

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUL 30 2018

APPEAL FROM  
THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
**SC Court of Appeals**

Full Commission Decision

Appellate Case No. 2018-000652  
Workers Compensation Claim No.: 1600686

Francisco Cedano Ramirez, Employee, Appellant,

v.

May River Roofing, Inc., Employer, and American Zurich Insurance Co., Carrier, and  
Cedano Roofing, Employer, and Traveler's Property & Casualty Co., Carrier,

Of which May River Roofing, Inc. American Zurich Insurance Co., and  
Travelers Property & Casualty Co. are Respondents.

**APPELLANT'S MOTION TO ALLOW LATE FILING OF REPLY BRIEF**

Appellant files this motion seeking the Court's allowance of the late filing of Appellant's Reply Brief following receipt of a letter from the Clerk of Court, dated July 20, 2018, advising that Appellant's Reply Brief was filed and served two (2) days late.

*Filing Date*

In response, Appellant asserts that insofar as Respondents' Brief was served on July 3, 2018, pursuant to Rule 263(a), SCACR Appellant's Reply Brief should have been filed on July 13, 2018. See Rule 263(a), SCACR (noting that the day of the act, event, or default after which the designated period of time begins to run is not to be included). Appellant filed his Reply Brief on July 15, 2018, two (2) days outside of time. Appellant asserts that his Reply

Brief was diligently prepared, filed, and served and that such lateness was an inadvertent error predicated upon his counsel's incorrect employment of the "mailbox rule" in calculating the applicable deadline.

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*Basis for Relief*

Appellant respectfully asserts that the Court may provide the requested relief pursuant to Rule 262(b), SCACR (time may be extended by the appellate court).

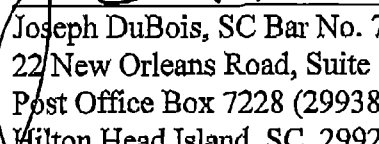
*Conclusion*

Appellant respectfully asserts that any alleged non-compliance with the South Carolina Appellate Court Rules are the result of inadvertence.

Accordingly, Appellant respectfully requests that the Court allow the filing of his *Reply Brief* previously filed with the Court Clerk of the Court on July 15, 2018.

Prior to the filing of this Motion the undersigned communicated with Respondents' counsel via email message to determine whether Respondents would consent to the requested relief, but such consent was not provided.

NAERT AND DUBOIS, LLC



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Joseph DuBois, SC Bar No. 71192  
22 New Orleans Road, Suite 1  
Post Office Box 7228 (29938)  
Hilton Head Island, SC 29928  
Tel: (843) 686-5500  
Fax: (843) 686-5501  
*Attorney for Appellant*

July 30, 2018  
Hilton Head Island, SC

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Of which May River Roofing, Inc. American Zurich Insurance Co., and  
Travelers Property & Casualty Co. are Respondents.

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**CERTIFICATE OF SERVICE**  
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I, the undersigned, hereby certify that on July 30, 2018, in Hilton Head Island, South Carolina, I served a copy of Appellants' *Motion to Allow Late Filing of Reply Brief* by depositing the same in the United States Mail, postage prepaid, and addressed as follows:

Nikole Haltiwanger, Esquire  
Hedrick Gardner Kincheloe & Garofalo, LLP  
Post Office Box 11267  
Columbia, South Carolina 29211

[Signature block on following page]

**NAERT AND DUBOIS, LLC**



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Joseph DuBois, S.C. Bar No. 71192

22 New Orleans Road, Suite 1

Post Office Box 7228 (29938)

Hilton Head Island, SC 29928

Tel: (843) 686-5500

Fax: (843) 686-5501

*Attorney for Appellant*

July 30, 2018

Hilton Head Island, South Carolina

# Naert and DuBois, LLC

## Attorneys at Law

Joseph DuBois, Esq.  
Zach S. Naert, Esq.

Tel: (843) 686-5500  
Fax: (843) 686-5501

[www.LowcountryLegal.com](http://www.LowcountryLegal.com)

22 New Orleans Road, Suite 1  
Post Office Box 7228 (29938)  
Hilton Head Island, South Carolina 29928

July 30, 2018

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JUL 30 2018

SC Court of Appeals

Via Fax at (803) 734-1839 and U.S. MAIL

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

Re: Francisco Cedano Ramirez, Appellant, v. May River Roofing, Inc., and Cedano Roofing, Respondent, Appellate Case No. 2018-000652

Dear Ms. Kitchings:

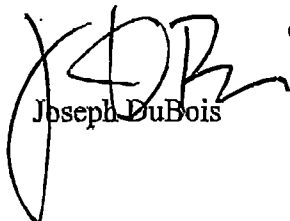
Greetings! Please allow this letter to serve as Appellant's response to the Clerk of Court's letter dated July 20, 2018 regarding the late filing of Appellant's Reply Brief.

Enclosed please find the original and six (6) copies of a Motion to Allow the Filing of Plaintiffs' Reply Brief, along with a certificate of service. If you would, please file this motion for the Court's consideration. Please also find enclosed the \$25.00 motion filing fee.

Thank you for your attention to this matter. If you should have any questions, please feel free to contact my office.

With kind regards, I am,

Sincerely yours,



Joseph DuBois

Enclosures

Cc: Nikole Haltiwanger, Esq.