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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM
THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Full Commission Decision

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

RECEIVED

AUG 01 2018

Francisco Cedano Ramirez, Employee, Appellant,

SC Court of Appeals

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.

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).

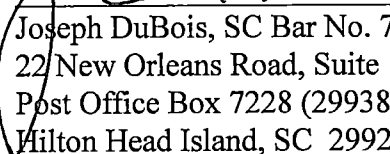
Conclusion

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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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.

CERTIFICATE OF SERVICE

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

A handwritten signature in black ink, appearing to read 'JD', is written over a horizontal line.

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Attorney for Appellant

July 30, 2018
Hilton Head Island, South Carolina

Naert and DuBois, LLC

Attorneys at Law

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July 30, 2018

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

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SC Court of Appeals

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

Dear Ms. Kitchings:

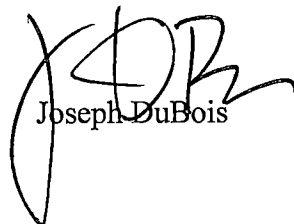
Greetings! Please allow this letter to serve as Appellant's response to the Clerk of Court's letter dated July 20, 2018 regarding the late filing of Appellant's Reply Brief.

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.

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Hilton Head Island, SC 29928

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SC Court of Appeals

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