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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**  
OCT 25 2019  
SC Court of Appeals

APPEAL FROM SOUTH CAROLINA  
WORKERS' COMPENSATION COMMISSION

W.C.C. File No.: 1322347

Courtney Ray Mitchell, Employee, .....Appellant,

v.

United Parcel Service, Employer, and  
Liberty Mutual, Carrier, ..... Respondents.

**MOTION TO STRIKE ITEM FROM  
DESIGNATION OF MATTER**

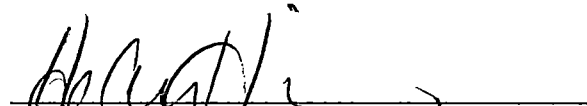
Pursuant to Rules 209, 210 and 240, SCACR, Respondents United Parcel Service and Liberty Mutual hereby move to strike one item from Appellant Courtney Ray Mitchell's Designation of Matter to be Included on Appeal ("Designation"). Pursuant to Rule 209, SCACR, "the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on appeal [See Rule 210(c)]." In turn, Rule 210(c), SCACR, provides that "[t]he Record on Appeal shall not, however, include matter which was not presented to the lower court or tribunal." Appellant has designated as #7, "Appellant's Brief, May 12, 2019." However, the Commission dismissed Appellant's appeal to the Full Commission precisely because Appellant failed to file an appellant's brief with that tribunal. (Exh. A). As such, it is not properly included in the Record on Appeal and should be stricken from Appellant's Designation.

**CONCLUSION**

As a result and for all the reasons set forth herein, this Court should strike “Appellant’s Brief, May 12, 2019” from Appellant’s Designation. Furthermore, Respondents request that the deadline for filing their Initial Brief and Designation of Matter be suspended until this Court resolves this Motion.

October 23, 2019

McANGUS GOUDELOCK & COURIE, LLC



Helen F. Hiser, S.C. Bar No.: 76124

P.O. Box 650007

Mount Pleasant, South Carolina 29465

(843) 576-2900

*Attorneys for Respondents United Parcel Service  
and Liberty Mutual*

# South Carolina Workers' Compensation Commission

1333 Main Street, Suite 500  
P.O. BOX 1715  
Columbia, SC 29202-1715  
(803) 737-5723



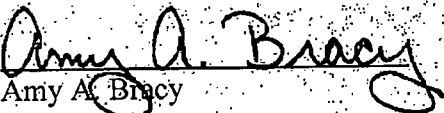
WCC File #: 1322347

Date of Injury: 06/21/2013

## ADMINISTRATIVE ORDER

Courtney Mitchell v. United Parcel Service Inc.  
WCC File No: 1322347

The Request for Commission Review in the above captioned case is dismissed. The appellant brief was not timely filed pursuant to R.67-705 H(3). Brief was due by May 12, 2019 and no extension was requested.

  
Amy A. Bracy  
Judicial Director

Date: May 23, 2019

### CERTIFICATE OF SERVICE

I hereby certify on May 23, 2019, I served this document on the parties listed below by electronic mail or depositing a copy hereof, postage prepaid, in the United States mail and addressed as follows:

Donald L. Smith  
Attorney At Law  
122 N. Main Street  
Anderson, SC 29621

United Parcel Service Inc.  
55 Glenlake Pkwy NE  
ATLANTA, GA 30328

O Shayne Williams  
McAngus Goudelock & Courie, LLC  
PO Box 1349  
Myrtle Beach, SC 29578

By: Eugenia C. Hollmon, Judicial Department



**SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION  
JUDICIAL CONFERENCE DECISION AND ORDER**

**Courtney R. Mitchell v UPS  
SCWCC: 1322347  
Commissioner: Beck**

This matter was heard before the South Carolina Workers' Compensation Full Commission in Judicial Conference on a **Motion to Reinstate**. The Commissioners considered the matter and ordered the matter handled in the following manner:

**IT IS, THEREFORE, ORDERED** the pending appeal of the Administrative Order of the Commission is hereby;  
       Dismissed as Interlocutory.        Set for Oral Argument.

**IT IS, THEREFORE, ORDERED** the pending motion be, and hereby is;  
       Granted.   ✓   Denied.        Dismissed        Preserved for hearing

**BEFORE THE;**  
       Hearing Comm.        Jurisdictional Comm.        Full Commission.

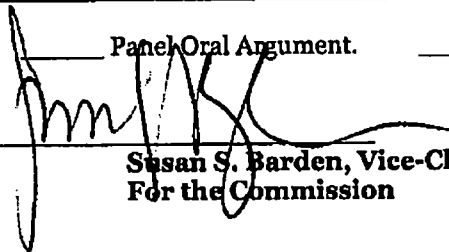
**IT IS, THEREFORE, ORDERED** this matter be, and hereby is; remanded to take such action and enter an Order consistent with the Court's directive.

       Remand to Panel as indicated below.  
       Barden        James        Taylor  
       Beck        Campbell        Wilkerson  
       McCaskill

       Remand for Order consistent with the Order of the Court.  
       Remand to the Hearing Commissioner.  
       Remand to the Jurisdictional Commissioner.  
       Other: \_\_\_\_\_

       Remand:        Panel Oral Argument.        En Banc Oral Argument.

**AND IT IS SO ORDERED.**

  
\_\_\_\_\_  
**Susan S. Barden, Vice-Chair  
For the Commission**

Columbia, South Carolina

  7/15   2019

<b>CONCURRING:</b>	<b>NOT PARTICIPATING:</b>	<b>DISSENTING:</b>
Commissioner T. Scott Beck	<u>  x  </u>	<u>      </u>
Commissioner Melody James	<u>      </u>	<u>      </u>
Commissioner Aisha Taylor	<u>      </u>	<u>      </u>
Commissioner Avery Wilkerson	<u>      </u>	<u>      </u>
Commissioner Michael Campbell	<u>      </u>	<u>      </u>
Commissioner Gene McCaskill	<u>      </u>	<u>      </u>

**CERTIFICATE OF SERVICE**  
**THIS IS TO CERTIFY THE UNDERSIGNED HAS THIS DATE SERVED THIS ORDER IN THE ABOVE ENTITLED ACTION UPON ALL PARTIES ELECTRONICALLY OR BY DEPOSITING A COPY HEREOF, POSTAGE PAID, IN THE UNITED STATES MAIL**

This   15   day of   July  , 2019.  
By:   Valerie D. Keller    
SCWCC Judicial Department

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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WORKERS' COMPENSATION COMMISSION

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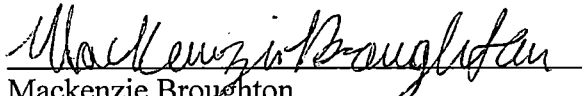
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**PROOF OF SERVICE**

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I certify that on the 23rd day of October 2019, I served Respondents United Parcel Service and Liberty Mutual's **Motion to Strike Item from Designation of Matter** on Courtney Ray Mitchell by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record as follows:

Donald L. Smith, Esq.  
ATTORNEY OFFICE OF DONALD SMITH  
122 N. Main Street  
Anderson, South Carolina 29621  
*Counsel for Appellant  
Courtney Ray Mitchel*

  
Mackenzie Broughton  
Legal Assistant to Helen F. Hiser  
McAngus, Goudelock & Courie LLC  
P.O. Box 650007  
Mount Pleasant, South Carolina 29465  
(843) 576-2900

*Attorneys for Respondents United Parcel Service  
and Liberty Mutual*

**Reply To**

HELEN F. HISER  
Direct Dial: (843) 576-2930  
helen.hiser@mgclaw.com

October 23, 2019

**Via U.S. Mail**

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

**RECEIVED**  
OCT 25 2019  
SC Court of Appeals

RE: Courtney Ray Mitchell v. UPS and Liberty Mutual  
Date of Accident: June 21, 2013  
WCC File No.: 1322347  
Our File No.: 2095.15004  
Claim No.: WC555C6285  
Appeal No.: 2019-001361

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of Respondents' Motion to Strike Item from Designation of Matter, and the original and one copy of the Proof of Service in the above-referenced matter. Please file the originals and return a clocked-in copy in the enclosed self-addressed, stamped envelope. Also enclosed is our firm's check in the amount of \$50 for filing the motion.

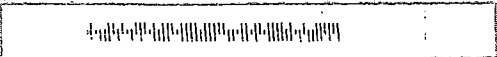
If you have any questions, please do not hesitate to contact me.

Sincerely,  
McAngus Goudelock & Courie, LLC

  
Helen F. Hiser

Enclosures

cc: Donald L. Smith, Esq.



**mgc** | INSURANCE  
 DEFENSE  
 MT PLEASANT, SC 29465

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 SC Court of Appeals

2095.15004/HFH/mtb  
 The Honorable Jenny Abbott Kitchings  
 South Carolina Court of Appeals  
 P.O. Box 11629  
 Columbia, SC 29211