THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Ldeb96

Appeal from the South Carolina Workers' Compensation Commission

Susan S. Barden Commissioner
Derrick L. Williams, Commissioner
Andrea C. Roche, Commissioner

W.C.C. File No. 0809520

Yuri Valderamma, ... Respondent,

v.

Kohler Company, Employer, Self-Insured, ... Appellant.

MOTION TO FILE REPLY BRIEF OUT OF TIME

Russell T. Infinger
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Attorneys for Appellant
Kohler Company

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DEC 27 2012
SC Court of Appeals

Appellant, Kohler Company hereby moves to file its Initial Reply Brief out of time. *See* Rule 263 (b), SCACR. In support of this motion, Appellant states as follows:

1. Appellant filed its Initial Brief and Designation of Matter on October 26, 2012.

2. Respondent's Initial Brief and Designation of Matter were due on November 26, 2012.

3. Appellant did not receive a copy of Respondent's Brief, and on December 19, it contacted this Court to inquire whether it should proceed with filing a Record on Appeal.

4. Upon contacting the Court, the Appellant learned that the Respondent had filed his Respondent's Initial Brief on November 26, 2012, along with a Certificate of Service upon Appellant's attorney dated November 21, 2012.

5. For reasons unknown to the Appellant, it did not actually receive the Respondent's Initial Brief in the mail. It was only upon calling the Court of Appeals and learning of the filing that the Appellant received an electronic copy of the Brief from the Clerk's office.

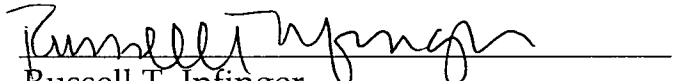
6. In light of the Christmas and New Year's holidays, the Appellant asks to have until Friday, January 4, 2013, to file and serve its Initial Reply Brief.

7. This is Appellant's first request in this matter to file out of time. Undersigned counsel certifies that this request is made in good faith and not for the purpose of delay.

8. If this motion is granted, Respondents will not be prejudiced or unduly burdened.

For the reasons set forth above, Appellant respectfully requests leave to file its Reply Brief out of time.

Respectfully submitted,



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December 21, 2012

Greenville, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from the Workers' Compensation Commission

Susan S. Barden, Commissioner
Derrick L. Williams, Commissioner
Andrea C. Roche, Commissioner

Case No. WCC-0809520

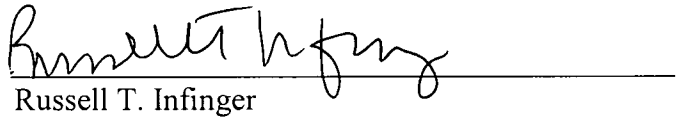
Yuri Valderrama, ...Respondent,

v.

Kohler Company, Employer/Carrier, ... Appellant.

PROOF OF SERVICE

I certify that I have served Appellant's Motion to File Reply Brief Out of Time by depositing a copy of it in the United States Mail, first-class postage prepaid, on December 21, 2012, addressed to his attorney of record, Al Martin, Esquire, P.O. Box 8220, Greenville, South Carolina, 29604.



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