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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 27 2020

SC Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

Appellate Case No. 2019-001254
WCC File No. 1506114

Frankie Padgett, Claimant..... Respondent,

V.

Cast & Crew Entertainment Services, Inc., Employer,
and American Zurich Insurance Company, Carrier,Appellants.

NOTICE OF MOTION AND MOTION TO PERFECT APPEAL OF CAST AND CREW ENTERTAINMENT SERVICES, INC. AND AMERICAN ZURICH INSURANCE COMPANY, APPELLANTS.

TO: THE HONORABLE JENNY ABBOTT KITCHINGS, CLERK OF COURT OF THE SOUTH CAROLINA COURT OF APPEALS; AND STEPHEN BENJAMIN SAMUELS, ESQUIRE, ATTORNEY FOR FRANKIE PADGETT, RESPONDENT.

Appellants Cast & Crew Entertainment Services, Inc., and American Zurich Insurance Company, Appellants, hereby move to request the Court to permit Appellants to perfect its appeal in the absence of Respondent Frankie Padgett's failure to timely file an initial response brief pursuant to Rule 208 (b(2)) in the above referenced matter.

Appellants filed its notice of appeal with this Court on July 29, 2019. Respondent filed a cross appeal on August 5, 2019. Upon filing of the cross appeal, Respondent filed a motion on September 16, 2019, requesting an extension of time which to file the respective initial briefs. On October 14, 2019, Respondent filed a second Motion requesting an extension of time in which to file the respective briefs.

On October 14, 2019, Appellants filed a Motion to Dismiss Respondent's cross appeal. As a result, the Court stayed all filings until it had rendered a decision on Appellants' motion to dismiss Respondent's cross appeal. Approximately two and a half months later or on January 10, 2020, the Court promulgated an Order dismissing Respondent's cross appeal. Despite two and a half months of time in which to file a responsive brief, Respondent failed to do so. Rather, on February 11, 2020, Respondent filed a third motion requesting an extension of time in which to file his initial brief. On March 12, 2020, Respondent filed a fourth request for an extension of time in which to file his initial brief.

In an Order filed on March 16, 2020, granting another 30 day extension, the Court apprised Respondent that the initial brief was due on or before April 13, 2020. The Court further instructed Respondent that “[n]o further extension will be granted absent extraordinary circumstances.”

As of the date of this Motion, Appellants have not received Respondent’s brief nor a request for relief because of extraordinary circumstances. Thus, Appellants request that the Court permit it to proceed with perfecting its appeal absent Respondent’s brief.

It is the undersigned’s belief that Respondent is deliberately delaying the filing of his brief in an effort to prevent the Court from promptly addressing the issues on appeal. Specifically, the lack of subject matter jurisdiction of the Workers’ Compensation Commission regarding the payment of workers’ compensation medical and indemnity benefits has been appealed. Despite the lack of jurisdiction argument, Appellants have continued to pay workers’ compensation benefits during dependency of this appeal. Moreover, Appellants argue that because in excess of five hundred weeks of compensation benefits have been paid, Respondent is not entitled to additional indemnity benefits.

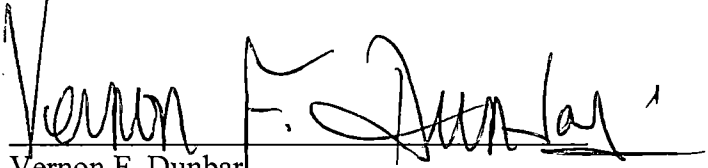
Appellants continue to pay unmerited benefits to Respondent, and in turn, Appellants will not likely possess an avenue to obtain reimbursement for monies and benefits paid which are not legally owed.

Wherefore, Appellants respectfully request an order permitting it to perfect the appeal by filing the final brief and record on appeal.

This motion conforms with Rules 240 and 267, SCACR.

Respectfully submitted,

McANGUS GOUDELOCK & COURIE, LLC



Vernon F. Dunbar

Post Office Box 2980

55 East Camperdown Way, Suite 300 (29601)

Greenville, South Carolina 29602

(864) 239-4000

Attorney for Appellants

April 23, 2020

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE SOUTH CAROLINA WORKERS' COMPENSATION
COMMISSION

Appellate Case No. 2019-001254
WCC File No. 1506114

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Frankie Padgett, Claimant..... Respondent,

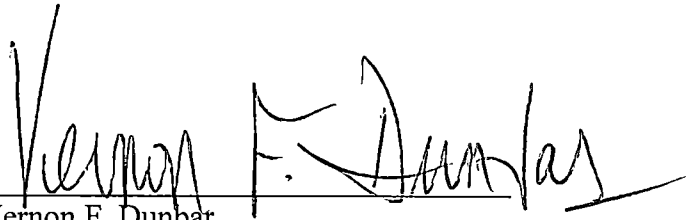
v.

Cast & Crew Entertainment Services, Inc., Employer,
and American Zurich Insurance Company, Carrier,Appellants.

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of April 2020, caused to be served a copy of NOTICE OF MOTION AND MOTION TO PERFECT APPEAL OF CAST AND CREW ENTERTAINMENT SERVICES, INC. AND AMERICAN ZURICH INSURANCE COMPANY, APPELLANTS, by mailing a copy of same, postage prepaid, in the United States mail, with sufficient postage affixed as follows:

Stephen B. Samuels, Esquire
Samuels Reynolds Law Firm
1320 Richland Street
Columbia, South Carolina 29201

A handwritten signature in black ink, reading "Vernon F. Dunbar". The signature is written in a cursive style with a long horizontal stroke at the end.

Vernon F. Dunbar

McAngus, Goudelock & Courie LLC

Post Office Box 2980

55 East Camperdown Way, Suite 300 (29601)

Greenville, South Carolina 29602

(864) 239-4000

Attorneys for Appellants

Reply To
VERNON F. DUNBAR
Direct Dial: (864) 239-6735
vernon.dunbar@mgclaw.com

April 23, 2020

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

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SC Court of Appeals

RE: Frankie Padgett v. Cast & Crew Entertainment Services, Inc. and American Zurich Insurance Company c/o Zurich North America
Date of Accident: May 6, 2015
WCC File No.: 1506114
Our File No.: 20216.17069
Claim No.: 2840202414

Dear Ms. Kitchings:

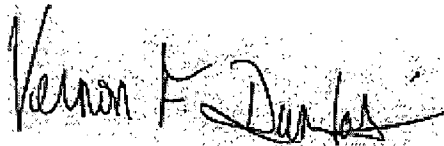
Please find enclosed a Notice of Motion and Motion to Perfect Appellants' Appeal because of Respondent's failure to timely submit an initial brief and designation of matters to be included in the record on appeal. This motion is being filed on behalf of Appellants Cast and Crew Entertainment Services and American Zurich Insurance Company.

I am enclosing the original and six copies of the motion. I am also enclosing the \$50.00 required filing fee check in accordance with the Order of the South Carolina Supreme Court dated October 9, 2018.

By copy of this letter I am confirming that I have served a copy of such upon Stephen B. Samuels, attorney for Frankie Padgett, Respondent.

With kind and warm regards, I remain

Very truly yours,



Vernon F. Dunbar

VFD/_amc

McANGUS GOUDELICK & COURIE LLC

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The Honorable Jenny Abbott Kitchings
April 23, 2020
Page 2

Enclosures: Motion and \$50.00 filing fee check
cc: Stephen B. Samuels, Samuels Law Firm
Shana'e Montgomery, Zurich North America



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SC Court of Appeals

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 The Honorable Jenny Abbott Kitchings
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