

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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JUN 04 2018

SC Court of Appeals

APPEAL FROM THE APPELLATE PANEL OF THE
SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No.: 2017-001947

W.C.C. File No.: 1512220

Rico Dorsey, EmployeeAppellant,

vs.

Allwaste Services, Inc., Employer, and Bridgefield Casualty
Insurance Company c/o Summit Holdings, Inc., Carrier Respondents.

**RESPONDENTS' RETURN IN OPPOSITION TO APPELLANT'S
MOTION FOR THE COURT TO ACCEPT THE
APPELLANT'S INITIAL REPLY BRIEF OUT OF TIME**

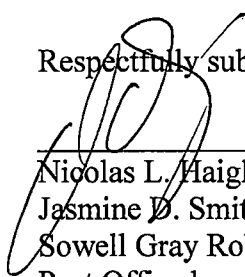
Pursuant to Rule 240 and Rule 210, SCACR, Respondents submit this return to Appellant's motion for the Court to accept Appellant's Initial Reply Brief out of time. On April 20, 2018, this Court granted Appellant's motion for an extension to file his Initial Reply Brief, extending the deadline until May 23, 2018. This Court ordered that no further extensions would be granted to Appellant absent extraordinary circumstances. On May 24, 2018, Appellant filed his Initial Reply Brief along with a three-sentence "motion" for this Court to accept the untimely filed Initial Reply Brief. Appellant failed to provide any extraordinary circumstances for failing to meet the May 23, 2018 deadline as required by this Court's April 20, 2018 Order.

Furthermore, Rule 240(c), SCACR requires the party filing a motion to state the grounds for the motion and provide a memorandum with citation of authorities in support of the motion. Appellant has failed to provide any grounds for this Court to grant the motion to accept his

untimely filed Initial Reply Brief. Moreover, Appellant filed three motions for extensions of time with this Court before filing his Initial Brief. Appellant has failed to provide any justification for his continued delay in timely filing documents. *See RE: Extensions in Cases Seeking a Petition for a Writ of Certiorari to Review a Decision of the South Carolina Court of Appeals* (S.C. Sup. Ct. dated July 16, 2014) (outlining the policy for granting extensions of time with the Supreme Court because “there should be very little reason for a party to need an extension of time to complete any of the steps required by Rule 242, SCACR” and parties were seeking multiple extensions).

Respectfully, as addressed in Respondents’ Initial Brief, this matter is only before this Court because of Appellant’s continued delays before the Workers’ Compensation Commission. For these reasons, the Court should deny the Motion to Accept the Initial Reply Brief and decline to consider Appellant’s Initial Reply Brief.

Respectfully submitted,



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Jasmine D. Smith (SC Bar #100758)
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ATTORNEYS FOR RESPONDENTS

Columbia, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION

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WCC File No.: 151220

Court of Appeals Case No.: 2017-001947

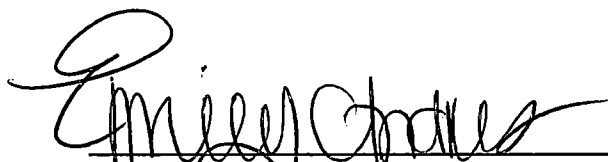
Rico Dorsey, EmployeeAppellant,

vs.

Allwaste Services, Inc., Employer, and Bridgefield Casualty
Insurance Company c/o Summit Holdings, Inc., Carrier Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the Respondents' Return in Opposition to Appellant's Motion for the Court to Accept the Appellant's Initial Reply Brief out of Time, on the following: Andrew N. Safran, Esquire, P.O. Box 10289, Columbia, SC 29211 (via U.S. Mail), Creighton B. Coleman, Esquire, P.O. Box 1006, Winnsboro, SC 29180 (via U.S. Mail), and Honorable Jenny Abbott Kitchings, Judicial Director, South Carolina Court of Appeals, 1015 Sumter Street, Columbia, SC 29201 (via hand-delivery), on June 4, 2018.



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Columbia, South Carolina
June 4, 2018



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June 3, 2018

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolian Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Rico Dorsey v. Allwaste Services, Inc.
WCC File No.: 1512220
Appellate Case No.: 2017-001947
Date of Accident: 07/17/2015
Claim No.: 077842
Our File No.: 6288/8161

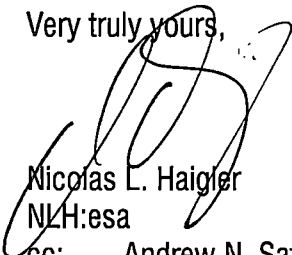
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Dear Ms. Kitchings:

Please find enclosed herewith the original and one (1) copy of the Respondents' Return in Opposition to Appellant's Motion for the Court to Accept the Appellant's Initial Reply Brief out of Time in the above-referenced matter. We would appreciate your filing the originals and returning a clocked-in copy of the same to us via our courier.

By copy of this letter and aforementioned documents to the counsel for the Appellate, we are serving him with a copy of the Respondents' Initial Brief and Designation of Matter, as evidence on the enclosed Proof of Service.

Very truly yours,


Nicolas L. Haigler
NLH:esa

cc: Andrew N. Safran, Esquire (via U.S. Mail)
Creighton B. Coleman, Esquire (via U.S. Mail)
Ms. Tracy Hayes (via email)
Mr. Rick Andrews (via email)