Yours truly,

McAngus Goudelock & Courie, LLC



Helen F. Hiser

HFH/gcm
Enclosures

cc: Preston McDaniel, Esq.
John E. Duncan, Esq.