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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2017-CP-42-3726

RECEIVED
NOV 05 2019
SC Court of Appeals

Raquel Martinez, Employee, Respondent,

v.

Spartanburg County, Employer,
and South Carolina Association of Counties
Self-Insurance Fund, Carrier, Appellants.

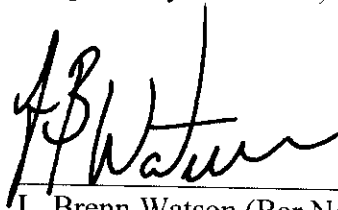
**MOTION FOR EXTENSION OF TIME
TO FILE APPELLANTS' INITIAL BRIEF**

In accordance with Rule 240, SCACR, and Rule 263(b), SCARC, Appellants Spartanburg County and South Carolina Association of Counties Self-Insurance Fund hereby request a 30-day extension to file Appellants' Initial Brief and Designation of Matter.

1. Pursuant to this Court's Order, dated October 15, 2019, Appellants' Initial Brief and Designation of Matter is currently due on November 8, 2019. (See Attachment A).
2. However, on November 4, 2019, Appellants and Respondent Raquel Martinez filed a Joint Motion for Stay and Suspension of Briefing Schedule ("Joint Motion") with this Court requesting the briefing schedule by stayed and suspended until the Supreme Court issues a ruling on Appellants' Petition for Writ of Certiorari. (See Attachment B).

3. Because of the parties' pending Joint Motion, Appellants respectfully request an extension of time of 30 days to file their Initial Brief and Designation of Matter.
4. The extension of time is sought in the interest of justice, not for delay.
5. The requested extension will allow this Court time to consider the Parties' Joint Motion and will provide Appellants' counsel time to file Appellants' Initial Brief and Designation of Matter should the Parties' Joint Motion be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Brenn Watson". The signature is written in a cursive style with a horizontal line underneath it.

L. Brenn Watson (Bar No. 71198)
Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Drive
Greenville, South Carolina 29607
(864) 527-3292
Attorney for Appellants

Date: November 4, 2019

Raquel Martinez v. Spartanburg County
Appellate Case No. 2019-001382
Motion for Extension of Time to File Appellant's Initial Brief

Attachment

A

The South Carolina Court of Appeals

Raquel Martinez, Employee, Respondent,

v.

Spartanburg County, Employer, and South Carolina
Association of Counties Self-Insurance Fund, Carrier,
Appellants.

Appellate Case No. 2019-001382

The Honorable J. Mark Hayes, II
Spartanburg County
Trial Court Case No. 2017CP4203726

ORDER

The time for serving and filing the Appellant's Initial Brief and Designation of Matter is hereby extended until November 08, 2019.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Lawson Brenn Watson, Esquire
Zachary McIver Smith, Esquire
Chadwick Dean Pye, Esquire
James K. Holmes, Esquire
David T. Pearlman, Esquire

FILED

October 15, 2019

Raquel Martinez v. Spartanburg County
Appellate Case No. 2019-001382
Motion for Extension of Time to File Appellant's Initial Brief

Attachment B

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

J. Mark Hayes, II, Circuit Court Judge

Case No. 2017-CP-42-3726

Raquel Martinez, Employee, Respondent,

v.

Spartanburg County, Employer,
and South Carolina Association of Counties
Self-Insurance Fund, Carrier, Appellants.

**JOINT MOTION FOR STAY AND
SUSPENSION OF BRIEFING SCHEDULE**

Pursuant to Rule 240, SCACR, Appellants Spartanburg County and South Carolina Association of Counties Self-Insurance Fund and Respondent Raquel Martinez (jointly referred to as “the Parties”), by and through their undersigned counsel, hereby file this Joint Motion for Stay and Suspension of Briefing Schedule in this matter until The South Carolina Supreme Court rules on Appellants’ Petition for Writ of Certiorari.

1. This case arises out of an incident that occurred on April 4, 2005 and has been the subject of multiple appeals and remands. Despite over fourteen years having passed since the date of the alleged accident, there is still no decision on compensability.

2. On August 12, 2019, Appellants filed a Notice of Appeal with the South Carolina Court of Appeals appealing the Orders of the Honorable J. Mark Hayes, II, dated February 25, 2009; December 3, 2015; May 2, 2016; October 3, 2018; and July 15, 2019. (*See Attachment A*).

3. This is the third time this case has been before the Court of Appeals.

4. On August 14, 2019, Appellants filed a common law Petition for a Writ of Certiorari in this matter with the Supreme Court of South Carolina requesting the Supreme Court accept the matter in its original jurisdiction under Rule 245(c), SCACR. (*See Attachment B*).

5. On August 23, 2019, Respondent filed a Return to Appellants' Petition for a Writ of Certiorari with the Supreme Court. In her Return, Respondent argued Appellants' Petition should be denied; however, Respondent asserted that as an alternative to taking the matter in its original jurisdiction, the Supreme Court could take jurisdiction under Rule 204(b), SCACR. (*See Attachment C*).

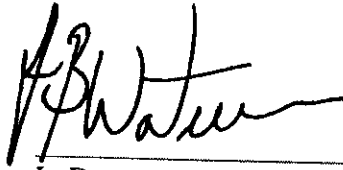
6. Appellants' Petition for a Writ of Certiorari is currently pending before the Supreme Court.

7. Should the Supreme Court grant Appellants' Petition for Writ of Certiorari, or alternatively decide to take jurisdiction under Rule 204(b), SCACR, then the current appeal before this Court will be moot.

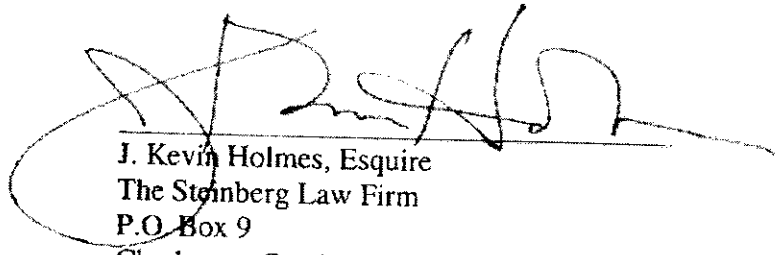
8. In the interests of judicial economy and given the history of this case, the Parties request that the briefing schedule be stayed and suspended until the Supreme Court rules on Appellants' Petition for Writ of Certiorari.

WHEREFORE, the Parties respectfully move for an Order from this Court staying and suspending the briefing schedule until the Supreme Court issues a ruling on Appellants' Petition for Writ of Certiorari.

Respectfully submitted,



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(843) 720-2800
Attorney for Respondent

Date: November 4, 2019

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM SPARTANBURG COUNTY
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J. Mark Hayes, II, Circuit Court Judge

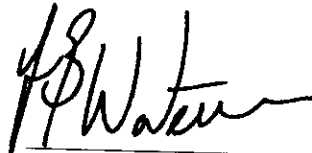
Case No. 2017-CP-42-3726

Raquel Martinez, Employee, Respondent,
v.
Spartanburg County Sheriff's Office, Employer
and South Carolina Association of Counties Self
Insurance Fund, Carrier, Appellants.

PROOF OF SERVICE

I certify that I have served the Joint Motion for Stay and Suspension of Briefing Schedule on Respondent Raquel Martinez by depositing a copy of it in the United State Mail, postage prepaid, on November 4, 2019, addressed to her attorneys of record, Chadwick D. Pye, Esquire, Chadwick D. Pye, LLC, P.O. Box 6346, Spartanburg, South Carolina 29304 and J. Kevin Holmes, Esquire & David T. Pearlman, Esquire, The Steinberg Law Firm, P.O. Box 9, Charleston, South Carolina 29402-0009.

November 4, 2019



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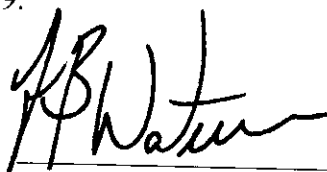
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PROOF OF SERVICE

I certify that I have served the Appellants' Motion for Extension of Time to File Appellants' Initial Brief on Respondent Raquel Martinez by depositing a copy of it in the United State Mail, postage prepaid, on November 4, 2019, addressed to her attorneys of record, Chadwick D. Pye, Esquire, Chadwick D. Pye, LLC, P.O. Box 6346, Spartanburg, South Carolina 29304 and J. Kevin Holmes, Esquire & David T. Pearlman, Esquire, The Steinberg Law Firm, P.O. Box 9, Charleston, South Carolina 29402-0009.

November 4, 2019



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November 4, 2019

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SC Court of Appeals

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

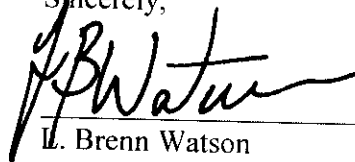
Re: Raquel Martinez vs. Spartanburg County
Appellate Case No. 2019-001382
WCC File No.: 0515098 DOI: 4/4/2005
Carrier: South Carolina Association Of Counties - Claim No.: 58-218332
WJC&B File No.: 0560.00114

Dear Ms. Kitchings:

Enclosed for filing, please find the original and six (6) copies of Appellants' Motion for Extension of Time to File Appellants' Initial Brief. Also enclosed are the following:

- (1) Proof of Service of the Motion for Extension of Time to File Appellants' Initial Brief; and
- (2) A filing fee of \$50.00.

Sincerely,



L. Brenn Watson
Willson Jones Carter & Baxley, P.A.
872 S. Pleasantburg Drive
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(864) 527-3292
Attorney for Appellants

Enclosures

cc: Chadwick D. Pye, Esquire
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SC Court of Appeals

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