

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA
WORKERS' COMPENSATION COMMISSION'S APPELLATE PANEL
Aisha Taylor, Commissioner

Appellate Case No. 2018-001237
W.C.C. 1507304

RECEIVED
FEB 08 2019
SC Court of Appeals

Kenneth L. Barr, Employee,.....Appellant,

v.

Darlington County School District, Employer, and
SC School Boards Insurance Trust, Carrier,.....Respondents.

**MOTION FOR ACCEPTANCE OF RESPONDENTS'
DESIGNATION OF MATTER OUT OF TIME**

The Respondents, Darlington County School District and the South Carolina School Boards Insurance Trust, respectfully move that the Court of Appeals accept their Designation of Matter to be Included in the Record on Appeal out of time, based upon the following:

1. The Respondents timely filed and served their Initial Brief on January 7, 2019.
2. At the time the Initial Brief was filed, the Respondents noted in their cover letter to the Court of Appeals and in their Proof of Service to the Appellant, that the Respondents' Designation of Matter was included in the same mailing with the Initial Brief.

3. The Respondents inadvertently failed to include the Designation of Matter in the envelopes containing the Initial Brief.
4. On January 28, 2019, upon realization of the inadvertent error, the Respondents served the Appellant with a copy of their Designation of Matter and copied the Court of Appeals with both their January 28, 2019 correspondence to the Appellant, as well as a copy of the Designation of Matter. (Exhibit #1)
5. According to Court records, the Court of Appeals actually received the Respondents' Designation of Matter on January 30, 2019.

Therefore, as Rule 263(b) of the Appellate Court Rules authorizes the Court of Appeals to extend the time prescribed by Rule 209 for the filing of the Designation of Matter, the Respondents respectfully request that the Court exercise its discretion to accept the Respondents' Designation of Matter, which was filed and served on January 28, 2019, out of time.

Respectfully submitted,

February 6, 2019



Kirsten Leslie Barr, Bar #15525
Trask & Howell, L.L.C.
P.O. Box 2167
Mt. Pleasant, SC 29465
(843) 881-4228
Attorneys for Respondents

TRASK
HOWELL
WORKERS' COMPENSATION DEFENSE

Reply to
Kirsten L. Barr
(843) 881-1027
kbarr@trask-howell.com

January 28, 2019

Preston F. McDaniel, Esq.
1315 Elmwood Avenue
Columbia, SC 29201

Re: Kenneth L. Barr v. Darlington County School District
W.C.C. File No.: 1507304
Appellate Case No.: 2018-001237
Carrier File No.: WC016314
Date of Accident: May 21, 2015

Dear Preston:

Per your request, enclosed, please find our Designation of Matter, which was inadvertently excluded from our letter to you with our Initial Brief on January 7, 2019. If you should have any questions, please do not hesitate to contact me.

Yours very truly,



Kirsten L. Barr

KLB/lmc/les
Enc.

cc: Eric Mayer, SC School Boards Insurance Trust (w/enc.)
Christy Sandifer, Darlington County School District (w/enc.)
Gerald Malloy, Esq. (w/enc.)
The Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals (w/enc.)



THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL
Aisha Taylor, Commissioner

Appellate Case No. 2018-001237
W.C.C. 1507304

Kenneth L. Barr, Employee, Appellant,

v.

Darlington County School District, Employer, and
SC School Boards Insurance Trust, Carrier, Respondents.

**RESPONDENTS' DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

The Respondents propose that the following items be included in the Record on Appeal:


1. Form 50 dated June 17, 2015;
2. McDaniel's Form 27 Subpoena to Stegner dated July 27, 2015;
3. Form 50 September 29, 2015;
4. Form 51 dated October 28, 2015;
5. Motion to Compel dated November 6, 2015;
6. Commissioner Beck's Order dated November 23, 2015;
7. Motion and Complaint for Writ of Mandamus and Prohibition dated
December 9, 2015;

8. Temporary Restraining Order dated December 11, 2015;
9. Respondents' letter to Judge Burch dated December 16, 2015;
10. Respondents' Motion for Dissolution of TRO dated December 21, 2015;
11. Commissioner Beck's Order dated December 23, 2015;
12. Form 4 Order of 12/28/15;
13. Motion to Compel dated January 27, 2016;
14. Form 27 Subpoena to Dr. Pritchard and Deposition Notice dated February 17, 2016;
15. Motion to Compel dated April 13, 2016;
16. Form 50 Requesting Hearing, dated April 29, 2016;
17. Respondent's Form 58, Notice, & APA Submissions dated August 22, 2016;

18. Transcript of Hearing dated August 31, 2016;
19. Deposition of Dr. Pritchard dated March 3, 2016;
20. Deposition of Dr. Linda dated February 19, 2016;
21. Deposition of Dr. Skinner dated December 10, 2015;
22. Deposition of Dr. White dated November 23, 2015;
23. Deposition of Dr. Healy dated September 27, 2016;
24. Order of Commissioner Campbell dated September 20, 2017;
25. Form 30 dated October 2, 2017;
32. Appellant's Brief to the Appellate Panel dated October 28, 2017;
33. Transcript of Appellate Panel Hearing dated February 20, 2018;
34. Appellate Panel's Final Decision and Order dated June 5, 2018;

The undersigned counsel for the Respondents hereby certifies that this Designation contains no matter, which is irrelevant to this appeal.

Respectfully submitted,



January 7, 2019

Kirsten L. Barr, Bar #15525
Trask & Howell, L.L.C.
P.O. Box 2167
Mt. Pleasant, SC 29465
(843) 881-4228
Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL
Aisha Taylor, Commissioner

Appellate Case No. 2018-001237
W.C.C. 1507304

RECEIVED
FEB 08 2019
SC Court of Appeals

Kenneth L. Barr, Employee,.....Appellant,

v.

Darlington County School District, Employer, and
SC School Boards Insurance Trust, Carrier,.....Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that the above-named Appellant, Kenneth L. Barr, was served with copies of the attached Respondents' Designation of Matter to be Included in the Record on Appeal on the 29th day of January, 2019, by depositing copies of the same in the United States Mail, first class postage prepaid, addressed to the parties of record, as follows:

Preston F. McDaniel, Esq.
1315 Elmwood Avenue
Columbia, SC 29201

Gerald Malloy, Esq.
PO Box 1200
Hartsville, SC 29551

February 6, 2019



Kirsten Leslie Barr, Bar #15525
Trask & Howell, L.L.C., P.O. Box 2167,
Mt. Pleasant, SC 29465(843) 881-4228,
Attorneys for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
APPELLATE PANEL
Aisha Taylor, Commissioner

Appellate Case No. 2018-001237
W.C.C. 1507304

Kenneth L. Barr, Employee,Appellant,

v.

Darlington County School District, Employer, and
SC School Boards Insurance Trust, Carrier,Respondents.

RECEIVED

FEB 08 2019

SC Court of Appeals

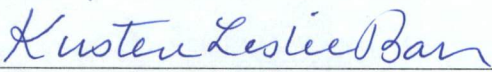
PROOF OF SERVICE

The undersigned hereby certifies that the above-named Appellant, Kenneth L. Barr, was served with copies of the attached Motion for Acceptance of the Respondent's Designation of Matter Out of Time on the 6th day of February 2019 by depositing copies of the same in the United States Mail, first class postage prepaid, addressed to the parties of record, as follows:

Preston F. McDaniel, Esq.
1315 Elmwood Avenue
Columbia, SC 29201

Gerald Malloy, Esq.
PO Box 1200
Hartsville, SC 29551

February 6, 2019


Kirsten Leslie Barr, Bar #15525
Trask & Howell, L.L.C., P.O. Box 2167,
Mt. Pleasant, SC 29465(843) 881-4228,
Attorneys for Respondents

TRASK
HOWELL
WORKERS' COMPENSATION DEFENSE

Reply to
Kirsten L. Barr
(843) 881-1027
kbarr@trask-howell.com

February 6, 2019

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

Re: Kenneth L. Barr v. Darlington County School District
W.C.C. File No.: 1507304
Appellate Case No.: 2018-001237
Carrier File No.: WC016314
Date of Accident: May 21, 2015

RECEIVED
FEB 08 2019
SC Court of Appeals

Dear Ms. Kitchings:

Pursuant to correspondence received from Ms. Allen in your office in the above-referenced matter, enclosed herewith for filing, please find the original and six (6) copies of our Motion for Acceptance of Respondents' Designation of Matter to be Filed Out of Time, along with the Designation of Matter and accompanying Proof of Service.

By copy of this letter, I am serving the other counsel of record with a copy of these documents. Also enclosed is our check in the amount of \$50.00 for the Motion filing fee. If you should have any questions, please do not hesitate to contact me.

Yours very truly,



Kirsten L. Barr

KLB/icm/les

Enc.

cc: Eric Mayer, SC School Boards Insurance Trust (w/enc.)
Christy Sandifer, Darlington County School District (w/enc.)
Preston F. McDaniel, Esq. (w/enc.)
Gerald Malloy, Esq. (w/enc.)



TRASK & HOWELL L.L.C.
ATTORNEYS AT LAW
P.O. Box 2167
MT. PLEASANT, SC 29465



U.S. POSTAGE >> PITNEY BOWES
ZIP 29464 \$ 002.35⁰
02 4W
0000332787 FEB. 06 2019

RECEIVED
FEB 08 2019
SC Court of Appeals



TRASK & HOWELL, LLC
P.O. BOX 2167
MT. PLEASANT, SC 29465

6860.886
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211