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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA
Workers' Compensation Commission

WCC File No. 1609593

RECEIVED

APR 04 2019

SC Court of Appeals

Gena Cain-Davis, Claimant, Appellant,

v.

SC Department of Corrections, Employer,
and State Accident Fund, Carrier, Respondents.

MOTION TO STAY APPEAL

Appellant, by and through her undersigned attorney, hereby moves before this Honorable Court for an Order staying this appeal. As grounds for this motion, Appellant would show the following:

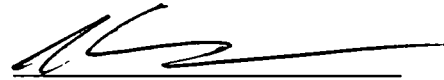
1. The issue on appeal primarily concerns whether the Workers' Compensation Commission may dismiss the underlying workers' compensation claim under the Appellate Panel's interpretation of Regulation 67-609;

2. A hearing is scheduled before a Single Commissioner on May 2, 2019. The decision in that hearing may either moot the appeal in this action or may create another related issue which may require consolidation of an appeal from the two hearings;

3. Appellant believes it would serve the interests of justice and promote judicial economy if the underlying appeal is stayed until an Order is issued following the May 2, 2019 hearing.

THEREFORE, Appellant requests an Order (1) staying the appeal in the instant case pending a motion from the parties to reinstate or dismiss the underlying appeal; and (2) stating that matters pending before the Commission remain within the Commission's jurisdiction, such that the hearing scheduled for May 2, 2019 and any subsequent hearings should go forward as scheduled pursuant to Rule 209, SCACR ("Nothing in these Rules shall prohibit the lower court, commission or tribunal from proceeding with matters not affected by the appeal.") and Rule 241, SCACR ("The lower court or administrative tribunal retains jurisdiction over matters not affected by the appeal including the authority to enforce any matters not stayed by the appeal.").

Respectfully Submitted:



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April 4, 2019
Columbia, South Carolina

Counsel for the Appellant

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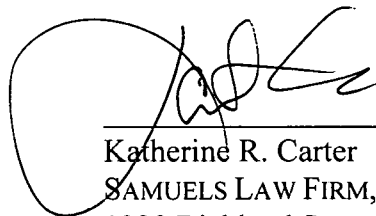
PROOF OF SERVICE

I certify that I, Katherine R. Carter, paralegal for the Samuels Law Firm, LLC, have served the **Notice of Appeal** and **Motion to Stay Appeal** upon counsel for the Respondents and the South Carolina Workers' Compensation Commission by depositing a copy of it in the United States Mail, postage prepaid, on April 4, 2019, addressed as follows:

Kirsten L. Barr, Esquire
Trask & Howell, LLC
Post Office Box 2167
Mt. Pleasant, South Carolina 29465

Amy Bracy, Judicial Director
SC Workers' Compensation Comm.
Post Office Box 1715
Columbia, SC 29202-1715

April 4, 2019



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