

**THE STATE OF SOUTH CAROLINA**

In The Court of Appeals

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**APPEAL FROM SC WORKERS COMPENSATION FULL COMMISSION  
JUDICIAL CONFERENCE**

Full Commission Judicial Conference

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SCWCC: 1320773

S.C. Court of Appeals Case No. 2019-001190

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**RECEIVED**

MAR 03 2020

SC Court of Appeals

Tammy Jordan,

Respondent,

The Hartford Financial  
Group, Inc,

Appellant.

Resurgent Capital Services

Employer

Interstate Contact Cleaning  
Services, Inc.

Third Party Tortfeasor

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**RECORD ON APPEAL**

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Stephen Anderson (SC Bar #101085)

Richard L. Patton (SC Bar #0008627)

Clarkson, Walsh & Coulter, P.A.

Patton Law Firm

P.O. Box 6728

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Attorney for Appellant

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The Briggs Law Firm

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Greenville, SC

(864) 242-4995

Attorneys for Respondent

## INDEX TO RECORD ON APPEAL

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# South Carolina Workers' Compensation Commission

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



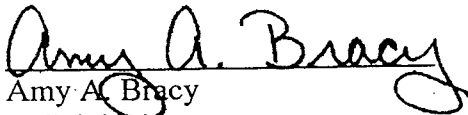
WCC File #: 1320773

Date of Injury: 11/14/2013

## ADMINISTRATIVE ORDER

TAMMY JORDAN v. SHERMAN FINANCIAL  
WCC File No: 1320773

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 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:

RICHARD L PATTON  
ATTORNEY AT LAW  
819 E North Street  
GREER, SC 29601

SHERMAN FINANCIAL  
55 BEATTIE PLACE  
GREENVILLE, SC 29601

Stephen Anderson  
Clarkson Walsh Terrell & Coulter, PA  
PO Box 6728  
Greenville, SC 29606

By: Eugenia C. Hollmon, Judicial Department



Accident Occurred in Greenville County

Tammy Jordan

Claimant

vs.

Resurgent Capital Services

Employer

The Hartford Financial Services Group, Inc.

**Carrier/Appellant**

Interstate Contact Cleaning Services, Inc.

**Third Party Tortfeasor.**

**SOUTH CAROLINA WORKERS'  
COMPENSATION COMMISSION**

**WC FILE #: 1320773**

**CARRIER'S MOTION TO REINSTATE  
FOR GOOD CAUSE**

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The Hartford Financial Services Group, Inc., ("Carrier"), by and through his undersigned counsel, motions the South Carolina Workers' Compensation Commission to reinstate for the good cause the Request for Commission Review that administratively dismissed by the Judicial Department on May 23, 2019. Said Request was filed by Carrier on February 4, 2019. The Request was filed as a result of Commissioner Wilkerson denying Carrier's Motion to Enforce Lien Against Claimant's Settlement. Carrier's Motion was denied on January 22, 2019. Carrier's Request was administratively dismissed as a result of the appellant brief not being timely filed, (May 12, 2019). Carrier files this Motion to Reinstate for Good Cause pursuant to R.67-705 H(4), Rule 60(b) and Rule 55(c) South Carolina Rules of Civil Procedure. Carrier's good cause is shown below for the following reasons.

The undersigned was served with the Form 31 Briefing Schedule and Notice of Appellate Hearing on April 12, 2019. The undersigned's paralegal inadvertently placed the wrong date of May 27, 2019, on the undersigned's calendar regarding the filing deadline for the Appellant's brief. (See Exhibit 1- Affidavit of Jill Lawrence). The Appellant Brief was due by May 12, 2019

per the Form 31. The undersigned finished a draft of the Appellant brief and was prepared to file the prior to May 27, 2019. The undersigned has attached a copy of brief that was scheduled to be filed on or before May 27, 2019. (*See Exhibit 2- Carrier's Appellant Brief*). The undersigned learned that this matter had been administratively dismissed via email on May 23, 2019. The undersigned filed this Motion on May 24, 2019.

**Carrier has good cause as to why this default should be set aside**

The good cause standard applied by South Carolina Courts regarding matters where an entry or judgment of default requires a party seeking relief to provide an explanation for the default and give reasons why vacating the default entry would serve the interests of justice. White Oak Manor, Inc. v. Lexington Ins. Co. (S.C. 2014) 407 S.C. 1, 753 S.E.2d 537.

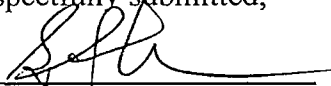
The good cause grounds for this motion are as follows:

1. The undersigned forwarded the Form 31 email to Ms. Lawrence on April 12, 2019, the day it was received, so that any dates could be calendared on the undersigned's calendar. As per Ms. Lawrence's Affidavit, the date that the Respondent's brief was due was placed on the undersigned's calendar as the date that the Appellant's brief was due. The calendaring error was a result of an honest human mistake.
2. The Respondent's attorney was served with a copy of the Appellant Brief on May 24, 2019. Thus, there should be no prejudice to the Respondent in this matter.
3. The Appellant Brief is nearly identical to the Carrier/Appellant's Motion to Enforce Lien Against Claimant's Settlement that was filed and served upon the Respondent's attorney on June 25, 2018. The only changes from the two briefs concern the procedural history of this matter.
4. Vacating the administrative dismissal would serve the interests of justice as this matter concerns a novel legal issue that has been ruled on by the Commission or Courts of South Carolina.

5. The undersigned's freely acknowledges that he is not blameless for the failure to timely file an Appellant Brief in this matter, and as such, will gladly personally pay the \$250.00 to have this matter reinstated and heard before the Commission on its merits as per R.67-705 H(4)(c). The undersigned contend that the failure to file the Appellant Brief timely was a result of mistake by the undersigned's office.

WHEREFORE, the Carrier/Appellant requests the Commission reinstate this matter to be heard upon its merits and accepts the responsibility to pay the \$250.00 to have this matter reinstated.

Respectfully submitted,



Stephen T. Anderson (SC Bar # 101085)  
Clarkson, Walsh, & Coulter, P.A.  
P.O. Box 6728  
Greenville, SC 29606  
(864) 232-4400  
Attorneys for the Carrier

May 24, 2019  
Greenville, South Carolina

Accident Occurred in Greenville County

Tammy Jordan

Claimant

vs.

Resurgent Capital Services

Employer

The Hartford Financial Services Group, Inc.

Carrier

Interstate Contact Cleaning Services, Inc.

Third Party Tortfeasor.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

WC FILE #: 1320773

AFFIDAVIT OF JILL LAWRENCE

PERSONALLY, appeared before me, Jill Lawrence, who being first during sworn, deposes and states as follows:

I am over 21 years old.

I am a paralegal with Clarkson, Walsh & Coulter, P.A.

That I am responsible for scheduling and calendaring for Attorney Stephen Anderson.

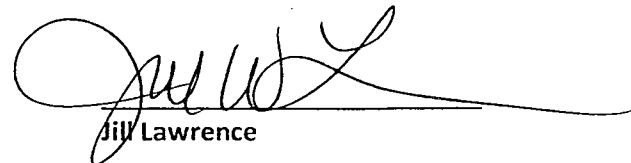
Upon receipt of the Form 31 Briefing Schedule and Notice of Appellate Hearing dated April 12, 2019, I inadvertently calendared the wrong filing date for the Appellant's Brief.

I had never been asked to do any work on the above caption case prior to April 12, 2019.

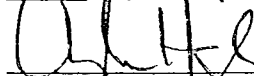
I was under the impression that date that Attorney Anderson needed to file a brief was May 27, 2019, as I was under the belief that our office represented the Respondent in this matter.

As such, I calendared May 27, 2019, as the date that a brief was due in this matter.

FURTHER AFFIANT SAYETH NOT

  
Jill Lawrence

SWORN to and before me this  
20th day of May, 2019.

  
Notary Public for South Carolina ANGELA HIGHHOUSE  
My Commission Expires Notary Public, State of South Carolina  
My Commission Expires 12/3/2023

# South Carolina Workers' Compensation Commission

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



WCC File #: 1320773

Carrier File #: YKT50496C

April 12, 2019

## FORM 31 BRIEFING SCHEDULE AND NOTICE OF APPELLATE HEARING

**SHERMAN FINANCIAL v TAMMY A JORDAN**

**Filing Date for Appellant's Brief: May 12, 2019**

**Subject:** Set on Review.  
**Date:** 06/17/19 at 02:00 PM  
**Location:** South Carolina Workers' Compensation Commission  
1333 Main Street, Suite 500  
Columbia, SC 29201

You are receiving this notice pursuant to South Carolina Regulation 67-704. This matter is to be set for Full Commission Review on the above date. Regulation 67-705(A) requires the appellant to file a brief which includes a statement of the case, questions presented, argument, and the conclusion by the date above. Pursuant to Regulation 67-205, please submit your brief electronically through the **Upload** functionality in eCase located on the Commission's website at [www.wcc.sc.gov](http://www.wcc.sc.gov).

The claimant must attend when not represented by an attorney or when disfigurement is involved. Corporations must be represented by an attorney, and uninsured employers must attend.

Pursuant to South Carolina Regulation 67-705, the Respondent may file a responding brief within fifteen (15) days of service of Appellant's brief. Appellant may then file a reply brief within ten (10) days of service of Respondent's responding brief. All briefs must be received by the Workers' Compensation Commission at least five (5) days before the scheduled date for review.

For questions regarding this matter, please visit eCase Status at [www.wcc.sc.gov](http://www.wcc.sc.gov) or contact the Judicial Department of the South Carolina Workers' Compensation Commission at (803) 737-5739.

The Commission requests your presence thirty minutes prior to your scheduled oral argument.

This matter is set before: Panel A

CERTIFICATE OF SERVICE – This is to certify the undersigned has served this notice in the above entitled action upon all parties to this cause by sending a copy herof by electronic mail or United States mail. Unrepresented parties were served by United States Postal Service first class postage.

**THE STATE OF SOUTH CAROLINA**

In The Court of Appeals

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**APPEAL FROM SC WORKERS COMPENSATION FULL COMMISSION  
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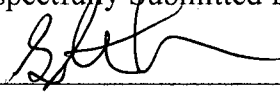
**CERTIFICATE OF COUNSEL**

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Pursuant to Rule 209(c), SCACR, counsel for the Appellant certifies that the Record on Appeal contains all materials proposed to be included by any of the parties and not any other materials

(Signature Block on Following Page)

Respectfully Submitted By:



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Stephen T. Anderson (SC Bar # 101085)  
Clarkson, Walsh, & Coulter, P.A.  
P.O. Box 6728  
Greenville, SC 29606  
(864) 232-4400  
Attorneys for the Appellant

Dated: 2/26/2020