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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS
COMPENSATION COMMISSION

T. Scott Beck, Commissioner

Appellate case No. 2019-001361

Courtney Ray Mitchell,

Appellant,

v.

United Parcel Service and
Liberty Corporation,

Respondents.

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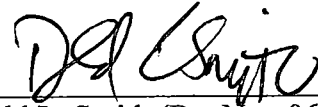
SC Court of Appeals

**APPELLANT'S MOTION TO STRIKE ITEM FROM
DESIGNATION OF MATTER**

On February 12, 2020, Respondents filed their Initial Brief and Designation of Matter to be Included in the Record on Appeal (hereinafter referred as Form 14). Appellant respectfully opposes the inclusion of Item No. 14, excerpts of Appellant's Deposition Transcript, which was taken on January 12, 2016, as one of the items to be included in the Designation of Matter. Citing Rule 210(c), Appellant believes that Item No. 14 is not relevant. The subject matter of this appeal is the timeliness of the submission of Appellant's Brief to South Carolina Workers' Compensation Commission. Appellant's deposition which occurred three (3) years prior to the filing of this Appeal is in no way relevant to the matter at hand. Appellant asserts that the only reason Item No. 14 is to taint the Court's opinion of Appellant; and more importantly, take the focus away from the sole issue before the Court.

CONCLUSION

Based on the foregoing reasons, Appellant requests this Honorable Court to strike Item No. 14 from Respondents' Form 14 and exclude the same from the Record on Appeal.



Donald L. Smith (Bar No.: 06699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, SC
March 13, 2020.

FORM 8
LETTER TO THE APPELLATE COURT CLERK

March 13, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
Post Office Box 11629
Columbia South Carolina 29211

**RE: Courtney Ray Mitchell v. United Parcel Service and
Liberty Insurance Corporation
WCC File No.: 1322347
Appellate Case No. 2019-001361**

Dear Ms. Kitchings:

Please find enclosed the following materials for filing:

- (1) One (1) original and seven (7) copies of Appellant's Motion to Strike Item from Designation of Matter;
- (2) A check amounting to Fifty Dollars (\$50) as motion fee; and,
- (3) Proof of Service of same.

Sincerely,



Donald L. Smith (Bar No.: 6699)
Attorney for Appellant
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com

cc: Ms. Helen F. Hiser, Esquire
Mr. O. Shayne Williams, Esquire

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**FORM 7
PROOF OF SERVICE**

THE STATE OF SOUTH CAROLINA
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APPEAL FROM THE SOUTH CAROLINA WORKERS
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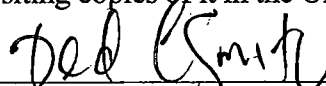
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PROOF OF SERVICE

I certify that I have served an original and seven (7) copies of Motion to Strike Item from Designation of Matter, and Proof of Service of same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, located at Post Office Box 11629, Columbia, SC 29211, and a copy of same, upon Respondents, by and through their counsels of record, Ms. Helen F. Hiser, Esquire and O. Shayne Williams, Esquire, at McAngus Goudelock & Courie, LLC, at P.O. Box 650007, Mount Pleasant, South Carolina 29465, by depositing copies of it in the United States Mail, postage prepaid, on March 13, 2020.


Donald L. Smith (Bar No.: 6699)
122 N. Main Street
Anderson SC 29621
Telephone: (864) 642-9284
Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellant

Anderson, South Carolina
March 13, 2020

Attorney Office of Donald Smith
122 N. Main Street,
Anderson, SC 29621

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