

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission
Appellate Panel

Appellate Case No. 2017-002124

87268
RECEIVED

JUL 11 2018

SC Court of Appeals

Edmund Dillon, (Deceased), Employee, Appellant,

v.

FleetPride, Employer, and
Gallagher Bassett as TPA for
American Zurich Insurance Co., Carrier, Respondents.

MOTION OF AN EXTENSION OF TIME
AND PERMISSION TO FILE LATE THE
FINAL REPLY BRIEF OF APPELLANT

TO: SC COURT OF APPEALS; CYNTHIA C. DOOLEY, ATTORNEY AND
CARMELO B. SUMMATARO, ESQUIRE, COUNSEL FOR THE RESPONDENTS:

YOU WILL PLEASE TAKE NOTICE that pursuant to SCACR Rule 211,
240 and 263(b), and the direction of the Court, the Appellant
moves the Court for an extension of time and for permission of the
Court to late file the Final Reply Brief of Appellant in the
above-referenced matter. The basis that for the request and Motion
are:

1. That the Final Brief of Appellant and Final Reply Brief

of Appellant were due to be filed with the Court on June 28, 2018. The Appellant filed his Final Appellant's Brief with the Court early on June 26, 2018. Counsel filed early on the basis of going on vacation the following week and at the time the assigned paralegal was out of the office and the legal assistant was finalizing and processing the Final Brief, and Counsel being in a hurry, inadvertently overlooked that an Initial Reply Brief had previously been filed.

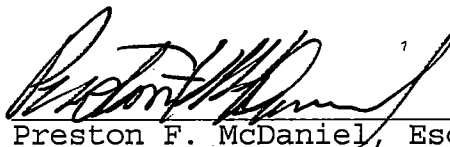
2. That this error was not caught until receipt of the letter from the Court dated July 6th as to the failure to file the Final Reply Brief of the Appellant. The Final Reply Brief is attached hereto and is incorporated herein by reference, and Appellant's Counsel would respectfully request permission to late file the Brief and required copies out of time.

Wherein and based upon the direction of the Court:

This Motion is being filed to allow for the late filing due to the mistake made by me and my office as Appellant's Co-Counsel in this matter.

WE SO MOVE.

Respectfully submitted,



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SC Bar No. 3770
MCDANIEL LAW FIRM
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Columbia, South Carolina 29201
(803) 771-7211

and

Brian Dumas, Esquire
SC Bar No. 1786
718 Clemson Road
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July 11, 2018

Attorneys for Movant/Appellant

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PROOF OF SERVICE

I certify that I have served the MOTION FOR AN EXTENSION OF TIME AND TO FILE LATE THE FINAL REPLY BRIEF OF APPELLANT as well as the FINAL REPLY BRIEF OF APPELLANT by depositing a copy of it in the United States Mail, postage prepaid, on July 11, 2018, addressed to:

Cynthia C. Dooley, Attorney
Carmelo B. Sammataro, Attorney
Turner Padgett
Post Office Box 1473
Columbia, SC 29202


Preston F. McDaniel, Esquire
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Proudly representing injured workers
for over 30 years.

Preston F. McDaniel

Telephone (803) 771-7211

Matthew Robertson

Facsimile (803) 252-0709

July 11, 2018

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JUL 11 2018

SC Court of Appeals

HAND DELIVERED

Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

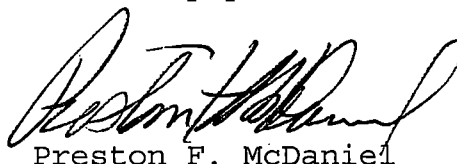
**RE: Edmund Dillon (Deceased), Employee, Appellant, v.
Fleet Pride, Employer, and Gallagher Bassett as
American Zurich Insurance Co., Carrier, Respondents.
Appellate Case No. 2017-002124
Trial Court Case No. 1501382**

Dear Ms. Kitchings:

Pursuant to your letter dated July 6, 2018, attached herewith for filing please find the original and seven (7) copies of a **MOTION FOR AN EXTENSION OF TIME AND PERMISSION TO FILE LATE THE FINAL REPLY BRIEF OF APPELLANT** and required filing fee, along with the unbound original and sixteen (16) copies of our **FINAL REPLY BRIEF OF APPELLANT** and Proof of Service showing we have served a copy of the same upon Counsel of Record. Please file these documents and return the clocked-in copies to the courier.

Thank you for your time and attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely yours,



Preston F. McDaniel

PFM/kth
Enclosures

cc: Cynthia C. Dooley, Esquire
Carmelo B. Sammataro, Esquire
Brian Dumas, Esquire