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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APR 29 2019
SC Court of Appeals

Appellate Case No. 2019-000559
W.C.C. File No. 1701477

Robert Darby, Jr., Claimant/Respondent,

v.

Carolina Wood, Inc., Employer/Appellant,

and

Palmetto Timber S.I. Fund, Carrier/Appellant.

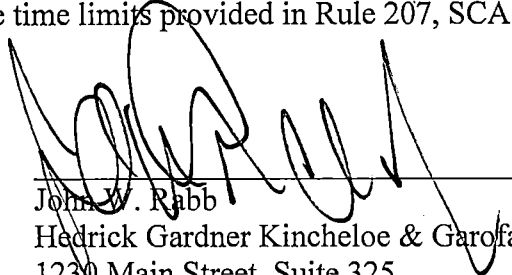
Motion to File Out of Time

The above-named Appellants hereby move this Court to permit the Appellants to file its written request for the transcript of the underlying hearing out of time. In support of this Motion, Appellants would show the following:

On or about April 3, 2019, Appellants timely filed their Notice of Appeal with the South Carolina Court of Appeals. On or about April 24, 2019, Appellants received a letter from the Clerk of Court of the Court of Appeals advising that a copy of the letter showing that Appellants' had ordered the transcript must be filed within ten days, along with a motion to file out of time. Appellants are in receipt of the transcript of the Single Commissioner hearing but failed to request the transcript of the oral arguments before the Full Commission. Appellants have made the requisite written request for the transcript and hereby file that correspondence along with this Motion to file the letter out of time. See Exhibit 1.

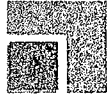
Appellants respectfully move and request that the Court allow Appellants to file the written request for transcript outside of the time limits provided in Rule 207, SCACR.

April 29, 2019



John W. Rabb
Hedrick Gardner Kincheloe & Garofalo LLP
1230 Main Street, Suite 325
Columbia, SC 29201
803-727-1222
Attorney for the Defendants/Appellants
SC Bar #7952

Other Counsel of Record:
Matthew W. Jackson
Joye Law Firm L.L.P.
5861 Rivers Avenue
Suite 101, Northgate Office Building
North Charleston, SC 29406



HEDRICK GARDNER

HEDRICK GARDNER KINCHELOE & GAROFALO LLP

ATTORNEYS AT LAW

CHARLOTTE • RALEIGH • WILMINGTON • COLUMBIA

April 26, 2019

Via email to contact@creelreporting.com
Cortney Glover
Creel Court Reporting
1230 Richland Street
Columbia, SC 29201

Reply To:

John W. Rabb
Special Counsel
1230 Main Street, Suite 325
Columbia, SC 29201
Direct: 803-727-1222
Fax: 803-727-1259
Email: jrabb@hedrickgardner.com

RE: Robert Darby, Jr. v. Carolina Wood, Inc.
WCC File No: 1701477

Claim No: 0001-0671-17-0001
Our File No: 00652L.00004

Dear Ms. Glover:

Please allow this letter to serve as a request for a transcript of the hearing in the above referenced matter which was held on November 27, 2018 in Columbia, South Carolina before the Full Commission.

Please submit an invoice for your charges along with the transcript and we will forward payment as soon as possible.

Thank you for your assistance in this matter. If you should have any questions, please feel free to contact us.

Very Truly Yours,

Carrie M. Hurley
Paralegal to John W. Rabb

cmh

cc: Matthew W. Jackson, Esquire (via US Mail)
South Carolina Office of Court Administration (via US Mail)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS'
COMPENSATION COMMISSION APPELLATE PANEL

Aisha Taylor, Commissioner
T. Scott Beck, Commissioner
Gene McCaskill, Commissioner

W.C.C. File No. 1701477

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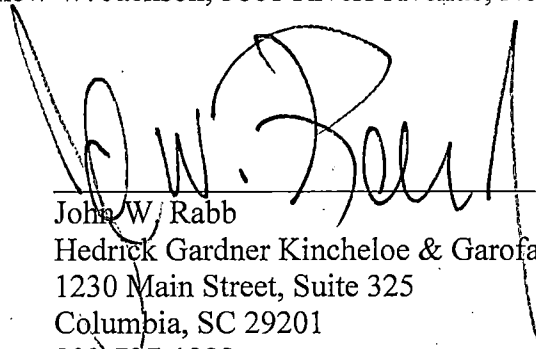
and

Palmetto Timber S.I. Fund, Carrier/Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to File Out of Time on Respondent, Robert Darby, Jr., by depositing a copy of it in the United States Mail, postage prepaid, on April 3, 2019, addressed to his attorney of record, Matthew W. Jackson, 5861 Rivers Avenue, North Charleston, SC 29406.

April 29, 2019



John W. Rabb
Hedrick Gardner Kincheloe & Garofalo LLP
1230 Main Street, Suite 325
Columbia, SC 29201
803-727-1222
Attorney for the defendants/appellants



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HEDRICK GARDNER KINCHELOE & GAROFALO LLP
ATTORNEYS AT LAW

CHARLOTTE • RALEIGH • WILMINGTON • COLUMBIA

April 29, 2019

V. Claire Allen
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Reply To:

John W. Rabb
Special Counsel
1230 Main Street, Suite 325
Columbia, SC 29201
Direct: 803-727-1222
Fax: 803-727-1259
Email: jrabb@hedrickgardner.com

RE: Robert Darby, Jr. v. Carolina Wood, Inc.
WCC File No.: 1701477
Claim No.: 0001-0671-17-0001
Our File: 00652L.00004

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SC Court of Appeals

Dear Ms. Allen:

Enclosed for filing please find an original and six (6) copies of Appellant's Motion to File Out of Time and Proof of Service together with our check, in the amount of \$50.00, to cover the filing fee in the above referenced matter.

By copy of this letter I am herewith serving a copy of the enclosed on opposing counsel. If you have any questions, please let us know. Thank you.

Very truly yours,

John W. Rabb

JWR/cmh
Enclosure

cc: Matthew W. Jackson, Esquire (via US Mail)
South Carolina Office of Court Administration (via US Mail)



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COLUMBIA, SC 29211

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