

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal From The South Carolina
Workers' Compensation Commission

Honorable Melody James, Commissioner
Honorable Gene McCaskill, Commissioner
Honorable Aisha Taylor, Commissioner

WCC File No. 9832206

Appellate Case No. 2017-001804

RECEIVED
APR 27 2018
SC Court of Appeals

Stella Mae Richardson,

Appellant,

v.

Yuasa Exide, Inc., Employer, and Great American Insurance Company of
NY, Carrier,

Defendants,

Of which Yuasa Exide, Inc., Employer, is

Respondent.

**RESPONDENT'S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE
TO FILE SUPPLEMENTAL RECORD ON APPEAL**

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Robert P. Gruber (SC Bar No. 15581)
Catherine H. Chase (SC Bar No. 74593)
25 Calhoun Street, Suite 400 (29401)
P.O. Box 993
Charleston, South Carolina 29402
(843) 720-5488
Attorneys for Yuasa Exide, Inc.

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COMES NOW Respondent, Yuasa Exide, Inc., by and through its undersigned counsel, and in reply to the April 19, 2018 “Appellant Motion to File a Return” which opposed Respondent’s Motion for Leave to File a Supplemental Record on Appeal.

On February 26, 2018, the Honorable Clerk of Court for this Honorable Court advised the Appellant that she was required to serve an amended record on appeal which complied to Rules 210 and 267, SCACR or risk the dismissal of her appeal. Appellant prepared an Amended Record on Appeal, but it failed to include the following 5 items: (1) 1/25/17 Single Commissioner Order; (2) 11/10/16 Hearing Transcript, pp. 1-45; (3) Brooks Dep., pp. 1-67; (4) 2/25/16 Respondent’s Brief; and (5) Brooks Dep. Exhibit 3, all of which were designated for inclusion in the Record on Appeal by Respondent. As noted in the Respondent’s previously filed motion, these items were properly designated in Respondent’s Designation of Matter to be Included in the Record on Appeal. (*See* Respondent’s Designation of Matter to be Included in the Record on Appeal (with Proof of Service) dated January 2, 2018, **Exhibit A** to Respondent’s April 9, 2018 Motion.)

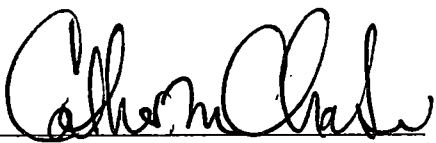
Instead of moving to dismiss Appellant’s appeal for failing to comply with Rule 210, SCACR, by including “all matters designated to be included by any party,” the Respondent, at its own expense, prepared a Supplemental Record on Appeal. Prior to filing the subject motion, the undersigned consulted with Appellant on March 30, 2018 and requested that Appellant notify her by April 5, 2018 if there was an objection. (*See*, **Exhibit B** to Respondent’s April 9, 2018 Motion.) The undersigned received no response to this request until the April 19, 2018 “Appellant Motion to File a Return.”

Appellant asserts that “most of the substantive matters the Respondent designated” were included in her record on appeal. Rule 210, SCACR, however, requires “all”, not “most”, designated matters to be included in the record on appeal. Should the Court decide to not accept the Supplemental Record on Appeal prepared by the Respondent, Respondent respectfully requests that Appellant’s appeal be dismissed for failure to comply with the Court’s February 26, 2018 letter requiring that a compliant record be served by March 15, 2018.

WHEREFORE, Respondent respectfully requests that the proposed Supplemental Record on Appeal be allowed and accepted as filed along with the Final Brief of Respondent, which cites thereto, and which was provisionally filed with the subject motion. Alternatively, if the Court does not accept the Supplemental Record on Appeal, Respondent requests that Appellant’s appeal be dismissed for failure to comply with the Court’s February 26, 2018 letter.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 
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Charleston, South Carolina

Dated: April 24, 2018

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IN THE COURT OF APPEALS**

Appeal From The South Carolina
Workers' Compensation Commission

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Honorable Gene McCaskill, Commissioner
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Defendants,

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PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
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Attorneys for Yuasa Exide, Inc.

I, Catherine H. Chase, of Young Clement Rivers, LLP, counsel for the Respondent above named, do hereby certify that I have served the **Respondent's Reply in Support of its Motion for Leave to File Supplemental Record on Appeal** on the above-named Appellant by depositing a copy of the same in the United States Mail, postage prepaid, on April 24, 2018, addressed as follows:

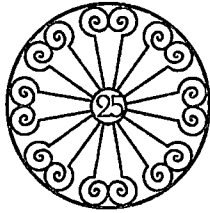
Stella W. Richardson
5070 Ridge Street
Dalzell, SC 29040

YOUNG CLEMENT RIVERS, LLP

By: 
Catherine H. Chase

Charleston, South Carolina

Dated: April 24, 2018



YCR LAW

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April 24, 2018

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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APR 27 2018
SC Court of Appeals

Re: Stella Mae Richardson v. Yuasa Exide, Inc.
Appellate Case No.: 2017-001804
YCR File: 11016-20091251

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced matter please find the original and seven (7) copies of Respondent's Reply in Support of its Motion for Leave to File Supplemental Record on Appeal and the original and one (1) copy of a Proof of Service.

Please file the originals and return a court-stamped copy of each document me to me in the envelope provided.

By copy of this letter with the enclosures, I am serving the Appellant with a copy of these documents.

If you have any questions, please do not hesitate to contact me. With best wishes and kindest regards, I am

Sincerely,

Young Clement Rivers, LLP

Catherine H. Chase

CHC/tlb
Enclosures
cc (w/enc., via email and U.S. Mail): Stella Richardson

Hasler

FIRST-CLASS MAIL

US POSTAGE \$001.63⁰



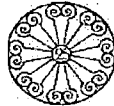
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SC Court of Appeals



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20091251

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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